



BOROUGH OF NORTH HALEDON

COUNCIL MEETING MINUTES

WEDNESDAY, MARCH 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 9:35 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: Raymond Melone, Rocco Luisi, George Pomianek, Donna Puglisi, Bruce O. Iacobelli, and Keith Salviano

Borough Attorney Michael De Marco

Borough Engineer Joseph Pomante

Deputy Municipal Clerk, Dena Ploch

Municipal Clerk Renate Elatab

Absent:

Councilman Raymond Melone (no excuse given)

Also Present:

Acting Chief, Todd Darby

Borough Auditor, Chuck Ferraioli and David Bottge

Borough Chief Finance Office / Treasurer, Chris Battaglia

PUBLIC COMMENTS

Motion by Councilwoman Puglisi, second by Councilman 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 asked to speak, motion by Councilwoman Puglisi, second by Councilman Luisi, 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 Iacobelli, second by Council Member Salviano, to approve the minutes of the rescheduled work session meeting and regular meeting of February 20, 2019, and the special meeting of February 21, 2019. Upon roll call, all present voted in the affirmative, except for Council Member Puglisi, who abstained from the minutes of the meetings of February 20, 2019. Motion carried.

OFFICIAL REPORTS

The following reports were distributed to Council Members:

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**

**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. This use shall be subject to the following requirements:

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 Puglisi, second by Council Member Iacobelli, 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 asked to speak, motion by Council Member Puglisi, second by Council Member Iacobelli, to close the floor the public. Upon roll call, all members present voted in the affirmative. Motion carried.

Motion by Council Member Luisi, second by Council Member Pomianek, that Ordinance #5-2019 pass its second and final reading and that the Clerk be authorized to cause the appropriate notice to be published that Ordinance 5-2019 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, with the exception of Council Member Puglisi, who voted in the negative. Motion carried.

Ordinance #7-2019

Re: Amendment / Salary Ordinance

Motion by Council Member Pomianek, second by Council Member Puglisi, 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
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Motion by Council Member Iacobelli, second by Council Member Puglisi, 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 asked to speak, motion by Council Member Puglisi, second by Council Member Iacobelli, to close the floor the public. Upon roll call, all members present voted in the affirmative. Motion carried.

Motion by Council Member Puglisi, second by Council Member Luisi, that Ordinance #7-2019 pass its second and final reading and that the Clerk be authorized to cause the appropriate notice to be published that Ordinance 7-2019 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 #8-2019

Re: Impervious Coverage Application Fee

Motion by Council Member Iacobelli, second by Council Member Puglisi, 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
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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 Puglisi, second by Council Member Iacobelli, 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 asked to speak, motion by Council Member Puglisi, second by Council Member Salviano, to close the floor the public. Upon roll call, all members present voted in the affirmative. Motion carried.

Motion by Council Member Puglisi, second by Council Member Iacobelli, that Ordinance #8-2019 pass its second and final reading and that the Clerk be authorized to cause the appropriate notice to be published that Ordinance #8-2019 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 #9-2019

Re: COLA Ordinance

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 present voted in the affirmative. Motion carried.

The Clerk presented the following ordinance:

**CALENDAR YEAR 2019
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of North Haledon in the County of Passaic finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$102,062.36 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of North Haledon, in the County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Borough of North Haledon shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$357,218.29, and that the CY 2019 municipal budget for the Borough of North Haledon be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion by Council Member Puglisi, 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 April 17, 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 #10-2019

Re: Salary Ordinance

Motion by Council Member Puglisi, second by Council Member Salviano, 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 6

The following annual salaries and compensations shall be paid to the following officers and employees of the Borough of North Haledon, County of Passaic, and State of New Jersey for the year 2019.

