



BOROUGH OF NORTH HALEDON

COUNCIL MEETING MINUTES

WEDNESDAY, FEBRUARY 20, 2019

Mayor George read the OPMA notice into the record:

This meeting is called pursuant to the provisions of the Open Public Meetings Law. Notice of this meeting were emailed to THE HERALD NEWS and the HAWTHORNE PRESS on January 14, 2019, and was posted on the bulletin board on the same date, and has been continuously posted as the required notices under the Statute. A copy of the notice has been available on file in the office of the Municipal Clerk for inspection. Proper notice having been given, the Clerk is directed to include this statement in the minutes of this meeting.

Proper notice having been given, this meeting was called to order at 9:33 p.m. and the Clerk was directed to include this statement in the minutes of this meeting.

ROLL CALL

Present:

Mayor Randy George

Council Members: Rocco Luisi, George Pomianek, Bruce O. Iacobelli, and Keith Salviano

Also Present:

Acting Police Chief, Todd Darby

Deputy Municipal Clerk, Dena Ploch

Municipal Clerk, Renate Elatab

Absent:

Council Member Puglisi, who had advised at the January Council Meeting that she would be travelling and would not be back in time for February's Council Meeting.

Council Member Melone (did not notify anyone of his reason for missing the meeting)

PUBLIC COMMENTS

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

Seeing as no one from the public was present, motion by Council Member Iacobelli, second by Council Member Salviano, to close the floor to the public. Upon roll call, all members present voted in the affirmative. Motion carried.

APPROVAL OF PRIOR MINUTES

Motion by Council Member Salviano, second by Council Member Pomianek, to approve the minutes of the rescheduled work session meeting and regular meeting of December 12, 2018, the Reorganization Meeting of January 2, 2019, and the work session meeting and the regular meeting of January 23, 2019. Upon roll call, all members present voted in the affirmative, except for Council Member Luisi, who abstained on the minutes of December 12th and January 23rd.

OFFICIAL REPORTS

The following reports were submitted to the members of the Governing Body:

Building Official's Report
Clerk's Receipts
Fire Department Report
Municipal Court Report
Police Department Report
Property Maintenance
DPW Report
Tax Collector's Report to Treasurer
Treasurer's Report

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 – **MAYOR GEORGE**
FINANCE – **POMIANEK**
PLANNING BOARD - **SALVIANO**
BOARD OF EDUCATION / LOCAL - **POMIANEK**
BOARD OF EDUCATION / REGIONAL - **LUISI**
BOARD OF HEALTH – **SALVIANO**
FIRE & WATER - **LUISI**
ENGINEERING - **POMIANEK**
LIBRARY - **MAYOR GEORGE**

SECTION 1. The following annual salaries and compensations shall be paid to the following officers and employees of the Borough of North Haledon in the year 2019 and shall be effective as of January 1, 2019:

POLICE DEPARTMENT

HIRED BEFORE 01/01/16

PRE A	\$47,956.00
AG ON PRO	\$54,562.00
AG OFF PRO	\$62,472.00
2 YEARS	\$73,863.00
3 YEARS	\$85,412.00
4 YEARS	\$98,766.00
5 YEARS	\$106,185.00
6 YEARS	\$113,618.00
7 YEARS	\$124,747.00
POLICE OFFICER 20 YEARS PLUS	\$128,587.00
SERGEANT	\$133,958.00
SERGEANT 20 YEARS PLUS	\$137,796.00
LIEUTENANT	\$143,189.00
LIEUTENANT 20 YEARS PLUS	\$147,027.00
CAPTAIN	\$152,422.00
CAPTAIN 20 YEARS PLUS	\$155,675.00

HIRED ON OR AFTER 01/01/16

PRE A	\$44,163.00
AG ON PRO	\$47,476.00
AG OFF PRO	\$55,203.00
2 YEARS	\$66,244.00
3 YEARS	\$77,284.00
4 YEARS	\$88,319.00
5 YEARS	\$99,367.00
6 YEARS	\$104,888.00
7 YEARS	\$115,199.00
POLICE OFFICER 20 YEARS PLUS	\$128,587.00
SERGEANT	\$133,958.00
SERGEANT 20 YEARS PLUS	\$137,796.00
LIEUTENANT	\$143,189.00
LIEUTENANT 20 YEARS PLUS	\$147,027.00
CAPTAIN	\$152,422.00
CAPTAIN 20 YEARS PLUS	\$155,675.00

