

AGENDA

REGULAR MEETING, THURSDAY, SEPTEMBER 8, 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

PRESENTATION

PUBLIC COMMENTS

MOTION TO CLOSE PUBLIC COMMENTS

INTRODUCED BY:

SECONDED BY:

ROLL CALL:

APPROVAL OF MINUTES

April 14, 2011

INTRODUCED BY:

SECONDED BY

ROLL CALL:

RESOLUTIONS ON CONSENT

R-204-11 RESO RE: AUTHORIZATION TO PAY CLAIMS

R-205-11 RESO RE: APPROVAL OF PURCHASES OVER \$3,000.00

R-206-11 RESO RE: GRANT AGREEMENT WITH COUNTY OF BERGEN

R-207-11 RESO RE: REFUND OF MONIES – HOMESTEAD REBATE

R-208-11 RESO RE: APPOINTMENT OF CHIEF FINANCIAL OFFICER

R-209-11 RESOLUTION IN SUPPORT OF THE YMCA GRANT

R-210-11 RESO RE: AUTHORIZATION TO ADVERTISE FOR THE RECEIPT OF BIDS RE: REPAIRS TO FIREHOUSE #2

R-211-11 RESO RE: AUTHORIZATION TO ADVERTISE FOR THE RECEIPT OF BIDS FOR NEW DPW TRUCK

R-212-11 RESO RE: PROFESSIONAL SERVICES AGREEMENT WITH NEGLIA ENGINEERING ASSOCIATES – 2011 CDBG ROAD PROGRAM

R-214 -11 RESO RE: AUTHORIZATION TO EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF PROPERTY TAXES BY THE NEW JERSEY MEADOWLANDS COMMISSION

R-215-11 RESO RE: CHANGE ORDER NO. 2 FOR 2010 ROAD RESURFACING PROGRAM

R-216-11 RESO RE: CHANGE ORDER NO. 2 FOR RIDGE ROAD STREETScape PHASE III

R-217-11 RESO RE: APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2012 NORTH ARLINGTON ROADWAY IMPROVEMENTS PROJECT

R-219-11 RESO RE: BERGEN COUNTY OPEN SPACE GRANT

INTRODUCED BY:

SECONDED BY:

ROLL CALL:

Councilman Tanelli - I would like to have R-213-11 pulled

Mayor Massa – Councilman requests that R-213-11 be pulled from consent

Councilman Hughes – I would like to reflect the fact that R-215-11 is actually should not be Ridge Road resurfacing program it should be just Resurfacing Program

RESOLUTIONS OFF CONSENT

R-213-11 RESO RE: REQUEST FOR AUTHORIZATION FROM THE LOCAL FINANCE BOARD TO CREATE A BODY CORPORATE AND POLITIC TO BE KNOWN AS THE “REDEVELOPMENT AGENCY OF THE BOROUGH OF NORTH ARLINGTON”

ORDINANCES

FIRST READING 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.

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”

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.

INTRODUCED BY:
SECONDED BY:
ROLL CALL:

ADMINISTRATORS REPORT

ENGINEERS REPORT

COUNCIL REPORTS

COUNCILMAN YAMPAGLIA

COUNCILMAN BIANCHI

COUNCILMAN HUGHES

COUNCILMAN JOHNSON

COUNCILMAN KEARNEY

COUNCILMAN TANELLI

MAYOR MASSA

R-218 -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 ___X___ YES _____ NO						

R-204-11

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: \$ 3,123,093.84

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 8, 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-205-11

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 8, 2011

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
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-206-11

RESO RE: GRANT AGREEMENT WITH
COUNTY OF BERGEN

BE IT RESOLVED, that the Mayor and Council of the Borough of North Arlington wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using \$81,000 in 2010 Community Development Block for Road Improvements for Stover Ave, Union Place, and Park Ave and;

BE IT FURTHER RESOLVED, that the Council hereby authorizes Peter C. Massa to be a signatory to aforesaid Grant Agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Terence M. Wall, to sign all county vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of North Arlington is liable for any funds not spent in accordance with the Grant Agreement and that the liability of the Mayor and Council is in accordance with HUD requirement.

