

AGENDA

REGULAR MEETING, THURSDAY, JANUARY 20, 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 Bianchi, Councilman Hughes, Councilman Johnson, Councilman Kearney, Councilman Tanelli and Councilman Yampaglia

ALSO PRESENT: Mayor Peter C. Massa, Borough Clerk, Terence M. Wall, Borough Attorney, Gregory Randazzo

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

MOTION TO CLOSE PUBLIC COMMENTS

INTRODUCED BY:

SECONDED BY:

ROLL CALL:

APPROVAL OF MINUTES

Regular Meeting November 10, 2010

Special Meeting December 21, 2010

INTRODUCED BY: Councilman Hughes

SECONDED BY: Councilman Tanelli

ROLL CALL All council present vote in the affirmative

RESOLUTIONS ON CONSENT

R-36-11 RESO RE: AUTHORIZATION TO PAY CLAIMS

R-37-11 RESO RE: REFUND OF MONIES DUE TO COUNTY BOARD JUDGEMENT

R-38-11 RESO RE: COST SHARING AGREEMENT RT. 7 & SCHUYLER AVE BETWEEN THE BOROUGH OF NORTH ARLINGTON AND THE TOWN OF KEARNY

R-39-11 RESO RE: OFF PREMISE 3 MONTH CALENDAR RAFFLE QUEEN OF PEACE CHURCH

R-40-11 RESO RE: OFF PREMISE RAFFLE QUEEN OF PEACE GRAMMAR SCHOOL

R-41-11 RESO RE: APPROVAL OF 2011 BUSINESS LICENSES

R-42-11 RESO RE: RESIGNATION OF ZONING BOARD MEMBER

R-43-11 RESO RE: CDBG REPRESENTATIVES

R-45-11 RESOLUTION TO AWARD PROFESSIONAL SERVICE CONTRACT FOR THE PROVISION OF BOROUGH ATTORNEY

R-46-11 RESO RE: APPOINTMENT OF PUBLIC DEFENDER

R-47-11 RESO RE: APPOINTMENT OF MUNICIPAL PROSECUTOR

R-48-11 RESO RE: PROFESSIONAL SERVICE CONTRACT FOR BOROUGH AUDITOR
[R-48-11 PULLED FROM CONSENT]

R-49-11 RESO RE: PROFESSIONAL SERVICE CONTRACT FOR PUBLIC RELATIONS

R-50-11 RESO RE: ESTABLISHMENT OF PETTY CASH FUND FOR VARIOUS DEPARTMENTS

R-51-11 RESO RE: REFUND OF TAX MONEY – CLERICAL ERROR

R-52-11 RESO RE: APPOINTMENT OF POLICE OFFICER TO THE BOROUGH OF NORTH ARLINGTON POLICE DEPARTMENT

R-55-11 RESO RE: RESIGNATION FROM ZONING BOARD

INTRODUCED BY: Councilman Hughes

SECONDED BY: Councilman Johnson

ROLL CALL: All council present vote in the affirmative

*Councilman Hughes abstains from any fire department purchases on the claims reso.

RESOLUTIONS OFF CONSENT

R-53 RESO RE: APPOINTMENT TO ZONING BOARD OF ADJUSTMENT

INTRODUCED BY Councilman Bianchi

SECONDED BY: Councilman Hughes

ROLL CALL: All Council present vote in the affirmative

R-54-11 RESO RE: APPOINTMENT TO LIBRARY BOARD

INTRODUCED BY: Councilman Hughes

SECONDED BY Councilman Johnson

ROLL CALL: All council present vote in the affirmative

R-56-11 NOT USED

R-57-11 RESO RE: APPOINTMENT TO ZONING BOARD OF ADJUSTMENT

INTRODUCED BY: Councilman Hughes

SECONDED BY: Councilman Bianchi

ROLL CALL:

AYES: Councilman Bianchi, Councilman Hughes, Councilman Johnson, Councilman Kearney, Councilman Yampgalia

NAY: Councilman Tanelli

R-58-11 RESO RE: APPONTMENT TO ZONING BOARD OF ADJUSTMENT

INTRODUCED BY: Councilman Hughes
SECONDED BY: Councilman Bianchi
ROLL CALL:

AYES: Councilman Bianchi, Councilman Hughes, Councilman Johnson, Councilman Kearney, Councilman Yampaglai

ABSTAIN: Councilman Tanelli

R-59-10 RESO RE: APPOINTMENT TO ZONING BOARD OF ADJUSTMENT

INTRODUCED BY: Councilman Hughes
SECONDED BY: Councilman Johnson
ROLL CALL:

AYES: Councilman Bianchi, Councilman Hughes, Councilman Johnson, Councilman Kearney

NAYS: Councilman Tanelli, Councilman Yampaglia

MAYOR'S APPOINTMENTS

MAYOR'S APPOINTMENT CLASS II MEMBER OF THE PLANNING BOARD

MAYOR'S APPOINTMENT CLASS IV MEMBER OF THE PLANNING BOARD

MAYOR'S APPOINTMENT TO RECREATION COMMISSION

MAYOR'S APPOINTMENT CONFIDENTIAL ASSISTANT TO MAYOR

MAYORAL NOMINATION

ZONING BOARD

LIBRARY BOARD

ORDINANCES

FIRST READING OF ORDINANCES

ORDINANCE NO. 2069

AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE BOROUGH OF NORTH ARLINGTON

INTRODUCED BY: Councilman Tanelli
SECONDED BY: Councilman Hughes
ROLL CALL: All Council present vote in the affirmative

ORDINANCE NO. 2070

AN ORDINANCE TO AMEND CHAPTER 187 §9(B) OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED “VEHICLES AND TRAFFIC”

INTRODUCED BY: Councilman Hughes
SECONDED BY: Councilman Tanelli
ROLL CALL: All council present vote in the affirmative

ORDINANCE NO. 2071

AN ORDINANCE TO REPEAL CHAPTER 48 SECTIONS 57 THROUGH 62 OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED “EMPLOYEES AND OFFICERS”

INTRODUCED BY: Councilman Hughes
SECONDED BY: Councilman Johnson
ROLL CALL:

AYES: Councilman Bianchi, Councilman Hughes, Councilman Johnson, Councilman Kearney

NAYS: Councilman Tanelli, Councilman Yampaglia

SECOND READING AND ADOPTION OF ORDINANCES:

ORDINANCE NO. 2064

AN ORDINANCE TO AMEND CHAPTER 277 OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED “RAFFLES”

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2064 TO THE PUBLIC

INTRODUCED BY: Councilman Tanelli
SECONDED BY: Councilman Bianchi
ROLL CALL: All council present vote in the affirmative

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY; Councilman Tanelli
SECONDED BY: Councilman Yampaglia
ROLL CALL: All council present vote in the affirmative

ORDINANCE NO. 2065

AN ORDINANCE TO AMEND CHAPTER 19 OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED “DEFENSE AND INDEMNIFICATION”

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2065 TO THE PUBLIC

INTRODUCED BY: Councilman Hughes
SECONDED BY: Councilman Yampaglia
ROLL CALL: All council present vote in the affirmative