**Police Education Allowance
Prorated to Date of Degree**

AA	1,500.00
BA	3,000.00
MA	5,000.00
Detective	2,500.00

DISPATCHERS

LESS THAN 1 YEAR	\$39,912.00
1 YEAR	\$40,969.00
2 YEARS	\$42,033.00
3 YEARS	\$43,674.00
4 YEARS	\$45,103.00
5 OR MORE YEARS	\$50,228.00

DEPARTMENT OF PUBLIC WORKS

Mechanic Probationary	\$47,159.23
First Year	\$50,183.01
Second Year	\$53,208.43
Third Year	\$56,228.95
Fourth Year	\$63,136.26
Fifth Year	\$64,404.72
Sixth Year	\$66,037.90
Seventh Year	\$67,488.75
Auto Mechanic	\$73,244.86
Foreman	\$73,257.88

BE IT ORDAINED, by the Mayor and Council of the Borough of North Haledon as follows:

SECTION 2

Manner of payment as well as longevity benefits and payments shall be made in accordance with Chapter 20 of the Code of the Borough of North Haledon and contractual agreements.

SECTION 3

Manner of payment as well as longevity benefits and payments shall be made in accordance with Chapter 20 of the Code of the Borough of North Haledon and contractual agreements.

SECTION 4

This ordinance shall take effect immediately upon final passage and publication as required by law.

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

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

Motion by Council Member Luisi, second by Council Member Salviano, that Ordinance #1-2019 pass its second and final reading and that the Clerk be authorized to cause the appropriate notice to be published that Ordinance 1-2019 was adopted on second reading and is hereby declared a passed ordinance in accordance with law. Upon roll call, all members present voted in the affirmative. Motion carried.

Ordinance #2-2019

Re: Sewer Connection Fees

Motion by Council Member Pomianek, 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 present voted in the affirmative. Motion carried.

The Clerk presented the following ordinance:

AN ORDINANCE OF THE BOROUGH OF NORTH HALEDON AMENDING ARTICLE III “USE OF PUBLIC SEWER” CHAPTER 479 “SEWERS” SECTION 8, ENTITLED “SEWER CONNECTION FEE” OF THE CODE OF THE BOROUGH OF NORTH HALEDON

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough of North Haledon (“Borough”) is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and,

WHEREAS, in connection therewith the Borough is authorized to collect a sewer connection charge to provide for a fair payment toward the capital cost of the public sewer system pursuant to N.J.S.A. 40A:26A-11; and,

WHEREAS, pursuant to the New Jersey Local Redevelopment and Housing Law, specifically N.J.S.A.40A:12A-8, the Borough has the power to enter into a negotiated redevelopment agreement with a redeveloper; and,

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of North Haledon, County of Passaic, and State of New Jersey, as follows:

SECTION ONE. Article III, Chapter 479, Section 8 entitled “Sewer Connection Fee” is hereby amended with the new additions in **bold** as follows:

D. The fee shall be paid in full to the Borough prior to the issuance of a certificate of occupancy for the unit to which it applies **or at such time as the Redevelopment Agreement by and between the Borough and a redeveloper shall dictate.** The payment of said sewer connection fee shall be a condition to the issuance of any certificate of occupancy. In the event that a connection is made without prior payment of the sewer connection fee for any reason, **unless otherwise permitted pursuant to a Redevelopment Agreement,** the sewer connection fee shall constitute a first lien upon the benefited property and shall bear interest as set forth in N.J.S.A. 40A:26A-12 and as otherwise provided by law. This shall be in addition to any violations, penalties or other remedies otherwise provided for. **For the purposes of this section “Redevelopment Agreement” shall mean a contract for the planning, replanning, construction, or undertaking of any project or redevelopment work, or any part thereof as set forth in N.J.S.A. 40A:12A-8(f).**

SECTION TWO. All Ordinances of the Borough which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION THREE. If any section, subsection clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of the Ordinance.

SECTION FOUR. This Ordinance shall take effect as provided by law.

§ 107-29 Method for Promotions

A. Promotion procedures. The Chief of Police, or his or her designated representative, shall be responsible for coordinating the promotional process pursuant to North Haledon ordinances.

