



## **BOROUGH OF NORTH HALEDON**

### **COUNCIL MEETING MINUTES**

**WEDNESDAY, NOVEMBER 4, 2015**

Mayor George reads the following statement into the record:

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of November 4, 2015, was included in a list of meetings notices sent to the HERALD NEWS and the HAWTHORNE PRESS on January 15, 2015, and was advertised in said newspapers on January 22, 2015. This notice was posted on the bulletin board on the same date and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

Proper notice having been given, this meeting is called to order at 10:38 p.m. and the Clerk is directed to include this statement in the minutes of this meeting.

### **ROLL CALL**

Mayor Randy George

Council Members: Rocco Luisi, Raymond Melone, Donna Puglisi, Robert Dyer, Dennis Marco, and Michael Galluccio

Borough Attorney Michael De Marco

Deputy Borough Clerk, Dena Ploch

Renate Elatab, Municipal Clerk

### **PUBLIC COMMENTS**

Motion by Council Member Dyer, second by Council Member Marco, to open the floor to the public. Upon roll call, all members voted in the affirmative. Motion carried.

Seeing as no one from the public wished to speak, motion by Council Member Melone, second by Council Member Luisi, to close the floor to the public. Upon roll call, all members voted in the affirmative. Motion carried.

## **OFFICIAL REPORTS**

The Clerk submitted the following reports:

Clerk's Receipts  
Fire Department Report  
North Haledon Volunteer Ambulance Report  
Police Department Report  
Tax Collector's Report to Treasurer

## **COMMITTEE REPORTS**

DPW / STREETS & ROADS / SEWERS/ BUILDINGS & GROUNDS / SOLID WASTE / RECYCLING - **MELONE**  
POLICE / EMERGENCY MANAGEMENT / SAFETY / PBA LOCAL 292 - **PUGLISI**  
RECREATION - **PUGLISI**  
ZONING BOARD OF ADJUSTMENT - **PUGLISI**  
NORTH HALEDON VOLUNTEER AMBULANCE - **DYER**  
FINANCE - **DYER**  
PLANNING BOARD - **MARCO**  
BOARD OF EDUCATION / LOCAL - **LUISI**  
BOARD OF EDUCATION / REGIONAL - **GALLUCCIO**  
BOARD OF HEALTH - **GALLUCCIO**  
FIRE & WATER - **LUISI**  
ENGINEERING - **DYER**  
LIBRARY - **MAYOR GEORGE**  
PUBLIC CELEBRATIONS - **GALLUCCIO**

Motion by Council Member Puglisi, second by Council Member Dyer, to dispense with all reports. Upon roll call, all members voted in the affirmative. Motion carried.

## **COMMUNICATIONS**

Communications below were discussed at the Work Session.

Mayor George	Re: October 29 School Bd. Meeting
Mayor George	Re: Email to School's Superintendent
Mayor George	Re: Wildlife Management Meeting
Mayor George	Re: 2015 Road Project
Mayor George	Re: Waiving of NHBZA Fee
Borough Attorney	Re: Appeal to NHBZA
Vito Gagliardi	Re: Manchester Funding Formula
Judge Brogan	Re: Temporary Immunity

Wanaque Mayor	Re: County Government
Wayne Township	Re: State Aid
Thomas Dichio	Re: Letter of Resignation
Princeton Hosted Solutions	Re: Telecom Analysis
Local Finance Board	Re: Budget Cap Information
Local Finance Board	Re: Adjustment to Bid Thresholds
Surenian	Re: Amendment / MSSDA
Zoning Board Attorney	Re: Waiving of Fees
MUA	Re: Coliform Bacteria

Motion by Council Member Dyer, second by Council Member Luisi, that the above communications be received, action taken where necessary, and be placed in file. Upon roll call, all members voted in the affirmative. Motion carried.

**OLD BUSINESS / ORDINANCES**

**ORDINANCE #13-2015 (tabled)                      Re:    Parking at Lakeside**

**ORDINANCE #15-2015                                Re:    Pilot Program**

The Borough Attorney, Michael De Marco, stated that the public hearing on the above ordinance has been adjourned and the second reading will be carried to a special meeting on November 12<sup>th</sup>, 2015, at 7:00 p.m.

Motion by Council Member Marco, second by Council Member Dyer, adjourn the public hearing and carry the second reading to November 12<sup>th</sup>, 2015, at 7:00 p.m. Upon roll call, all members voted in the affirmative. Motion carried.

**NEW BUSINESS / ORDINANCE / RESOLUTIONS**

**ORDINANCE #16-2015                                Re:    Prohibiting Feeding of Wildlife**

Motion by Council Member Puglisi, second by Council Member Luisi, that the Clerk read the ordinance by title and waive the reading of the ordinance in full. Upon roll call, all members voted in the affirmative. Motion carried.