MAYOR	7,807.00
COUNCIL MEMBERS	4,654.00
CHIEF OF POLICE	181,745.00
ACTING CHIEF OF POLICE	167,792.00
ADMINISTRATOR	22,305.00
MUNICIPAL CLERK	88,699.00

MUNICIPAL HOUSING ADMINISTRATOR	13,652.00
QUALIFIED PURCHASING AGENT	10,404.00
DEPUTY BOROUGH CLERK	57,655.00
SOCIAL MEDIA TECHNICIAN	6,000.00
ADMINISTRATIVE ASST/ CLERK'S OFFICE	43,017.00
ADMINISTRATIVE ASSISTANT	35,700.00
TAX COLLECTOR	81,166.00
TAX SEARCH OFFICER	989.00
TAX ASSESSOR	20,616.00
ASSISTANT TO TAX ASSESSOR	2,500.00
PART-TIME CFO / TREASURER	33,709.00
ASSISTANT TREASURER	68,067.00
SUPERINTENDENT OF PUBLIC WORKS	108,803.00
CLERICAL ASST/POLICE DEPT.	48,514.00
OPERATOR/PUMP STATION/PART TIME	17,320.00
OPERATOR/PUMP STATION/PART TIME	19,921.00
ASST. OPERATOR/PUMP STATION	47,703.00
PLANNING BOARD SECRETARY	6,844.00
PLANNING BOARD CLERK-PER SPECIAL MEETING	30.00
PLANNING BOARD ATTORNEY	3,790.00
ZONING BOARD OF ADJUSTMENT/ SECRETARY	4,919.00
ZONING BD. SPECIAL MEETING	30.00
ZONING BOARD ATTORNEY	2,817.00
MUNICIPAL JUDGE	16,401.00
COURT ADMINISTRATOR	60,645.00
PROSECUTOR	17,996.00
PUBLIC DEFENDER/PER APPEARANCE	150.00
CONSTRUCTION CODE OFFICIAL	54,046.00
PLUMBING & ELECTRICAL SUB-CODE OFFICIAL	21,956.00
FIRE SUB-CODE OFFICIAL	11,465.00
ZONING REVIEW OFFICER	1,420.00
CODE ENF.-PROP MNT.-ZONING ENFORCEMENT	72,386.00
LAND USE ACT ADMINISTRATOR	1,420.00
TECHNICAL ASST. CONSTRUCTION OFFICE	39,573.00
REGISTRAR OF VITAL STATISTICS	1,866.00
DEPUTY REGISTRAR OF VITAL STATISTICS	2,301.00
FIRE OFFICIAL	7,733.00
OEM COORDINATOR	7,803.00
ASST. OEM COORDINATOR	5,202.00
REGISTERED ENVIRONMENTAL HEALTH SPEC.	16,647.00
ASST. TO REGISTERED ENVIRONMENTAL HEALTH SPEC.	7,500.00

PUBLIC HEALTH NURSE	14,410.00
SECRETARY/BOARD OF HEALTH	8,139.00
RECYCLING COORDINATOR	4,699.00
SECRETARY / ETHICS BOARD	234.00
PUBLIC EVENTS COORDINATOR	5,100.00
ROAD KILL SPECIALIST	3,578.00 – 5,202.00

HOURLY

RECYCLING ATTENDANT/ENFORCEMENT OFFICER	12.00 – 30.00
DEPUTY TAX COLLECTOR	15.00 – 20.00
DPW PART-TIME LABORER	12.00 – 20.00
SPECIAL POLICE OFFICER	14.00 -- 20.00
FIRE INSPECTOR	14.00 --20.00
CLERICAL ASSISTANT	14.00 – 20.00
PART-TIME DISPATCHER	12.00-16.00
CROSSING GUARD	14.00-18.00
DEPUTY COURT ADM. / VIOLATIONS CLERK	15.00-18.00

Motion by Council Member Iacobelli, 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 April 17, 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 #11-2019

Re: Bond Ordinance

Motion by Council Member Puglisi, 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:

BOND ORDINANCE PROVIDING FOR THE 2019 CAPITAL IMPROVEMENT PROGRAM BY AND IN THE BOROUGH OF NORTH HALEDON, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING \$1,413,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$857,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF NORTH HALEDON, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of North Haledon, in the County of Passaic, State of New Jersey (the "Borough") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of \$1,413,000, which sum includes \$43,000 as the aggregate amount of down payments for said improvements required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), and now available therefor by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes and a New Jersey Department of Transportation Grant in the amount of \$513,000 (the "DOT Grant").