B. Promotional process.

(1) Only officers who are members of this Department at the time of the promotional process are eligible for consideration consistent with New Jersey law.

(2) In order to be eligible for promotion in the promotion process, candidates must meet all the criteria established for such promotion on the date of the vacancy announcement.

(3) Sergeants' eligibility requirements: The candidate must have completed a total of five years in the rank of officer in the North Haledon Police Department and hold a Bachelor's Degree as of the date of the vacancy announcement.

(4) Lieutenants' eligibility requirements: The candidate must hold the rank of Sergeant with the North Haledon Police Department for at least two years as of the date of the vacancy announcement.

(5) Captains' eligibility requirements:

(a) The candidate must hold the rank of Lieutenant with the North Haledon Police Department for at least two years as of the date of the vacancy announcement. If no candidates hold the rank of Lieutenant, Sergeants shall be eligible for the position, provided that they have served three years as a Sergeant.

(b) If there is an existing Lieutenant(s) who elects not to participate in the promotional process for Captain, the Department may consider Sergeants for the position, provided that they have at least three years of service as a Sergeant as of the date of the vacancy announcement.

C. Evaluation for promotion.

(1) Candidates for promotion to Sergeant will submit to the following process:

(a) A written test and oral examination provided by the New Jersey State Association of Chiefs' of Police.

(b) Candidates must achieve a written exam score of at least 75%. The written exam will be scored as pass/fail. Candidates passing the written exam will be eligible to take the oral examination administered by the New Jersey State Association of Chiefs of Police. Those who complete both exams are not ranked in any order. They are to be shown as passed or failed only.

(c) A review and evaluation of the candidate's personnel file by the Chief of Police and the members of the Police Committee. This review shall include discussions including commendations, employee reviews, discipline record and early intervention summaries.

(d) Due consideration shall be given to the length and merit of service and seniority in accordance with the provisions of N.J.S.A. 40A:14-129, as amended.

(e) The Chief of Police will schedule the Oral Interview with the Police Committee and Police Department designees with the candidate.

(f) The Chief of Police shall provide a recommendation to the Police Committee.

(2) Candidates for promotion to Lieutenant and Captain.

(a) A review and evaluation of the candidate's personnel file by the Chief of Police and the members of the Police Committee. This review shall include discussions including commendations, employee reviews, discipline record and early intervention summaries, shall be based on the aforementioned statutory factors and a review of the performance of the candidate by the Chief of Police and the members of the Public Safety Committee.

(b) Due consideration shall be given to the length and merit of service and seniority in accordance with the provisions of N.J.S.A. 40A:14-129, as amended.

(c) The Chief of Police will schedule the Oral Interview with Police Committee and Police Department designees with the candidate.

(d) The Chief of Police shall provide a recommendation to the Police Committee.

D. Promotional announcement for Sergeant. Whenever a vacancy occurs and an active

eligibility list does not then exist creating a need for a test to fill a position, a written announcement shall be made at least 90 days before the start of the process.

(1) The announcement shall contain the eligibility requirements;

(2) The written announcement shall describe the position available;

(3) The written announcement shall contain a description of the process to be used in selecting personnel for the vacancy; and

(4) Each officer intending to participate in the process must submit a letter of intent no later than 10 days after the announcement to the Chief of Police.

E. Eligibility list. The Chief of Police shall submit an eligibility list to the Mayor and Council following the promotional process. The Mayor and Council will authorize the Chief of Police to maintain this eligibility list for a period of 36 months in the event that vacancies fall within that time. The period will start upon the passing of the resolution promoting the officer(s) to the new rank.

F. Approval of Mayor and Council. The Mayor and Council shall have the final decision on all promotions.

G. Appeal of process. Within 10 days of the decision of the Mayor and Council on a promotion, a candidate may file a written letter of appeal. Said letter must contain the reason(s) or justification(s) for an appeal and must be submitted to the Chief of Police. The Mayor and Council and the Chief of Police will assess the request, and make a determination of how the request will be addressed on a case-by-case basis.

Section 2.

All ordinances of the Borough which are inconsistent with the provisions of this ordinance are hereby repealed as to the extent of such inconsistency.

Section 3.

If any section, subsection clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of the ordinance.

Section 4.

This Ordinance shall take effect upon final reading and adoption.