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY; Councilman Hughes
SECONDED BY: Councilman Kearney
ROLL CALL: All council present vote in the affirmative

ORDINANCE NO. 2067

A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$60,000 FOR SANITARY SEWER IMPROVEMENTS TO BE UNDERTAKEN BY THE BOROUGH OF NORTH ARLINGTON AND TO APPROPRIATE \$60,000 FROM GENERAL CAPITAL FUND BALANCE

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2067 TO THE PUBLIC

INTRODUCED BY: Councilman Binachi
SECONDED BY: Councilman Yamapaglia
ROLL CALL: All council present vote in the affirmative

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY; Councilman Hughes
SECONDED BY: Councilman Yampaglia
ROLL CALL: All council present vote in the affirmative

ORDINANCE NO. 2068

A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$84,985 FOR THE PURCHASE OF A SENIOR BUS TO BE UNDERTAKEN BY THE BOROUGH OF NORTH ARLINGTON AND TO APPROPRIATE \$84,985 FROM GRANT PROCEEDS

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2068 TO THE PUBLIC

INTRODUCED BY: Councilman Yampaglia
SECONDED BY: Councilman Tanelli
ROLL CALL:

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY;
SECONDED BY:
ROLL CALL:

ADMINISTRATORS REPORT

ENGINEERS REPORT

COUNCIL REPORTS

COUNCILMAN BIANCHI

COUNCILMAN HUGHES

COUNCILMAN JOHNSON

COUNCILMAN KEARNEY

COUNCILMAN TANELLI

COUNCILMAN YAMPAGLIA

MAYOR MASSA

R- 44-11 EXECUTIVE SESSION

INTRODUCED BY:

SECONDED BY:

ROLL CALL:

MOTION TO RETURN TO THE REGULAR ORDER OF BUSINESS

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
BIANCHI			X			
HUGHES	X		X			
JOHNSON		X	X			
KEARNEY			X			
TANELLI			X			
YAMPAGLIA			X			
MASSA						
TOTAL						
ON CONSENT AGENDA <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						

R-36-11

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: \$ 4,140,664.14

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
Borough Clerk

DATED: January 20, 2011

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

R-37-11

RESO RE: REFUND OF MONIES DUE TO
COUNTY BOARD JUDGEMENT

WHEREAS, the following property had a credit; and

WHEREAS, a refund has been requested as follows:

B 149 L 012 Janet Meler \$522.21
93 Canterbury Ave
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
Borough Clerk

DATED: January 20, 2011

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

R-38-11

RESO RE: COST SHARING AGREEMENT RT.
7 & SCHUYLER AVE BETWEEN THE
BOROUGH OF NORTH ARLINGTON AND
THE TOWN OF KEARNY

WHEREAS, a traffic condition exists at the intersection of Route 7 & Schuyler Ave in the Borough of North Arlington, in the County of Bergen, which requires the revision of the semi-actuated traffic control signal with pedestrian push buttons and areas
Detection in order to minimize the possibility of accidents; and

WHEREAS, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and

WHEREAS, the State of New Jersey has indicated its willingness to revise the traffic control signal at said intersection; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk of the said Borough of North Arlington be and are hereby authorized to enter into an Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said Agreement being attached hereto and made a part hereof.

BE IT FURTHER that the Mayor and clerk of the Borough of North Arlington, be and hereby are authorized to execute said Agreement.

APPROVED: _____
Peter C, Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough of North Arlington, at a regular meeting held on January 20, 2011.

Terence M. Wall, RMC
Borough Clerk

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

R-39-11
**RESO RE: OFF PREMISE 3 MONTH
CALENDAR RAFFLE QUEEN OF PEACE
CHURCH**

BE IT RESOLVED, by the Mayor and council of the Borough of North Arlington, Bergen County, New Jersey, that Queen of Peace Church is hereby issued raffle license RL 831 for an off premise Calendar Raffle to be held every Wednesday during the months April, May and June, 2011.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

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

R-40-11

RESO RE: OFF PREMISE RAFFLE QUEEN OF
PEACE GRAMMAR SCHOOL

BE IT RESOLVED, by the Mayor and Council of the Borough of North Arlington, Bergen County, New Jersey, that Queen of Peace Grammar School, is hereby issued raffle license RL 832 for an off premise raffle to be held on the following date March 23, 2011.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

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

R- 41-11

RESO RE: APPROVAL OF 2011 BUSINESS LICENSES

BE IT RESOLVED by the Mayor and Council of the Borough of North Arlington hereby approve the business licenses listed for the year 2011.

2011 LICENSES

Restaurant/Food Service Licenses - #0206 - \$50.00

<u>Name</u>	<u>Address</u>	<u>Payment</u>	<u>Date</u>
Peking Palace	30 Ridge Road	\$50.00	1/4/11
J&J Sushi	31 Ridge Road	\$50.00	1/4/11
Subway	89 Ridge Road`	\$50.00	1/11/11
Green & Grain	155 Ridge Road	\$50.00	1/11/11
Italian Villa	173 Ridge Road	\$50.00	1/4/11
Dunkin Donuts	206 Ridge Road	\$50.00	1/4/11
J&W Convenience Store	215 Ridge Road	\$50.00	1/4/11
Leomar's Pizza & Restaurant	269 Ridge Road	\$50.00	1/4/11
Michael Angelo's Restaurant	440 Ridge Road	\$50.00	11/23/10
Goldberg's Bagels	440 Ridge Road	\$50.00	1/4/11
Kamal Palace	623 Ridge Road	\$50.00	1/4/11
Rita's Italian Ices	50 River Road	\$50.00	1/11/11
Stack Pancake & Steak House	205 River Road	\$50.00	1/4/11
Dunkin Donuts	29 Schuyler Avenue	\$50.00	1/4/11
4 T's Cafe	200 Schuyler Avenue	\$50.00	1/4/11
LaVenere Restaurant	614 Schuyler Avenue	\$50.00	1/5/11
Metro Bagels	11 Schuyler Avenue	\$50.00	1/10/11

Mechanical/Juke Box Licenses - #0210 & #0215

<u>Name</u>	<u>Address</u>	<u>Payment</u>	<u>Date</u>
Silver Bell Tavern (\$50.00)	258 Belleville Turnpike	\$ 50.00	1/4/11
Hartley's	350 Belleville Turnpike	\$ 200.00	1/5/11

Mercantile Licenses

<u>Name</u>	<u>Address</u>	<u>Payment</u>	<u>Date</u>
<u>#0211 - \$50.00</u>			

Arlington Jewelers	36 Ridge Road	\$50.00	1/4/11
Shining Jewelry	159 Ridge Road	\$50.00	1/4/11
#0213 - \$50.00			
Charlie's Nursery/Garden Center	273-275 River Road	\$50.00	1/4/11
Velvet Rose Florist	595 Ridge Road	\$50.00	1/4/11
#0208 - \$500.00			
Bell Pike Motors	2 River Road	\$500.00	1/5/11
#0214			
Clayton Block Co.	2 Porete Avenue	\$25.00	1/5/11
American Recycling	Clothing Bins (3)	\$75.00	1/10/11

