



**2010
BOROUGH OF DUMONT
ORDINANCE**

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

Ordinance No. 1414
Date: July 20, 2010
Page: 1 of 7
Subject: Rent Control
Purpose: Approval
Account No. _____
Contract No. _____
Dollar Amount: _____
Prepared By: Gregg Paster, Esq.

Offered by: Carrick
Seconded by: Zamechansky

Certified as a true copy of an Ordinance adopted at 1st 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

RENT CONTROL ORDINANCE

The Governing Body of the Borough of Dumont, in the County of Bergen, in the State of New Jersey does ordain:

Chapter 322, Rent Control, shall be deleted and replaced and amended in its entirety so as to read:

RENT CONTROL

§ 322-1. Definitions.

§ 322-7. Maintenance of standards.

§ 322-2. Rent Leveling Board; membership;

§ 322-8. Maintenance of services

powers.

§ 322-3. Determination of rents

§ 322-9. Procedure for filing a complaint

§ 322-4. Notice of rent increase; notice of intent to vacate

§322-10 Violations and penalties

§ 322-5. Rent increases for vacated housing space.

§322-11 Construction of article

§ 322-6. Appeals; hardship applications.

[HISTORY: Adopted by the Mayor and Council of the Borough of Dumont by Ord. No. 877 (Secs. 11A-1 through 11A-9 of the 1970 Revised Ordinances): Amendments noted where applicable.]

§ 322-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AVAILABLE FOR RENT TO TENANT- Fit for habitation as defined by the Housing Inspection Code and occupied or unoccupied and offered for rent.

DWELLING- For the purposes of this article shall mean any building, structure or trailer park containing two or more residential rental units, exempted from this article are owner-occupied two-family houses.

HOUSING SPACE- Includes that portion of a dwelling, rented or offered for rent for living and dwelling purposes, together with all privileges, services, furnishings, furnishings requirement, facilities and improvements connected with the use or occupancy of such portion of the property.

EXEMPTIONS- Exempt from this ordinance are motels, hotels and similar type buildings which up to one-third of the occupied floor space is commercial, and housing units of two units or less in which the owner of the premises resides, housing units, newly constructed and rented for the first time are exempted, and the initial rent may be determined by the landlord. All subsequent rents will be subject to the provisions of this ordinance.

§ 322-2. Rent Leveling Board; membership; powers. [Amended by Ord. No. 1004]

- A. The Rent Leveling Board shall consist of two landlord representatives, two tenant representatives and one resident homeowner appointed by the Mayor with consent of the Borough Council, except for the resident homeowner, who is to be appointed by the Mayor in his sole discretion. In addition to the five regular members, there shall be three alternate members of the Rent Leveling Board [one tenant, one homeowner, and one landlord]. Said alternates shall be appointed in the same manner as the regular members of the Rent Leveling Board and shall have voting powers upon the absence of a regular member for the category to which they are appointed as alternate. The Chairman of the Rent Leveling Board shall be the homeowner member of the Board.

- B. The term of office, as designated by the Mayor, with consent of the Borough Council, for the members of the Rent Leveling Board shall be for a period of three (3) years, ending on December 31st, or until a successor is appointed and qualified. Terms of office for all new Board members shall be staggered. On the first Rent Leveling Board, two members shall serve for three years, two members shall serve for two years, and one member shall serve for a one year term. The members shall serve until their successors are appointed and have qualified for the office. The interim between the appointment of the members of the first Board and the next January shall be in addition to the aforesaid term of office.
- C. When a member, without being excused by a majority of the authorized members, fails to attend and participate at meetings for a period of 8 consecutive weeks, or for four consecutive regular meetings, whichever shall be of longer duration, at the conclusion of such period, upon written notification to the Mayor and Council, the Rent Leveling Board shall remove said member. The Board may refuse to excuse an absence only with respect to those failures to attend and participate which are not due to legitimate illness.
- D. The Rent Leveling Board is hereby granted and shall have and exercise, in addition to other powers herein granted, all powers necessary and appropriate to carry out and execute the purposes of this article, including but not limited to the following:
- (1) To issue and promulgate such rules and regulations as it deems necessary to implement the purposes of this article, which rules and regulations shall have the force and effect of law until revised, repealed or amended from time to time by the Board in the exercise of its discretion, provided that such rules are filed with the Borough Clerk.
 - (2) To supply information and assistance to landlords and tenants to help them comply with the provisions of this article.
 - (3) To hold hearings and adjudicate applications from landlords for additional rental as determined by Section 11A of this article and to hold hearings and adjudicate complaints by tenants concerning violations of rental provisions of this article. The Rent Leveling Board shall give reasonable opportunity to be heard both to landlord and tenant before making any determination in this Paragraph (3).
 - (4) To review charges of tenant harassment.
- E. Both the landlord and the tenant may appeal the findings of the Rent Leveling Board to the Mayor and Council. Any appeal to the Governing Body must be done within 20 days from the date of the said determination and request a hearing.