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

Seeing as no one from the public was present, motion by Council Member Pomianek, second by Council Member Salviano, to close the floor to the public. Upon roll call, all members present voted in the affirmative. Motion carried.

Motion by Council Member Iacobelli, second by Council Member Luisi, that Ordinance #3-2019 pass its second and final reading and that the Clerk be authorized to cause the appropriate notice to be published that Ordinance #3-2019 was adopted on second reading and is hereby declared a passed ordinance in accordance with law. Upon roll call, all members present voted in the affirmative. Motion carried.

Ordinance #4-2019

Re: Amendment / Towing Fees

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

The Clerk presented the following ordinance:

**AN ORDINANCE OF THE BOROUGH OF NORTH HALEDON
AMENDING AND SUPPLEMENTING CHAPTER 563, FEES
OF THE CODE OF THE BOROUGH OF NORTH HALEDON**

BE IT ORDAINED, by the Governing Body of the Borough of North Haledon, County of Passaic, State of New Jersey, as follows:

Section 1.

Towing and Storage Services is amended as follows:

- C. (1) The following is the fee schedule for basic automobile services requested by the Borough:
 - (a) [1] First mile or less, ore return to operator’s yard: \$100.00
 - [2] Each additional mile, other than operator’s yard, if requested by owner: \$3.00
 - (b) [1] First mile or less, or return to operator’s yard: \$110.00
 - [2] Each additional mile, other than operator’s yard, if requested by owner: \$3.00
- (2) The following is the fee schedule for storage services for all types of vehicles:
 - (a) Inside building, secure storage facility per calendar day:
 - [1] Under 10,000 lbs gross vehicle weight no more than two axles: \$48.00/day
 - [2] Each additional axle: \$21.00/day

- (b) Outside secure storage facility per calendar day:
 - [1] Under 10,000 lbs gross vehicle weight no more than two axles: \$37.00/day
 - [2] Each additional axle: \$22.00/day
 - [3] Over 10,000 lbs gross vehicle weight: \$80.00/day
 - [4] Tandem axle truck: \$106.00/day
 - [5] Tractor-trailer combo: \$148.00/day

- (3) The following is the fee schedule for basic towing of trucks and other vehicles not covered under N.J.S.A. 40:48-2.49:
 - (a) Trucks up to one ton: \$100.00/hour
 - (b) Trucks from one ton to five tons: \$200.00/hour
 - (c) Trucks over five tons: \$300.00/hour
 - (d) Motorcycles, mopeds, etc. \$100.00 flat rate
 - (e) Additional services that may be required:
 - [4] is deleted and replaced with (4), which follows.

- (4) The following is the scene clean up fee schedule:
 - (a) Debris clean up per vehicle: \$37.00
 - (b) Oil absorbent placement, cleanup, and disposal per 50 lbs bag: \$32.00/first bag
 - (c) Each additional bag: \$13.00

Section 2.

All ordinances of the Borough which are inconsistent with the provisions of this ordinance are hereby repealed as to the extent of such inconsistency.

Section 3.

If any section, subsection clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of the ordinance.

Section 4.

This Ordinance shall take effect as provided by law.

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

Seeing as no one from the public was present, motion by Council Member Pomianek, second by Council Member Iacobelli, to close the floor to the public. Upon roll call, all members present voted in the affirmative. Motion carried.

Motion by Council Member Pomianek, second by Council Member Luisi, that Ordinance #4-2019 pass its second and final reading and that the Clerk be authorized to cause the appropriate

notice to be published that Ordinance #4-2019 was adopted on second reading and is hereby declared a passed ordinance in accordance with law. Upon roll call, all members present voted in the affirmative. Motion carried.

NEW BUSINESS / ORDINANCES / RESOLUTIONS

Ordinance#5-2019

Re: Senior Group Residence Zone

Motion by Council Member Iacobelli, 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 present voted in the affirmative. Motion carried.