APPROVED: _____
Peter C. Massa, Mayor

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

DATED: September 8, 2011

CERTIFICATION

Certified to be a true copy of the resolution passed at the Mayor and Council Meeting of the Borough of North Arlington held on September 8, 2011.

Terence M. Wall, RMC, QPA

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-207-11

RESO RE: REFUND OF MONIES – HOMESTEAD
REBATE

WHEREAS the following property had a overpayment; and

WHEREAS, a refund has been requested as follows:

B 021 L 024 10 Hendel Ave \$168.63

Mr. John Riehl
10 Hendel Ave
North Arlington, NJ 07031

B 003 L 019 Joann Hurley \$530.51

31 Newell Place
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 8, 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-208-11

RESO RE: APPOINTMENT OF CHIEF
FINANCIAL OFFICER

BE IT RESOLVED by the Mayor and Council of the Borough of North Arlington hereby appoint James Mangin to a regular appointment as Chief Financial Officer to a three (3) year term effective September 8, 2011 with an expiration date of September 8, 2014. Said appointment is not eligible for any benefits including but not limited to Health Insurance, Dental Insurance or Vision. Statutory pension eligibility will apply.

APPROVED: _____
Peter C. Massa, Mayor

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

DATED: September 8, 2011

I, Terence Wall, 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 of the Borough of North Arlington at a regular meeting held September 8, 2011.

Dated: September 8, 2011 _____

Cle

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

R-209-11

RESOLUTION IN SUPPORT OF THE YMCA
GRANT

WHEREAS, a Bergen County Community Development grant of \$15,000 has been proposed by the Meadowlands Area YMCA for Senior/Disabled Programs, in the municipality of North Arlington; 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 North Arlington; 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 North Arlington 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 8, 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-210-11

RESO RE: AUTHORIZATION TO ADVERTISE FOR THE RECEIPT OF BIDS RE: REPAIRS TO FIREHOUSE #2

BE IT RESOLVED that the Mayor and Council of the Borough of North Arlington hereby authorize the Borough Clerk to advertise for bids to replace the roof and install Solar panels at Firehouse #2 located on Schuyler Ave.

APPROVED: _____
Peter C. Massa, Mayor

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

DATED: September 8, 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-211-11

RESO RE: AUTHORIZATION TO ADVERTISE
FOR THE RECEIPT OF BIDS FOR NEW DPW
TRUCK

BE IT RESOLVED, that the Mayor and Council of the Borough of North Arlington hereby authorize the Borough Clerk to advertise for bids for new DPW truck, which will have a salt spreader with plow, chipper box and roll off container.

APPROVED: _____
Peter C. Massa, Mayor

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

DATED: September 8, 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 ____ YES ____ NO						

R-212-11

**RESO RE: PROFESSIONAL SERVICES
AGREEMENT WITH NEGLIA ENGINEERING
ASSOCIATES – 2011 CDBG ROAD PROGRAM**

WHEREAS, the Borough of North Arlington (the “Borough”) submitted a request to Neglia Engineering Associates (“Engineer”), with offices at 34 Park Avenue, Lyndhurst, New Jersey 07071, to perform engineering and surveying services in connection with the 2011 Community Development Block Grant which included 5th Street, Brandenburg Place and Union Place for additional work at Park Avenue and Gold Street; and

WHEREAS, Engineer submitted a proposal, dated August 24, 2011, to provide surveying, and engineering services, on a lump sum basis for a cost of Ten Thousand Nine Hundred and Eighty Seven Dollars and Zero Cents (\$10,987.00) representing Professional Services for surveying, design, permitting, contract documents preparation and bidding ; and

WHEREAS, a copy of Engineer’s proposal and proposed agreement (the “Agreement”), dated August 24, 2011, is attached hereto, and

WHEREAS, a contract for Engineer’s services may be awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-2(6) and 40A:11-5(1)(a)(i) of the Local Public Contracts Law because the contract is for a service performed by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study.