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

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

R- 42 -11

RESO RE: RESIGNATION OF ZONING BOARD MEMBER

WHEREAS, Nicholas Antonicello, Sr., has served as a regular member of the Zoning Board of Adjustment for the Borough of North Arlington and his term has not expired; and

WHEREAS, on January 13, 2011, Mr. Antonicello submitted a letter of resignation to Mayor Peter C. Massa advising that, effective immediately, he was resigning his position on the Zoning Board of Adjustment of the Borough of North Arlington; and

WHEREAS, Mr. Antonicello's term as a regular member of the Zoning Board of Adjustment was to expire on December 31, 2011; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of North Arlington, Bergen County, New Jersey, that the letter of resignation submitted by Nicholas Antonicello, Sr. resigning his position as a regular member of the Borough of North Arlington Zoning Board of Adjustment is hereby accepted; and

BE IT FURTHER RESOLVED, that the position of regular member of the Zoning Board of Adjustment that had been held by Mr. Antonicello be and is hereby deemed vacant; and

BE IT FURTHER RESOLVED, that the unexpired term of Mr. Antonicello, which is to expire on December 31, 2011, shall be filled for only the unexpired term and in accordance with all applicable laws.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall
Borough Clerk

DATED: January 20, 2011

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

R-43-11

RESO RE: CDBG REPRESENTATIVES

BE IT RESOLVED that Councilman Chris Johnson and Borough Administrator Terence Wall are hereby designated CDBG representatives for 2011.

APPROVED: _____
Peter C, Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

RESOLUTION #44-11 NOT USED

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

R-45-11

**RESOLUTION TO AWARD PROFESSIONAL SERVICE
CONTRACT FOR THE PROVISION OF BOROUGH
ATTORNEY**

WHEREAS, The Mayor and Council of the Borough of North Arlington declares that there exists a need in the Borough of North Arlington for a Borough Attorney; and

WHEREAS, the Local Public Contract Law N.J.S.A. 40:11-1 et. seq. requires that the Resolution authorizing the award of contracts for “Professional Service” without competitive bids must be available for public inspection and be published, and

WHEREAS, the contract is awarded pursuant to a fair and open process as defined in N.J.S.A. 19:44A-20.4 et seq. and

WHEREAS, the Mayor and Council of the Borough of North Arlington made Requests for Qualifications for the position of Borough Attorney; and

WHEREAS, the Borough of North Arlington received a number of responses to such requests;

WHEREAS, Pearce Law, L.L.C. . has agreed to perform these services for the Borough,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of North Arlington as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Pearce Law LLC as Borough Attorney.
2. The authorization for the retainer portion of this contract is \$70,000.00.
3. In addition, the Contract shall provide for payment to Randy T. Pearce, Esq. . and to Pearce Law, L.L.C. at an hourly rate of \$150.00 per hour for all legal services performed outside the scope of the retainer portion of the contract.
4. The contract is to be awarded without competitive bidding as a “Professional Service” in accordance with 40A:11-5(1)(A) of the Local Public Contract Law.
5. The duration of the contract will be for one year and shall expire on December 31, 2011 or as soon thereafter as a successor shall qualify.
6. Notice of this action to be published according to law.

Approved: _____
Peter C. Massa, Mayor

Attest: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

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

R-46-11

RESO RE: APPOINTMENT OF PUBLIC DEFENDER

WHEREAS, there is a need for a public defender; and

NOW THEREFORE BE IT RESOLVED that Christopher Errante, is hereby appointed, subject to the approval of the Borough Council, as public defender for a term ending December 31, 2011 or as soon thereafter as his successor shall qualify; and

IT IS FURTHER RESOLVED, that Mr. Errante shall be compensated at the rate of \$10,000.00 per year and shall not be entitled to any benefits including, but not limited to, health benefits, life insurance or pension contributions; and

IT IS FURTHER RESOLVED, that the Borough shall defend and indemnify Mr. Errante as required pursuant to New Jersey law while he serves as public defender.

Approved:

Peter C. Massa, Mayor

Attest: _____

Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

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

R-47-11

RESO RE: APPOINTMENT OF MUNICIPAL PROSECUTOR

WHEREAS, there is a need for a municipal prosecutor; and

NOW THEREFORE BE IT RESOLVED that Damon Vespi, is hereby appointed, subject to the approval of the Borough Council, as Prosecutor of the Municipal Court for a term ending December 31, 2011 or as soon there after as his successor shall qualify; and

IT IS FURTHER RESOLVED, that shall be compensated at the rate of \$15,000.00 per year and shall not be entitled to any benefits including, but not limited to, health benefits, life insurance or pension contributions; and

IT IS FURTHER RESOLVED, that the Borough shall defend and indemnify Mr. Vespi as required pursuant to New Jersey law while he serves as municipal prosecutor.

Approved: _____
Peter C. Massa, Mayor

Attest: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

R-48-11

RESO RE: PROFESSIONAL SERVICE CONTRACT FOR BOROUGH AUDITOR

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

WHEREAS, there exists a need for a Professional Service for Borough Auditor for the Borough; and

WHEREAS, the Local Public Contract Law N.J.S.A. 40:11-1 et. seq. requires that the Resolution authorizing the award of contracts for "Professional Service" without competitive bids must be available for public inspection and be published, and

WHEREAS, the contract is awarded pursuant to a fair and open process as defined in N.J.S.A. 19:44A-20.4 et seq. and

WHEREAS, the Mayor and Council of the Borough of North Arlington issued a Request for Qualifications for the position of Borough Auditor; and

WHEREAS, the Borough of North Arlington received a number of responses to said request;

WHEREAS, Lerch, Vinci & Higgins, LLP has agreed to perform these services for the Borough,

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Lerch, Vinci & Higgins, LLP, as Borough Auditor.
2. The Contract shall provide for payment to Lerch, Vinci & Higgins, LLP in the total amount of \$55,000.00 for the following services:
 - a.\$41,000.00 for the annual audit; and
 - b \$14,000.00 for preparing the annual financial statement, annual debt statement, attendance at budget hearings and assistance in preparing the budget.
3. This contract is to be awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(A) of the Local Public Contract Law.
4. The duration of the contract will be for one year and shall expire on December 31, 2011 or as soon thereafter as a successor shall qualify.
5. Notice of this action to be published according to law.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

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

R-49-11

**RESO RE: PROFESSIONAL SERVICE
CONTRACT FOR PUBLIC RELATIONS**

WHEREAS, there exists a need for a Professional Service for Public Relations; and

WHEREAS, the Local Public Contract Law N.J.S.A. 40:11-1 et. seq. requires that the Resolution authorizing the award of contracts for “Professional Service” without competitive bids must be available for public inspection and be published; and

WHEREAS, the contract is awarded pursuant to a fair and open process as defined in N.J.S.A.

19:44A-20.4 et seq.; and

WHEREAS, the Mayor and Council of the Borough of North Arlington issued a Request for Qualifications for the position of Public Relations; and

WHEREAS, the Borough of North Arlington received a number of responses to said request; and

WHEREAS, The Write Associates have agreed to perform these services for the Borough; and

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with The Write Associates.
2. The fees authorized for this contract shall be in accordance with the fee schedule as established through the RFQ process.
3. This contract is to be awarded without competitive bidding as a “Professional Service” in accordance with 40A:11-5(1)(A) of the Local Public Contract Law.
4. The duration of the contract will be for one year commencing January 1, 2011 and shall expire on December 31, 2011 or as soon thereafter as a successor shall qualify.
5. Notice of this action to be published according to law.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall
Borough Clerk

DATED: January 20, 2011

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

R-50-11

**RESO RE: ESTABLISHMENT OF PETTY CASH
FUND FOR VARIOUS DEPARTMENTS**

BE IT RESOLVED, that the Mayor and Council of the Borough of North Arlington do hereby authorize and establish a petty cash fund for various departments; and

WHEREAS, the Mayor and Council authorizes the Finance Department to issue a check to the

following departments:

ADMINISTRATIVE & EXECUTIVE	\$200.00
DEPARTMENT OF PUBLIC WORKS	\$200.00
CONSTRUCTION DEPARTMENT	\$ 50.00
FIRE DEPARTMENT	\$200.00
FIRE PREVENTION	\$100.00
HEALTH DEPARTMENT	\$200.00
POLICE DEPARTMENT	\$200.00
MUNICIPAL COURT	\$200.00

NOW, THEREFORE BE IT RESOLVED that in accordance with NJSA 40A:5-21 said petty cash fund be established.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

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

R-51-11

RESO RE: REFUND OF TAX MONEY
– CLERICAL ERROR

WHEREAS there was a clerical error for Block 101 Lot 003; and
]
 WHEREAS an omitted assessment mistakenly entered on this property for
 2009; and

WHEREAS, this property was over assessed by \$10,000 in 2009.

NOW THEREFORE BE IT RESOLVED, that the omitted assessment be
 cancelled and the assessment be adjusted and a refund be issued in the amount
 of \$448.20 to:

Erminio Romano
 6 Ridge Road
 North Arlington, NJ 07031

APPROVED: _____
 Peter C. Massa, Mayor

ATTEST: _____
 Terence M. Wall, RMC
 Borough Clerk

DATED: January 20, 2011

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

R-52-11

RESO RE: APPOINTMENT OF POLICE OFFICER TO THE BOROUGH OF NORTH ARLINGTON POLICE DEPARTMENT

WHEREAS, there is a need in the Borough of North Arlington to hire additional police officers; and

WHEREAS, the Police Chief has conducted a thorough search and has extended offer to one candidate subject to the results of physical and psychological examinations; and

WHEREAS, candidate has accepted the Borough's offer; and

WHEREAS, candidate is being hired through Intergovernmental Transfer.

BE IT FURTHER RESOLVED, that Paul R. Casale is hereby appointed as a Police Officer to the North Arlington Police Department, with a starting salary of \$48,574.00.

BE IT FURTHER RESOLVED, this appointment is also contingent upon Civil Service and DCA approval.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to immediately forward a copy of this Resolution to Civil Service, the Chief of Police, and to the Chief Financial Officer.

ATTEST:

APPROVED:

Terrence M. Wall, RMC,
Borough Clerk

Peter C. Massa, Mayor

DATED: January 20, 2011

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

**ALL DONE ON SEPARATE
RESO'S**

R-53-11 (VOID)

**RESO RE: APPOINTMENTS TO
ZONING BOARD OF ADJUSTMENT**

WHEREAS, pursuant to N.J.S.A 40:55D-69 Zoning Board of Adjustment shall consist of (7) seven members and (2) alternates .and shall be appointed by the Mayor with the advice and consent of the Borough Council.

NOW THEREFORE BE IT RESOLVED that the following be appointed;

to fill the unexpired term of Nicholas Antonicello, said term to expire 12/31/2011 or as soon thereafter as his/her successor shall qualify

to fill the unexpired term of Joseph Sheedy, said term to expire 12/31/2012 or as soon thereafter as his/her successor shall qualify.

Brian Fitzhenry to a full term with said term to expire 12/31/2014 or as soon thereafter as his/her successor shall qualify.

to fill the full term with said term to expire 12/31/2014 or as soon thereafter as his/her successor shall qualify.

to fill the full term with said term to expire 12/31/2014 or as soon thereafter as his/her successor shall qualify.

to fill Alternate position with said term to expire 12/31/2012 or as soon thereafter as his/her successor shall qualify.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

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

R-54-11

RESO RE: APPOINTMENT TO LIBRARY BOARD

WHEREAS under the provisions of N.J.S.A. 40:54-1 et seq. the Library Board of Trustees terms are governed by this statute.

NOW THEREFORE BE IT RESOLVED by the Mayor subject to Council approval that the following be appointed to the Library Board for a full term. of (5) years. Said term to expire 12/31/2015 or as soon thereafter as his/her successor shall qualify

Peggy Zukatus
35 Seventh Street
North Arlington, NJ 07031

BE IT FURTHER RESOLVED, that James Dombrowski be appointed to the Library Board as Mayor's Alternate. Said term to expire 12/31/2014

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

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

R-55-11

RESO RE: RESIGNATION FROM ZONING BOARD

BE IT RESOLVED by the Mayor and Council of the Borough of North Arlington
 Hereby accept the resignation of Joseph Sheedy from the Zoning Board of
 Adjustment with said term to expire 12/31/2012.

APPROVED: _____
 Peter C. Massa, Mayor

ATTEST: _____
 Terence M. Wall, RMC
 Borough Clerk

DATED: January 20, 2010

APPOINTMENT OF CLASS II MEMBER OF THE PLANNING BOARD

WHEREAS, pursuant to the N.J.S.A. 40:55D-23 *et seq.* (Municipal Land Use Law) and Chapter 205-7 *et seq.* of the Borough of North Arlington's Land Development Code, the Borough's Planning Board shall consist of nine members comprised of four classes; and

WHEREAS, one of the nine members shall be a Class II member which is defined as an official of the Borough (not a member of the governing body), appointed by the Mayor; and

WHEREAS, in accordance with N.J.S.A. 40:55D-23(b) and Chapter 205-7(B)(1) of the Borough of North Arlington's Land Development Code, the term of a Class II member of the Planning Board shall be for one year; and

WHEREAS, there exists the vacancy of a Class II Member of the Planning Board; and

NOW THEREFORE BE IT RESOLVED, by the Mayor of the Borough of North Arlington, that Joseph Burzinski is hereby appointed as a Class II Member of the Planning Board for a term ending December 31, 2011 or as soon thereafter as his successor shall qualify.

Approved: _____
Peter C. Massa, Mayor

Attest: _____
Terence M. Wall
Borough Clerk

DATED: January 20, 2011

**APPOINTMENT OF CLASS IV MEMBER PLANNING BOARD –MAYOR’S
APPOINTMENT NOT SUBJECT TO COUNCIL APPROVAL**

BE IT RESOLVED that the Mayor Peter C. Massa appoints the following to the
Planning Board for a term of (4) four years.