The Clerk presented the following ordinance:

**AN ORDINANCE OF THE BOROUGH OF NORTH HALEDON
AMENDING AND SUPPLEMENTING CHAPTER 600 ZONING
OF THE CODE OF THE BOROUGH OF NORTH HALEDON**

WHEREAS, the Municipal Land Use Law (“MLUL”) of the State of New Jersey, N.J.S.A. 40:55D-1 et seq. grants to municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon; and

WHEREAS, the Borough of North Haledon (“Borough”) desires to amend and supplement the Zoning Code as follows:

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of North Haledon, County of Passaic, State of New Jersey, as follows:

SECTION ONE. ARTICLE IV. New Section 600-16 of the Zoning Code of the Borough of North Haledon, is hereby added as follows:

PURPOSE

Provisions to permit Senior Residential Group Home as a Principal Permitted Use in the RA-2 Residential Zoning District are intended to provide a Group Living environment with limited medical management support for individuals 65 and over. Both social, and recreational amenities, shall also be provided. It is the intention that such Senior Residential Group Homes be

provided on a limited basis within specified residential neighborhoods and which will be limited in the total number of occupants permitted to reside in the residence as further described herein.

PRINCIPAL PERMITTED USE REQUIREMENTS

A Senior Residential Group Home is permitted as a Principal Permitted Use in limited locations within the RA-2 Zone in the Borough of North Haledon. In order for the use to be permitted all of the following requirements shall be complied with:

A. Compliance with D.C.A. N.J.A.C. Regs 5:27

In addition to the following municipal requirements, Senior Residential Group Homes classified as Class C Boarding homes shall comply with all D.C.A. requirements

B. Location

Senior Group Residences shall be limited to properties located in the RA-2 Zone with frontage on a county road. Senior Group Residences shall not be located within 200 feet of a school.

C. Minimum Lot, Area, Bulk and Use Requirements

1. Minimum Lot area – 30,000 square feet
2. Maximum number of residents – 13.
3. Maximum Building Coverage – 14%
4. Maximum Building Height – 35 feet / two and one-half stories
5. Minimum Lot Width- 130 feet
6. Required Front Yard- 40 feet
7. Required Side Yard- one, 20 feet –both, 50 feet; rear yard 100 feet

8. On-site parking requirements: One parking space per bedroom shall be provided, plus one space for each employee.
9. Transportation to Health and Recreational Services shall be provided in accordance with D.C.A. N.J.A.C. Regs 5:27 Section 5:27-10.4.
10. Each Senior Group Residence shall be served by public water and sewer facilities.
11. A densely planted buffer 5 feet in width shall be provided along the rear yard and both side yards.
12. The rear yard shall be fully enclosed with a fence 6 feet in height in accordance with provisions related to fences in section §600-63 of the Borough Code.
13. Minimum required gross floor area per resident, 450 square feet.
14. Each bedroom shall have a minimum floor area of 150 square feet.
15. Residents shall not be allowed to have personal vehicles on-site.
16. Senior Residential Group Homes shall be licensed annually by the Borough of North Haledon, subject to Borough Police security inspection, Health and Fire inspections.

SECTION TWO. A copy of this Ordinance is hereby transmitted to the Borough's Planning Board ("Planning Board") for its report and recommendation pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and the Planning Board hereby has thirty-five (35) days to submit a report and if it fails to do so, then the Borough Council may proceed to adopt this Ordinance.

SECTION THREE. All Ordinances of the Borough which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION FOUR. If any section, subsection clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of the Ordinance.

SECTION SIX. This Ordinance shall take effect as provided by law.

Motion by Council Member Luisi, second by Council Member Iacobelli, that the ordinance heretofore introduced does now pass on first reading and that said ordinance be further considered for final passage on March 20, 2019, at 7:30 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 law. Upon roll call, all members present voted in the affirmative. Motion carried.

Ordinance #6-2018

Re: Passing of Food

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

The Clerk presented the following ordinance:

**AN ORDINANCE OF THE BOROUGH OF NORTH HALEDON
AMENDING AND SUPPLEMENTING CHAPTER 600, ZONING
OF THE CODE OF THE BOROUGH OF NORTH HALEDON**

BE IT ORDAINED, by the Governing Body of the Borough of North Haledon, County of Passaic, State of New Jersey, as follows:

Section 1.

§ 600-18 Prohibited Uses shall be amended and supplemented as follows:

(9) Food and / or drink stands or other stands or businesses dispensing food and / or drinks through an opening of an exterior wall of a building or providing service on the premises, except an outdoor café, and food and / or drink establishments located in B-1, B-2, and the RDZ zones.

(a) Permitted hours of drive-through operation shall be 6:00 a.m. to 10:00 p.m.

(b) Prior to the issuance of a permit for a drive-through, a site plan approval shall be required from the Planning Board.

