

**2008  
BOROUGH OF DUMONT  
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CARRICK	✓			
CASPARE	✓			
FREEMAN	✓			
MANNA	✓			
STYLIANOU	✓			
ZAMECHANSKY	✓			
MAYOR MCHALE				
TOTALS	6			

Ordinance No. 1380  
Date: June 15, 2010  
Page: 1 of 5  
Subject: Improvements to Parks and Fields  
Purpose: Bond Ordinance  
Account No. \_\_\_\_\_  
Contract No. \_\_\_\_\_  
Dollar Amount: \$600,000  
Prepared By: John Hudak, Esq.

Offered by: Manna  
Seconded by: Freeman

Certified as a true copy of an Ordinance adopted at 2<sup>nd</sup> reading by the Borough of Dumont on the above date at a Regular Meeting by:

  
Susan Connelly, RMC, Borough Clerk  
Borough of Dumont, Bergen County, New Jersey

**BOND ORDINANCE PROVIDING FOR OPEN PARK IMPROVEMENTS,  
PROVIDING AN APPROPRIATION OF \$600,000 THEREFOR AND AUTHORIZING  
THE ISSUANCE OF \$289,000 BONDS AND/OR NOTES OF THE BOROUGH FOR  
PAYING THE COST OF SAID IMPROVEMENTS AUTHORIZED TO BE  
UNDERTAKEN IN AND BY THE BOROUGH OF DUMONT,  
IN THE COUNTY OF BERGEN, NEW JERSEY**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF  
DUMONT, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all**

the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The improvements and purposes described in Section 3 of this bond ordinance are hereby authorized as a general improvement to be made or acquired by the Borough of Dumont, County of Bergen, New Jersey (hereinafter referred to as the "Borough"). For the improvement or purpose set forth in Section 3 of this bond ordinance, there is hereby appropriated the sum of \$600,000 being inclusive of all appropriations heretofore made therefor, including a Bergen County Open Space Grants of \$296,196 and the sum of \$14,804 as the down payment from the Capital Improvement Fund, or other legally available funds of the Borough. The down payment is now available by virtue of a provision in the currently adopted budget or a previously adopted budget of the Borough and is currently available for down payment or capital improvement purposes, as required by the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1 et seq. (the "Law").

Section 2. For the financing of the improvements or purposes and to meet the part of the \$600,000 appropriation not otherwise provided hereunder, negotiable bonds of the Borough are hereby authorized to be issued in a principal amount not to exceed \$289,000 pursuant to the Law. In anticipation of the issuance of bonds, negotiable notes of the Borough in a principal amount not exceeding \$289,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Law. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes authorized herein shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed \$289,000, the moneys raised by the issuance of the bonds shall, to not less than the amount of such excess, be applied to the payment of the notes then outstanding, at maturity. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Law. Each of the notes shall be signed and shall be under the seal of the Borough and attested as permitted by law. The appropriate Borough officers are hereby authorized to execute the notes and to issue the notes in such form as may be adopted in conformity with the Law. The power to determine all matters in connection with this ordinance and also the power to sell the notes is hereby delegated to the chief financial officer of the Borough (the "Financial Officer"), who is hereby authorized to sell the notes either at one time or from time to time in the manner provided by law and the Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Financial Officer is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this ordinance is made, such report to include the principal amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 3. The improvements hereby authorized and the purposes for which said and obligations are to be issued are as follows:

Improvement/Acquisition	Estimated Cost	Bergen County Open Space Grants	Down Payment (Capital Improvement Fund)	Maximum Amount of Bonds/Notes	Useful Life (Years)
Park Improvements, including but not limited to Lightning Detection System for fields and parks, reconstruction of Babe Ruth Baseball Fields and other improvements at Veteran's Memorial Park, improvements to Memorial Park Twin Boro Field, and improvements to other Borough parks and fields, all said project to include all work, equipment, costs, improvements and appurtenances necessary therefore or related thereto.	\$600,000	\$296,196	\$14,804	\$289,000	15

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The purpose as described in Section 3 of this bond ordinance is not current expenses and is property or an improvement which the Borough may lawfully acquire or make 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 is within the limitations of the Law, N.J.S.A. 40A:2-22, and according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, the average useful life is 15 years.
- (c) The Supplemental Debt Statement required by the Law has been duly made and filed in the office of the Clerk of the Borough 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, and such Statement shows that the gross debt of the Borough determined as provided in the Law is increased by this bond ordinance by \$289,000 and obligations authorized hereunder will be within all debt limitations prescribed by the Law.
- (d) Amounts not exceeding \$100,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Law may be included as part of the costs of said improvement and are included in the foregoing estimate thereof.