David Charowski, (Class IV)– 77 Third Street, North Arlington to a (4) year term
effective January 20, 2011 with said term to expire on December 31, 2014 or as soon
thereafter as his successor shall qualify.

Richard Schumann, (Class IV) 48 Park Ave, North Arlington to a (4) year term effective
January 20, 2011 with said term to expire on December 31, 2014 or as soon thereafter as
his successor shall qualify.

Jay Corrigan, (Class IV) 25 Stover Ave, North Arlington to a (4) year term effective
January 20, 2011 with said term to expire on December 31, 2014 or as soon thereafter as
his successor shall qualify.

APPROVED: _____
Peter C, Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

**APPOINTMENT TO RECREATION COMMISSION- MAYOR'S
APPOINTMENT NOT SUBJECT TO COUNCIL APPROVAL**

BE IT RESOLVED that Nicholas Mazzola, 82 Noel Drive, North Arlington
be appointed to the Recreation Commission to fill the unexpired term Glenn Smiley.
said term to expire December 31, 2012 or as soon thereafter as his successor shall
qualify.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

MAYOR'S APPOINTMENT – CONFIDENTIAL ASSISTANT TO THE MAYOR

WHEREAS, the Borough of North Arlington, pursuant to Article XIII, Section 48-57, et. seq., provides for the position of a Confidential Assistant to the Mayor; and

WHEREAS, the power of appointment of the Confidential Assistant is hereby vested in the Mayor pursuant to Borough Ordinance, Section 48-59; and

WHEREAS, the duties and powers of said position are to be established by the Mayor pursuant to Borough Ordinance, Section 48-58;

NOW THEREFORE BE IT RESOLVED that the Council acknowledges that Douglas Burns has been appointed as Confidential Assistant to the Mayor, at an annual salary of \$10,000.00

Approved: _____
Peter C. Massa, Mayor

Attest: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

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

R-53-11

RESO RE: APPOINTMENTS TO ZONING BOARD OF ADJUSTMENT

WHEREAS, pursuant to N.J.S.A 40:55D-69 Zoning Board of Adjustment shall consist of (7) seven members and (2) alternates .and shall be appointed by the Mayor with the advice and consent of the Borough Council.

NOW THEREFORE BE IT RESOLVED that the following be appointed to a four year term:

Brian Fitzhenry

Term of appointment 1/20/2011 – 12/31/14 or soon thereafter as his successor shall qualify.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

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

R-57-11

RESO RE: APPOINTMENTS TO ZONING
BOARD OF ADJUSTMENT

WHEREAS, pursuant to N.J.S.A 40:55D-69 Zoning Board of Adjustment shall consist of (7) seven members and (2) alternates .and shall be appointed by the Mayor with the advice and consent of the Borough Council.

NOW THEREFORE BE IT RESOLVED that the following be appointed to a four year term:

Frank Picone

Term of appointment 1/20/2011 – 12/31/14 or soon thereafter as his successor shall qualify.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

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

R-58-11

RESO RE: APPOINTMENTS TO
ZONING BOARD OF ADJUSTMENT

WHEREAS, pursuant to N.J.S.A 40:55D-69 Zoning Board of Adjustment shall consist of (7) seven members and (2) alternates .and shall be appointed by the Mayor with the advice and consent of the Borough Council.

NOW THEREFORE BE IT RESOLVED that the following be appointed to a four year term:

Tom Hurley

Term of appointment 1/20/2011 – 12/31/14 or soon thereafter as his successor shall qualify.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

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

R-59-11

RESO RE: APPOINTMENT TO ZONING
BOARD OF ADJUSTMENT

WHEREAS, pursuant to N.J.S.A 40:55D-69 Zoning Board of Adjustment shall consist of (7) seven members and (2) alternates .and shall be appointed by the Mayor with the advice and consent of the Borough Council.

NOW THEREFORE BE IT RESOLVED that the following be appointed as an alternate to a (2) year term:

Kerry Gennace

Term of appointment 1/20/2011 – 12/31/12 or soon thereafter as his successor shall qualify.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2011

First Reading

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

Second & Final Reading

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

ORDINANCE NO.2069
BOROUGH OF NORTH ARLINGTON
BERGEN COUNTY, NEW JERSEY

**AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH
MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES
AND MUNICIPAL AND COUNTY POLITICAL PARTIES SHALL BE
LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM
THE BOROUGH OF NORTH ARLINGTON**

WHEREAS, large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and by-laws as necessary and proper for good government, as well as the public, health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:11-51 a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract; and

WHEREAS, in the interest of good government, the people and the government of the Borough of North Arlington desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections; and

NOW THEREFORE BE IT RESOLVED, it shall be the policy of the Borough of North Arlington to create such a regulation which states that a Business Entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the Borough of North Arlington; and

BE IT ORDAINED by the Borough of North Arlington, in the County of Bergen, and State of New Jersey as follows:

A. Definitions. As used in this ordinance:

- (1) "Campaign Committee" means (i) every candidate for Borough of North Arlington elective municipal office; (ii) every candidate committee established by or for the benefit of a candidate for Borough of North Arlington elective municipal office; (iii) every joint candidate committee established in whole or in part by or for the benefit of a candidate for Borough of North Arlington elective municipal office; (iv) every political party committee of the Borough of North Arlington; (v) every political party committee of the County of Bergen that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington; and (vi) every political committee, continuing political committee, or other form of association or organization that regularly engages in the support of candidates for the Borough of North Arlington municipal or Bergen county elective offices or Borough of North Arlington municipal or Bergen county political parties or political party committees that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington. The terms in the foregoing paragraph have the meaning prescribed in N.J.A.C. 19:25-1.7.
- (2) "Contribution" has the meaning prescribed in N.J.A.C. 19:25-1.7. By way of illustration, and not limitation, this definition includes pledges, loans, and in-kind contributions.
- (3) A "contract for professional or extraordinary services" means all contracts for "professional services" and "extraordinary unspecifiable services" as such term is used in N.J.S.A. 40A:11-5.
- (4) For purposes of this Ordinance, a "Business Entity" whose contributions are regulated by this ordinance means: (i) an individual including the individual's spouse, and any child/children; (ii) a firm; corporation; professional corporation; partnership; limited liability company; organization; association; and any other manner and kind of business entity; (iii) any person who owns ten percent (10%) or more of the equity or ownership or income interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child/children; (v) any person, subcontractor, subsidiary, corporation, firm,

partnership, limited liability company, organization or association who has received or indefeasibly acquired the right to receive, from a person described in subparagraph (i) above, more than one hundred thousand dollars (\$100,000.00) in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gifts), in any twelve (12) month period prior to the award of, or during the term of, a contract subject to this ordinance; and (vi) all persons who are an “affiliate” of a Business Entity as defined in sections (i), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