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, and to meet the part of the \$1,413,000 appropriation not provided for by said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$857,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$857,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

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

Description	Total Appropriation	Debt Authorization	Down Payment	Useful Life
<p>A. <u>DPW</u></p> <p>Acquisition of (i) equipment and (ii) various non-passenger vehicles for the Department of Public Works;</p>	\$320,000	\$304,700	\$15,300	15 years
<p>B. <u>Street Projects</u></p> <p>Various roadway improvements to various roadways all as on file with the Borough Clerk, such roadway improvements shall include, but are not limited to, as applicable, milling, construction, reconstruction, repairing and resurfacing of said roadways, drainage improvements, inlet, manhole and water valve replacements to said roadways and, as applicable, the restoration or construction of or improvements to curbs, sidewalks, traffic line striping, driveway aprons or barrier-free ramps along such roadways and the acquisition and installation of traffic signals, signage and bicycle corrals, as required, throughout the Borough;</p>	\$150,000	\$142,850	\$7,150	15 years
<p>C. <u>DOT Street Project</u></p> <p>Various roadway improvements to Westervelt Avenue all as on file with the Borough Clerk, such roadway improvements shall include, but are not limited to, as applicable, milling, construction, reconstruction, repairing and resurfacing of said roadways, drainage improvements, inlet, manhole and water valve</p>	\$513,000 (includes a DOT Grant in the amount \$513,000)	\$0	\$0	15 years

Description	Total Appropriation	Debt Authorization	Down Payment	Useful Life
replacements to said roadways and, as applicable, the restoration or construction of or improvements to curbs, sidewalks, traffic line striping, driveway aprons or barrier-free ramps along such roadways and the acquisition and installation of traffic signals, signage and bicycle corrals, as required, throughout the Borough;				
<p><u>D. Buildings/Grounds Improvements</u></p> <p>Improvements to (i) the Municipal Building roof; (ii) upgrades to various municipal facilities; (iii) soccer field improvements; (iv) sewer plant upgrades; (v) security upgrades at Borough schools for community/ athletic purposes and (vi) various improvements to public facilities</p>	\$115,000	\$109,500	\$5,500	20 years
<p><u>E. Recreation Improvement</u></p> <p>Improvements to field lighting and various recreational facilities improvements;</p>	\$25,000	\$23,800	\$1,200	15 years
<p><u>F. Fire and Police</u></p> <p>Acquisition of turn out gear and other related equipment; upgrade of fire department radio system; acquisition of portable police radios; acquisition of non-passenger police vehicles, road safety equipment and firearms.</p>	\$220,000	\$209,500	\$10,500	15 years

Description	Total Appropriation	Debt Authorization	Down Payment	Useful Life
G. <u>Technology</u> Acquisition and installation of various information technology equipment and upgrades.	\$25,000	\$23,800	\$1,200	7 years
Section 20 costs	\$45,000	\$42,850	\$2,150	
Grand Total:	\$1,413,000	\$857,000	\$43,000	

The appropriations set forth above shall also include all work, materials, appurtenances, equipment, labor, engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration as necessary therefor or incidental thereto.

a. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$857,000.

b. The aggregate estimated cost of said improvements and purposes is \$1,413,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Passaic make a loan, contribution or grant-in-aid to the Borough (excluding the DOT Grant) for the improvements authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Passaic. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or the County of Passaic (excluding the DOT Grant) shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other

purpose. This Section 4 shall not apply however, with respect to any contribution or grant in aid received by the Borough as a result of using such funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office

of the Clerk of the Borough and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

a. The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15.43 years.

c. The supplemental debt statement required by the Local Bond 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, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$857,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$45,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Borough, and

the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the debt obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2 . No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the Borough for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the Borough, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$857,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital

expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

SECTION 10. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption and approval by the mayor, as provided by the Local Bond Law.

DISCUSSION ON CAPITAL BUDGET AND 2019 MUNICIPAL BUDGET

Mayor George advised that he had just received a request from the Recreation Commission for dugouts for fields 2, 3, 4, and 5, as well as lights for fields 2 and 3, and resurfacing of the tennis courts. He advised that the Fire Chief will need a new fire apparatus. Acting Chief Darby has purchased the e-tickets system, a new fingerprint machine, a Durango, and cameras for Ridge Road by using remaining capital funds from prior years.

The Borough Auditor advised that the Borough's debt service is at 0.92% (which is under the recommended 1%). The Borough does not have the official numbers for the County, local or school taxes yet, but the municipal taxes (which includes the library) will see an increase of 34.98% on the average property. Mayor George believes that the local school will see an increase of \$60 on the average property, and the mayors of MRHS' three sending district will be meeting with that administration shortly. Mayor George advised that the Borough was using more surplus this year, but that it would be replenished by next year. Councilman Pomianek suggested using less surplus which would generate a \$70.00 increase, to which Councilwoman Puglisi added "we're triple the \$10 tax hike of last year." The Borough Auditor requested that the Municipal Clerk send the tax levies for both schools to him as soon as she receives them.

The Borough Auditor stated that the Borough is a strong financial town; that the existing bonds will be paid off by 2025, and that if the current trend continues, the Borough could pay off all its notes so that they never become bonds.

Motion by Council Member Puglisi, second by Council Member Pomianek, that the ordinance heretofore introduced does now pass on first reading and that said ordinance be further considered for final passage on April 17, 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 / Amendment / 920 Belmont Avenue Financial Agreement (pulled)

Ordinance #12-2019

Re: Amendment / Zoning

Motion by Council Member Iacobelli, second by Council Member Puglisi, 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.

Councilman Iacobelli recuses himself regarding this ordinance since he is a tenant in a building adjacent to Block and Lot referred to in the ordinance.

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 zoning districts of the Borough of North Haledon are bounded and defined as shown on a map entitled “Zoning Map, Borough of North Haledon, Passaic County, New Jersey,” dated January 2001, and prepared by Michael F. Kauker, Associates; and

WHEREAS, the property commonly known as 495 High Mountain Avenue and designated on the tax maps of the Borough of North Haledon as Block 18.01, Lot 8 (herein after referred to as the “Property”) is currently located in the RA-1 zone; and

WHEREAS, it appears that the Property should properly be located in the B-2 zoning district,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough

of North Haledon, County of Passaic, State of New Jersey, that:

- Section 1. The property commonly known as 495 High Mountain Road and designated on the tax maps of the Borough of North Haledon as Block 18.01, Lot 8 shall be removed from the RA-1 zone and included in the B-2 zone.
- Section 2. All other parts of the Zoning Map of the Borough of North Haledon and 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 Luisi, that the ordinance heretofore introduced does now pass on first reading and that said ordinance be further considered for final passage on April 17, 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 #13-2019

Re: Passing of Food

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 present voted in the affirmative. Motion carried.

Councilman Iacobelli recuses himself regarding this ordinance since he is a tenant in a building to which this ordinance may apply.

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) Drive-through operation shall be limited to coffee based businesses.
- (c) Prior to the issuance of a permit for a drive-through, a site plan approval shall be required from the Planning Board.
- (d) 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.

Motion by Council Member Puglisi, 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 April 17, 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 #14-2019

Re: Amendment / Fees

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 present voted in the affirmative. Motion carried.

The Clerk presented the following ordinance:

**AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT
THE CODE OF THE BOROUGH OF NORTH HALEDON
TO AMEND CHAPTER 275, FEES**

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

§275-24, CHAPTER 504, shall be amended as follows:

- A. Filing Fee: \$250.00 with \$0.25 per cubic yard removed from the site.

All other parts or provisions of Chapter 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.

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

Motion by Council Member Puglisi, 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 April 17, 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 #57-2019

Re: Waiving of Reading of Budget

Motion by Council Member Puglisi, 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 resolution:

BE IT RESOLVED, by the Borough Council of the Borough of North Haledon that the Clerk be and she is hereby authorized to read the 2019 Local Municipal Budget by title and

waive the reading of the budget in full pursuant to N.J.S.A. 40A:4-8, and further that all conditions have been met in accordance with N.J.S.A. 40A:4-8 subsection 1.a and 1.b of this section.

Motion by Council Member Iacobelli, second by Council Member Puglisi, to approve the foregoing resolution. Upon roll call, all members present voted in the affirmative. Motion carried.

Resolution #58-2019

Re: 2019 Municipal Budget

Motion by Council Member Puglisi, 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:

BE IT RESOLVED, by the Borough Council of the Borough of North Haledon that the attached 2019 Municipal Budget constitutes the local budget of the Borough of North Haledon for the calendar year 2019.

BE IT FURTHER RESOLVED that a copy of the 2019 municipal budget will be available for inspection in the office of the Municipal Clerk.

BE IT FURTHER RESOLVED that a summary of said budget be published in the HAWTHORNE PRESS on March 28, 2019, and a public hearing on the budget will be held at the Municipal Building, 103 Overlook Avenue, on April 17, 2019, or as soon thereafter as the matter may be reached.

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

RESOLUTION CA#4-2019

Re: Consent Agenda

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 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. North Haledon Library Remittances
2. Approval / Raffle Licenses
3. Authorization / Auction / Police Vehicles
4. Buy Back Unused Time
5. Purchase of 2019 Dodge Durango / Police Vehicle
6. Award of Contract / International Fireworks
7. Acceptance of Resignation / Detective / Sean Phillips
8. Appointment / Detective / Colleen Carver
9. Award of Contract / Boswell Engineering / Valve at Pumping Station
10. Authorization / Payment of Bills / Issuance of Checks
11. Budget Transfers
12. Increase in Deferred School Taxes
13. Appointment / North Haledon Municipal Alliance
14. Rescinding Resolution #11-2019 / Award of Contract / MRHS Special Counsel
15. Authorization / Execution of Amendment to Redevelopment Agreement
16. Authorization / Borough Attorney / File Tax Appeal / 811 Belmont Avenue
17. Authorization / Borough Attorney / Execution and Filing of Deed and Ordinance

Motion by Council Member Puglisi, second by Council Member Iacobelli, to approve the foregoing resolution. Upon roll call, all members present voted in the affirmative. Motion carried.

Resolution #59-2019

Re: Library Remittances

WHEREAS, the Board of Library Trustees of the Borough of North Haledon Free Public Library requests payment for library purposes;

NOW THEREFORE BE IT RESOLVED that the Treasurer is hereby authorized to make payments to the Library according to the following schedule:

April 2019	\$38,115.33
May 2019	\$38,115.33
June 2019	\$38,115.34

BE IT FURTHER RESOLVED that said payments be charged to the 2019 Budget Appropriation Account Maintenance of the Free Public Library.

Resolution #60-2019

Re: Approval / Raffle Licenses

BE IT RESOLVED by the Borough Council of the Borough of North Haledon that the following Raffle Licenses be approved as submitted, providing all rules and regulations of Legalized Games of Chance are adhered to:

Name: H.S.A. St. Anthony's
Location of Raffle: 1245 Belmont Avenue
Date of Raffle: April 10, 2019
Raffle License: RA#4-2019 & RA#5-2019

Name: NHEF
Location of Raffle: 1245 Belmont Avenue
Date of Raffle: March 22, 2019
Raffle License: RA#6-2019

Resolution #61-2019

Re: Auction / Surplus Property

WHEREAS, the Borough of North Haledon is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough of North Haledon is desirous of selling said surplus property in an "as is" condition without express or implied warranties.

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

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract.
- (2) The sale will be conducted online and the address of the auction site is GovDeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:

2004 Mitsubishi Endeavor, VIN 4A4MN21S64E011763, approximately 97,368.00 miles

(5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

- (6) The Borough of North Haledon reserves the right to accept or reject any bid submitted.

Resolution #62-2019

Re: Buy Back Time

WHEREAS, the following employee(s) has accumulated unused hours from previous years as an employee with the Borough of North Haledon; and

WHEREAS, it has been requested by said employee(s) that he 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>
Russell Walters	80 Hours of Sick Time	\$2,046.49
Pete Dudas	80 Hours of Sick Time	\$5,689.02
Marc Rowe	80 Hours of Sick Time	\$6,797.79
Zachary Hine	80 Hours of Comp Time	\$1,535.08
Sean Hagedoorn	80 Hours of Sick Time	\$3,400.47
Dave Parenta	80 Hours of Sick Time	\$6,155.54

Resolution #63-2019

Re: Purchase / Dodge Durango

BE IT RESOLVED that the Municipal Clerk is hereby authorized to execute a contract with Carmen Jeep, 196 S. Dupont Hwy., New Castle, DE, 19720, for the purchase of one (1) 2019 Dodge Durango under Cranford Co-op Contract No. 47-CPCPS at a total amount of \$32,979.00.

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-04-18-011-102

Amount: NTE \$32,979.00

Signed: Chris Battaglia, Chief Financial Officer

Resolution #64-2019

Re: Acceptance of Proposal / Fireworks

BE IT RESOLVED that the Borough Administrator is hereby authorized to execute a contract with International Fireworks for a fireworks display on North Haledon Day (copy

attached hereto and made part of the within minutes) in the sum not to exceed \$12,300.00.

BE IT FURTHER RESOLVED that funds are available for the aforementioned as evidenced by Treasurer / CFO certification 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: 9-01-30-420-000

Amount: NTE \$12,300.00

Signed: Chris Battaglia, Chief Financial Officer

***Certification of Funds is contingent upon the adoption of the 2019 Municipal Budget**

Resolution #65-2019

Re: Resignation / Det. Sean Phillips

BE IT RESOLVED, by the Borough Council of the Borough of North Haledon that the resignation of Sean Phillips, Detective, be accepted retroactive to March 15, 2019.

Resolution #66-2019

Re: Appointment / Det. Colleen Carver

BE IT RESOLVED by the Borough Council of the Borough of North Haledon that Colleen Carver be appointed as Detective, retroactive to March 16, 2019, with salary in accordance with Salaries and Wages 2019.

Resolution #67-2019

**Re: Proposal / Boswell Engineering
Molly Ann Pumping Station**

WHEREAS, the Borough of North Haledon is in need of engineering services, in particular for Molly Ann Pump Station Valve Replacement; and

WHEREAS, Boswell Engineering, by letter dated February 20, 2019 submitted a proposal regarding same as evidenced by **attachment herein** and made a part of the within resolution;

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

The Proposal of Boswell McClave Engineering, February 20, 2019 for engineering services in connection with the above is hereby accepted and approved.

Compensation for said services shall not exceed \$2,500.00 for data collection, \$15,500.00 for the design phase, for a total not to exceed \$18,000.00.

BE IT FURTHER RESOLVED that funds are available for the aforementioned as evidenced by Treasurer / CFO certification 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: 9-01-20-165-028

Amount: NTE \$18,000.00

Signed: Chris Battaglia, Chief Financial Officer

***Certification of Funds is contingent upon the adoption of the 2019 Municipal Budget**

Resolution #68-2019

**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 #69-2019

Re: Appropriation Transfers

WHEREAS, various 2018 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2018 Budget in the last two months of 2018; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the closed of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of North Haledon, in the County of Passaic, State of New Jersey, (2/3 of the majority of the full

membership concurring herein) that the transfers in the amount of **\$13,000.00** be made between the 2019 Appropriation Reserves as follows:

	<u>IN</u>	<u>OUT</u>
POLICE O/E	\$ 3,000.00	
SR CITIZEN TRANSPORTATION O/E	\$ 110.00	
ELECTRICITY	\$ 7,800.00	
GASOLINE	\$ 190.00	
FUEL OIL	\$ 1,900.00	
LEGAL O/E		(\$ 13,000.00)
TOTAL TRANSFER	\$ 13,000.00	(\$ 13,000.00)

Resolution #70-2019

Re: Increase / Deferred School Taxes

WHEREAS, the Division of Local Government Services requires that the Governing Body of any municipality which has Deferred School Taxes must authorize any increase in the deferral of any additional amounts, and

WHEREAS, the Governing Body has decided that an increase in Deferred School Taxes is in the best interest of the Borough of North Haledon at this time,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the following Deferred School Taxes be hereby increased for the year ended December 31, 2018 as follows:

	<u>Local School Taxes</u>
Amount Deferred 12/31/2018	5,451,901.50
Amount Deferred 12/31/2017	<u>5,345,809.50</u>
	<u>106,092.00</u>

BE IT FURTHER RESOLVED by the Governing Body that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Resolution #71-2019

Re: Appointment / NHMA

BE IT RESOLVED by the Borough Council of the Borough of North Haledon that Selma Hajhassan be appointed to the North Haledon Municipal Alliance effective immediately.

Resolution #72-2019

Re: Contract / Special Counsel

WHEREAS, the Borough of North Haledon has a need to acquire Special Counsel services regarding matters involving the Manchester Regional High School as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated term of this contract is one year from January 1, 2019 through December 31, 2019; and

WHEREAS, Porzio, Bromberg & Newman has submitted a proposal dated December 5, 2018 indicating special counsel services will be provided for the rate of \$365 per hour for principal and counsel, \$255 per hour for associates and \$145 per hour for paralegals; and

WHEREAS, the firm of Porzio Bomberg & Newman has completed and submitted a Business Entity Disclosure Certification which certifies that the firm of Porzio Bomberg & Newman has not made any reportable contributions to a candidate or candidate committee in the Borough of North Haledon in the previous one-year, and that this contract will prohibit the firm of Porzio Bomberg & Newman from making any reportable contributions through the term of the contract; and

WHEREAS, the Governing Body of the Borough of North Haledon hereby rescinds Resolution #11-2019; and

WHEREAS, the Governing Body of the Borough of North Haledon pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer.

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

1. The firm of Porzio Bomberg & Newman is hereby retained as special counsel in accordance to the terms of this proposal submitted to the Borough;
2. This contract is awarded without competitive bidding as “Professional Services” in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because this contract is for services rendered and/or performed by persons authorized by law to practice a recognized profession that is regulated by law.
3. A copy of this resolution as well as the proposal shall be placed on file in the Office of the Municipal Clerk.
4. A notice of this action shall be printed once in the HAWTHORNE PRESS.

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: 9-01-30-510-000

Amount: NTE \$3,000.00

Signed: Chris Battaglia, Chief Financial Officer

***Certification of Funds is contingent upon the adoption of the 2019 Municipal Budget**

Resolution #73-2019

Re: Authorization / Tax Appeal

WHEREAS, 811 Belmont Avenue, also referred to as Block 6, Lot 7.02, is a property with tax exempt status in the Borough of North Haledon, and

WHEREAS, the Tax Assessor has requested that the property owner fill out and return a "Further Statement," which is a form sent out periodically to tax exempt property owners confirming continued use as a tax exempt property, as well as other supporting documentation, and the Tax Assessor has advised that although the property owner acknowledged receipt of the request, same was not complied with; and

WHEREAS, the Tax Assessor in a memo dated March 5, 2019 advised that he believed that the Borough had no choice but to file a tax appeal that the Court remove the tax exemption or compel Company No. 1 to prove to the court that they are entitled to a tax exemption;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of North Haledon authorizes the Borough Attorney, Michael DeMarco, to file a tax appeal for 811 Belmont Avenue, Block 6 Lot 7.02 before the deadline of April 1, 2019.

Resolution #74-2019

Re: Vacation / Lenox Avenue / Licari

WHEREAS, the Governing Body of the Borough of North Haledon, Passaic County, New Jersey has determined that a portion of Lenox Avenue, a paper street, is no longer needed for public purposes and that it is in the best interest of the Borough to vacate and transfer the same to the adjoining property owners; and

WHEREAS, vacation of a public street, or part thereof, which has not been opened by the municipality, may be authorized by the municipal governing body by Ordinance pursuant to N.J.S.A. 40:67-19 et seq., when there is no longer any need for the use of said area by the public; and

WHEREAS, by Ordinance No. 17-2001, the Governing Body of the Borough of North Haledon vacated any and all public rights of that portion of Lenox Avenue described on Schedules "A" and "B" hereto; and

WHEREAS, Richard J. Licari and Catherine Licari, are the adjoining owners to whom the vacated street shall be transferred pursuant to the terms hereof; are in agreement with the vacation of said street; and have paid the required consideration.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Council of the Borough of North Haledon that the Mayor and Borough Attorney are hereby authorized to take all action necessary and to execute all necessary documents for the purpose of conveying the vacated portion of Lenox Avenue described in the schedules attached hereto to Richard J. Licari and Catherine Licari.

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 10:45 p.m.

Respectfully Submitted,

Renate Elatab, Municipal Clerk

Approved at Council Meeting of April 17, 2019