The Clerk presented the following ordinance:

**AN ORDINANCE AMENDING AND  
SUPPLEMENTING NORTH HALEDON BOROUGH  
CODE  
CHAPTER 202, ARTICLE V, FEEDING  
WILDLIFE**

**BE IT ORDAINED** by the Mayor and Council of the Borough of North Haledon, that:

Section 1. Chapter 205, ANIMALS, be revised, amended and supplemented by modification so that the same shall read as follows:

**§202-35. Purpose.**

It has been well established that the feeding of wild animals and waterfowl is both detrimental to the animals and causes a public health nuisance and safety hazard that is detrimental to the health and general welfare of the public.

**§202-36. Word Usage: Definitions.**

FEED – To give, place, expose, deposit, distribute or scatter any edible materials with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish.

WILD ANIMAL– Includes any animal which is not domesticated in this state, including, but not limited to bears, coyotes, deer, feral cats, foxes, groundhogs, squirrels, opossums, raccoons, skunks, wild turkeys, and waterfowl.

**§202-37. Prohibited Acts; Exceptions.**

- A. No person shall purposely or knowingly, as said terms are defined in Title 2C of the New Jersey Revised Statutes, feed, bait, or in any manner provide access to food to any wild animal in the Borough of North Haledon on lands either publicly or privately owned.
- B. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit or grain, in a manner that would constitute an attractant to any wild animal.
- C. No person shall fail to take remedial action to avoid contact or conflict with wild animals, which may include the securing or removal of outdoor trash, cooking grills, pet food, bird feeders or any similar food source or attractant, after being advised by the Borough to undertake such remedial action. Further, after an initial contact or conflict with a wild animal, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including but not limited to outdoor trash, grills, pet food or bird feeders.

**§202-38. Permitted Acts.**

Feeding of songbirds and other backyard birds shall be permitted outdoors at such times and in such numbers that:

- A. Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property.
- B. Does not create an accumulation of droppings on the property and surrounding properties.
- C. Does not become an attractant for rodents or other wild animals.
- D. Bird feeders are placed at least four feet above the ground.

**§202-39. Duties of Property Owners; Enforcement.**

- A. Each property owner shall have the duty to remove any above-named materials or device placed on the owner's property in violation of this article.
- B. Failure to remove such materials or device or to make such modifications within 24 hours after notice of violation from the Borough shall constitute a separate violation of this article.
- C. North Haledon Health Department personnel, the Property Maintenance Officer, and North Haledon Police Department personnel are hereby given full power and authority to enforce this article.

**§202-40. Penalties.**

Any person who is found to be in violations of the provisions of this article shall be punishable as provided in Chapter 1, General Provisions, Article II, General Penalty, as follows: a fine not less than \$100.00 and not exceeding \$2,000.00, imprisonment for a period not exceeding 90 days, a period of community service not exceeding 90 days or a combination thereof.

Section 2. All other parts or provisions of the Code of the Borough of North Haledon or any other ordinance or regulation not specifically amended by this Ordinance shall remain in full force and effect.

Section 3. This Ordinance shall take effect immediately after final adoption and publication as provided by law.

Motion by Council Member Puglisi, second by Council Member Dyer, that the ordinance heretofore introduced does now pass on first reading and that said ordinance be further considered for final passage on December 2, 2015, at 8:00 p.m. or as soon thereafter as the matter can be reached by the Mayor and Council, and that at such time and place, all persons interested will be given an opportunity to be heard concerning said ordinance and that the Clerk be and she is hereby authorized and directed to publish said ordinance in accordance with the law. Upon roll call, all members voted in the affirmative. Motion carried.

**RESOLUTION CA#12-2015**

**Re: Consent Agenda #12-2015**

Motion by Council Member Puglisi, second by Council Member Dyer, that the Clerk reads the resolution by title and waive the reading of the resolution in full. Upon roll call, all members voted in the affirmative. Motion carried.

The Clerk presented the following resolution:

**WHEREAS**, the Mayor and Board of Council of the Borough of North Haledon have reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Board of Council of the Borough of North Haledon are not desirous of removing any resolution for individual action from the agenda; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of North Haledon that the following resolutions on the consent agenda are hereby approved and adopted.