B. Prohibition on Awarding Public Contracts to Certain Contributors.

- (1) To the extent that it is not inconsistent with state or federal law, the Borough of North Arlington and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise contract to procure “professional services” as such term is defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance or other consulting service (hereinafter “Professional Services”), nor “extraordinary unspecified services” as such term is defined at N.J.S.A. 40A:11-2(7) and used at N.J.S.A. 40A:11-5(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter “Extraordinary Unspecified Services”) from any Business Entity if such Business Entity has solicited or made any Contribution to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in North Arlington or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any North Arlington or Bergen County political committee or political party committee that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington, or (iii) to any continuing political committee or political action committee that regularly engages in the support of North Arlington municipal or Bergen County elections and/or North Arlington municipal or Bergen County candidates, candidate committees, joint candidate committees, political committees, political parties, political party committees that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington, (hereinafter “PAC”), in excess of the thresholds specified in Subsection B(3) within one calendar year immediately preceding the date of the contract or agreement.
- (2) No Business Entity who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the Borough of North Arlington or any of its departments or instrumentalities, for the rendition of Professional Services or Extraordinary Unspecified Services shall knowingly solicit or make any Contribution, to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in North Arlington, or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any North Arlington or Bergen County political committee or political party committee that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington, or (iii) any PAC that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington between the time of first communication between that Business Entity and the municipality regarding a specific agreement for Professional Services or Extraordinary Unspecified Services, and the later of the termination of negotiations or rejection of any proposal, or the completion of the performance or specified time period of that contract or agreement.
- (3) The monetary thresholds of this Ordinance are: (i) a maximum of three hundred dollars (\$300.00) per calendar year each for any purpose to any candidate or candidate committee for mayor or governing body, or five hundred dollars (\$500.00) per calendar year to any joint candidates committee for mayor or governing body, or three hundred dollars (\$300.00) per calendar year to a political committee or political party committee of the Borough of North Arlington; (ii)

five hundred dollars (\$500.00) maximum per calendar year to a Bergen County political committee or political party committee that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington; and (iii) five hundred dollars (\$500.00) maximum per calendar year to any PAC that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington. However, for each Business Entity party to a contract for Professional or Extraordinary Unspecified Services as defined in Subsection B(1), or engaged in negotiations for a contract defined in Subsection B(1), when such Business Entity's Contribution is aggregated with all "persons" defined in Subsection A(4) of "Definitions" above, by virtue of their affiliation to that Business Entity party, a maximum of two thousand five hundred dollars (\$2,500.00) to all Borough of North Arlington candidates, candidate committees, joint candidate committees, and holders of public office having ultimate responsibility for the award of a contract, all Borough of North Arlington or Bergen County political committees and political party committees that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington as described herein combined, without violating Subsection B(1) of this section.

- (4) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be (i) the Borough of North Arlington Mayor or Governing body, if the contract requires approval or appropriation from the Mayor or Governing body, or (ii) the Mayor of the Borough of North Arlington, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.
- (5) Rules regarding subcontractors. No person may be awarded a subcontract to perform under a contract subject to this Ordinance, if the subcontractor would be disqualified by Subsection B(1) from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by Subsection B(1) from receiving the contract perform substantially all of obligations described in a contract for professional or extraordinary services that is subject to this ordinance.

C. Contributions Made Prior to the Effective Date. No Contribution or solicitation of contributions made prior to the effective date of this Ordinance shall be deemed to give rise to a violation of this Ordinance.

D. Contract Renewal. No contract subject to this ordinance may be renewed, extended, or materially modified unless the resulting renewal, extension, or modification would be allowable under the provisions of this ordinance if it were an initial contract.

E. Contribution Statement by Business Entity.

- (1) Prior to awarding any contract or agreement to procure "Professional Services" or "Extraordinary Unspecified Services" from any Business Entity, the Borough of North Arlington or its purchasing agents and departments, as the case may be, shall receive a sworn statement from said Business Entity which is the intended recipient of said contract that he/she/it has not made a Contribution in violation of Subsection B of this section. The Borough of North Arlington, its purchasing agents and departments shall be responsible for informing the Borough Council that the aforementioned sworn statement has been received and that the Business Entity is not in violation of this ordinance, prior to awarding the contract or agreement.
- (2) A Business Entity shall have a continuing duty to report to the Borough of North Arlington any Contributions that constitute a violation of this act that are made during the negotiation, proposal process or the duration of a contract. The Borough of North Arlington, its purchasing agents and departments shall be

responsible for informing the governing body within ten (10) business days after receipt of said report from the Business Entity, or at the next Borough Council meeting following receipt of said report from the Business Entity, or whichever comes first.

- (3) The certification required under this subsection shall be made prior to entry into the contract or agreement with the Borough of North Arlington, or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

F. Return of Excess Contributions. A Business Entity that is a party to a contract for Professional Services or Extraordinary Unspecified Services may cure a violation of Subsection B of this section, if, within thirty (30) days after the date on which the applicable ELEC report is published, said Business Entity notifies the municipality in writing and seeks and receives reimbursement of the Contribution from the recipient of such Contribution.

G. Exemptions. The contribution limitations prior to entering into a contract in Subsection B(1) do not apply to contracts which (i) are awarded to the lowest responsible bidder after public advertising for bids and bidding therefore within the meaning of N.J.S.A. 40A:11-4, or (ii) are awarded in the case of emergency under N.J.S.A. 40A:11-6. There is no exemption for contracts awarded pursuant to a "Fair and Open Process" under N.J.S.A. 19:44A-20 et seq.

H. Penalty.

- (1) It shall be a material breach of the terms of a Borough of North Arlington agreement or contract for Professional Services or Extraordinary Unspecified Services when a Business Entity that is a party to such agreement or contract has:
(i) made or solicited a Contribution in violation of this Ordinance; (ii) knowingly concealed or misrepresented a Contribution given or received; (iii) made or solicited Contributions through intermediaries for the purpose of concealing or misrepresenting the source of the Contribution; (iv) made or solicited any Contribution on the condition or with the agreement that it will be re-contributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in North Arlington, or a holder of public office having ultimate responsibility for the award of a contract, or any North Arlington or Bergen County political committee or political party committee that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington, or any PAC that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington; (v) engaged or employed a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any Contribution, which if made or solicited by the professional Business Entity itself, would subject that entity to the restrictions of this Ordinance; (vi) funded contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engaged in any exchange of Contributions to circumvent the intent of this Ordinance; or (viii) directly or indirectly, through or by any other person or means, done any act which if done directly would subject that entity to the restrictions of this Ordinance.
- (2) Furthermore, any Business Entity that violates Subsection H(1) shall be disqualified from eligibility for future Borough of North Arlington contracts for a period of four calendar years from the date of the violation.
- (3) Any person who knowingly, purposely, or recklessly violates any provision of this ordinance, or who conspires with another person to violate any provision of this ordinance, or who, with the purpose of promoting or facilitating a violation of this ordinance, solicits another person to commit it, or aids or agrees, or attempts to aid another person in planning or committing it, shall be subject to punishment

including fines and/or imprisonment as fixed by law for violations of the ordinances of the Borough of North Arlington.