NOW THEREFORE BE IT RESOLVED, the Mayor and/or Borough Administrator or any other necessary officer or employee of the Borough, be and they are hereby authorized to execute any and all documents and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution, including the execution of the attached agreement with such changes as the Mayor and/or Borough Administrator determine to be necessary after consultation with General Counsel.

APPROVED: _____
Peter C. Massa, Mayor

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

DATED: September 8, 2011

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

R-213 -11

RESO RE: REQUEST FOR AUTHORIZATION FROM THE LOCAL FINANCE BOARD TO CREATE A BODY CORPORATE AND POLITIC TO BE KNOWN AS THE “REDEVELOPMENT AGENCY OF THE BOROUGH OF NORTH ARLINGTON”

WHEREAS, pursuant to the “Local Redevelopment and Housing Law”, N.J.S.A. 40A:12A-1, et. seq., the Mayor and Council of the Borough of North Arlington (“Governing Body”) have designated certain areas within the Borough as areas in need of redevelopment; and

WHEREAS, pursuant to the “Local Redevelopment and Housing Law”, N.J.S.A. 40A:12A-7, the Governing Body has adopted, by Ordinance, Redevelopment Plans for these areas in need of redevelopment; and

WHEREAS, pursuant to the “Local Redevelopment and Housing Law”, N.J.S.A. 40A:12A-11, the Governing Body may create a body corporate and politic to be known as the “Redevelopment Agency of the Borough of North Arlington” which shall be an instrumentality of the Borough of North Arlington and the Governing Body; and

WHEREAS, the Governing Body has determined that there exists a need for the creation of a body corporate and politic to be known as the “Redevelopment Agency of the Borough of North Arlington”; and

WHEREAS, pursuant to the “Local Redevelopment and Housing Law”, N.J.S.A. 40A:12A-11, a redevelopment agency shall be created pursuant to the procedures of the “Local Authorities Fiscal Control Law,” as set forth in N.J.S.A. 40A:5A-1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:5A-4 of the “Local Authorities Fiscal Control Law,” the Governing Body must submit an application to the Local Finance Board and obtain approval from the Board before taking action to create an independent body corporate and politic; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of North Arlington that the Borough Administrator be and is hereby directed and authorized to prepare the appropriate information and submit an application to the Local Finance Board in accordance with N.J.S.A. 40A:5A-4 of the “Local Authorities Fiscal Control Law,” seeking approval for the creation of the “Redevelopment Agency of the Borough of North Arlington”.

APPROVED: _____
Peter C. Massa, Mayor

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

DATED: September 8, 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-214-11

RESO RE: AUTHORIZATION TO EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF PROPERTY TAXES BY THE NEW JERSEY MEADOWLANDS COMMISSION

WHEREAS, effective in or about May 2008 the New Jersey Meadowlands Commission (“NJMC”) acquired ownership of certain real property located within the Borough of North Arlington; and

WHEREAS, the property acquired by the NJMC is currently identified on the Borough tax records as Block 193, Lot 4 and is more commonly referred to as the Kingsland Landfill; and

WHEREAS, for the period of May 2008 through December 31, 2010 the total assessed and unpaid real estate taxes on the Kingsland Landfill is \$537,495.44; and

WHEREAS, the NJMC has filed a tax appeal in the Tax Court of New Jersey under Docket Number 008900-2011 with regard to the assessment on this property at \$200,000.00 per acre due to its previously expected use as a golf course; and

WHEREAS, pursuant to N.J.S.A. 13:17-38, the NJMC is authorized, empowered and directed to enter into an agreement with any municipality, whereby the NJMC will undertake to pay a fair and reasonable sum to compensate the said municipality for a loss of revenue in connection with any property acquired and owned by the NJMC; and

WHEREAS, an Agreement for Payments in Lieu of Taxes (“Agreement”) for the aforesaid property owned by the NJMC has been memorialized in writing and reviewed and approved by the Borough Attorney and is attached hereto; and