Section 5. Any grant or other monies received for the purpose described in Section 3 hereof, in addition to the grants expressly appropriated therein, shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance and the amount of the obligations authorized herein for such purposes shall be reduced accordingly.

Section 6. The governing body of the Borough hereby covenants on behalf of the Borough to take any action necessary or refrain from taking the action in order to preserve the tax exempt status of any debt obligations authorized hereunder and issued as debt obligations the interest on which is exempt from federal tax under the Internal Revenue Code of 1986, as amended ("Code") as is required under the Code, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on said obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other revenues of the Borough, the Borough shall be obligated to levy *ad valorem* taxes upon all taxable property within the Borough for the payment of the obligations and interest thereon without limitation as to rate or amount.

Section 8. The capital budget of the Borough is hereby amended 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 of the State of New Jersey showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Clerk of the Borough and is available there for public inspection.

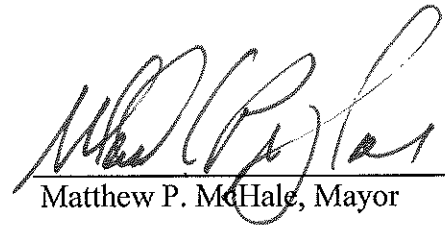
Section 9. The Borough reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this ordinance and paid prior to the issuance of any bonds and/or notes authorized by this ordinance with the proceeds of such bonds and/or notes. No funds from sources other than the bonds and/or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "control group" as the Borough, within the meaning of Treasury Regulations Section 1.150-1, pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds and/or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 10. To the extent that any previous ordinance or resolution is inconsistent with or

contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. The provisions of this bond ordinance are severable. To the extent any clause, phrase, sentence, paragraph, or provision of this Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Law.



Matthew P. McHale, Mayor

Introduced: May 18, 2010

Adopted: June 15, 2010



**2010  
BOROUGH OF DUMONT  
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CARRICK	✓			
CASPARE	✓			
FREEMAN	✓			
MANNA	✓			
STYLIANOU	✓			
ZAMECHANSKY	✓			
MAYOR MCHALE				
TOTALS	6			

Offered by: \_\_\_\_\_  
Seconded by: \_\_\_\_\_

Freeman  
Manna

Ordinance No. 1410  
Date: June 15, 2010  
Page: 1 of 2  
Subject: Babe Ruth Field  
Purpose: Change Name to Veteran's Memorial Field  
Account No. \_\_\_\_\_  
Contract No. \_\_\_\_\_  
Dollar Amount: \_\_\_\_\_  
Prepared By: Gregg Paster, Esq.

Certified as a true copy of an Ordinance adopted at 2<sup>nd</sup> reading by the Borough of Dumont on the above date at a Regular Meeting by:

Susan Connelly  
Susan Connelly, RMC, Borough Clerk  
Borough of Dumont, Bergen County, New Jersey

**ORDINANCE RENAMING BABE RUTH FIELD VETERAN'S MEMORIAL FIELD**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF DUMONT.**

WHEREAS, the Mayor and Council wish to recognize the contribution of military veterans to the history and well-being of our community and way of life; and

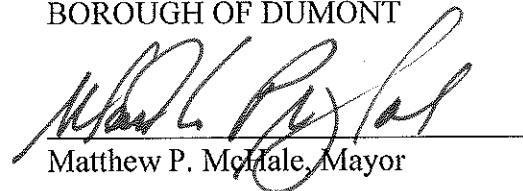
**WHEREAS**, in an effort to further recognize these contributions the Mayor and Council now wish to re-name the Babe Ruth League Baseball Field in honor of our Nation's and the Borough's military veterans; and

**WHEREAS**, re-naming the baseball field in honor of military veterans will advance the goal of educating young people to gain a greater appreciation of the role that military veterans have played in protecting our personal freedoms and way of life.

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Dumont, County of Bergen and State of New Jersey, that the Babe Ruth Baseball Field situate within the Borough, located at Memorial Park, be and hereby is renamed and shall hereafter be known as 'Veteran's Memorial Field,' in recognition of the aforementioned contributions to the public good of our military veterans.