I. Citizens Private Right of Action. In addition to any rights that were heretofore available, or which may hereafter be available, to citizens, taxpayers, or associations, to challenge violations of this ordinance, every person aggrieved by a violation of the ordinance, or any taxpayer or resident of the Borough of North Arlington has the right, consistent with the Rules of Court, to file charges in a court of competent jurisdiction, and/or to pursue a civil action for a violation of this ordinance in a court of competent jurisdiction, and to seek and obtain declaratory, injunctive, or other legal or equitable relief, including but not limited to, attorneys fees and costs, arising from or related to a violation of this ordinance.

J. Severability. If any provision of this ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this ordinance are severable. The drafters of this ordinance, the persons signing the petition in support of this ordinance, and the persons who cast votes in favor of the ordinance, declare that they would have supported the ordinance and each section, subsection, sentence, clause, phrase, or provision or application thereof, irrespective of the fact that any one (1) or more other sections, subsections, sentences, clauses, phrases, or provisions or applications thereof may be held invalid.

K. Repealed. All ordinances or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

L. Indexing. The monetary thresholds of "Definitions" Section (d) and Section 1(c) of this ordinance shall be increased effective March 1 of each calendar year by the percentage increase, in the prior calendar year, of the consumer price index for all urban consumers (CPI-U) for the New York-Northern New Jersey-Long Island region, rounded to the nearest ten dollars (\$10.00). The Clerk of the Borough of North Arlington shall, by no later than April 1 of each calendar year, prepare and publish the revised thresholds on the official municipal website and in an official municipal newspaper.

M. Effective date. This ordinance shall become effective twenty (20) days following the final adoption thereof by the Municipal Council of the Borough of North Arlington and shall be published as required by law.

N. Expiration date. This ordinance shall expire on December 31, 2011 which is in accordance with the memorandum of understanding as it relates to the award of transitional aid.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall
Borough Clerk

DATED: January 20, 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, JANUARY 20, 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 FEBRUARY 10, 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 Tanelli				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
KEARNEY	X			
TANELLI	X			
YAMPAGLIA	X			
MASSA				
TOTAL				

Second & Final Reading

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

ORDINANCE NO.2070
 BOROUGH OF NORTH ARLINGTON
 BERGEN COUNTY, NEW JERSEY

**AN ORDINANCE TO AMEND CHAPTER 187 §9(B) OF THE CODE OF THE
 BOROUGH OF NORTH ARLINGTON ENTITLED “VEHICLES AND
 TRAFFIC”**

WHEREAS, the Mayor and Council have determined that there is a need to amend Chapter 187 §9(B) of the Code of the Borough of North Arlington; 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 §9(B) shall be amended to **remove** the following:

<u>Location</u>	<u>Side</u>	<u>Description</u>
15 Pershing Place	West	Beginning at a point 219 feet north of the northerly curb line of Stevens Place and extending to a point 20 feet south therefrom.

IT IS FURTHER ORDAINED that the remainder of Chapter 187 §9(B) of the Code of the Borough of North Arlington shall remain in full force and effect.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 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, JANUARY 20, 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 FEBRUARY 10, 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 Johnson				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
KEARNEY	X			
TANELLI		X		
YAMPAGLIA		X		
MASSA				
TOTAL				

Second & Final Reading

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

ORDINANCE NO.2071
 BOROUGH OF NORTH ARLINGTON
 BERGEN COUNTY, NEW JERSEY

AN ORDINANCE TO REPEAL CHAPTER 48 SECTIONS 57 THROUGH 62 OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED "EMPLOYEES AND OFFICERS"

WHEREAS, Chapter 48 of the Code of the Borough of North Arlington is entitled “Employees and Officers; and

WHEREAS, Sections 57 through 62 of Chapter 48 of the Code of the Borough of North Arlington establish the position of “Confidential Assistant to the Mayor”; and

WHEREAS, the Mayor and Council have determined that there is a need to repeal Chapter 48, Sections 57 through 62 of the Code of the Borough of North Arlington; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of North Arlington, County of Bergen, State of New Jersey, that Sections 57 through 62 of Chapter 48 of the Code of the Borough of North Arlington, establishing the position of “Confidential Assistant to the Mayor” are hereby **repealed**.

IT IS FURTHER ORDAINED that the remainder of Chapter 48 of the Code of the Borough of North Arlington shall remain in full force and effect.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 2010

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, JANUARY 20, 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 FEBRUARY 10, 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

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

Second & Final Reading

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

ORDINANCE NO. 2064
BOROUGH OF NORTH ARLINGTON
BERGEN COUNTY, NEW JERSEY

**AN ORDINANCE TO AMEND CHAPTER 277 OF THE CODE OF THE
BOROUGH OF NORTH ARLINGTON ENTITLED “RAFFLES”**

WHEREAS, Chapter 277 of the Code of the Borough of North Arlington is entitled “Raffles”; and

WHEREAS, the Mayor and Council of the Borough of North Arlington have determined that there is a need to amend Chapter 277 of the Raffles Code to add the following section:

277-3. The Borough Clerk is authorized to approve the granting of raffle and bingo licenses as is provided by Law. For purposes of this ordinance, the Borough Clerk is the issuing authority for bingo and raffle licenses in the Borough of North Arlington.

WHEREAS, the Mayor and Council have determined to amend Chapter 277 of the Code of the Borough of North Arlington; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of North Arlington, County of Bergen, State of New Jersey, that Chapter 277 shall be amended to add the following section:

277-3. The Borough Clerk is authorized to approve the granting of raffle and bingo licenses as is provided by Law. For purposes of this ordinance, the Borough Clerk is the issuing authority for bingo and raffle licenses in the Borough of North Arlington.

IT IS FURTHER ORDAINED that the remainder of Chapter 277 of the Code of the Borough of North Arlington shall remain in full force and effect; and

IT IS FURTHER ORDAINED that this Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof; and

IT IS FURTHER ORDAINED that the ordinance shall take effect immediately upon its final passage.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall
Borough Clerk

DATED: January 20, 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, DECEMBER 9, 2010 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 JANUARY 20, 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, RMC
Borough Clerk

First Reading

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

Second & Final Reading

INTRODUCED BY: Councilman Hughes				
SECONDED BY: Councilman Kearney				
COUNCIL	AYE	NA Y	ABSTAIN	ABSENT
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
KEARNEY	X			
TANELLI	X			
YAMPAGLIA	X			
MASSA				
TOTAL				

ORDINANCE NO. 2065
BOROUGH OF NORTH ARLINGTON
BERGEN COUNTY, NEW JERSEY

**AN ORDINANCE TO AMEND CHAPTER 19 OF THE CODE OF THE
BOROUGH OF NORTH ARLINGTON ENTITLED “DEFENSE AND
INDEMNIFICATION”**

WHEREAS, Chapter 19 of the Code of the Borough of North Arlington is entitled “Defense and Indemnification”; and

WHEREAS, the Mayor and Council of the Borough of North Arlington have determined that there is a need to amend Chapter 19, Section 1 and Section 2 of the Defense and Indemnification Code; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of North Arlington, County of Bergen, State of New Jersey, that Chapter 19, Section 1 and Section 2 shall be amended to read as follows:

Section 1. Duty to provide Defense

- A. Except as hereinafter provided, the Borough of North Arlington shall, upon the request of any present or former official, employee or appointee of the Borough, provide for indemnification and legal defense of any civil action brought against said person or persons arising from an act or omission falling within the scope of his or her public duties.
- B. Pursuant to N.J.S.A. 59:10-4, the indemnification and defense provided for in this Section shall include exemplary or punitive damages resulting from any civil violation of State or federal law committed by any present or former official, employee or appointee if, in the opinion of the Mayor and Council, the acts committed upon which the damages are based did not constitute actual fraud, actual malice, willful misconduct or an intentional wrong.