WHEREAS, the Agreement states that a payment by the NJMC in lieu of taxes for the period from May 2008 through December 31, 2010 will be made to the Borough in the amount of \$550,000.00 payable as follows: (1) \$270,000.00 to be paid immediately upon the execution of the Agreement and (2) four (4) annual payments in the amount of \$70,000.00 to be paid on or before July 1st of each year beginning July 1, 2012. In addition, effective January 1, 2011, the property will be assessed at \$15,000.00 per acre per year unless and until the property is used for commercial purposes in any way; and

WHEREAS, the total amount to be paid by the NJMC in lieu of taxes under the Agreement represents an amount which is not less than the amount of taxes on the property when last assessed prior to its acquisition by the NJMC; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of North Arlington that the Mayor is hereby authorized and directed to execute the Agreement described herein and attached hereto.

APPROVED: _____
Peter C. Massa, Mayor

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

DATED: September 8, 2011

AGREEMENT REGARDING PAYMENTS IN LIEU OF TAXES

This Agreement made this ____ day of _____, 2011, by and between the New Jersey Meadowlands Commission, having offices at One DeKorte Park Plaza, Lyndhurst, New Jersey 07071 (the "NJMC"), and the Borough of North Arlington, a municipal corporation, having offices at 214 Ridge Road, North Arlington, New Jersey 07031.

WHEREAS, the resolution of litigation between the NJMC and Cherokee Investment Partners and its affiliated entities, resulted in the acquisition by the NJMC, effective May 2008, of parcels of real property located in the Borough of North Arlington ("Property"); and

WHEREAS, said Property is currently identified on the Borough tax records as Block 193, Lot 4 and is more commonly known as the Kingsland Landfill; and

WHEREAS, for the period of May 2008 through December 31, 2010 the total assessed and unpaid real estate taxes on the Kingsland Landfill is \$537,495.44; and

WHEREAS, the NJMC has filed a tax appeal in the Tax Court of New Jersey under Docket Number 008900-2011 with regard to the assessment on this property at \$200,000.00 per acre due to its previously expected use as a golf course; and

WHEREAS, consistent with N.J.S.A. 13:17-8, the parties seek to enter into this Agreement whereby the NJMC, as owner of the Property, shall make payments in lieu of taxes for the period of May 2008 through December 31, 2010 to the Borough of North Arlington; and

WHEREAS, the Mayor and Council of the Borough of North Arlington duly adopted Resolution R-___-11 on September 8, 2011, authorizing the Mayor to execute this Agreement.

NOW, THEREFORE, it is agreed between the Parties as follows:

1. The NJMC will pay to the Borough the amount of \$550,000.00 for the unpaid taxes for the period from May of 2008 through December 31, 2010. This amount will be paid as follows: \$200,000.00 to be paid immediately followed by payments of \$70,000.00 per year for four (4) years beginning with the first \$70,000.00 installment to be paid immediately along with the initial \$200,000.00 payment. Thereafter, each subsequent \$70,000.00 payment will be made on July 1st each year beginning July 1, 2012.
2. The Borough agrees to immediately take steps to reassess the property at a value of \$15,000.00 per acre per year effective as of January 1, 2011.

3. If the property is ever used for a solar farm or any other commercial purpose, the Borough will reevaluate the property and assess its value accordingly.
4. The parties agree to settle the tax appeal filed in the Tax Court of New Jersey under Docket Number 008900-2011 based upon the terms set forth herein.

IN WITNESS WHEREOF, the respective proper officials of the NJMC and the Borough of North Arlington have signed this Agreement.

New Jersey Meadowlands Commission

Borough of North Arlington

By: _____
(Signature)

By: _____
(Signature)

(Print Name)

(Print Name)

Title: _____

Title: _____

Date: _____

Date: _____

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

R-215-11

RESO RE: CHANGE ORDER NO. 2 FOR 2010
ROAD RESURFACING PROGRAM

Be it resolved by the Mayor and Council of the Borough of North Arlington of Bergen County, New Jersey upon the recommendation of the Borough Engineer that the Change Order for the Contract listed below be and is hereby approved.