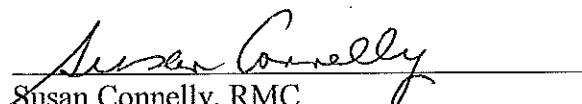
**BE IT FURTHER ORDAINED**, that this Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

BOROUGH OF DUMONT



Matthew P. Mohrle, Mayor

ATTEST:



Susan Connelly, RMC  
Borough Clerk

Introduced: May 18, 2010  
Adopted: June 15, 2010



**2010  
BOROUGH OF DUMONT  
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CARRICK	✓			
CASPARE		✓		
FREEMAN	✓			
MANNA		✓		
STYLIANOU	✓			
ZAMECHANSKY	✓			
MAYOR MICHALE				
TOTALS	4	2		

Ordinance No. 1411 (revised 6/15/10)  
 Date: June 15, 2010  
 Page: 1 of 6  
 Subject: Public Contracting Reform  
 Purpose: \_\_\_\_\_  
 Account No. \_\_\_\_\_  
 Contract No. \_\_\_\_\_  
 Dollar Amount: \_\_\_\_\_  
 Prepared By: Gregg Paster, Esq.

Offered by: Carrick  
 Seconded by: Freeman

Certified as a true copy of an Ordinance adopted at 1<sup>st</sup> reading by the Borough of Dumont on the above date at a Regular Meeting by:

Susan Connelly  
**Susan Connelly, RMC, Borough Clerk**  
**Borough of Dumont, Bergen County, New Jersey**

**ORDINANCE FOR PUBLIC CONTRACTING REFORM**

**WHEREAS**, local political contributions from those seeking to or performing business with a municipality, raises the perception of concern on the part of taxpayers and residents as to their trust in government contracts;

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

**WHEREAS**, pursuant to P.L.2005, c.271., 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 holders of a contract can make during the term of a contract; and

**WHEREAS**, in the interest of good government, the Mayor and Governing Body desire to establish a policy that will avoid the perception of improper influence in local elections; and

**WHEREAS**, the Borough of Dumont seeks to set a policy setting maximum amounts that professional business entities may contribute to local political campaigns, the exceeding of which shall render such entities ineligible to receive a public professional services contract from the Borough of Dumont.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Dumont, in the County of Bergen, and State of New Jersey, as follow:

**Section 1. Prohibition on Awarding Public Contracts to Certain Contributors.**

- (a) To the extent that it is not inconsistent with state or federal law, the Borough of Dumont and any of its purchasing agents or departments or instrumentalities of the municipality thereof, as the case may be, shall not enter into any agreement or otherwise contract to procure services from any professional business entity, including those awarded pursuant to any process including a fair and open process, if such professional business entity has made any contribution of money, including in-kind contributions, to a campaign committee of any Municipal candidate or holder of public office having ultimate responsibility for the award of a contract, or campaign committee supporting such candidate or office holder.
- (b) No professional business entity or vendor who submits a proposal for, enters into negotiations for, or agrees to any professional service contract or contract or agreement in excess of \$17,500 (including non-emergency contracts awarded by 40A:11 *et seq* or the "Fair and Open" Process pursuant to 19:44A-20 *et seq*) with the Municipality or any departments thereof, for the rendition of professional services, or goods and services, as the case may be, shall knowingly make any contribution of money, including in-kind contributions, to: (i) any Dumont candidate or holder of public office having ultimate responsibility for the award of a contract, or (ii) to any Dumont party committee between the time of first communication between that professional business entity or vendor and the municipality regarding a specific professional services agreement or goods and services agreement, as the case may be, and the later of the termination of negotiations or rejection of any proposal, or the completion of the contract or agreement.

- (c) For purposes of this ordinance, a "professional business entity" and a "vendor" seeking a public contract mean an individual including the individual's spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a business entity and vendor includes all principals who own 10% or more of the equity in the corporation or business trust, partners, and officers [in the aggregate] employed by the entity or vendor, as well as any subsidiaries directly controlled by the business entity or vendor.
- (d) Any individual meeting the definition of "professional business entity" or "vendor", or a group, organization or committee meeting the definition of a candidate committee, political party committee or continuing political committee under this section may annually contribute a maximum of \$300 each per election cycle, primary and general, for any purpose to any candidate, for mayor or governing body, or \$300 to the Borough of Dumont party without violating subsection (a) of this section, provided the donations are deposited in the applicable candidates' committee account prior to the election for which it is intended. However, any group of individuals meeting the definition of "professional business entity" or "vendor" under this section, including such principals, partners, employees and officers of the entity or vendor, or a group, organization or committee meeting the definition of a candidate committee, political party committee or continuing political committee in the aggregate, may not annually contribute for any purpose in excess of \$5,000 to all Borough of Dumont candidates, political party committees and officeholders with ultimate responsibility for the award of the contract.
- (e) For the purpose of this ordinance, the term 'candidate committee' shall be defined as a committee or fund established by candidates for all elected public offices, whether State, county, municipal, school or fire districts, individuals holding elected office or those engaged in 'pre-candidacy' or 'exploratory' activities prior to formally launching a candidacy. Candidate committee shall include individual and joint candidates committees, but shall not include candidates for federal or political party offices, such as municipal, county or state committees or delegates to national party conventions. The term political party committee shall be defined as the State Committee of a political party organized pursuant to N.J.S.A. 19:5-4; any county committee of a political party organized pursuant to N.J.S.A. 19:5-3 or any municipal committee of any political party organized pursuant to N.J.S.A. 19:5-2. The term continuing political committee shall be defined as any group of two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, including a political club, political action committee, civic association or other organization which aids or promotes the candidacy of individuals for elective office, or advocates the passage or defeat of public questions appearing on the ballot for general elections.

