



BOROUGH OF NORTH HALEDON

COUNCIL MEETING MINUTES

WEDNESDAY, NOVEMBER 2, 2016

Mayor George read the following statement into the record:

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of November 2, 2016, was included in a list of meetings notices sent to the HERALD NEWS and the HAWTHORNE PRESS on January 11, 2016, and was advertised in said newspapers on January 14, 2016. This notice was posted on the bulletin board on the same date and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

Proper notice having been given, this meeting is called to order at 9:13 p.m. and the Clerk is directed to include this statement in the minutes of this meeting.

ROLL CALL

Present:

Mayor Randy George
Council Members Rocco Luisi, George Pomianek, Dennis Marco, and Michael Galluccio
Borough Attorney, Michael De Marco
Borough Engineer, Joseph Pomante (left at 9:03 p.m.)
Police Chief, Robert Bracco, and Police Captain, Todd Darby
Fire Chief, A. J. Ricciardi
Deputy Borough Clerk, Dena Ploch
Municipal Clerk, Renate Elatab

Absent:

Council Members Raymond Melone and Donna Puglisi

PUBLIC COMMENTS

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

COMMITTEE REPORTS

DPW / STREETS & ROADS / SEWERS/ BUILDINGS & GROUNDS /
SOLID WASTE / RECYCLING
POLICE / EMERGENCY MANAGEMENT / SAFETY / PBA LOCAL 292
RECREATION
ZONING BOARD OF ADJUSTMENT
NORTH HALEDON VOLUNTEER AMBULANCE
FINANCE
PLANNING BOARD
BOARD OF EDUCATION / LOCAL.
BOARD OF EDUCATION / REGIONAL
BOARD OF HEALTH
FIRE & WATER.
ENGINEERING
LIBRARY
PUBLIC CELEBRATIONS

Motion by Council Member Marco, second by Council Member Galluccio, that committee reports be waived. Upon roll call, all members present voted in the affirmative. Motion carried.

COMMUNICATIONS

Communications below were presented at the Work Session.

Mayor George	Re: No Bow Hunting in Saddle Brook
Borough Attorney	Re: Mutual Aid
Borough Attorney	Re: Bhatt's Use of Personal Emails
Hitesh Bhatt	Re: Letter from Borough Attorney
NJ DEP	Re: Municipal Maintenance Yard Pictures
NH Library	Re: Library Funding
HM Presbyterian Church	Re: Refund of Permit
Superintendent of DPW	Re: Activity at DPW Yard
EBI Consulting	Re: Mobilitie
NH Planning Board	Re: Sun Properties

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

NEW BUSINESS / ORDINANCES / RESOLUTIONS

Ordinance #21-2016

Re: Do Not Solicit List

Motion by Council Member Pomianek, second by Council Member Marco, 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 CHAPTER 442, PEDDLERS, SOLICITORS AND CANVASSERS

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

Section 1.

§442-11. Regulations, shall be amended and shall read as follows:

G. Do Not Solicit List.

- (1) Notwithstanding the provisions of any other section of this chapter, any person or entity owning property within the Borough may register such property on a “do not solicit list.”
- (2) Registration for the “do not solicit list” shall be made as follows:
 - (a) The “do not solicit list” shall be maintained by the Municipal Clerk.
 - (b) The “do not solicit list” shall consist solely of property addresses, and shall include no further identifying information concerning the ownership of each property.
 - (c) The Construction Official shall notify the Municipal Clerk of any change of ownership of property within the borough. The Municipal Clerk shall remove from the “do not solicit list” any property which has changed ownership.
- (3) The Municipal Clerk shall provide a copy of the “do not solicit list” to each and every solicitor to whom a permit is issued. Upon request, the Municipal Clerk shall also make available a copy of the “do not solicit list” to any individual or entity otherwise exempt from the provisions of this chapter which intends to engage in door to door canvassing, soliciting, campaigning, advocacy, education, proselytizing, or handbill distribution.

- (4) Solicitation of any address identified on the “do not solicit list” shall contribute a violation of this chapter. Each and every solicitation at an address identified on the “do not call list” shall constitute a separate violation of this chapter.

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

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

Motion by Council Member 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 December 7, 2016, 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 #22-2016

Re: Short Term Rentals

Motion by Council Member Marco, second by Council Member Galluccio, 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 CREATE NEW CHAPTER 71, “PROHIBITION OF SHORT TERM RENTAL PROPERTY,” OF THE CODE OF THE BOROUGH OF NORTH HALEDON TO PROHIBIT THE SHORT TERM RENTAL OF RESIDENTIAL DWELLING UNITS WITHIN THE BOROUGH OF NORTH HALEDON

WHEREAS, the New Jersey Legislature has, pursuant to N.J.S.A. 40:52-1(d) and (n), specifically authorized municipal corporations, including the Borough of North Haledon (the “Borough”) to regulate “furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof” and the “rental of real property for a term of less than one hundred seventy-five (175) consecutive days for residential purposes by a person having a permanent place of residence elsewhere;” and

WHEREAS, in recent years, there has arisen a proliferation of internet and other media advertising often on websites dedicated to the rental of Dwelling Units for short terms and for a period of less than thirty (30) days (“Short Term Rental”); and

WHEREAS, the Borough’s experience, as well as common experiences, dictates the conclusion that Short Term Rentals frequently result in public nuisance, noise complaints,

sanitation issues, overcrowding and illegal parking within the residential neighborhoods of the Borough, and essentially convert residential dwelling units into illegal de-facto hotels, motels, boarding houses and other commercial enterprises, in violation of the Borough's Zoning and other Codes as well as State statutes; and

WHEREAS, the Borough wishes to deter the cyber-social phenomenon of any Owner renting his/her residential Dwelling Unit(s) on various websites, as well as the listing of Short Term Rental(s) by website businesses, of any Dwelling Unit(s), that constitute an illegal business operating in violation of the Borough's Zoning Code and other public nuisance ordinances; and

WHEREAS, the Borough additionally wishes to prevent overcrowding, which unlawfully results in the Borough's occupancy limits to be exceeded; and

WHEREAS, some property owners and/or their agents permit commercial boarding-house type Short Term Rental(s) and overcrowded conditions and other public nuisances, in order to unlawfully create a commercial enterprise and income, in violation of the Borough's Zoning Code and to maximize their profit(s); and

WHEREAS, problems also frequently associated with such Short Term Rental(s) include overcrowding, excessive noise, unruly behavior, obscene language, fighting, littering, parking of vehicles on lawns, public urination, sanitation issues, poor maintenance of the property and grounds, and violation of trash collection ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Haledon, County of Passaic, State of New Jersey, that new Chapter 71, "Prohibition of Short Term Rental Property," is hereby created as follows:

SECTION 1. Chapter 71. Prohibition of Short Term Rental Property.

71-1. Findings.

The Borough Council of the Borough of North Haledon, hereby finds and adopts, as if set forth more fully herein, the fact assertions of the "Whereas" clauses of this Ordinance, as its findings of fact.

71-2. Short Term Rental Property Prohibited Uses.

- A. Notwithstanding anything to the contrary in the Borough Code, it shall be unlawful for an Owner, lessor, sub-lessor, any other person(s) or entity(ies) with possessory or use right(s) in a Dwelling Unit, their principals, partners or shareholders, or their agents, employees, representatives and other person(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated consideration for soliciting, advertising, offering, and/or permitting, allowing, or failing to discontinue the use or occupancy of any Dwelling Unit, as defined herein, for a period of thirty (30) days or less.

- B. Nothing in this Ordinance will prevent formation of an otherwise lawful occupancy of a Dwelling Unit for a rental period of more than thirty (30) days.

71-3. Definitions.

ADVERTISE or ADVERTISING

Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this Ordinance, as same may be viewed through various media including, but not limited to, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for Consideration, which are prohibited by this Ordinance.

CONSIDERATION

Soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration including a promise or benefit, a quid-pro-quo, rent, fees, other form of payment, or thing of value.

DWELLING UNIT

Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, co-operative, converted space, or portions thereof, that is offered to use, made available for use, or is used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of Occupants and/or guest(s), for consideration, for a period of thirty (30) days or less.

HOUSEKEEPING UNIT

Constitutes a family-type situation, involving one-or more persons, living together that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

OCCUPANT

Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a Dwelling Unit, or portion thereof, or having other permission or possessory right(s) within a Dwelling Unit.

OWNER

Any person(s) or entity(ies), association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sub-lease or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge, care, control, or participates in the expenses and/or profit of a Dwelling Unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON

An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.

RESIDENTIAL OCCUPANCY

The use of a Dwelling Unit by an Occupant(s).

71-4. Permitted Uses

The residential occupancy of an otherwise lawful and lawfully occupied Dwelling Unit for a period of thirty (30) days or less by a person who is a member of the Housekeeping Unit of the Owner, without Consideration, such as house guests, is permitted.

71-5. Advertising prohibited.

It shall be unlawful to advertise, solicit or promote by any means actions in violation of this Ordinance.

71-6. Enforcement; Violations and penalties.

- A. The provisions of this Ordinance shall be enforced by the Zoning Official, Fire Official and/or other Sub-Code or Code Official, as their jurisdiction may arise, including other persons designated by the Borough Council to issue municipal civil infractions directing alleged violators of this Ordinance to appear in court or to file civil complaints.
- B. A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.
- C. Any person found to have violated any provision of this Ordinance, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$1,250. Each day of such violation shall be a new and separate violation of this Ordinance.
- D. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorney's fees or other fees and costs, in the Borough's Municipal Court or the Superior Court of New Jersey in the vicinage of Passaic County, or in such other Court, or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

71-7. Severability.

If any portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Ordinance but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 2. Except as hereby amended, all other sections of the Code of the Borough of North Haledon shall remain in full force and effect.

SECTION 3. This Ordinance shall take effect upon final passage and publication according to law.

Motion by Council Member Marco, second by Pomianek, that the ordinance heretofore introduced does now pass on first reading and that said ordinance be further considered for final passage on December 7, 2016, 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#12-2015

Re: Consent Agenda #12-2016

Motion by Council Member Marco, 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. Approval / Change Order / Boswell
2. Refund / Plumbing Permit Fee / High Mountain Presbyterian Church
3. Appointment / Leaf Collectors
4. Approval / Special Item of Revenue / Body Armor Replacement
5. Approval / Special Item of Revenue / Clean Communities

6. Authorization / Receipt of Bids / Purchase and Delivery of Gasoline and Diesel and Rental of Fuel Tank(s) and Related Equipment
7. Support / Senate Bill S981 and Assembly Bill A2375
8. Acceptance of Proposal / Prime Uniform
9. Employment / PT Help / Clerk's Office
10. Authorization / Payment of Bills / Issuance of Checks /
11. Authorization / Auction / DPW Ford F-550
12. Authorization / Execution of Developer's Agreement
13. Award of Contract / Winter Products
14. November Transfers

Resolution # 180-2016

Re: Approval / Boswell Change Order

BE IT RESOLVED by the Borough Council of the Borough of North Haledon that Change Order #1 and Final for Engineering Services for the Tennis Court Lighting Improvements Project in the sum of a plus increase of \$6,552.45 for a total not to exceed \$35,552.45 (copy of same attached hereto and made a part of the within resolution) be and the same is hereby approved.

CERTIFICATION

I, Chris Battaglia, CFO of the Borough of North Haledon, do hereby certify that funds are available for the aforementioned in C-04-16-012-420.

Resolution #181-2016

Re: Refund / Plumbing Permit Fee

WHEREAS, the High Mountain Presbyterian Church, located at 198 Squaw Brook Road, North Haledon, paid a total of \$107.00 for the application for a plumbing permit; and

WHEREAS, the High Mountain Presbyterian Church is requesting reimbursement of said fee since the Borough waives permit fees for non-profit organizations in the Borough of North Haledon;

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 in the amount of \$91.00, the Borough's share of plumbing permit fee, to the High Mountain Presbyterian Church

Resolution #182-2016

Re: Appointment / Leaf Collector

BE IT RESOLVED, by the Mayor and Council of the Borough of North Haledon that the following individuals be employed as temporary full time employees for the Department of Public Works, effective October 24, 2016, salary in accordance with the Salary and Wages Ordinance for 2016.

Paul Ploch, II

258 High Mountain Road

North Haledon, NJ 07508

Resolution #183-2016

Re: Body Armor Replacement

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Borough of North Haledon in the County of Passaic, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$1,863.38, which is now available from "BODY ARMOR REPLACEMENT - 2016" in the amount of \$1,863.38.

BE IT FURTHER RESOLVED, that the like sum of \$1,863.38 is hereby appropriated under the caption "BODY ARMOR REPLACEMENT - 2016"; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of NJ in the amount of \$1,863.38.

Resolution #184-2016

Re: Clean Communities

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Borough of North Haledon in the County of Passaic, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$20,238.34, which is now available from "CLEAN COMMUNITIES - 2016" in the amount of \$20,238.34.

BE IT FURTHER RESOLVED, that the like sum of \$20,238.34 is hereby appropriated under the caption "CLEAN COMMUNITIES - 2016"; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the State of NJ in the amount of \$20,238.34.

Resolution #185-2016

Re: Receipt of Bids / Gasoline & Diesel / Fuel Tank(s) and Related Equipment

The proposal of Prime Uniform, dated October 26, 2016, to supply the members of AFSCME Council 52, Local 2274-A with uniforms is hereby accepted and approved at the cost of \$10.25 per employee per week for a period of 24 months, in an amount not to exceed \$6,700.00 per year.

Resolution #188-2016

Re: P-T Help / Clerk's Office

BE IT RESOLVED, by the Mayor and Council of the Borough of North Haledon that Lauren Dearani be employed as part-time employee in the office of the Municipal Clerk, salary in accordance with the Salary and Wages Ordinance for 2016.

Resolution #189-2016

Re: Issuance of Checks / Payment of Bills

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 #190-2016

Re: Auction / DPW Ford F-550

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:

2016; and

WHEREAS, it is provided per N.J.S.A. 40A:4-58 that municipalities may make transfers from appropriations having excesses to those requiring additional sums.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of North Haledon that the list of transfers herein and below be and they are authorized to be made upon records of appropriations in the keeping of the Finance Director as per the amounts listed herein, provided this resolution is adopted by not less than 2/3 vote of the full membership of the Governing Body as required by Statute.

	<u>IN</u>	<u>OUT</u>
COLLECTION OF TAXES O/E	\$ 1,200.00	
PLANNING BOARD O/E	\$ 1,000.00	
ZONING BOARD O/E	\$ 1,000.00	
PURCHASE OF POLICE CARS	\$ 2,800.00	
POLICE UNIFORM ALLOWANCE	\$ 3,400.00	
VOLUNTEER AMBULANCE SQUAD O/E	\$ 3,000.00	
BUILDINGS AND GROUNDS O/E	\$ 5,000.00	
RECREATION O/E	\$ 3,500.00	
PUBLIC DEFENDER S&W	\$ 600.00	
PASSAIC VALLEY SEWERAGE COMMISSION	\$ 3.05	
ELECTRICITY		\$ 21,503.05
	<hr/> \$ 21,503.05	<hr/> \$ 21,503.05

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

Motion by Council Member Marco, second by Council Member Galluccio, to go into Executive Session to discuss anticipated litigation. Upon roll call, all members present voted in the affirmative. Motion carried.

EXECUTIVE SESSION (9:22 p.m. – 9:38 p.m.)

Present:

Mayor Randy George

Council Members Rocco Luisi, George Pomianek, Dennis Marco, and Michael Galluccio
Borough Attorney, Michael De Marco

ADJOURNMENT

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

Mayor George declared the meeting duly adjourned at 9:41 p.m.

Respectfully Submitted,

Renate Elatab, Municipal Clerk

Approved at Council Meeting of December 7, 2016