(c) Design Requirements:

1. Drive-through lanes shall be a minimum of 12 (twelve) feet in width.
2. Order boards adjacent to the drive-through lane shall have sound attenuation devices, and illumination thereof will cease at 10:00 p.m. No sign shall be higher than (8) eight feet nor have a surface area larger than 32 (thirty-two) square feet.

3. A by-pass lane shall be provided adjacent to the drive-through lane.
4. Vehicle stacking in the drive-through lane shall accommodate at least 4 (four) vehicles.
5. Drive-through lanes adjacent to a residential use or zone shall provide an opaque fence 6 (six) feet in height in accordance with provisions related to fences in section § 600-63 of the Borough Code, or dense landscaping at the property line.

Section 2.

All ordinances of the Borough which are inconsistent with the provisions of this ordinance are hereby repealed as to the extent of such inconsistency.

Section 3.

If any section, subsection clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of the ordinance.

Section 4.

This Ordinance shall take effect as provided by law.

Motion by Council Member Luisi, second by Council Member Iacobelli, that the ordinance heretofore introduced does now pass on first reading and that said ordinance be further considered for final passage on March 20, 2019, at 7:30 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 law. Upon roll call, all members present voted in the affirmative. Motion carried.

Ordinance #7-2019

Re: Amendment / Salary Ordinance

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

The Clerk presented the following ordinance:

**AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT
ORDINANCE #1-2019 FIXING THE SALARIES AND COMPENSATIONS
OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF
NORTH HALEDON, IN THE YEAR 2019**

BE IT ORDAINED, by the Mayor and Council of the Borough of North Haledon as follows:

SECTION 5

POLICE DEPARTMENT

Annual salary as set forth below shall be retroactive to date of assumption of duty as Acting Chief.

Acting Chief of Police \$167,792.00

Motion by Council Member Luisi, second by Council Member Iacobelli, that the ordinance heretofore introduced does now pass on first reading and that said ordinance be further considered for final passage on March 20, 2019, at 7:30 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 law. Upon roll call, all members present voted in the affirmative. Motion carried.

Ordinance #8-2019 **Re: Amendment / Land Use Fees**

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

The Clerk presented the following ordinance:

**AN ORDINANCE OF THE BOROUGH OF NORTH HALEDON
AMENDING AND SUPPLEMENTING CHAPTER 275, ENTITLED “FEES”
OF THE CODE OF THE BOROUGH OF NORTH HALEDON**

BE IT ORDAINED by the Mayor and Council of the Borough of North Haledon, County of Passaic, State of New Jersey, that:

Section 1. **§275-2. Chapter 70, Land Use Procedures** shall be supplemented as follows:

Impervious Coverage Application \$25.00

Section 2. All other parts or provisions of §275 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 as provided by law.

Motion by Council Member Pomianek, second by Council Member Luisi, that the ordinance heretofore introduced does now pass on first reading and that said ordinance be further considered for final passage on March 20, 2019, at 7:30 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 law. Upon roll

call, all members present voted in the affirmative. Motion carried.

RESOLUTION CA#3-2019

Re: Consent Agenda

Motion by Council Member Iacobelli, second by Council Member Luisi, that the Clerk read the resolution by title and waive the reading of the resolution in full. Upon roll call, all members present 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. Towing Licenses
2. Buy Back Time
3. Petty Cash / Change of Custodian / Municipal Clerk's Office
4. Award of Contract / Oakwood Avenue Improvements
5. Authorization / Payment of Bills / Issuance of Checks
6. Refund / Construction Permit / Trinity Solar
7. Appointment / Junior Firefighter / Dean Brauch
8. Opposition / Legalization of Recreational Marijuana in New Jersey

Motion by Council Member Luisi, second by Council Member Pomianek, to adopt the foregoing resolution. Upon roll call, all members present voted in the affirmative. Motion carried.

Resolution #48-2019

Re: Towing Applications

WHEREAS, applications for Towing Licenses have been received and reviewed; and

WHEREAS, an investigation of applicants was conducted by the Police Department;

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

Licenses are approved for the following applications for towing services:

Kel-Kate Enterprises, Inc. d.b.a./Classic Towing Company
210 21st Avenue
Paterson, NJ 07501

City Wide Towing Company
131 Goffle Road
Hawthorne, NJ 07506

J & M Towing
16 Dorsa Avenue
Wayne, NJ 07470

Camp Auto
9 Whitmore Avenue
Wayne, NJ 07470

The within licenses shall be for the year 2019 and are subject to compliance with the provisions of Chapter 563 entitled "Towing and Storage" of the Code of the Borough of North Haledon. The Municipal Clerk is authorized and directed to notify each applicant by furnishing a copy of the within resolution to each applicant.