NEA FILE #: **NARLMUN10.013**

TITLE OF JOB 2010 North Arlington Road Resurfacing Program

CONTRACTOR D&L Paving, PO Box 507, Nutley, NJ 07110

CHANGE ORDER NO. 2

AMOUNT OF CHANGE THIS RESOLUTION -\$434.24 (-0.16%) Decrease

This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

Dated: 9/8/11

Certified: _____
Treasurer

Dated 9/8/11

Approved: _____
Mayor

I, Terence Wall, 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 of the Borough of North Arlington at a regular meeting held September 8, 2011.

Dated: September 8, 2011

Clerk

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-216-11

RESO RE: CHANGE ORDER NO. 2 FOR
RIDGE ROAD STREETScape PHASE III

Be it resolved by the Mayor and Council of the Borough of North Arlington of Bergen County, New Jersey upon the recommendation of the Borough Engineer that the Change Order for the Contract

listed below be and is hereby approved.

NEA FILE #: NARLMUN09.014

TITLE OF JOB Ridge Road Streetscape- Phase III

CONTRACTOR Reggio Construction, 1575 West Street, Fort Lee, NJ 07024

CHANGE ORDER NO. 2

AMOUNT OF CHANGE THIS RESOLUTION -\$148.00 (-0.03%) Decrease

This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

Dated: 9/8/11

Certified: _____
Treasurer

Dated: 9/8/11

Approved: _____
Mayor

I, Terence Wall, 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 of the Borough of North Arlington at a regular meeting held September 8, 2011.

Dated: September 8, 2011

Clerk

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-217-11
RESO RE: APPROVAL TO SUBMIT A
GRANT APPLICATION AND EXECUTE A
GRANT AGREEMENT WITH THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION
FOR THE 2012 NORTH ARLINGTON
ROADWAY IMPROVEMENTS PROJECT

WHEREAS, portions of Belmont Avenue, Park Avenue, Truman Road, Moore Place, Halsey Place, York Road, Willis Road, and Hillside Place have developed significant areas of cracking, erosion and pot holes due to weather patterns and aging,

WHEREAS, the condition of the damaged areas of the roadways poses operational and safety concerns for motorists as well as pedestrians,

AND, WHEREAS, the State of New Jersey has made funds available for municipalities to fund transportation projects, including roadway resurfacing,

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of North Arlington, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2012-North Arlington Borough 00314** to the New Jersey Department of Transportation on behalf of the Borough of North Arlington.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of North Arlington and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council

On this 8th day of September, 2011

Terence Wall, Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Terence Wall, Clerk

Peter Massa, Mayor

Dated: September 8, 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 _____ YES _____ NO _____ X						

R-219-11

RESO RE: BERGEN COUNTY OPEN SPACE
GRANT

WHEREAS, the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund (“County Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of municipal recreation facilities; and,

WHEREAS, the Borough of North Arlington desires to further the public interest by obtaining a matching grant of \$20,000 from the County Trust Fund to fund the following project: Park Improvements at various local parks; and,

WHEREAS, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project(s).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council:

1. That it is hereby authorized to submit the above completed project application to the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the applicant has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the applicant is committed to providing a dollar for dollar cash match for the project; and,
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
5. That this resolution shall take effect immediately.

APPROVED: _____
Peter C. Massa, Mayor

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

DATED: September 8, 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:				
SECONDED BY:				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
YAMPAGLIA				
BIANCHI				
HUGHES				

JOHNSON				
TANELLI				
KEARNEY				
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 8, 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:				
SECONDED BY:				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
YAMPAGLIA				

BIANCHI				
HUGHES				
JOHNSON				
TANELLI				
KEARNEY				
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 8, 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:				
SECONDED BY:				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
YAMPAGLIA				
BIANCHI				
HUGHES				
JOHNSON				
TANELLI				
KEARNEY				
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 8, 2011

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of North Arlington, in the County of Bergen, State of New Jersey, on September 8, 2011. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at North Arlington Borough Hall, on September 22, 2011 at 7:00 pm o'clock. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall 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

This Notice is published pursuant to N.J.S.A. 40A:2-17.

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

R-218-11

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 8, 2011