Section 2 Exceptions

- A. The Borough may refuse to provide for the defense and indemnification of any civil action referred to herein if the Mayor and Council determine that:
 - (1) The act or omission did not occur within the scope of a duty authorized or imposed by law;
 - (2) The act or failure to act was the result of actual fraud, actual malice, willful misconduct or an intentional wrong of the person requesting defense and indemnification; or
 - (3) The defense of the action or proceeding by the Borough would create a conflict of interest between the Borough and the person or persons involved.

IT IS FURTHER ORDAINED that the remainder of Chapter 19 of the Code of the Borough of North Arlington shall remain in full force and effect; and

IT IS FURTHER ORDAINED that the ordinance shall take effect immediately upon its final passage.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC
Borough Clerk

DATED: January 20, 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, DECEMBER 9, 2010 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 JANUARY 20, 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, RMC
Borough Clerk

First Reading

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

Second & Final Reading

INTRODUCED BY: Councilman Bianchi				
SECONDED BY: Councilman Yampaglia				
COUNCIL	AYE	NA Y	ABSTAIN	ABSENT
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
KEARNEY	X			
TANELLI	X			
YAMPAGLIA	X			
MASSA				
TOTAL				

BOROUGH OF NORTH ARLINGTON

BERGEN COUNTY, NEW JERSEY

ORDINANCE NO. 2067

A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$60,000 FOR SANITARY SEWER IMPROVEMENTS TO BE UNDERTAKEN BY THE BOROUGH OF NORTH ARLINGTON AND TO APPROPRIATE \$60,000 FROM GENERAL CAPITAL FUND BALANCE

BE IT ORDAINED, by the Governing Body 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 2 of this Ordinance is hereby respectively authorized as a general improvement to be made by the Borough of North Arlington, New Jersey, for the said improvements or purposes stated in Section 2, there are hereby appropriated

the sum of money therein stated as the appropriation made for said improvement or purpose, said sum being inclusive of all appropriations herefore made thereof and amounting in the aggregate to \$60,000 which is available in the General Capital Fund Balance.

SECTION 2. The Borough of North Arlington, in the County of Bergen, State of New Jersey, is hereby authorized to provide for the following:

The Sanitary Sewer Improvements including all work, equipment and materials necessary and incidental thereto.

SECTION 3. It is hereby determined and stated:

- (a) That said purpose is not a current expense. That the same is an improvement which the municipality may lawfully make and that no part of the cost of said improvement has been or shall be specifically be assessed on properties specifically benefited.
- (b) It is not necessary to finance said appropriation by the issuance of obligations by the Borough of North Arlington pursuant to the Local Bond Law of the State of New Jersey, for the reason that monies sufficient to cover the appropriation thereof shall be available from General Capital Fund Balance in the amount of \$60,000.

SECTION 4. The Capital Budget of the Borough of North Arlington is hereby amended or established to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing all detail of the amended or temporary Capital Budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available for public inspection.

SECTION 5. The sum of \$60,000 is hereby appropriated for the aforementioned purpose.

SECTION 6. It is hereby determined and stated that no supplemental debt statement is required to be made and signed in connection with said appropriation, since the gross debt of the municipality, as defined under the Local Bond Law, is not increased by this Ordinance and no obligations in the matter of notes or bonds are authorized by this Ordinance.

SECTION 7. This Ordinance shall take effect after publication thereof and final passage as required by law.

INTRODUCED BY: _____

SECONDED BY: _____

ATTEST:

APPROVED: January 20, 2011

Terence M. Wall, RMC
Borough Clerk

Peter C. Massa, Mayor

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 MONDAY, JANUARY 3, 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 JANUARY 20, 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, RMC
Borough Clerk

First Reading

INTRODUCED BY: Councilman Bianchi				
SECONDED BY: Councilman Kearney				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
KEARNEY	X			
TANELLI	X			
YAMPAGLIA	x			
MASSA				
TOTAL				

Second & Final Reading

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

BOROUGH OF NORTH ARLINGTON

BERGEN COUNTY, NEW JERSEY

ORDINANCE NO. 2068

A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$84,985 FOR THE PURCHASE OF A SENIOR BUS TO BE UNDERTAKEN BY THE BOROUGH OF NORTH ARLINGTON AND TO APPROPRIATE \$84,985 FROM GRANT PROCEEDS

BE IT ORDAINED, by the Governing Body 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 2 of this Ordinance is hereby respectively authorized as an acquisition of equipment to be made by the Borough of North Arlington, New Jersey, for the said improvements or purposes stated in Section 2, there are hereby appropriated the sum of money therein stated as the appropriation made for said improvement or purpose, said sum being inclusive of all appropriations herefore made thereof and amounting in the

aggregate to \$84,985 which is now available from a Rothman Grant to be received by the Borough.

SECTION 2. The Borough of North Arlington, in the County of Bergen, State of New Jersey, is hereby authorized to provide for the following:

The acquisition of a senior bus including all work, equipment and materials necessary and incidental thereto.

SECTION 3. It is hereby determined and stated:

- (a) That said purpose is not a current expense. That the same is an improvement which the municipality may lawfully make and that no part of the cost of said improvement has been or shall be specifically assessed on properties specifically benefited.
- (b) It is not necessary to finance said appropriation by the issuance of obligations by the Borough of North Arlington pursuant to the Local Bond Law of the State of New Jersey, for the reason that monies sufficient to cover the appropriation thereof shall be available from the Rothman Grant to be received in the amount of \$84,985.

SECTION 4. The Capital Budget of the Borough of North Arlington is hereby amended or established to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing all detail of the amended or temporary Capital Budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available for public inspection.

SECTION 5. The sum of \$84,985 is hereby appropriated for the aforementioned purpose.

SECTION 6. It is hereby determined and stated that no supplemental debt statement is required to be made and signed in connection with said appropriation, since the gross debt of the municipality, as defined under the Local Bond Law, is not increased by this Ordinance and no obligations in the matter of notes or bonds are authorized by this Ordinance.

SECTION 7. This Ordinance shall take effect after publication thereof and final passage as required by law.

INTRODUCED BY: _____

SECONDED BY: _____

ATTEST:

APPROVED: January 20, 2011

Terence M. Wall, RMC
Borough Clerk

Peter C. Massa
Mayor

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 MONDAY, JANUARY 3, 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 JANUARY 20, 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, RMC
Borough Clerk

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

R-44-11

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
Borough Clerk

DATED: January 20, 2011