Resolution #49-2019

Re: Buy Back Time

WHEREAS, the following employees have accumulated unused hours from previous years as an employee with the Borough of North Haledon; and

WHEREAS, it has been requested by said employees that they receive payment for such hours;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of North Haledon that the following employee is hereby approved to receive buy back as stated below:

<u>Employee</u>	<u>Amount of Hours</u>	<u>Compensation</u>
Mike Zimmer	80 Hours of Sick	\$6,151.21
Chris Canova	80 Hours of Sick	\$5,181.80
Robert Bracco	80 Hours of Sick	\$7,520.41
William Graham	80 Hours of Sick	\$5,343.15
John Kaslander	25 Comp / 55 Sick	\$5,389.49
Paul Levajac	80 Hours of Sick	\$5,306.41

Resolution #50-2019

Re: Change / Custodian / Petty Cash Clerk's Office

WHEREAS, Lucille Debiak was custodian of the Clerk's Office Petty Cash Fund in accordance with NJSA 40:5-21; and

WHEREAS, the Borough of North Haledon is changing the custodian of the Clerk's Office Petty Cash Fund to the Deputy Municipal Clerk, Dena Ploch; and

WHEREAS, Dena Ploch is bonded with a Blanket Bond of the Borough of North Haledon (in the amount of \$1,000,000);

NOW, THEREFORE, BE IT RESOLVED that the Board of Council of the Borough of North Haledon, County of Passaic, hereby authorizes such action and two copies of this resolution will be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Resolution #51-2019

**Re: Award of Contract /
Oakwood Avenue / ECHS**

BOROUGH OF NORTH HALEDON

RESOLUTION

**TITLE: AWARD OF CONTRACT / OAKWOOD AVENUE ROAD
IMPROVEMENT / ECHS PARKING LOT**

WHEREAS, the Borough of North Haledon advertised for bids for captioned, pursuant to the Local Public Contracts Law; and

WHEREAS, on February 14, 2019, eight (8) bids were received and the three low bids are as follows:

	<u>BID AMOUNT</u>	<u>ALTERNATE A</u>
New Prince Construction 215 Ellen Terrace Hackensack, NJ 07601	\$503, 683.45	\$70,028.50
Marini Brothers 9 Lafayette Street Hackensack, NJ 07601	\$551,058.90	\$74,465.00
American Asphalt 96 Midland Avenue Kearny, NJ 07032	\$560,590.50	\$72,800.82

WHEREAS, the lowest bid was submitted by New Prince in the amount of \$503,683.45 for the base bid, and \$70,028.50 for Alternate A (the ECHS Parking Lot Improvement Project); and

WHEREAS, the Borough Engineer by letter dated February 20, 2019 (**attached hereto**), recommended the award to the low bidder, New Prince Construction; and

WHEREAS, the Borough Attorney, by letter dated February 20, 2019 (attached hereto), has opined as to the legal sufficiency of the lower bid and has found same to be sufficient.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of North Haledon as follows:

In accordance with the recommendations of the Borough Engineer and the Borough Attorney, New Prince Construction is hereby awarded the contract for the Oakwood Avenue and ECHS Parking Lot Improvement Project; and

The Mayor and Borough Clerk are hereby authorized and directed to execute a contract subject to the receipt of a Performance Bond.

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

CERTIFICATION

As required by N.J.S.A. 40A:4-57, N.J.A. 5:34-5.1 et seq. and any other applicable requirement, I, Christopher Battaglia, Chief Financial Officer of the Borough of North Haledon, have ascertained that there are available sufficient uncommitted funds in the item specified in the resolution, in the amount specified below. I further certify that I will encumber these funds upon passage of this resolution.