Establishment of rents between a landlord and tenant to whom this article is appropriate shall be determined by the purposes of this section. No landlord shall increase the rental of any housing space more than once in a twelve-month period, except for as provided in Section 322-4 hereof. The maximum increase for a twelve-month period shall be five percent (5%) of the current rent or the percentage increase of the Consumer Price Index ("CPI"), whichever is less for all dwelling units covered by Chapter 11A of the Revised Ordinances of the Borough of Dumont. The CPI shall be established and published on the Borough website by the Rent Leveling Board, on a bi-annual basis, on January 1st and July 1st of each calendar year, based upon an average of the CPI as is determined by the U.S. Department of Labor Statistics for the New York, New York-northeastern New Jersey area, or its successor.

§ 322-4. Notice of rent increase; notice of intent to vacate.

- A. Any landlord seeking an increase in rent shall notify the tenant of the rent increase and also notify the tenant of the calculations involved in computing the increase. Copy of said notices are to be served upon the tenant at least 60 days prior to the expiration of a periodic lease or, if on a month-to-month tenancy, 60 days prior to the date on which the landlord seeks the rental increase to be effective. All landlords shall also forward a copy of notices of any and all increases to the Rent Leveling Board.
- B. A tenant shall have the obligation and responsibility of advising his landlord, at least 30 days prior to the expiration of a periodic lease or a month-to-month tenancy, of his or her intention not to renew the lease or tenancy contract.

§ 322-5. Rent increases for vacated housing space. [Amended by Ord. No. 925; Ord. No. 1101]

Notwithstanding any limitations upon permissible rent increases under any other provision of this article, upon the voluntary, uncoerced vacation of any housing space regulated by this article, the landlord may increase the rent for such housing space up to the fair market value. Fair market value shall be defined as an estimate of the market value of a property, based on what a knowledgeable, willing, and unpressured buyer would likely pay for similarly situated units in the near vicinity and surrounding area. There shall be only one such increase per housing space in any twelve-month period. When the housing space is re-rented, it shall be subject to the provisions of this article.

- A. To qualify for such increase, the landlord shall first file with the Rent Leveling Board a written statement, signed by the vacating tenant, certifying to the Board that vacation of the housing space was voluntary and not the result of any harassment, coercion or pressure by the landlord. Such certification shall not be required if
 - (1) The rental increase does not exceed the total of all permissible increases authorized by other provisions of this article;
 - (2) The tenant has moved without notice to the landlord;

- (3) The housing space has been vacated pursuant to court order; or
 - (4) The tenant has refused to sign such certification, in which case the landlord shall file a statement with the Board setting forth the circumstances under which the tenant vacated the housing space.
- B. Upon vacation of any housing space hereafter, the landlord shall file a statement with the Rent Leveling Board, certifying to the Board:
- (1) The apartment and building numbers of such housing space.
 - (2) The rent paid by the vacating tenant.
 - (3) The maximum rent increase which would be permissible under the provisions of this article.
 - (4) The number of days such apartment remains vacant.
 - (5) The rent agreed to by the new tenant for such apartment.
 - (6) That the vacation of such apartment was the voluntary act of the vacating tenant and that such vacation was not the result of landlord harassment or pressure upon such vacating tenant.
 - (7) The name and forwarding addresses, if known, of the vacating tenant.

§ 322-6. Appeals; hardship applications.

- A. In the event that a landlord cannot meet his mortgage payments and maintenance costs, or he cannot realize a reasonable profit from his investment in his property, he may appeal to the Rent Leveling Board for increased rental. The Board may grant the landlord a hardship rent increase to meet these payments. However, the Board will not consider a hardship application unless the applying landlord has been the owner of the property in question for a least one year.
- B. Prior to granting any increase, the Rent Leveling Board shall require complete financial disclosure, including statements of income and expenses and current cash flow statements and any other evidence deemed necessary for the Board to render a decision in connection with all such applications, and, prior to the granting of any increases, the Rent Leveling Board shall give at least 10 days' notice of public hearing thereon.

§ 322-7. Maintenance of standards.

During the term of this article, the landlord shall maintain the same standards of service, maintenance, furniture, furnishings or equipment in the building complex as s/he provided or was required to do by law or lease at the date the lease or tenancy was entered into.

§322-8. Maintenance of services.

A tenant shall be entitled to an application for a decrease in rent when the property owner performs any construction in the residential building which results in there being a separate apartment unit meter and billing for any utility service including but not limited to heat, hot water, water, and sewerage. The Rent Leveling Board shall prepare the necessary forms and regulations to implement this section.

Determinations in this paragraph shall be made by the Rent Leveling Board. The Rent Leveling Board shall allow a reduction in rent which reduces the tenant's rent by the amount of the average monthly tenant's utility charge which was previously provided as a common utility charge for the entire building.

This Ordinance contains no additional provision dealing with utilities.

§ 322-9. Procedure for Filing a Complaint.

If a tenant believes that his/her landlord is in violation of the provisions of this Ordinance, s/he may complete a Tenant Complaint Form, which may be obtained from the Borough Clerk's Office, during normal business hours, or on the Borough website at www.dumontnj.gov. The Complaint Form shall be filled out in its entirety and submitted along with a nominal processing fee of five dollars (\$5.00), to the Dumont Borough Clerk's Office, Attn: Rent Leveling Board, 50 Washington Avenue, Dumont, New Jersey. The tenant shall serve his/her landlord with the completed Complaint Form, via certified mail, and Tenant shall retain proof of service receipt(s).

Upon receipt of the Complaint Form, the Board shall review the Complaint Form and the matter shall be scheduled for a hearing. The Board shall notify the parties of a briefing schedule, pursuant to which, the Landlord may submit an objection, and pursuant to which the Tenant may submit a further reply. Upon submission of written statements by the Tenant and Landlord, the Board shall hold an impartial hearing to determine the merits of the Complaint Form. Unless the parties enter into a settlement agreement, the Board will issue a written decision granting or denying the requested relief in the Complaint Form.

If no objection is filed or if the Tenant does not request a hearing and the Board determines that a decision can be rendered without testimony, the Complaint Form will be decided administratively, without a hearing.

§322-10. Violations and penalties.

A violation of the ordinance is a municipal ordinance violation and is punishable by a fine, possible jail time, or community service.

A willful violation of any provision of this article including, but not limited to the willful filing with the Rent Leveling Board of any material misstatement of fact, shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00), and/or community service for a period not to exceed 60 days, and/or imprisonment for a period not to exceed 30 days

The provisions of this Ordinance shall be enforced by the Code Official or other competent official of the Borough of Dumont Building Department. Said Official shall issue summons(es) and notice(s) of violations in accordance with the provisions of this Ordinance.

In addition, treble damages may be sought in a court of competent jurisdiction. Such penalty, and/or damages shall be computed on the basis of a separate violation as to each leasehold. In addition to the rights conferred on a tenant herein, a tenant may seek redress against a landlord pursuant to the provisions of the Consumer Fraud Act, N.J.S.A. 56:8-1 et. seq. if a landlord shall overcharge rent. The Consumer Fraud Act shall act as an enforcement mechanism to an individual tenant who may seek redress by an award of reasonable attorneys' fees and treble damages for a successful suit against a landlord for overcharging of rent as mandated by said Act.

§ 322-11. Construction of article.

This Article, being necessary for the welfare of the Borough and its inhabitants, shall be liberally construed to effectuate the purposes thereof. The provisions of this ordinance are intended to provide an equitable basis for the establishment of rents, taking into consideration, taxes, major capital improvements, hardships and other pertinent factors. The general standards of this ordinance are intended to have flexibility and are not so specified as to eliminate the exercise of discretion on the part of the Rent Leveling Board.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Matthew P. McHale, Mayor

Attest:

Susan Connelly, RMC
Borough Clerk

Introduced: July 20, 2010
Adopted:



**2010
BOROUGH OF DUMONT
ORDINANCE**

| MEMBERS | AYE | NAY | ABSTAIN | ABSENT |
|--------------|-----|-----|---------|--------|
| CARRICK | ✓ | | | |
| CASPARE | ✓ | | | |
| FREEMAN | | | ✓ | |
| MANNA | ✓ | | | |
| STYLIANOU | ✓ | | | |
| ZAMECHANSKY | ✓ | | | |
| MAYOR MCHALE | | | | |
| TOTALS | 5 | | 1 | |

Ordinance No. 1415
 Date: July 20, 2010
 Page: 1 of 7
 Subject: Salary Ranges
 Purpose: Amend & Supplement
 Account No. _____
 Contract No. _____
 Dollar Amount: _____
 Prepared By: Terrie Giotis, CFO

Offered by: Zamechansky
 Seconded by: Manna

Certified as a true copy of an Ordinance adopted at 1st 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**

SALARY ORDINANCE

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT ORDINANCE NO. 1286 AND ITS PROGENIES AS TO THE ESTABLISHMENT OF CERTAIN COMPENSATION RANGES AND RELATED ITEMS FOR CERTAIN OFFICERS AND EMPLOYEES

Section 1

A. The respective compensation ranges for the following Officers and Employees of the Borough of Dumont to be paid quarterly, monthly or in twenty-six (26) equal installments are hereby established as follows:

| <u>Position</u> | <u>Min</u> | <u>Max</u> |
|-------------------------------------|------------------|------------------|
| <u>General & Administrative</u> | | |
| Borough Administrator | 75,000.00 | 115,000.00 |
| Chief of Staff | 15,000.00 | 40,000.00 |
| Clean Communities Coordinator | 6,500.00 | 7,500.00 |
| Mayor | 2,000.00 | 3,000.00 |
| Council President | 2,000.00 | 3,000.00 |
| Councilperson (5) | 2,000.00 | 3,000.00 |
| Borough Clerk | 40,000.00 | 80,000.00 |
| Administrative Assistant | 20,000.00 | 50,000.00 |
| Administrative Assistant | 20,000.00 | 50,000.00 |
| Webmaster | 3,000.00 | 10,000.00 |
| <u>Financial Administration</u> | | |
| Chief Financial Officer | 60,000.00 | 99,000.00 |
| Finance Clerk | 30,000.00 | 60,000.00 |
| <u>Tax Assessment</u> | | |
| Tax Assessor Clerk | 5,000.00 | 25,000.00 |
| Tax Assessor Clerk | | |
| Inspector (Assessor's Office) | \$10.00 per hour | \$15.00 per hour |

| | | |
|-------------------------------------|------------------|------------------|
| <u>Tax Collector</u> | | |
| Tax Collector | 50,000.00 | 80,000.00 |
| Tax Searcher | 250.00 | 600.00 |
| <u>Police Department</u> | | |
| Police Chief | 120,000.00 | 165,000.00 |
| Police Captain | 100,000.00 | 130,000.00 |
| Dispatchers Starting | 33,000.00 | 43,000.00 |
| Dispatchers Start of 2nd Year | 38,000.00 | 49,000.00 |
| Dispatchers Start of 3rd Year | 44,000.00 | 55,000.00 |
| Dispatchers start of 4th year | 49,000.00 | 61,000.00 |
| Records Clerk Police Full Time | 49,000.00 | 61,000.00 |
| Records Clerk Police Hourly | \$12.00 per hour | \$16.00 per hour |
| School Crossing Guards | \$11.00 per hour | \$16.00 per hour |
| Park Security Part time hourly | \$11.00 per hour | \$15.00 per hour |
| <u>Life Hazard Use Fees</u> | | |
| Fire Inspector per inspection | 10.00 | 10.00 |
| Fire Inspector per re-inspection | 5.00 | 5.00 |
| Fire Official | 8,000.00 | 12,000.00 |
| <u>Municipal Prosecutor</u> | | |
| Prosecutor | 7,000.00 | 11,000.00 |
| <u>Road Repairs and Maintenance</u> | | |
| Superintendent of Roads | 70,000.00 | 99,000.00 |
| Road Foreman | 60,000.00 | 95,000.00 |
| Road Department Clerk | 25,000.00 | 55,000.00 |

| | | |
|--|------------------|------------------|
| Summer Help PT | \$10.00 per hour | \$15.00 per hour |
| | | |
| <u>Public Buildings & Grounds</u> | | |
| Custodian (Borough Hall F/T) | 40,000.00 | 66,000.00 |
| Custodian (Borough Hall P/T) | \$10.00 per hour | \$18.00 per hour |
| Custodian Library | 20,000.00 | 50,000.00 |
| Part-time Assistant | \$10.00 per hour | \$15.00 per hour |
| | | |
| <u>Board of Health</u> | | |
| Registrar, Board of Health | 3,000.00 | 10,000.00 |
| Deputy Registrar | \$7.25 per hour | \$15.00 per hour |
| Dog Inspector part-time | \$10.00 per hour | \$12.00 per hour |
| | | |
| <u>Administration of Public Assistance</u> | | |
| Welfare Director | \$7.25 per hour | \$15.00 per hour |
| | | |
| <u>Senior Citizens</u> | | |
| Senior Citizen Bus Driver | 20,000.00 | 35,000.00 |
| Senior Citizen Bus Driver P/T | 2,000.00 | 3,000.00 |
| Senior Citizen Coordinator | 10,000.00 | 37,000.00 |
| Trips Coordinator | 1,000.00 | 2,500.00 |
| | | |
| <u>Parks & Playgrounds</u> | | |
| Recreation Director | 25,000.00 | 52,000.00 |
| Recreation Coordinator | 6,000.00 | 12,000.00 |
| Summer Recreation Director | \$25.00 per hour | \$28.00 per hour |
| Summer Recreation Assistant Director | \$15.00 per hour | \$17.00 per hour |
| Summer Recreation Senior Counselor | \$9.00 per hour | \$12.00 per hour |
| Summer Recreation Equipment Manager | \$9.00 per hour | \$12.00 per hour |
| Summer Recreation Counselor | \$7.25 per hour | \$8.25 per hour |
| | | |
| <u>Municipal Court</u> | | |
| Municipal Court Judge | 15,000.00 | 25,000.00 |

| | | |
|--|------------------|------------------|
| Municipal Court Administrator | 30,000.00 | 62,000.00 |
| Deputy Muni Court Administrator | 20,000.00 | 50,000.00 |
| Part time Clerk | \$10.00 per hour | \$15.00 per hour |
| | | |
| <u>Public Defender</u> | | |
| Public Defender | 4,000.00 | 7,000.00 |
| | | |
| <u>Recycling</u> | | |
| Recycling Coordinator | 2,000.00 | 4,500.00 |
| | | |
| <u>Uniform Construction Code Enforcement</u> | | |
| Zoning Officer | 5,000.00 | 20,000.00 |
| Housing Inspector | 5,000.00 | 20,000.00 |
| Construction Code Official/Building Inspector | 20,000.00 | 45,000.00 |
| Plumbing Sub-Code | 5,000.00 | 12,000.00 |
| Property Maintenance | \$10.00 per hour | \$15.00 per hour |
| Property Maintenance | 30,000.00 | 50,000.00 |
| Fire Sub-Code Official | 4,500.00 | 10,000.00 |
| Electrical Sub-Code Official | 6,500.00 | 10,000.00 |
| Elevator Sub-Code Official | 1,000.00 | 5,000.00 |
| Construction Code, Technical Asst | 23,000.00 | 40,000.00 |
| Hourly Clerk | \$10.00 per hour | \$15.00 per hour |
| | | |
| <u>Support Functions</u> | | |
| Secretary to Board of Ethics | \$90/meeting | \$90/meeting |
| Secretary to Rent Leveling Board | \$90/meeting | \$90/meeting |
| Secretary to Planning Board | 2,000.00 | 2,000.00 |
| Secretary to Board of Adjustment | 2,000.00 | 2,000.00 |
| Secretary to Fire Department | 3,000.00 | 5,500.00 |

| | | |
|--|---------------|---------------|
| Senior Clean Communities hourly | \$8 per hour | \$10 per hour |
| Part-time help (Other than specifically mentioned) | \$10 per hour | \$15 per hour |
| Security Guard Recreation Events | \$75/month | 125/mo |

B. Longevity: In addition to other benefits and compensation, eligible employees covered by this ordinance shall receive an annual longevity benefit in the amount of two percent (2%) of the annual salary for each consecutive four (4) years of service for the Borough of Dumont, except that in no case shall such sum exceed twelve percent (12%) of the annual salary. This sum shall be as part of the regular installments and be subject to retirement system deductions. Employees hired on January 1, 1990 or thereafter shall not be entitled to longevity.

C. The Tax Collector and Deputy Tax Collector shall be paid quarterly for tax search services upon presentation of requisition and properly executed bills at the rates established by previous ordinance.

D. Temporary and part-time employees shall be paid on hourly wage not less than the Federal Wage and Hour minimum. Earned overtime shall be paid at one and one half (1½) times the hourly rate.

E. Except as specified above, the salaries of all regular employees shall be paid in twenty-six (26) equal installments for the calendar year.

F. In addition to the salaries set forth herein, employees of the Borough of Dumont covered under this ordinance shall be entitled to those benefits specified in the Personnel Policy Manual for their respective positions.

G. Unless otherwise provided herein, the provisions of this section shall be retroactive to January 1 of the calendar year.

Section 2

If any section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 3

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby expressly repealed. However, any provision of Ordinance 1286 not discussed herein related to positions specifically not covered herein shall remain in effect.

Section 4

The Ordinance shall take effect immediately upon passage and publication as required by law.

Attest:

Susan Connelly, RMC
Borough Clerk

Matthew P. McHale, Mayor

Introduced: July 20, 2010



**2010
BOROUGH OF DUMONT
ORDINANCE**

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

Ordinance No. 1416
Date: July 20, 2010
Page: 1 of 5
Subject: Improvements to Veteran's Memorial Park and other Parks and Fields
Purpose: Approval
Account No. _____
Contract No. _____
Dollar Amount: _____
Prepared By: John Hudak, Esq.

Offered by: Stylianou
Seconded by: Freeman

Certified as a true copy of an Ordinance adopted at 1st 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

BOND ORDINANCE TO PROVIDE FOR IMPROVEMENTS TO VETERAN'S MEMORIAL PARK AND OTHER PARKS AND FIELDS, PROVIDING AN APPROPRIATION OF \$341,150 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$174,800 OF 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 additional improvements and purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements to be made or acquired by the Borough of Dumont, County of Bergen, New Jersey (hereinafter referred to as the "Borough"), as supplemental improvements. For the supplemental improvements or purposes set forth in Section 3 of this bond ordinance, there is hereby appropriated the sum of \$314,150, being inclusive of all appropriations heretofore made therefor, including the sum of \$9,200 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 supplemental improvements or purposes and to meet the part of the \$314,150 appropriation not otherwise provided hereunder, negotiable bonds of the Borough are hereby authorized to be issued in a principal amount not to exceed \$174,800 pursuant to the Law. In anticipation of the issuance of bonds, negotiable notes of the Borough in a principal amount not exceeding \$174,800 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 \$174,800, 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 obligations are to be issued are as follows:

| Improvement/Acquisition | Estimated Cost | Bergen County Open Space Grant | Down Payment (Capital Improvement Fund) | Maximum Amount of Bonds/Notes | Useful Life (Years) |
|---|----------------|--------------------------------|---|-------------------------------|---------------------|
| Improvements to Veteran's Memorial Park, including but not limited to Walking Path Lighting, and improvements to other Borough Parks and Fields, said project to include all work, equipment, costs, improvements and appurtenances necessary therefore or related thereto. | \$341,150 | \$157,150 | \$9,200 | \$174,800 | 15 |

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

(a) The purposes as described in Section 3 of this bond ordinance are not current expenses and is property or improvements which the Borough may lawfully acquire or make as general improvements, 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 taking into consideration the amount of the obligations authorized for each purpose, 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 \$174,800 and obligations authorized hereunder will be within all debt limitations prescribed by the Law.

(d) Amounts not exceeding \$35,000 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 grants or other monies received for the purpose described in Section 3 hereof, including a grant in the amount of \$178,000 expected to be received for said purpose, in addition to the grants expressly appropriated therein, shall be applied either to direct payment of the cost of the improvements 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

Attest:

Susan Connelly, RMC
Borough Clerk

Introduced: July 20, 2010
Adopted: