



BOROUGH OF NORTH HALEDON

COUNCIL MEETING MINUTES

WEDNESDAY, JULY 12, 2017

Mayor George read the OPMA into the record:

This meeting is called pursuant to the provisions of the Open Public Meetings Law. Notice of this meeting was emailed to the HERALD NEWS and the HAWTHORNE PRESS on January 19, 2017, and was advertised in said newspapers on January 26, 2017. Said 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 9:22 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, Donna Puglisi, Heather Sparano, and Keith Salviano

Borough Attorney, Michael De Marco

Deputy Municipal Clerk, Dena Ploch

Municipal Clerk, Renate Elatab

Absent:

Council Member Raymond Melone

PUBLIC COMMENTS

Motion by Council Member Puglisi, 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 asked to speak, motion by Council Member Puglisi, second by Council Member 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 Puglisi, second by Council Member Sparano, to approve the minutes of the work session meeting, and the regular meeting of June 21, 2017. Upon roll call, all members present voted in the affirmative. Motion carried.

OFFICIAL REPORTS

The following reports were submitted to the Municipal Clerk's Office

Building Official's Report
Clerk's Receipts
Fire Department Report
Municipal Court Report
Police Department Report
Property Maintenance 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 - **LUI SI**
BOARD OF EDUCATION / REGIONAL - **POMIANEK**
BOARD OF HEALTH – **SALVIANO**
FIRE & WATER - **LUI SI**
ENGINEERING - **POMIANEK**
LIBRARY - **MAYOR GEORGE**
PUBLIC CELEBRATIONS - **MAYOR GEORGE**

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

COMMUNICATIONS

Communications below were presented at the Work Session Meeting.

CFO
Passaic County Bd. of Taxation
VCCA / Ronald Panicucci
Karen Capalbo

Re: Corrective Action Plan
Re: Tax Rate
Re: \$ 750.00 Donation / North Haledon Day
Re: Speed Reduction / Westervelt Avenue

Motion by Council Member Puglisi, second by Council Member Sparano, that these communications be received, action taken where necessary, and that they be placed on file. Upon roll call, all members present voted in the affirmative. Motion carried.

OLD BUSINESS / ORDINANCES

Ordinance #19-2017 (tabled) Re: Amendment / Ordinance #3-2009

Ordinance #20-2017 Re: Non-Resident in School District

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 PROHIBITING
INELIGIBLE NON-RESIDENT STUDENT ENROLLMENT**

WHEREAS, the members of the Governing Body of the Borough of North Haledon recognize that enrollment of non-resident students causes a financial burden on the property tax payers of the Borough of North Haledon;

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

Section 1. It shall be unlawful for any parent or guardian to assist, aid, abet, allow, permit, suffer, or encourage a minor to register or enroll in the North Haledon Local Schools System when the minor is ineligible to attend as a result of the minor's non-resident status.

Section 2. It shall be unlawful for any person to knowingly permit his or her name, address, or other residence-designating documentation to be utilized in the registration or enrollment of any non-resident student in the Borough of North Haledon Local Schools System unless previous approval has been granted by the North Haledon Superintendent of Schools or his or her designee.

Section 3. Any person violating or failing to comply with any of the provisions of this Ordinance shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article II, General Penalty. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues to occur.

Section 4. This Ordinance shall take effect upon final adoption and publication as provided by law.

Motion by Council Member Puglisi, second by Council Member Luisi, 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 Puglisi, second by Council Member Sparano, to close the floor to 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 #20-2017 pass its second and final reading and that the Clerk be authorized to cause the appropriate notice to be published that Ordinance #20-2017 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 #21-2017

Re: Conveyance of Easement

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

The Clerk presented the following ordinance:

**ORDINANCE AUTHORIZING THE CONVEYANCE OF RECORD TITLE
TO A FIFTY (50) FOOT EASEMENT LOCATED IN LOT 10.04 IN BLOCK 31
NORTH HALEDON, NEW JERSEY**

WHEREAS, on August 15, 2012, the Borough Council adopted Resolution No. 171-2012 designating Block 30, Lots 9, 11, 12, 12.01, 13, 13.01, 13.02, 14, 15, 16, 27 and 27.02, and Block 31, Lots 10, 10.04, 11, 11.02, 11.03, 11.04 and 12 on the tax maps of the Borough of North Haledon as an area in need of redevelopment which has come to be known as the Belmont Avenue Redevelopment Area; and

WHEREAS, thereafter a redevelopment plan entitled “Belmont Avenue Redevelopment Plan, North Haledon, New Jersey” (the “Plan”) was prepared by Kauker and Kauker, LLC for

the Borough of North Haledon, and was the subject of public discussion at Borough Council meetings held on May 21, 2014, June 25, 2014 and July 9, 2014 after which, on July 9, 2014, the Borough Council (1) introduced an ordinance that would adopt the Plan and (2) adopted a resolution directing the Planning Board to review the Plan and transmit to the Borough Council a report containing the Planning Board's recommendations concerning the Plan pursuant to the requirements of N.J.S.A. 40A:12A-7; and

WHEREAS, on August 6, 2014, the Borough Council received the Planning Board's findings and recommendations regarding the Plan and the Borough Council adopted Resolution #142-2014 to address Planning Board's recommendations regarding the Plan; and

WHEREAS, on August 6, 2014 the Borough Council held its second and final reading and adopted Ordinance #16-2014 which adopted the Plan, dated May 20, 2014, and last revised August 6, 2014; and

WHEREAS, the Borough of North Haledon is the record owner of a fifty (50) foot easement located in lot 10.04 in block 31, which was granted to the Borough by William Paterson University by Deed dated April 11, 1998 and recorded in the office of the Passaic County Clerk on May 21, 1998 in Deed Book N155 at page 189, *et seq.*, and

WHEREAS, as set forth above, the above-described easement is located within the Belmont Avenue Redevelopment Area; and

WHEREAS, The Belmont Group, LLC, is the owner of adjacent real property and is in need of the above-described easement; and

WHEREAS, the Borough of North Haledon does not need the above-described easement for public use and is unable to widen Belmont Avenue because Belmont Avenue is a County Road, not a municipal road; and

WHEREAS, the Borough of North Haledon has determined that the above-described easement cannot be used advantageously for public purposes; and

WHEREAS, the Borough of North Haledon has determined that the grant of the above-described easement to The Belmont Group, LLC is in the best interest of aiding in the planning, undertaking, construction or operation of the redevelopment project, which is advantageous to the public, and

WHEREAS, the Borough of North Haledon is permitted by way of private sale to convey the above-described easement of land to The Belmont Group, LLC pursuant to N.J.S.A. 40A:12-13, et seq., and

WHEREAS, the legal description of the above-described easement is attached hereto as Schedule "A;" and

WHEREAS, the Borough of North Haledon will grant the above-described easement to The Belmont Group, LLC, in exchange for One Dollar (\$1.00) and other good and valuable consideration; and

WHEREAS, the Belmont Group, LLC shall be responsible for all costs associated with the preparation of the closing documents and filing fees; now, therefore, be it

ORDAINED, by the Mayor and Council of the Borough of North Haledon that the Mayor and Municipal Clerk are authorized to convey title to the easement described in Schedule hereto to The Belmont Group, LLC substantially on the terms and conditions set forth in this Ordinance and to the execute and deliver any and all documents for said purposes.

Motion by Council Member Puglisi, 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 asked to speak, motion by Council Member Puglisi, 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 Puglisi, second by Council Member Luisi, that Ordinance #21-2017 pass its second and final reading and that the Clerk be authorized to cause the appropriate notice to be published that Ordinance #21-2017 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 / RESOLUTIONS

RESOLUTION CA#8-2017

Re: Consent Agenda #8-2017

Motion by Council Member Puglisi, 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. Appointment / Green Team Member / Jane Egan
2. Authorization / Off probation / Jim Greig
3. Authorization / Auction / Surplus of Property
4. Approval / Raffle Licenses
5. Affordable Housing Reform
6. Acceptance / Corrective Action Plan
7. Authorization / Payment of Bills / Issuance of Checks
8. Appointment / Part-time Violations Clerk / Aleks Andra Apkarian

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

Resolution #128-2017 **Re: Appointment / Green Team**

BE IT RESOLVED by the Borough Council of the Borough of North Haledon that Jane Egan be appointed as a green team member, effective immediately.

Resolution #129-2017 **Re: Jim Greig / Off Probation**

BE IT RESOLVED, by the Mayor and Council of the Borough of North Haledon that Jim Greig, having successfully completed his 90 day probationary period is hereby taken off probation effective August 1, 2017, salary in accordance with 2017 Salary and Wages Ordinance.

Resolution #130-2017 **Re: Resolution / Auction / PD SUV**

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:

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:

2003 Dodge Durango, VIN 1D4HS48N83F595172, approximately 52,800 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 #131-2017

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: William Paterson University
Location of Raffle: 1245 Belmont Avenue
Date of Raffle: December 10, 2017
Raffle License: RA#14-2017

Name: Wayne Hills Football
Location of Raffle: 1245 Belmont Avenue
Date of Raffle: September 30, 2017
Raffle License: RA#15-2017, #16-2017

Name: North Haledon PTO
Location of Raffle: 1245 Belmont Avenue
Date of Raffle: April 17, 2018
Raffle License: RA#17-2017

Name: Franklin Lakes Education Foundation
Location of Raffle: 1245 Belmont Avenue
Date of Raffle: November 2, 2017
Raffle License: RA#18-2017

Name: St. Clements Church
Location of Raffle: 1245 Belmont Avenue
Date of Raffle: September 16, 2017
Raffle License: RA#19-2017

Resolution #132-2017

Re: Affordable Housing Reform

WHEREAS the first Mt. Laurel case in 1975 and the second in 1983, resulted in rulings that required all New Jersey municipalities to take affirmative actions toward providing their "fair share" of the regions need for affordable housing for low and moderate income people; and

WHEREAS the New Jersey legislature adopted the Fair Housing act in 1985, which created the Council on Affordable Housing, to assess the statewide need for affordable housing, to allocate that need on a municipal fair share basis, and to review and approve municipal housing plans aimed at implementing the local fair share obligation; and

WHEREAS the Municipal Land Use Law was amended to require a Housing Element as a mandatory element of each Municipal Master Plan, Section 52:20 7D – 310; and

WHEREAS, subsequently COAH adopted its third round regulations on December 20, 2004, which required municipalities to petition for third round substantive certification, in order to remain under their jurisdiction; and

WHEREAS on January 25, 2007 the Appellate Division issued a decision on the third round regulations, which required COAH to revise its third round rules and precluded COAH from issuing third round substantive certifications until the new rules were adopted; and

WHEREAS on May 6, 2008, COAH adopted new third round rules, effective on June 2, 2008, followed by publication in the New Jersey Register as required, which ultimately resulted in the filing of amended third round certifications due on or before December 31, 2008, and

WHEREAS for the period from October 8, 2010 through October 2014, COAH failed to meet the deadline set by the Supreme Court for establishing new third round certification guidelines, and subsequently, the Supreme Court on March 10, 2015 ordered that, with the exhaustion of all administrative remedies, the courts shall resume their role of evaluating municipal compliance with Mount Laurel obligations; the effective date of the order was June 8, 2015; municipalities that were under administrative review were permitted to file declaratory judgment actions with the court by July 8, 2015; and

WHEREAS Municipalities, without State guidance on fair share housing obligations and due to insufficient time, did not have the ability to conduct its own fair share housing studies, therefore, Municipalities, had no choice but to accept the research done by the Fair Share Housing Center, since they would all be subject to "Builders Remedy Lawsuits" and subsequently, it is costing municipalities thousands of taxpayer dollars, to negotiate terms acceptable to the courts and the intervenors; and

WHEREAS the failure of the Governor and Legislature of the State of New Jersey to adopt affordable housing rules is a major detriment to the long-term development of all Municipalities in this State whereby a Municipality cannot plan for future growth without the threat of “builders remedy lawsuits”; and

WHEREAS Municipalities have spent millions of dollars complying with state regulations only to see that money being wasted due to the constant changes promulgated by a State Agency; and

WHEREAS Municipalities are anxious to provide housing to all citizens, however the inability of the State of New Jersey to pass common sense affordable housing regulations, has cost this State 18 years of inactivity, during which little affordable housing was created; and

WHEREAS tens of thousands of homeowners lost their homes during the great recession of 2008 and with the lack of affordable housing policies has led to empty homes in every municipality, that were returned to lenders; and

WHEREAS common sense affordable housing policy could have turned these empty homes into affordable housing for the many who need it, without imposing additional growth on municipalities; and

WHEREAS common sense affordable housing policies would call for affordable housing to be concentrated in areas where there is already supporting infrastructure, existing transportation routes, mass transit, and employment opportunities; and

WHEREAS requiring all 565 municipalities to create housing in locations that do not have infrastructure, transportation, or employment, violates the principles of smart growth, in accordance with the New Jersey State Development and Redevelopment Plan, and common sense.

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of North Haledon, County of Passaic, New Jersey calls upon the Governor and Legislature of the State of New Jersey to pass common sense affordable housing rules that directs affordable housing to those locations with existing infrastructure, existing transportation networks, existing mass transit, and employment opportunities; and

BE IT FURTHER RESOLVED, the Borough recognizes the value of preserving green space, open areas, and the quality of life in New Jersey as discussed in the New Jersey State Plan and in the principles of smart growth. These regulations should apply equally to all municipalities in the State of New Jersey and to give each town an opportunity to comply with clear and concise regulations that spell out precisely each town’s role; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Governor and Lieutenant Governor of the State of New Jersey, the Senate President, Assembly Speaker, Assemblywoman Shavonda Sumter, and Assemblyman Benjie Wimberly, Senator Nellie Pou, to all Passaic County Municipal Clerks, and the League of Municipalities.

Resolution #133-2017

Re: Approval / Corrective Action Plan

WHEREAS, in accordance with Local Finance Notice #92-15, a Corrective Action Plan must be prepared as part of the annual audit; and

WHEREAS, the Chief Financial Officer of the Borough of North Haledon, has prepared said plan which is **attached hereto** and made a part of the within resolution; and

WHEREAS, said report requires approval by the Governing Body.

NOW THEREFORE, BE IT RESOLVED, that the Corrective Action Plan as attached hereto be and the same is hereby accepted and approved by the Governing Body of the Borough of North Haledon, County of Passaic, State of New Jersey; and

BE IT FURTHER RESOLVED, that the Clerk be and she is hereby directed to send a certified copy of this resolution upon adoption to the Division with attachment and shall keep on file in the Clerk's Office, a copy of said plan, which shall be available to the public.

Resolution #134-2017

**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 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 #135-2017

**Re: Appointment /
PT Violations Clerk**

BE IT RESOLVED by the Borough Council of the Borough of North Haledon that Aleks Andra Apkarian be appointed as a part-time violations clerk effective immediately, with salary in accordance with Salaries and Wages 2017.

DISCUSSION

Council Member Puglisi advised that the Recreation Commission was organizing a bus trip to Yankee Stadium on Saturday, September 16th. Tickets are \$49.00 and can be purchased on the Recreation Commission's website.

Mayor George advised that he is going to write a memo to the Board of Health regarding the keeping of chicken in the Borough; he is going to suggest eliminating the ten acres minimum, a maximum of five chicken with no roosters, that the coop be placed near the owners's home and be hygienically maintained.

Council Member Pomianek asked if the Municipal Clerk could look into the cost of deer netting (which had been discussed in the work session meeting.)

ADJOURNMENT

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

Mayor George declared the meeting duly adjourned at 9:46 p.m.

Respectfully Submitted,

Renate Elatab, Municipal Clerk

Approved at Council Meeting of August 9th, 2017