Account: C-04-18-011-3011

Amount: NTE \$503,683.45

Alternate A to be funded by ECHS

Signed: Chris Battaglia, Chief Financial Officer

Resolution #52-2019

**Re: Payment of Bills /
Issuance of Checks**

WHEREAS certain bills which are contained on the bills list which is attached hereto and incorporated herein have been submitted to the Borough of North Haledon for payment; and

WHEREAS, pursuant to N.J.S.A. 40A:5:16, it has been certified to the Governing Body that the goods and services for which said bills were submitted have been received by or rendered to the Borough of North Haledon;

NOW, THEREFORE, BE IT RESOLVED by the Board of Council of the Borough of North Haledon that the Mayor, Assistant Treasurer, and Administrator, be and are hereby authorized to sign checks in payment of the bills set forth in the attached schedule.

Resolution # 53-2019

Re: Refund / Building Permits

WHEREAS, Trinity Solar applied for, and paid for, permits for the installation of solar panels at the above address, and

WHEREAS, the property owner cancelled the project after the necessary permits totaling \$343.00 were issued;

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of North Haledon that the Treasurer be and he is hereby authorized to issue a check to Trinity Solar in the sum of \$277.00.

Resolution #54-2019

Re: Appointment / Jr. Firefighter

BE IT RESOLVED by the Borough Council of the Borough of North Haledon that Dean W. Brauch, 738 Belmont Avenue, be appointed as a junior firefighter effective immediately.

Resolution #55-2019

Re: Opposition / Legalized Marijuana

WHEREAS, the Mayor and Council of the Borough of North Haledon have a duty to ensure the health, safety, and welfare of its residents; and

WHEREAS, the Mayor and Council have an equally strong interest in promoting the success of its youth; and

WHEREAS, recent news articles indicate that New Jersey's Governor intends to sign into law legislation legalizing recreational marijuana, which is currently illegal under New Jersey and federal law; and

WHEREAS, the October 2017 Rocky Mountain High Density Drug Trafficking Area annual report ("Report") documents significant consequences of recreational marijuana legalization in Colorado, including a doubling of traffic deaths involving marijuana-impaired drivers; an increase of 72% in yearly marijuana-related hospitalizations for the period of 2012- 2015; and above-national averages for past-month marijuana use by teens (55%), college-age individuals (61%), and adults (124%); and

WHEREAS, the Report also indicates that the number of retail marijuana stores in Colorado outnumbers Starbucks and McDonalds, individually; and

WHEREAS, the amount of delta-9-tetrahydrocannabinol ("THC"), which impairs a user's reaction time and ability to perceive danger while operating a vehicle, is carefully controlled in medical marijuana, whereas recreational marijuana is specifically designed to contain as much THC as possible; and

WHEREAS, New Jersey utilizes drug recognition experts ("DREs") to determine whether a driver of a motor vehicle is under the influence of a drug such marijuana, and there

is currently no objective standard to make this determination, as compared to standards established for driving while intoxicated (.08%), making enforcement of related laws extremely difficult; and

WHEREAS, the National Institute on Drug Abuse has reported that marijuana is addictive and users are at a greater risk to develop other substance abuse disorders; and

WHEREAS, it is well known and documented that an opioid epidemic exists in New Jersey and throughout the country, even though opioids are legal and regulated by prescription; and

WHEREAS, the American Medical Association has stated in H-95.998, AMA Policy Statement on Cannabis, that “cannabis is a dangerous drug and as such is a public health concern.”

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

1. The Mayor and Council strongly oppose the legalization of recreational marijuana.
2. The Mayor and Council call upon all mayors and governing bodies in all New Jersey municipalities, who have not already done so, to approve and adopt resolutions opposing such legalization.
3. A certified copy of this resolution shall be forwarded to the Governor of the State of New Jersey, Lieutenant Governor of the State of New Jersey, the members of the Passaic County Legislative Delegation, the Passaic County Board of Chosen Freeholders, and the governing bodies of all municipalities within the County of Passaic.

REMINDER:

Special Meeting: February 21, 2019 – Police Promotions -- ECHS

Special Meeting: March 6, 2019 – 920 Belmont Avenue -- ECHS

ADJOURNMENT

Motion by Council member Iacobelli, second by Council Member Salviano, to adjourn the meeting. Upon roll call, all members present voted in the affirmative. Motion carried.

Mayor George declared the meeting duly adjourned at 9:50 p.m

Respectfully Submitted,

Renate Elatab, Municipal Clerk

Approved at Council Meeting of March 20, 2019