1. Ratification of Check(s) / Bally's / Tropicana / DeCotiis
2. November Transfers
3. Approval / Chapter 159
4. Recommendation / Study Commission / Reduction of Abolishment of County Governments in the State of New Jersey
5. Request NJLOM to Petition State Legislature to Have State Aid Calculations to Municipalities Prepared Prior to Their Budget Calendar Year
6. Ratification of Waiving of Zoning Board Application Fee
7. Award of Contract / Rock Salt and Liquid Calcium Chloride
8. Acceptance of Proposal / Stewart Business Systems / Copy Machines
9. Resolution Amending Resolution #184-2015

**Resolution #231-2015**

**Re: Ratification of Checks**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of North Haledon that check #2283 in the amount of \$137.00, dated October 1, 2015 drawn to the order of Bally's, check #2284 in the amount of \$95.00 dated October 1, 2015 drawn to the order of Tropicana's, and check #1159 in the amount of \$3,587.30 dated October 23, 2015 drawn to the order of Decotiis, Fitzpatrick & Cole be hereby ratified; and

**BE IT FURTHER RESOLVED**, that funds were available for the aforementioned as evidenced by the CFO/Treasurer certification following:

CERTIFICATION

I, Laura Leibowitz, Treasurer of the Borough of North Haledon do hereby certify that funds were available for aforementioned in 5-01-20-120-209 (#2283), 5-01-27-330-201 (#2284), Developers Escrow (#1159).

**Resolution #232-2015**

**Re: November Transfers**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of North Haledon that the Treasurer be and she is hereby authorized to make the following transfers.

**FROM**

ETHICS	SW	\$1,114.00
LEGAL	OE	\$10,000.00
FIRE ALARM	OE	\$500.00
FINANCE	OE	\$2,000.00
REGISTRATION OF BONDS	OE	\$1,565.00
OTHER INSURANCE	OE	\$3,000.00
RECREATION INSURANCE	OE	\$211.00
UNIFORM ALLOWANCE	OE	\$2,000.00
RECREATION INSURANCE	OE	\$702.41
		\$21,092.41

**TO**

PVSC	OE	\$4,092.41
ELECTRICITY	OE	\$5,000.00
BLDGS & GROUNDS	OE	\$5,000.00
AUDIT	OE	\$7,000.00
		\$21,092.41

**Resolution #233-2015**

**Re: Chapter 159 / Body Armor**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of North Haledon, in the County of Passaic, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$1,931.30 which is now available from Body Armor Account, State of New Jersey, Department of Treasury.

**BE IT FURTHER RESOLVED** that the like sum of \$1,931.30 is hereby appropriated under the caption Body Armor.

**Resolution #234-2015**

**Re: Reduction/Abolition /  
County Governments**

**WHEREAS**, the cost of County Government continues to grow at an alarming pace, where Borough of North Haledon property owners pay approximately the same in Passaic County taxes as they do in the municipal levy, with limited services provided to the residents by the County; and

**WHEREAS**, Borough of North Haledon tax payers were subjected to 21.9 percent (21.9%) Passaic County tax increase in 2015 which is 19.9% above the New Jersey State mandated CAP; and

**WHEREAS**, many services performed by the County are duplicative of municipal and State services; and

**WHEREAS**, the County of Passaic currently spends \$1,252,250 a day; and

**WHEREAS**, other States have abolished or curtailed the role of County governments;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of North Haledon that Governor Christopher Christie and the members of the New Jersey State Legislature be urged to implement a study commission to look into the reduction or abolishment of County governments in the State of New Jersey, specifically looking at the actions taken by the State of Connecticut and the State of Massachusetts to reduce the role of County government and the related tax burden on their property owners; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to Governor Christopher Christie, Senate President Steven Sweeney, Assembly Speaker Vincent Prieto, State Senator Nellie Pou, Assemblywoman Shavonda Sumter, and Assemblyman Benjie Wimberly.

**Resolution #235-2015**

**Re: State Aid Figures Prior to Adoption of Budget**

**WHEREAS**, most municipalities in the State of New Jersey operate on a calendar year (January 1 – December 31); and

**WHEREAS**, State aid figures aren't determined until well into the first quarter of the year or later; and

**WHEREAS**, this delay in State aid unnecessarily complicates the municipal budgeting process by delaying the adoption of the municipal budget until the second quarter of the year; and

**WHEREAS**, adopting the municipal budget halfway through the calendar year makes it very difficult to make reductions, since theoretically approximately half the budget may have been spent already; and

**WHEREAS**, any reductions made halfway through the calendar year would cause an undue hardship upon the operation of the municipal government.



**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the Borough of North Haledon that it hereby requests that the New Jersey League of Municipalities petition the State Legislature to have State aid distributed prior to the budget year or no later than February 1<sup>st</sup> of the budget year; and

**BE IT FURTHER RESOLVED** this Resolution be forwarded to the New Jersey League of Municipalities to be considered by the Resolution Committee at its annual business meeting.