- (f) Within 10 days after any contribution regulated under this section, the recipient shall advise the Borough Clerk by providing a copy of the contribution instrument, whether check, money order, draft, wire transfer confirmation, in-kind contribution or any other donation, in any amount, with a letter identifying the contributor, his/her employer, nature of the employer's business, business address and telephone contact information. Any contributions made after the 13<sup>th</sup> day prior to a primary or general election shall be so reported within forty eight hours after the said contribution.
- (g) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:
  - (1) The Borough of Dumont Mayor or Governing body, if the contract requires approval or appropriation from the Mayor or Governing body.
  - (2) The Mayor of the Borough of Dumont, 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.

## **Section 2. Contributions Made Prior to the Effective Date.**

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity or vendor to any Borough of Dumont candidate for Mayor or Governing Body, or Borough of Dumont or (County) County party committee or PAC referenced in this ordinance shall be deemed a violation of this ordinance, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity or vendor prior to the effective date of this ordinance.

## **Section 3. Contribution Statement by Professional Business Entity and Vendor.**

- (a) Prior to awarding any contract or agreement to procure services with any professional business entity and any contract or agreement to procure goods and services from a vendor, the Borough of Dumont or its purchasing agents and departments, as the case may be, shall receive a sworn statement from the professional business entity or vendor, made under penalty of perjury, that the bidder or offeror has not made a contribution in violation of Section 1 of this ordinance.
- (b) The professional business entity and vendor shall have a continuing duty to report any violations of this ordinance that may occur during the negotiation, proposal process or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Borough of Dumont, 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.

#### **Section 4. Return of Excess Contributions.**

A professional business entity, vendor, or municipal candidate or officeholder, or Borough of Dumont or (County) County party committee or PAC referenced in this ordinance, may cure a violation of Section 1 of this Ordinance, if, within 30 days after the date on which the applicable ELEC Report is published, the professional business entity or vendor notifies the municipality in writing and seeks and receives reimbursement of the contribution from the relevant municipal candidate or officeholder or Borough of Dumont political party referenced in this ordinance.

#### **Section 5. Exemptions.**

The contribution limitations prior to entering into a contract in Section 1(a) do not apply to contracts which are required by law to be awarded to the lowest bidder.

#### **Section 6. Penalty.**

- (a) It shall be a breach of the terms of the Borough of Dumont professional service agreement or agreement for goods or services for a business entity to: (i) make or solicit a contribution in violation of this ordinance; (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of the public office of Borough of Dumont; (v) engage or employ 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 business entity itself, would subject that entity to the restrictions of this ordinance; (vi) fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engage 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, do any act which would subject that entity to the restrictions of this ordinance.
- (b) Furthermore, any professional business entity who knowingly violates (a) ii-viii shall be disqualified from eligibility for future Borough of Dumont contracts for a period of eighteen months from the date of the violation.

- (b) (c) It shall be a violation of this Ordinance for a Dumont municipal candidate or office holder to: (i) make or solicit a contribution in violation of this ordinance; (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition or with the intent that it will be contributed directly into the account of any candidate or holder of office or to a campaign committee of any candidate or holder of the public office either within or outside of the Borough of Dumont; (v) engage in any exchange of contributions to circumvent the intent of this ordinance; or (vi) directly or indirectly, through or by any other person or means, do any act which would circumvent the restrictions set forth herein or otherwise circumvent the intent of this ordinance.

Any Dumont municipal candidate or office holder who accepts a donation in violation of this section shall return the donation within thirty days of notification, or shall be in violation hereof.

**Section 7. 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.

**Section 8. Repealer.**

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.

**Section 9. Effective Date.**

This Ordinance shall take effect upon adoption and publication according to law

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Matthew P. McHale, Mayor

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Susan Connelly, RMC, Borough Clerk

Introduced: June 15, 2010

Adopted: