Regular Meeting of the Mayor and Council of the Borough of Bogota, to be held at the Bogota Council Chambers, 375 Larch Avenue, Bogota, NJ, on Thursday, March 1, 2018 at 7:30pm.

Salute to the Flag

The notice requirements of the Open Public Meetings Law have been satisfied as notice was sent to two newspapers and posted on the Borough Hall bulletin board on December 23, 2017.

Roll Call: Mayor Kelemen, Councilmembers Fede, Gates-Ferris, Macfarlane, Miranda, Murphy, and Napolitano, Borough Attorney, Borough Administrator, Interim CFO

Citizen Remarks: One Five (5) minute time limit per person

Discussion:
--Bond Ordinances
--2018 Budget
--Commerical Parking
--Culvert

Public Hearing on the following Ordinances:
1505 – An Ordinance Amending Chapter II Section 16 Entitled "Rescue Squad" Subsection 16.2
1506 -- An Ordinance Adopting a Policy for Totally Disabled Veteran's and Surviving Spouses Tax Exemption on Municipal Property

Approvals
--Minutes for February 15, 2018 and February 22, 2018

Reports
Mayor, Council Committees: Five (5) minute time limit per Council Member, Administrator, Attorney, CFO, Clerk

Closed Session: Retirement of Captain Sepp
FOP Contract
CFO

Adjournment

BOROUGH OF BOGOTA
ORDINANCE NO. 1505

AN ORDINANCE AMENDING CHAPTER II SECTION 16 ENTITLED "RESCUE SQUAD" SUBSECTION 16.2 "COMPOSITION OF RESCUE SQUAD" TO SET THE MEMBERSHIP AGE LIMIT FROM EIGHTEEN (18) TO EIGHTY (80) YEARS OF AGE.

WHEREAS, the Borough of Bogota previously adopted Chapter II Section 16 entitled "RESCUE SQUAD" establishing regulations regarding membership qualifications; and

WHEREAS, Subsection 16.2, establishes the age requirements for membership in the Rescue Squad; and

WHEREAS, the Borough of Bogota Emergency Rescue Squad Chief, Wayne Sorge and President, Robert Foster, requested that the Borough amend its ordinance to create a maximum age of membership as eighty (80) years of age; and

WHEREAS, the Borough recognizes that all volunteer organizations within the state are having a hard time recruiting new members and retaining volunteer members.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Bogota, Bergen County, New Jersey that Section 2-16.2, Entitled "Composition of Rescue Squad", shall be amended as follows:

Section 2-16 "RESCUE SQUAD" be amended to read as follows:

2-16.2 Membership Qualifications and Application

This volunteer organization shall consist of not more than twenty (20) members. Such members shall be *between the ages of eighteen (18) years of age and eighty (80) years of age,* citizens of the United States of America, meet an eligibility criteria prescribed in bylaws, comply with applicable statutory regulations, and be approved for membership pursuant to the bylaws of the rescue squad.

[insertions are italicized]

BE IT FURTHER ORDAINED, that the Clerk shall send a certified copy of this Ordinance to the Borough of Bogota Rescue Squad; and

BE IT FURTHER ORDAINED, that the any and all policies shall be updated to effectuate the purposes of this Ordinance; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect as required by law.

ATTEST

Borough of Bogota

_____
Jeanne Cook, Borough Clerk

By:_____
Chris Kelemen, Mayor

BOROUGH OF BOGOTA
ORDINANCE NO. 1506

AN ORDINANCE ADOPTING A POLICY FOR TOTALLY DISABLED VETERAN'S AND SURVIVING SPOUSES TAX EXEMPTION ON MUNICIPAL PROPERTY

WHEREAS, N.J.S.A.54:4-3.30 permits a veteran who is declared by the United States Veteran's Administration or its successor to be 100% permanently disabled to receive a real property tax exemption for their dwelling house and lot; and

WHEREAS, N.J.S.A.54:4-3.31 explicitly states the upon written claim made and accepted by the tax assessor for the municipality, the exemption shall be placed upon the tax rolls, and that such exemption shall be allowed and prorated by the assessor for the remainder of any taxable year from the date the written claim has been made and accepted by the tax assessor; and

WHEREAS, N.J.S.A. 54:4-3.32 permits the governing body of each municipality to refund all taxes collected on property which would have been exempt had proper claim in writing been made pursuant to N.J.S.A.54:4-3.30; and

WHEREAS, it is appropriate for the Borough to adopt a uniform policy regarding the refund of taxes paid prior to the written claim being made pursuant to N.J.S.A.54:4-3.30; and

WHEREAS, recognizing that there could be a delay in the time period for when the veteran is deemed 100% disabled by the United State Veteran's Administration and the time period in which application for such exemption is made which could dramatically affect the amount of said refund being requested; and

WHEREAS, although it is recognized the special status accorded to veteran's in this scenario, the financial affairs of the municipality must also be taken into account and it is further recognized that there may be a new generation of veteran's seeking such exemptions from Operation's around the world; and

WHEREAS, upon recommendation from the Tax Assessor, the Mayor and Council have determined that it is in the best interest of the municipality to adopt a uniform policy surrounding such requests for refunds pursuant to N.J.S.A.54:4-3.32; and

WHEREAS, such a uniform policy adopted hereby has been upheld by the Court in Salvatore Del Prior v. Edison Township 26 N.J. Tax 502 (2012).

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Bogota, Bergen County, New Jersey that Section 2-28 entitled "Totally Disabled Veteran's Tax Exemption" be adopted as follows:

Section 2-28 Totally Disabled Veteran's and Surviving Spouse Tax Exemption

a. The Borough will allow for either a veteran or surviving spouse of a veteran to obtain municipal property tax relief upon proper claim pursuant to N.J.S.A. 54:4-30 et seq. An eligible veteran shall be defined as a member of the armed forces who was either honorably discharged or released under honorable circumstances from active service, in time of war, in any branch of the Armed Forces of the United States, who has been or shall be declared by the United States Veteran's Administration or its successor to have a service connected disability and to be determined to be 100% permanently disabled.

b. In order to qualify for the municipal tax exemption, the veteran or someone on his/her behalf, under oath, must file a written claim with the Tax Assessor's office. The Tax

Assessor's office will supply the applicant with the appropriate paperwork and the applicant will be required to provide the Tax Assessor's office with the following information:

1. Reason for exemption;
2. A description of the property for which the exemption is claimed;
3. A certificate of claimant's honorable discharge or release under honorable circumstances from active service, in time of war and a certificate/letter from the United States Veteran's Administration or its successors, certifying to a service connected disability;
4. Any other documentation as required by statute at the time the application is made.

c. In order for a surviving spouse of a veteran to qualify for the municipal tax exemption, the spouse, under oath, must file a written claim with the Tax Assessor's office. The Tax Assessor's office will supply the surviving spouse with the appropriate paperwork and the applicant will be required to provide the Tax Assessor's office with the following information:

1. Proof to establish that the spouse is the owner of legal title to the premises on which the exemption is made;
2. That the claimant occupies the dwelling house on said premises as the claimant's legal residence in the State of New Jersey;
3. That the veteran has been declared by the United States Veteran's Adminsitration, or its successor, to have a service connected disability or that the veteran shall have been declared to have die in active service in time of war;
4. That the veteran is or would have been entitled to the exemption at the time of death;
5. The claimant is a resident of the State of New Jersey and has not remarried.

d. In determining a grant of a municipal tax exemption under this section, the Borough will pro-rate the exemption for the remainder of the year in which application is made and accepted by the Borough. Additionally, pursuant to N.J.S.A. 54:4-3.32 the Borough shall refund the veteran or surviving spouse all taxes previously paid for the year in which the application to the Borough is made only, retroactive to January 1st of said year. There shall be no further retroactive refund granted, regardless of the disability date determination of the United States Veteran's Administration.

BE IT FURTHER ORDAINED, that is any portion of this Ordinance shall be declared invalid as a matter of law, such declaration shall not affect the remainder of said Ordinance; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect as required by law.

ATTEST

Borough of Bogota

_____
Jeanne Cook, Borough Clerk

By:_____
Chris Kelemen, Mayor