**Resolution #236-2015**

**Re: Approval / Waiving of Fees /  
Zoning Board**

**WHEREAS**, John Casalaspro, 75 Highland Avenue, went in front of the Zoning Board to get approval for a horse shoe driveway and paid the required application fee; and

**WHEREAS**, by Court order, John Casalaspro has to re-appear in front of the Zoning Board in regards to his drive; and

**WHEREAS**, Mayor George believes that this is a continuation of the original application and believes that the application fee should be waived; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of North Haledon that the fee for the Zoning Board application be waived and that the Zoning Official be notified of same by certified copy of this resolution.

**Resolution #237-2015**

**Re: Award of Contract /  
Rock Salt / Calcium Chloride**

**WHEREAS**, the County of Passaic through Cooperative Pricing System had solicited bids for Rock Salt and Liquid Calcium Chloride on September 8, 2015 in accordance with the N.J.S.A. 40A:11-1 and

**WHEREAS**, the Borough of North Haledon is desirous of taking advantage of awarding a contract to the lowest complying bidder (copy of bid tabulation attached hereto) being Atlantic Salt, Inc of Lowell, MA for Rock Salt and Peckham Materials Corp of Athens, NY; and

**WHEREAS**, the Borough of North Haledon desires to participate with the County of Passaic with the Cooperative Pricing System for Rock Salt and Liquid Calcium Chloride in accordance with the contract which will be entered into with the County of Passaic and Atlantic Salt, Inc and Peckham Material Corp. and the Borough of North Haledon.

**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of North Haledon that it hereby authorizes award on contract to Atlantic Salt for \$65.95/per ton, contract period to run December 1, 2015 to November 30, 2016; and Peckham Material Corp for Liquid Calcium Chloride at \$.934 per gallon, contract period to run December 1, 2015 through November 30, 2016.

**Resolution #238-2015**

**Re: Acceptance of Proposal /  
Copy Machines**

**BE IT RESOLVED** that the Municipal Clerk is hereby authorized to execute a contract with Stewart Business Systems, 2 Brighton Road, Suite 400, Clifton, NJ 07012, for the lease of one Black and White Xerox 5945 and one Color Xerox 6605, under New Jersey State Contract No. 071823801 at the lease amount of \$187.05 per month.

**BE IT FURTHER RESOLVED**, that funds will be available for the aforementioned as evidenced by Certification of Treasurer following:

CERTIFICATION

I, Laura Leibowitz, Treasurer of the Borough of North Haledon do hereby certify that funds are were available for aforementioned in 5-01-20-120-120-211.

**Resolution #239-2015**

**Re: Amendment / MSSDA**

**WHEREAS**, the Borough Council of the Borough of North Haledon entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

**WHEREAS**, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

**WHEREAS**, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

**WHEREAS**, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

**WHEREAS**, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

**WHEREAS**, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; an

**WHEREAS**, the Borough Council of the Borough of North Haledon recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

**WHEREAS**, the Borough Council of the Borough of North Haledon has determined that it is in the best interests of the citizens of the Borough of North Haledon to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated

counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of North Haledon as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and the Borough Clerk or Deputy Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Borough Council of the Borough of North Haledon hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Borough of North Haledon with Econsult Solutions, Inc.

The Borough Council of the Borough of North Haledon hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Borough of North Haledon with the approval of the Borough of North Haledon's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Borough Council of the Borough of North Haledon further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, Borough of North Haledon shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Borough of North Haledon.
6. This Resolution shall take effect immediately.

Motion by Council Member Puglisi, second by Council Member Luisi, to adopt the foregoing resolutions. Upon roll call, all members voted in the affirmative on all resolutions, except Council Members Melone, Marco, and Galluccio who voted in the negative on Resolution #234-2015 – Mayor George broke the tie by voting in the affirmative on said resolution – Resolution #234-2015 was duly adopted.

## **DISCUSSION**

Council Member Puglisi advised that she wanted to move forward on putting together an employee handbook; she requested that the Borough Clerk obtain copies of employee handbooks from surrounding municipalities, and also asked for information regarding holidays, personal days, and vacation days for current Borough employees. She suggested that employees should wear ID badges and that the Borough should annually review if they have valid driver's licenses.

## **ADJOURNMENT**

Motion by Council Member Galluccio, second by Council Member Marco, to adjourn the meeting. Upon roll call, all members voted in the affirmative. Motion carried.

Mayor George declared the meeting duly adjourned at 11:04 p.m.

Respectfully Submitted,

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Renate Elatab, Municipal Clerk

Approved at Council Meeting of January, 20, 2016