



BOROUGH OF NORTH HALEDON

COUNCIL MEETING MINUTES

WEDNESDAY, JANUARY 21, 2015

Mayor George read the OPMA statement into the record:

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of January 21, 2015, was included in a list of meetings notices sent to the HERALD NEWS and the HAWTHORNE PRESS on December 19, 2014, and was advertised in said newspapers on December 24, 2014. 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, the meeting was called to order at 8:00 p.m. and the Clerk was directed to include this statement in the minutes of this meeting.

Mayor George lead the prayer and asked that everyone stand for the Pledge of Allegiance.

ROLL CALL

Present:

Mayor Randy George

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

Absent:

Council Member Donna Puglisi

Also Present:

Redevelopment Attorney, Douglas Doyle

Borough Planner, Michael Kauker

Borough Engineer, Joseph Pomante

Fire Chief, A.J. Ricciardi

Police Chief, Robert Bracco, and Police Captain, Todd Darby

Deputy Municipal Clerk, Dena Ploch

Municipal Clerk, Renate Elatab

**DEVIATION / RULES AND PROCEDURES / BY-LAWS OF COUNCIL
REDEVELOPMENT ZONE**

Motion by Councilmember Marco, second by Councilmember Dyer, to deviate from the regular order of business in order to have a presentation by 920 Belmont Acquisition, LLC regarding their application to be approved as Redeveloper for the property designated as Tax Block 30, Lots 12 and 12.01. Upon roll call, all members present voted in the affirmative. Motion carried.

Mayor George advised that the redevelopment plan had gone through a very thorough process and this was one of the largest projects that the Borough would be undertaking and it will change the face of Belmont Avenue for the better. He stated that Councilman Marco had seen the wisdom of the redevelopment plan from the onset. He further advised that there were allegations of contamination and before the developer could put a shovel in the ground, soil borings would be tested and if there was indeed contamination, no permits would be issued until a “no further action letter” had been received by the developer. Mayor George concluded his remarks by explaining that this evening 920 Belmont Acquisition, LLC was coming in front of the members of the Governing Body since a resolution designating 920 Belmont Acquisition, LLC was on the agenda for adoption.

Councilman Marco advised that the Redevelopment Review Committee (RRC) had met numerous times and in those meetings the developer had been asked to revise the plans. The Borough’s professionals had reviewed 920 Belmont Acquisition, LLC’s plans and had recommended that 920 Belmont Acquisition, LLC be designated as a developer.

Councilman Dyer stated that the RRC had worked diligently and had sent the plans back to the developer until they were right; he was confident that the redevelopment plan was what was best for the community.

Douglas Doyle, the Redevelopment Attorney, read the letter he had written Joseph Petriello, Esq., the attorney for 920 Belmont Acquisition, LLC confirming recommendations of the RRC – letter attached hereto and made part of the within minutes.

Mr. Doyle gave the oath to Eric Keller, the engineer of 920 Belmont Acquisition, LLC, and Paul Martinelli, a principal of 920 Belmont Acquisition, LLC.

Joseph Petriello, Esq., stated that the project included the construction of 180 units. The streets would be 23 feet wide (instead of the RSIS of 24 feet) at the request of the RCC to prevent on street parking problems like at Lakeside, and at the request of the RCC an extra 184 parking spaces (over the 421 required by RSIS) were on the plans, for a total of 605. Mr. Petriello also advised that the developer would be asking for two variances: one for wall heights and the other for an entry sign.

Mayor George advised that the variance for the wall height is necessitated because the members of the RRC has asked the developer to make changes to their plan so that emergency vehicles, and snow plows did not have to back up in the development. He advised that 920 Belmont Acquisition, LLC still had to get Planning Board approval, County approval, soil conservation permits, and DEP approval.

Regarding the number of COAH units, the RRC wants 920 Belmont Acquisition, LLC to plan for 20% (36 COAH units) while the developer believes that the new number will be 10% (18 COAH units). The attorney for 920 Belmont Acquisition, LLC suggested that the Borough ask the Superior Court to make a decision regarding the number of COAH units, and that they would agree with the judge's decision. Mayor George advised that 920 Belmont Acquisition, LLC would be paying the legal fees and that this process would protect the Borough of North Haledon. The Borough Engineer confirmed that the number of proposed COAH units in the plans complied with RCC's request.

Councilman Galluccio inquired as to what steps were being taken to prevent people, in particular children, from climbing the walls. Mayor George advised that hostile vegetation would be planted in front of the fences, and signage would also be put up.

The Borough Engineer further confirmed that the boulevard complied with RSIS for an emergency exit.

PUBLIC COMMENTS ON THE REDEVELOPMENT ZONE

Motion by Councilmember Galluccio, second by Councilmember Marco, to open the floor to the public to discuss the application of 920 Belmont Acquisition, LLC. Upon roll call, all members present voted in the affirmative. Motion carried.

Nicholas Nagy, 42 Louise Place, inquired about the water management plan. The Borough Engineer advised that the detention basin is regulated by DEP regulations. Mayor George advised that right now the water just runs unchecked, but the developer will have to stop the water from running off their property. Mr. Nagy was also given information regarding the size of various buffers. He asked about a projected start-up date, and was given a guestimate of June 2015.

Carole Runo, 33 Gionti Place, requested clarification regarding the height(s) of walls.

Joseph Sasso, 75 Feldman Terrace, inquired whether it was possible that COAH could come back with more than 20%. The Redevelopment Attorney, Douglas Doyle, advised that his firm had been ultra-conservative in the Borough of North Haledon.

Seeing as no one else in the public wanted to speak about the redevelopment plan, motion by Councilmember Marco, second by Councilmember Galluccio, to close the floor to the public. Upon roll call, all members present voted in the affirmative. Motion carried.

Borough Attorney, Michael De Marco takes his seat on the dais (9:22 p.m.)

PUBLIC COMMENTS

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

Mayor George advised that those members of the public, who wished to speak on the proposed noise ordinance would be given an opportunity when said ordinance was being introduced.

Seeing as no one in the public wanted to speak, motion by Councilmember Dyer, second by Councilmember Galluccio, 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 Councilmember Dyer, second by Councilmember Melone, to approve the minutes of the work session and regular meeting of December 29, 2014, the reorganization meeting of January 1, 2015, and the work session meeting of January 7, 2015. Upon roll call, all members present voted in the affirmative. Motion carried.

OFFICIAL REPORTS

The Clerk stated that she was in receipt of the following reports:

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

COMMITTEE REPORTS

Motion by Councilmember Dyer, second by Councilmember Marco, to dispense with committee reports. Upon roll call, all members present voted in the affirmative. Motion carried.

COMMUNICATIONS

The Clerk stated that all communications were read in full at the Work Session and were as follows:

| | |
|------------------|--|
| Borough Attorney | Re: NJ DEP v. Occidental / North Haledon |
| Borough Attorney | Re: Stipulation of Settlement |
| Borough Attorney | Re: Borough Code / Police Department |
| Borough Attorney | Re: PBA Contract Negotiations |
| Borough Attorney | Re: Vacation Carry-Overs |
| Bond Counsel | Re: Summary of Bond Issues |
| Board of Health | Re: Open Burning |
| Captain Darby | Re: Changes to NHPD Rules and Regulations |
| CDBG | Re: FY 2015 Application |
| DEP | Re: Change to Model Noise Ordinance |
| Municipal Clerk | Re: Public Agency Compliance Officer |
| Municipal Clerk | Re: Chapter 468 / Definitions |
| Municipal Clerk | Re: Commercial Landscape Permit(s) |
| Municipal Clerk | Re: Amendment / Chapter 315, Games of Chance |
| Tax Collector | Re: 2014 Tax Collection Summary |

Motion by Councilmember Luisi, second by Councilmember Galluccio, that these communications be received, action taken where necessary, and be placed on file. Upon roll call, all members present voted in the affirmative. Motion carried.

NEW BUSINESS / ORDINANCES / RESOLUTIONS

Ordinance #1-2015

Re: Salary Ordinance

Motion by Councilmember Dyer, second by Councilmember 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 FIXING THE SALARIES AND COMPENSATIONS
OF THE OFFICERS AND EMPLOYEES
OF THE BOROUGH OF NORTH HALEDON, COUNTY OF PASSAIC, NJ
IN THE YEAR 2015**

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

SECTION 1.

The following annual salaries and compensations shall be paid to the following employees of the Borough of North Haledon in the year 2015:

DISPATCHERS

| | |
|----------------|---------|
| Probationary | 33,739. |
| 1 Year | 34,796. |
| 2 Years | 35,860. |
| 3 Years | 37,501. |
| 4 Years | 38,930. |
| 5 Years & over | 44,055. |

SECTION 2

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

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

SECTION 3

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 – 2015

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

SECTION 4

| | |
|---------------------------|----------|
| Municipal Attorney | 4,500.00 |
|---------------------------|----------|

In addition to the salary provided herein for the Borough Attorney, the Borough Attorney shall be compensated at a fee of \$150.00 per hour for such professional services as are rendered by him other than for attendance at meetings and worksessions of the Governing Body and upon submission of vouchers to be approved by the Board of Council.

Borough Engineer

The Borough Engineer shall be compensated for such professional services as are required by him as per proposal on file in the Clerk's office and upon submission of vouchers to be approved by the Board of Council.

SECTION 5

Salaries as set forth above shall be retroactive to January 1, 2015 or to date of employment of newly appointed position.

SECTION 6

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

SECTION 7

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

Motion by Councilmember Dyer, second by Councilmember Luisi, that the ordinance heretofore introduced does now pass on first reading and that said ordinance be further considered for final passage on February 18, 2015, at 8:00 p.m. or as soon thereafter as the matter can be reached by the Mayor and Council, and that at such time and place, all persons interested will be given an opportunity to be heard concerning said ordinance and that the Clerk be and she is hereby authorized and directed to publish said ordinance in accordance with law. Upon roll call, all members present voted in the affirmative. Motion carried.

Ordinance #2-2015

Re: Police Department

Motion Councilmember Dyer, second by Councilmember Melone, 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 REVISE CHAPTER 107, POLICE DEPARTMENT**

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

Section 1. Chapter 107, POLICE DEPARTMENT, of the Code of the Borough of North Haledon, shall be and hereby is revised, amended and supplemented by modification and revised as follows:

§107-2. Police Committee

The Council shall appoint a Police Committee to consist of three (3) Councilmen who shall be responsible for duties as assigned by the Mayor and Council. In making the appointments each year the Mayor shall designate one (1) member of Police Committee as the Police Commissioner who shall serve as the Chairman of the Police Committee

§107-5. Duties and Responsibilities of Personnel

The duties and responsibilities of the employees of the North Haledon Police Department shall be those set forth by law and as prescribed by the Department's Written Directive System established by the Chief of Police.

§107-6. Duties of Police Officers shall be deleted and reserved.

§107-7. Power of Members shall be deleted and reserved.

§107-8. Outside Employment

Full time members of the Police Department shall not engage in any business or occupation except upon application to the Chief of Police. In determining whether to permit other employment of a full time member of the Police Department, the Chief of Police shall provide a form of application and shall consider the nature and extent of outside employment and whether it would interfere with the performance of duties by the police officer as required of them by the Department.

§107-9. Appointments and Promotions

All appointments and promotions in the Police Department shall be by the Mayor and Council.

§107-11. Rules and Regulations

The appropriate authority shall, from time to time as may be necessary, adopt and amend the rules and regulations for the government and discipline of the Police Department and employees thereof. Said rules and regulations may fix and provide for the enforcement of such rules and regulations and the enforcement of penalties for the violation of such rules and regulations. All employees of the Police Department shall be subject to such rules and regulations and penalties.

§107-14. Probationary Period

The probationary period is one year from the date of completion of the police training course, or if already holding a valid New Jersey Police Training Commission Certification, one year from date of appointment.

§107-15. Special Law Enforcement Officers

Special law enforcement officers in the Borough of North Haledon shall be governed by N.J.S.A. 40A:14-146.8 et seq.

§107-16. Temporary Policemen (Reserved)

§107-17. Eligibility for Promotion

No member of the Police Department shall be eligible for promotion to a position as a sergeant until he/she shall have served five years as a regular police officer.

§107-18. Appointment Based on Competitive Examinations (Reserved)

§107-20. Interference with Duties of Police Officers (Reserved)

§107-21 Detective Bureau

The Detective Bureau shall consist of those members of the Police Department who have been so assigned by the Chief of Police.

§107-24. Medical Insurance Supplement Payments (Reserved)

§107-26. Purpose of the Police Department

The North Haledon Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Borough of North Haledon; direct and control traffic; provide attendance and protection during emergencies; make appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members.

§107-27. Designation of Appropriate Authority

In accordance with N.J.S.A. 40A:14-118, the Mayor and Council are hereby designated as the appropriate authority and are hereby vested with the powers and duties of an appropriate authority as delegated by law.

§107-28. Method for Appointment and Promotions

Eligibility Sworn Officer

- A. The general qualifications for employment with the North Haledon Police Department shall be:
 - 1. Must be a citizen of the United States and a resident of New Jersey;
 - 2. Must possess a high school diploma, or equivalency;
 - 3. Must be of good moral character;
 - 4. Must be at least 18 years old;
 - 5. Must not have been convicted of a crime;
 - 6. Must possess a valid New Jersey driver's license;
 - 7. Possess 60 college credits;
 - 8. Possess a PTC Certification or;
 - 9. Be a Special Police Officer Class II and current Borough employee.

Oral Interviews

- 1. The department interview shall be conducted by the Chief of Police and/or an officer(s) designated by the Chief of Police and the Borough Police Committee.
- 2. The candidates will then be ranked and a candidate(s) selected for the background investigation phase.

Preference

- A. A candidate for employment may be given preference in the selection process if such a candidate has previously been certified by the New Jersey Police Training Commission as a law enforcement officer and or a Class II Special Police Officer and is currently serving as a Class II Special Officer in North Haledon.

Background Investigation

- A. A background investigation will be conducted on all candidates (sworn and non-sworn) for all positions prior to appointment that will include at least the following:

1. A review of the candidate’s application to confirm/verify meeting eligibility requirements for the position applied for;
2. A check of the applicant’s driving history, if driving is a requirement of the position;
3. A fingerprint check for criminal record;
4. Candidates for sworn positions shall be checked against the New Jersey Central Drug and Domestic Violence Registries;
 - a. All candidates for police officer shall be subject to a criminal history check prior to the selection phase paying particular attention to acts of domestic violence, sexual abuse, stalking, elder abuse, or child abuse, including a check of the Domestic Violence Registry to determine the existence of any active restraining orders and to determine if there is a history of domestic violence.
 - b. Police officer Candidates shall be interviewed about any history of acts of domestic violence, sexual assault, stalking, elder abuse, or child abuse and past or present restraining orders and their disposition. Applications for employment to the position of police officer shall be amended to require information on these topics.
 - c. Those police officer candidates with a history of perpetrating acts of domestic violence, sexual assault, stalking, elder abuse or child abuse shall be identified and declared ineligible for employment as police officers.
5. Verification of at least three personal references.

Medical Exam

- A. A medical exam will be conducted on all sworn candidates prior to appointment, but after being given a conditional offer of employment, to certify the general health of each candidate.

Psychological Exam

- A. A psychological fitness examination of each candidate for a sworn position will be conducted by a qualified professional prior to appointment, but after being given a conditional offer of employment

(Alternate Route candidate’s psychological exams may be used in lieu of the department sending the candidate for examination).

Selection Process Non-Sworn Positions

- A. All vacancies for non-sworn positions will be selected at the sole discretion of the Mayor and Council pursuant to North Haledon Borough policies and procedures. At a minimum the selection process shall include:
 - 1. Advertisement of the position, unless a current North Haledon Borough employee meets the qualifications and submits an application for consideration.
 - 2. Resume review;
 - 3. Oral Interview;
 - 4. Background check consistent with Paragraph IV.
- B. The Chief of Police shall make a recommendation to the Mayor and Council for employment.

Promotion Procedures

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

Promotional Process

- A. Only officers who are members of this Department at the time of the promotional process are eligible for consideration consistent with New Jersey Law.
- B. In order to be eligible for promotion in the promotion process, candidates must meet all the criteria established for such promotion on the date of the vacancy announcement.
- C. Sergeants’ Eligibility Requirements: The Candidate must have completed a total of five (5) years in the rank of Officer in the North Haledon Police Department and hold a Bachelor’s Degree.
- D. Lieutenants’ Eligibility Requirements: The Candidate must hold the rank

of Sergeant with the North Haledon Police Department for at least two (2) years.

E. Captains' Eligibility Requirements:

1. The candidate must hold the rank of Lieutenant with the North Haledon Police Department for at least two (2) years. If no candidates hold the rank of Lieutenant, Sergeants shall be eligible for the position provided they have served three (3) years as a Sergeant.
2. If there is an existing Lieutenant(s) who elects not to participate in the promotional process for Captain the Department may consider Sergeants for the position provided they have at least three (3) years of service as a Sergeant.

Evaluation for Promotion

A. Candidates for promotion to Sergeant will submit to the following process:

1. A written test and oral examination provided by the New Jersey State Association of Chiefs' of Police.
2. Candidates must achieve a written exam score of at least 75%. The written exam will be scored as pass/fail. Candidates passing the written exam will be eligible to take the oral examination administered by the New Jersey State Association of Chiefs of Police. Oral examinations shall be on a pass/fail basis with a passing grade of 75%. Candidates who do not achieve a passing grade are ineligible to move on with the process. Those who pass are not ranked in any order. They are to be shown as passed or failed only.
3. A review and evaluation of the candidate's personnel file by the Chief of Police and the members of the Police Committee. This review shall include discussions including commendations, employee reviews, discipline record and early intervention summaries.
4. Due consideration shall be given to the length and merit of service and seniority in accordance with the provisions of N.J.S.A. 40A:14-129, as amended.

5. The Chief of Police shall provide a recommendation to the Police Committee.

B. Candidates for promotion to Lieutenant and Captain:

1. In accordance with N.J.S.A. 40A:14-129, due consideration shall be given to the length and merit of service and to seniority in accordance with N.J.S.A. 40A:14-129, as amended, to any candidate for promotion to Captain. Due consideration shall also be given to the recommendation of the Chief of Police, which shall be based on the aforementioned statutory factors, and a review of the performance of the candidate(s) by the Chief of Police and the members of the Public Safety Committee.

Promotional Announcement

- A. Whenever a vacancy occurs or a need for a test arises for the filling of a position a written announcement shall be made at least ninety (90) days before the start of the process.
 1. The announcement shall contain the eligibility requirements;
 2. The written announcement shall describe the position available;
 3. The written announcement shall contain a description of the process to be used in selecting personnel for the vacancy; and
 4. Each officer intending to participate in the process must submit a letter of intent no later than ten (10) days after the announcement to the Chief of Police.

Eligibility List

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

Approval of Mayor and Council

- A. The Mayor and Council shall have the final decision on all promotions.

Appeal of Process

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

Section 2. All other parts or provisions of Chapter 107 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 upon final adoption and publication as provided by law.

Motion by Councilmember Dyer, second by Councilmember Luisi, that the ordinance heretofore introduced does now pass on first reading and that said ordinance be further considered for final passage on February 18, 2015, at 8:00 p.m. or as soon thereafter as the matter can be reached by the Mayor and Council and that at such time and place, all persons interested will be given an opportunity to be heard concerning said ordinance and that the Clerk be and she is hereby authorized and directed to publish said ordinance in accordance with law. Upon roll call, all members present voted in the affirmative. Motion carried.

Ordinance #3-2015

Re: Noise Ordinance

PUBLIC COMMENTS

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

Andrea Wilson, 1273 Belmont Avenue, discussed the loud noise coming from The Tides and read a section of the Planning Board resolution regarding The Tides application where it stated that the Board conditioned the approval of The Tides application on the applicant working ...”to attenuate any noise condition.” Mrs. Wilson also wanted to urge the council members to vote for the introduction of the noise ordinance that was on the agenda this evening so the police has an enforcement mechanism. Mayor George advised that he would meet with The Tides and inform them that the Council Members were introducing the noise ordinance that evening. Joseph Ragusa, 51 Gionti Place, complained about the bass that was coming through the walls of his home, and he did not know if the noise ordinance would be enough. He suggested that the Borough adopt a noise ordinance similar to Hoboken which allows enforcement officials to act when noise is plainly audible (and doesn’t require the use of a noise measuring device.)

Seeing as no one else in the public wanted to speak, motion by Councilmember Galluccio, second by Councilmember Marco, to close the floor to the public. Upon roll call, all members present voted in the affirmative. Motion carried.

The Clerk presented the following ordinance:

**AN ORDINANCE AMENDING CHAPTER 659-5, NOISE AND SOUNDS,
OF THE BOROUGH OF NORTH HALEDON**

I. Declaration of Findings and Policy

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and,

WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and,

WHEREAS the people have a right to, and should be ensured of, an environment free from excessive sound,

NOW, THEREFORE, BE IT PROCLAIMED THAT it is the policy of the Borough of North Haledon to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This ordinance shall apply to the control of sound originating from sources within the Borough of North Haledon.

II. Definitions

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

“Minor Violation” means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A.

26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

“Noise Control Investigator” (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

“Sound production device” means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

“Sound reduction device” means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

III. Applicability

(A) This model noise ordinance applies to sound from the following property categories:

1. Industrial facilities;
2. Commercial facilities;
3. Public service facilities;
4. Community service facilities;
5. Residential properties;
6. Multi-use properties;
7. Public and private right-of-ways;
8. Public spaces; and
9. Multi-dwelling unit buildings.

(B) This model noise ordinance applies to sound received at the following property categories:

1. Commercial facilities;
2. Public service facilities;
3. Community service facilities (i.e. non-profits and/or religious facilities)
4. Residential properties;
5. Multi-use properties;
6. Multi-dwelling unit buildings.

(C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

IV. Exemptions

(A) Except as provided in IX. and X. below, the provisions of this ordinance shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.

(B) Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.

(C) Construction and demolition activities are exempt from the sound level limits set forth in tables I and II and III except as provided for in IX. below.

V. Enforcement Officers

(A) Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.

(B) Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.

(C) Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.

VI. Measurement Protocols

(A) Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in VIB of this ordinance and with the definition of "real property line" as contained herein.

(B) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

VII. Maximum Permissible Sound Levels

(A) No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in III.(A) above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in VI(B).

(B) Impulsive Sound

Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

**TABLE I
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED OUTDOORS**

| RECEIVING PROPERTY CATEGORY | Residential property, or residential portion of a multi-use property | | Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility |
|-----------------------------|--|----------------|--|
| TIME | 7 a.m.-10 p.m. | 10 p.m.-7 a.m. | 24 hours |
| Maximum A-Weighted sound | 65 | 50 | 65 |

| | | | |
|--------------------|--|--|--|
| level standard, dB | | | |
|--------------------|--|--|--|

**TABLE II
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED INDOORS**

| RECEIVING PROPERTY CATEGORY | Residential property, or residential portion of a multi-use property | | Commercial facility or non-residential portion of a multi-use property |
|---|--|----------------|--|
| TIME | 7 a.m.-10 p.m. | 10 p.m.-7 a.m. | 24 Hours |
| Maximum A-Weighted sound level standard, dB | 55 | 40 | 55 |

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

**TABLE III
MAXIMUM PERMISSIBLE OCTAVE BAND
SOUND PRESSURE LEVELS IN DECIBELS**

| Receiving Property Category | Residential property, or residential portion of a multi-use property | Residential property, or residential portion of a multi-use property | Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility | Commercial facility or non-residential portion of a multi-use property |
|-----------------------------|--|--|--|--|
| | OUTDOORS | INDOORS | OUTDOORS | INDOORS |
| Octave | Octave Band | Octave Band | Octave Band | Octave Band |

| Band Center Frequency, Hz. | Sound Pressure Level, dB | | Sound Pressure Level, dB | | Sound Pressure Level, dB | Sound Pressure Level, dB |
|----------------------------|--------------------------|----------------|--------------------------|----------------|--------------------------|--------------------------|
| | 7 a.m.-10 p.m. | 10 p.m.-7 a.m. | 7 a.m.-10 p.m. | 10 p.m.-7 a.m. | | |
| Time | 7 a.m.-10 p.m. | 10 p.m.-7 a.m. | 7 a.m.-10 p.m. | 10 p.m.-7 a.m. | 24 hours | 24 hours |
| 31.5 | 96 | 86 | 86 | 76 | 96 | 86 |
| 63 | 82 | 71 | 72 | 61 | 82 | 72 |
| 125 | 74 | 61 | 64 | 51 | 74 | 64 |
| 250 | 67 | 53 | 57 | 43 | 67 | 57 |
| 500 | 63 | 48 | 53 | 38 | 63 | 53 |
| 1,000 | 60 | 45 | 50 | 35 | 60 | 50 |
| 2,000 | 57 | 42 | 47 | 32 | 57 | 47 |
| 4,000 | 55 | 40 | 45 | 30 | 55 | 45 |
| 8,000 | 53 | 38 | 43 | 28 | 53 | 43 |

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

VIII. Sound Production Devices

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in VI(B) of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

**TABLE IV
MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS
WITHIN A RESIDENTIAL PROPERTY**

| | |
|--|-----------------|
| Week nights 10:00 p.m. - 7:00 a.m. Weekend nights 11:00 p.m and 9:00 a.m. | All other times |
|--|-----------------|

| | |
|---------|---------|
| 3 dB(C) | 6 dB(C) |
|---------|---------|

IX. Restricted Uses and Activities

The following standards shall apply to the activities or sources of sound set forth below:

A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.

D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.

E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.

F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;

G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:

- (1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
- (2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

X. Motor Vehicles

Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.

(A) No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.

(B) No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.

(C) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.

(D) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

XI. Enforcement

(A) Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.

(B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than \$2,000. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

(C) Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.

(D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section II of this ordinance) a NOV shall be issued to the violator.

1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.

2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the (Health Department) It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or

a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.

(E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation the violator shall be notified that if the violation is not immediately corrected a NOPA with a civil penalty of no more than \$2,000 will be issued. If a non-minor violation is immediately corrected a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.

(F) The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.

(G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.

(H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.

(I) Any claim for a civil penalty may be compromised and settled based on the following factors:

1. Mitigating or any other extenuating circumstances;
2. The timely implementation by the violator of measures which lead to compliance;
3. The conduct of the violator; and
4. The compliance history of the violator.

XII. Consistency, Severability and Repealer

(A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any

court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

(B) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

(C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

Motion by Councilmember Dyer, second by Councilmember Luisi, that the ordinance heretofore introduced does now pass on first reading and that said ordinance be further considered for final passage on February 18, 2015, at 8:00 p.m. or as soon thereafter as the matter can be reached by the Mayor and Council, and that at such time and place, all persons interested will be given an opportunity to be heard concerning said ordinance and that the Clerk be and she is hereby authorized and directed to publish said ordinance in accordance with law. Upon roll call, all members present voted in the affirmative. Motion carried.

Ordinance #4-2015

Re: SCR District

Motion Councilmember Dyer, second by Councilmember 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 AMENDING AND SUPPLEMENTING CHAPTER 600, ZONING,
OF THE BOROUGH OF NORTH HALEDON**

**ARTICLE XXIII
SENIOR CITIZEN RESIDENTIAL (SCR) DISTRICT**

§ 600-243 Purpose

- A. The purpose of the Senior Citizen Residential (SCR) District is designed to the meet the diverse housing and health care needs of an aging population while allowing zoning flexibility to accommodate the ever changing residential and medical needs for this specific population.
- B. The purpose of this chapter is establish rules, regulations, standards and procedures designed to promote the integrated and logical development of an area

within the designated Block 65, Lots 4.03, 7.02, 7.06 and 10.02 on the Borough's Official Tax Maps.

§ 600-244 Definitions

Within the Senior Citizen Residential (SCR) District the following words and terms shall have the definitions hereinafter provided and as regulated by N.J.S.A. 52:27D-330 through 357, known as the Continuing Care Retirement Community Regulation and Financial Disclosure Act.

- A. ASSISTED LIVING FACILITY – A facility licensed by the New Jersey Department of Health and Senior Services which is designed and operated to provide apartment-style housing and congregate dining while assuring that assisted living services are available, as needed, to adult persons unrelated to the proprietor. Each unit in such facility shall offer, at minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance. Assisted living facilities include dementia care facilities, which are facilities designed to accommodate the special needs of elderly persons afflicted with Alzheimer's disease or other related dementias.
- B. CONTINUING CARE RETIREMENT CENTER (CCRC) – An age-restricted facility that provides a continuum of accommodations and care, from independent living and/or "assisted living units" to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and entrance fees. CCRC's may contain related social, recreational and dining facilities and health care facilities which may include an outpatient clinic and therapy areas.
- C. NURSING HOMES/LONG TERM CARE – An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for twenty four or more consecutive hour for more than two residents who are not related to the governing authority or its members by marriage, blood, or adoption. This facility will be serviced 24 hours a day by a registered nurse and include medical facilities, meals, housekeeping, social service and physical therapy.
- D. RESIDENTIAL HEALTH CARE FACILITY (RHCF) – An institution or a distinct part of an institution which is licensed by the State of New Jersey Department of Health and Senior Services to provide health care under medical supervision to two or more patients who are not related to the governing authority of the institution or its members by marriage, blood or adoption. This facility is to provide independent living units but include the provisions for meals, social services, medical and/or

personal services and emergency care if necessary.

§ 600-245 Permitted Uses

- A. Assisted Living Facilities
- B. Continuing Care Retirement Community (CCRC)
- C. Nursing Homes / Long Term Care Facility
- D. Residential Health Care Facilities

§ 600-246 Accessory Uses

- A. Signs
 - 1. Signs, such as directional signs shall be provided as otherwise regulated in Borough ordinances.
- B. Off-street parking, as otherwise regulated in the Borough ordinances.
- C. Fences and walls, as otherwise regulated in the Borough ordinances.
- D. Active and passive recreational areas, along with structures and necessary features appurtenant thereto.
- E. Accessory uses and structures customarily incidental to permitted uses.

§ 600-247 General Requirements

- A. Site plan approval shall be required for all development (as defined in the Municipal Land Use Law) in the SCR zone.
- B. The site plan review shall consider storm water management but not be limited to the following: solid waste management, lighting, pedestrian and vehicular circulation, parking location and arrangement, building sighting and arrangement, signs, landscaping, open space.
- C. All facilities and utilities shall be built to Borough specifications.

§ 600-248 Occupancy

In the Senior Citizen Residential (SCR) District, occupancy shall be limited to persons sixty five (65) years of age and older. A maximum of twenty percent (20%) of the occupants may be less than sixty five (65) years of age, but no younger than fifty five (55) years of age.

§ 600-249 Density

The maximum density shall be thirteen (13) beds per acre.

§ 600-250 Floor Area Ratio

The Floor Area Ratio shall not exceed 0.25. This calculation shall be made exclusive of any accessory structures.

§ 600-251 Bulk Regulations

- A. Minimum lot area (acreage): 10 acres
- B. Minimum street frontage along a county or municipal road: 150 feet
- C. Minimum lot width: 150 feet
- D. Minimum lot depth: 700 feet
- E. Minimum front yards: 100 feet
- F. Minimum side yards/total side yards: 40 feet / 80 feet
- G. Minimum rear yard: 40 feet
- H. Minimum buffer width: 25 feet
- I. Maximum building height: 3 stories or (45) feet
- J. Maximum building coverage: 10 percent
- K. Maximum impervious surface coverage: 40 percent
- L. Minimum interior driveways shall be not less than twenty (20') feet wide

§ 600-252 Buffer Areas

A buffer area of not less than 25 feet in width shall be provided along the side and rear lot lines. Said buffer area shall be kept in its natural state. Where wooded and natural vegetation is sparse or nonexistent, the area shall be planted to provide a year-round natural screening. Parking areas shall not be located in the required buffer areas, however driveways shall be permissible within the buffer areas.

§ 600-253 Parking Requirements

Sufficient off-street parking shall be required to meet the needs of the residents, employees and guests within the facilities in the Senior Citizen Residential (SCR) District. Said parking spaces shall be applicable to the following conditions:

- A. A minimum of 0.75 off-street parking spaces must be provided for each bed within

all operating facilities in the Senior Citizen Residential (SCR) District.

- B. This parking calculation will meet the needs for residents, employees and guests within the Senior Citizen Residential (SCR) District.
- C. No parking shall be permitted on any driveway or access-way within the Senior Citizen Residential (SCR) District..
- D. All parking shall be confined to the area specifically designated on the site plan for such purpose.
- E. All new parking areas shall be paved and curbed, and provided with an adequate system of storm-water drainage as approved by the Borough Engineer.

§ 600-254 Utilities, Facilities, Landscaping and Circulation

- A. Refuse and recyclable materials shall be serviced by a private hauler as per existing Borough Regulations.
- B. All utility wiring shall be underground. Utility connections for each separate apartment shall be independently or jointly metered as would be appropriate to the form of occupancy/ownership of the living units.
- C. Open space areas shall be attractively landscaped. The landscape plan shall be subject to approval by the Planning Board.
- D. Sidewalks or other suitable means of internal pedestrian circulation shall be provided throughout the development along driveways and between buildings.
- E. All exterior lighting plans shall be reviewed by the Planning Board.

§ 600-255 Common Open Space Implementation Requirements

- A. A minimum of 20% of the total site area shall be set aside as passive open space.
- B. Buffer areas, wetlands and conservation easements shall be eligible as open space as required by this section.
- C. All passive open space shall be connected to residential areas with walkways or other reasonable means of access.

§ 600-256 Circulation and Parking Standards – All internal driveways shall be in accordance with the requirements of the New Jersey *Residential Site Improvement Standards*.

§ 600-257 Developments Subject To Applicable Ordinances – Any development in the

Senior Citizen Residential (SCR) District shall be subject to all applicable ordinances of the Borough of North Haledon. Where there is any conflict between the provisions of this section and the provisions of the Site Plan Ordinance and/or the Land Subdivision Ordinance, the provision of this section shall prevail.

§ 600-258 Date of Effect – This Ordinance shall take effect upon final passage, approval, and publication as required by law.

Motion by Councilmember Dyer, second by Councilmember Luisi, that the ordinance heretofore introduced does now pass on first reading and that said ordinance be further considered for final passage on February 18, 2015, at 8:00 p.m. or as soon thereafter as the matter can be reached by the Mayor and Council, and that at such time and place, all persons interested will be given an opportunity to be heard concerning said ordinance and that the Clerk be and she is hereby authorized and directed to publish said ordinance in accordance with law. Upon roll call, all members present voted in the affirmative. Motion carried.

Ordinance #5-2015

Re: Personnel Policies

Motion by Councilmember Melone, second by Councilmember Dyer, 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 102, PERSONNEL POLICIES**

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

Section 1. Chapter 102, Personnel Policies, shall be amended as follows:

- (1) The last sentence of §102-17 shall be amended to read “The resolution shall specify the reasons for deferral and shall be subject to annual review, and, in addition, this accumulated vacation shall be taken by June 1 of the year following.”

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 Councilmember Melone, second by Councilmember Luisi, that the ordinance heretofore introduced does now pass on first reading and that said ordinance be further considered for final passage on February 18, 2015, at 8:00 p.m. or as soon thereafter as the matter can be reached by the Mayor and Council, and that at such time and place, all persons interested will be given an opportunity to be heard concerning said ordinance and that the Clerk be and she is hereby authorized and directed to publish said ordinance in accordance with law. Upon roll call, all members present voted in the affirmative. Motion carried.

Ordinance #6-2015

Re: Sales

Motion by Councilmember Dyer, second by Councilmember 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 468, SALES**

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

Section 1. §468-1 Definitions, shall be amended to read as follows:

CASUAL SALE – sales commonly known as “garage sales,” “lawn sales,” “attic sales,” “rummage sales,” “flea market sales” or “estate sales” or any similar casual sale of tangible personal property wherein goods are made available for sale to the public at large.

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 Councilmember Dyer, second by Councilmember Luisi, that the ordinance heretofore introduced does now pass on first reading and that said ordinance be further considered for final passage on February 18, 2015, at 8:00 p.m. or as soon thereafter as the matter can be reached by the Mayor and Council, and that at such time and place, all persons interested will be given an opportunity to be heard concerning said ordinance and that the Clerk be and she is hereby authorized and directed to publish said ordinance in accordance with law. Upon roll call, all members present voted in the affirmative. Motion carried.

Ordinance #7-2015

Re: Fees

Motion by Councilmember Marco, second by Councilmember 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 REVISE 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:

Section 1. Chapter 275, FEES, of the Code of the Borough of North Haledon, shall be and hereby is revised, amended and supplemented by modification so that the same shall read as follows:

1. §275-13A(1), (3), (4) and (5) shall be amended to reflect a fee of \$20.00.

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 upon final adoption and publication as provided by law.

Motion by Councilmember Marco, second by Councilmember Luisi, that the ordinance heretofore introduced does now pass on first reading and that said ordinance be further considered for final passage on February 18, 2015, at 8:00 p.m. or as soon thereafter as the matter can be reached by the Mayor and Council, and that at such time and place, all persons

interested will be given an opportunity to be heard concerning said ordinance and that the Clerk be and she is hereby authorized and directed to publish said ordinance in accordance with law. Upon roll call, all members present voted in the affirmative. Motion carried.

RESOLUTION CA#2-2015

Re: Consent Agenda #2-2015

Motion by Councilmember Marco, second by Councilmember Galluccio, 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. Designating Redeveloper & Authorizing Redevelopment Agreement with 920 Belmont Acquisition, LLC
2. January Transfers
3. Temporary Budget
4. Property Tax Deduction / Senior Citizens
5. Approval / NHEF & NHPTO 5K Race
6. Approval / Motorama Car Show
7. Authorization / Final Payment / NJDEP vs. Occidental Chemical Corp.
8. Acceptance of Proposal / Bond Counsel
9. Acceptance of Proposal / RJ Controls
10. Vacation Carryover
11. Approval / Towing Applications
12. Authorization / Stipulation of Settlement / Overlook Properties
13. Authorization / Solicitation of Bids / Recycling and Solid Waste
14. Amending / NHPD Rules & Regulations
15. Amending / Resolution #230-2014 / Change Order No. 2 / Coppola
16. Approval Raffle License / North Haledon Fire Department / #19-2014
17. Approval Raffle License / NHEF / #20-2014
18. Replenishment of Postage Meter
19. Combining Several Authorizations of Bonds Into A Single Issue and Prescribing The Details and Bond Form Thereof For \$6,695,000 Genera Improvement Bonds Dated

March 15, 2015

20. Authorizing the Publication, Printing and Distribution of a Notice Of Sale and The Publication Of A Summary Notice Of Sale And Prescribing The Forms Thereof For \$6,695,000 General Improvement Bonds, Dated March 15, 2015, Approving The Preparation, Distribution And Execution Of A Preliminary And A Final Official Statement For Such Bonds, Undertaking To Provide Continuing Disclosure Of Financial Information, Covenanting To Comply With The Internal Revenue Code Of 1986, As Amended, Designating Such Bonds As "Qualified Tax-Exempt Obligations" For Purposes Of The Internal Revenue Code Of 1986, As Amended, And Authorizing Various Matters In Connection With Electronic Bidding For The Bonds
21. Authorization / Payment to Smentkowski / Deducting Penalty Therefrom
22. Authorization / CDBG Program / New Roof / American Legion Building

Motion by Councilmember Dyer, second by Councilmember Galluccio to approve the foregoing resolution. Upon roll call, all members present voted in the affirmative. Motion carried.

Resolution #21-2015

Re: Redevelopment Agreement

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 & 27.02 and Block 31, Lots 10, 10.04, 11, 11.02, 11.03, 11.04 & 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, by application dated September 30, 2014 and last amended on January 4, 2015 (the “Application”) attached hereto as **Exhibit A**, 920 Belmont Acquisitions, LLC (the “Developer”) made application to the Borough to be designated as the Redeveloper of Block 30, Lots 12 & 12.01 (the “Property”) for the purpose of developing the Property into a residential project consisting of twenty three (23) buildings and a total of one hundred eighty (180) residential units (the “Proposed Project”); and

WHEREAS, at the time of submittal of the Application, the Developer paid the requisite application fee to the Borough in the sum of \$36,000; and

WHEREAS, the Developer also executed a funding agreement dated October 8, 2014 (attached hereto as **Exhibit B**) agreeing to pay the Borough’s out of pocket costs and expenses (including but not limited to the Borough’s reasonable professional engineering, planning, legal and financial advisory services) in connection with the review of the application, negotiation of the redevelopment agreement, administration of the redevelopment agreement, and ongoing participation of the Borough’s Redevelopment Review Committee (“RRC”); and

WHEREAS, the Borough’s RRC has held meetings with the Developer to review the Application, investigate the Developer’s qualifications to undertake the project, determine whether the Proposed Project complies with the Plan so that the RRC can make a recommendation to the Borough Council concerning (1) the Developer’s application, (2) whether the Proposed Project is consistent with the Plan; and whether the Proposed Project is consistent with the proposed redevelopment agreement attached hereto as **Exhibit C**; and

WHEREAS, the Application includes the following information:

1. Ownership interests in the Developer
2. Qualifications and Prior Experience of Members of the Developer’s project team (including Joseph C. Petriello, Esq., (legal representative), OMLAND Engineering, Inc., (Engineer), BurgisAssociates, Inc., (Planner), Jerry Nardella & Paul Martinelli (Project Managers),

Alberto & Associates, Inc., (architects), SESI Consulting Engineers (geotechnical engineering), Parker McCay (COAH Counsel), and the following contractors: Lakeside Construction, GMP Contracting, Petillo, Incorporated.

3. An itemization of the elements of the estimated cost of the Proposed Project in the amount of \$51,340,000.
4. Information from the Developer's certified public accountant concerning the Developer's equity investors.
5. A Letter of interest from Clarion Partners, LLC concerning its interest in providing sources of equity and debt funding to the Developer for the Proposed Project; and
6. Site Plan drawings for the Proposed Project to enable the RRC to undertake its consistency determination; and

WHEREAS, the Borough's redevelopment attorney, planner and engineer have each provided the RRC with advice and counsel in connection with the foregoing; and

WHEREAS, the redevelopment agreement attached hereto as **Exhibit C** has been substantially negotiated by the Borough's redevelopment attorney and the Developer's attorney; and

WHEREAS, the RRC through its meetings with the Developer and its review and evaluation of the information supplied by the Developer and the advice and counsel it has received from the Borough's redevelopment attorney, planner and engineer has indicated to the Borough Council the following:

1. That the RRC recommends that the Borough Council accept the application of the Developer to be designated as the redeveloper of the Property because the Developer has demonstrated that it has the financial capability, prior experience, and technical expertise through its members and its project team to undertake and complete the Proposed Project; and
2. That the RRC has reviewed the site plans provided by the Developer and determined that the Proposed Project complies with the Plan, except for the request for a variance to permit a sign at the entrance of the Property and request for a variance concerning the height of the retaining walls necessary to construct the Proposed Project and that as to these two requested variances, the RRC finds that these two requested variances should not prevent the Developer from making application to the Planning Board where the Planning Board can weigh the benefits and detriments of the requested variances; and

3. That the RRC has reviewed the proposed redevelopment agreement and finds that the Proposed Project is consistent with the proposed redevelopment agreement and recommends that the Borough Council authorize the Mayor to execute the proposed redevelopment agreement (attached hereto as **Exhibit C**) subject to such further revisions as the Borough's redevelopment attorney deems advisable prior to execution by the Mayor; and

WHEREAS, the Borough Council has reviewed the application of the Developer, heard the presentation made by the Developer at the Borough Council meeting on January 7, 2015, and acknowledges the recommendations of the RRC concerning the qualifications the Developer and the consistency of the Proposed Project with the Plan and proposed redevelopment agreement.

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

1. The aforementioned recitals are incorporated herein as though fully set forth.
2. The Borough Council hereby accepts the Application of 920 Belmont Acquisitions, LLC to be designated as the redeveloper of Block 30, Lots 12 and 12.01 and 920 Belmont Acquisitions, LLC is hereby designated the redeveloper of Block 30, Lots 12 and 12.01 which are properties that are located within the Belmont Avenue Redevelopment Plan.
3. The Borough Council hereby acknowledges the acceptance of the application fee and execution of the Funding Agreement which was approved by the RRC.
4. The Borough Council hereby acknowledges the recommendation of the RRC concerning the general consistency of the proposed project with the Belmont Avenue Redevelopment Plan (with the exception of the sign variance and height variance pertaining to the retaining wall which the RRC has determined should not prevent the Developer from making application to the Planning Board where the Planning Board can weigh the benefits and detriments of the requested variances).
5. The Borough Council hereby acknowledges the recommendation of the RRC concerning the consistency of the Proposed Project with the proposed redevelopment agreement and the Mayor is authorized to execute the proposed form of redevelopment agreement that has been substantially negotiated with 920 Belmont Acquisitions, LLC subject to such further revisions as the Borough's redevelopment attorney deems advisable prior to execution by the Mayor.
6. This Resolution shall take effect immediately.

Resolution #22-2015

Re: January Transfers

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

| | <u>FROM</u> | |
|-------------------|-------------|-------------------|
| CLERK | SW | \$888.13 |
| FINANCE | SW | \$3,000.00 |
| STREETS & RDS. | SW | \$3,500.00 |
| CONSTRUCTION | OE | \$336.12 |
| POLICE | SW | \$2,950.76 |
| FIRE LIFE HAZARD | SW | \$562.13 |
| COMPUTER UPGRADES | OE | <u>\$1,411.86</u> |
| | | \$12,649.00 |
| | <u>TO</u> | |
| ETHICS | OE | \$27.30 |
| ENGINEERING | OE | \$3,500.00 |
| HYDRANTS | OE | \$3,528.00 |
| CLERK | OE | \$700.00 |
| STREETS & RDS. | OE | \$2,000.00 |
| TAX ASSESSOR | OE | \$21.84 |
| PLANNING BOARD | OE | \$15.60 |
| TELEPHONE | OE | \$2,700.00 |
| OEM | OE | <u>\$156.26</u> |
| | | \$12,649.00 |

Resolution #23-2015

Re: Temporary Budget

WHEREAS, N.J.S.A. 49A: 4-19 provides that where contracts, commitments or payments are to be made prior to the final adoption of the 2015 Budget, temporary appropriations should be made for the purposes and amounts required in the manner and time herein provided; and

WHEREAS, Chapter 3 P.L. 1984 allows the municipality to adopt additional temporary appropriations equal to 1/12 of the total appropriations made for all purposes in the budget for the 2014 fiscal year excluding in both instances appropriations made for the interest and debt redemption charges, capital improvement fund and public assistance.

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

of North Haledon, that the following temporary appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial for her records.

| | |
|------------------------|---------------------|
| Collection of Taxes OE | \$1,500.00 |
| Planning Board OE | \$3,000.00 |
| Board of Adj. OE | \$2,000.00 |
| Fire OE | \$5,000.00 |
| Recreation | \$656.25 |
| Police Car | \$31,000.00 |
| Const. Official OE | \$1,000.00 |
| Streets & Roads OE | \$10,000.00 |
| Recycling OE | \$40,000.00 |
| Public Bldgs& Ground | \$5,000.00 |
| Sewers OE | \$10,000.00 |
| Recreation | \$5,000.00 |
| Prior Years Bills | \$868.31 |
| Feasibility MRHS | \$17,000.00 |
| Interest on Bonds | \$5,000.00 |
| Total | \$137,024.56 |

Resolution #24-2015

Re: Property Tax Deduction

WHEREAS, the following property owners have applied to the Borough of North Haledon for a Senior Citizen Property Tax Deduction or a Disabled Persons deduction, and

WHEREAS, each applicant has been found eligible and entitled to said deduction for the year 2014,

NOW, THEREFORE BE IT RESOLVED that the Tax Collector be authorized to grant these deductions for the year 2014 and the Treasurer be authorized to issue checks to the following property owners for the respective amounts.

| Block | Lot | Name | Address | Amount |
|-------|------|---------------|--------------------|--------|
| 68 | 3.04 | SCHALK, MARIA | 25 BROOKSIDE TERR. | 250.00 |

Resolution #25-2015

Re: 5K Race

WHEREAS, the North Haledon Parent Teacher Organization and North Haledon Education Foundation have requested the Borough Approval of a race course for the NH Rock & Roll 5K event to be conducted on Sunday, April 26, 2015; and

WHEREAS, the Chief of Police has reviewed the proposed race course and has approved the same; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Board of Council of the Borough of North Haledon that it hereby approves the NH Rock & Roll 5K race course as approved by the Chief of Police.

Resolution #26-2015

Re: Motorama Car Show

WHEREAS, by letter dated December 3, 2014 the Jersey Lakeland Region – Vintage Chevrolet Club of America, has requested the use of North Haledon Recreation Fields for its annual car show on May 22 to 25, 2015; and

WHEREAS, the Mayor and Council are satisfied that the proposal for use of the North Haledon Recreation Fields meets all the requirements of the Borough Code;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of North Haledon that the Jersey Lakeland Region – Vintage Chevrolet Club of America is hereby granted permission to use Borough of North Haledon Recreation Fields for its annual car show on May 22 to 25, 2015, subject to approval by the North Haledon Recreation Commission; and

BE IT FURTHER RESOLVED that the Jersey Lakeland Region – Vintage Chevrolet Club of America will consider becoming a sponsor of North will consider becoming a sponsor of North Haledon Day;

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Jersey Lakeland Region – Vintage Chevrolet Club of America and the Recreation Director.

Resolution #27-2015

Re: NJDEP vs. Occidental Chemical Corp.

WHEREAS, certain claims were asserted against the Borough of North Haledon, as a Third-Party Defendant, in the action entitled New Jersey Department of Environmental Protection v. Occidental Chemical Corporation, et al, bearing Docket No. ESX-L-9868-05, pending in the Superior Court of New Jersey, Law Division, Essex County (the “Litigation”) regarding alleged environmental contamination at the Newark Bay Complex; and

WHEREAS, the Borough of North Haledon settled the Litigation pursuant to the terms of a Consent Judgment entered therein; and

WHEREAS, the terms of the settlement required the Borough of North Haledon to pay the total sum of \$95,000; and

WHEREAS, pursuant to the terms of the settlement, the amount of \$29,642.00 was deducted from CMPTRA State Aid otherwise payable to the Borough of North Haledon, leaving a balance due and owing under the settlement in the amount of \$65,358.00

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

1. The Borough hereby authorizes payment of the \$65,358.00, representing the balance of the settlement amount.
2. This resolution shall take effect immediately.

Resolution #28-2015

Re: Proposal / Bond Counsel

WHEREAS, a written fee agreement for the year of 2015 has been received from Rogut McCarthy PC for services to be rendered as Bond Counsel; and

WHEREAS, the services are professional services within the meaning of the Local Public Contracts Law; and

WHEREAS, funds have been provided and will from time to time be provided in bonding ordinances which will cover the costs of the fees;

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

The firm of Rogut McCarthy PC is hereby retained to serve as Bond Counsel effective this 1st day of January, 2015;

The said firm is retained without competitive bidding because the services are professional services;

The firm of Rogut McCarthy shall be paid in accordance with the fee contained in the agreement which is incorporated by reference herein as though fully set forth;

A copy of this resolution and the agreement are on file in the Office of the Municipal Clerk and a notice of the retaining of the said firm shall be published in the official newspaper within 10 days of adoption of the resolution;

The agreement will be in effect for the year 2015 or until such time as either party gives written notice to the other of termination.

The anticipated fees will likely exceed \$21,500.00 and a copy of the Business Entity Disclosure Certification (in compliance with law) is attached and made a part of the within resolution.

A notice of this action shall be printed once in the Hawthorne Press.

Resolution #29-2015

Re: Proposal / RJ Controls

WHEREAS, R. & J. Control has submitted a written proposal, to provide semi-annual Preventive Maintenance Program for the generators at two Pumping Stations, namely Molly Ann Pump and Lakeside; and

WHEREAS, the proposal submitted as attached hereto and made a part of the within resolution shows a cost for semi-annual service per call.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of North Haledon that the contract be awarded to R. & J. Control Inc. 58 Harding Avenue, Dover, N. J. 07801 in accordance with the attached proposal and that the Clerk be authorized to accept said proposal.

CERTIFICATION

I, Laura Leibowitz, Treasurer of the Borough of North Haledon do hereby certify that funds are and/or will be made available for aforementioned in Sewer OE.

Resolution #30-2015

Re: Vacation Carry-Over

BE IT RESOLVED by the Borough Council of the Borough of North Haledon that as per Chapter 20, Section 20-17 of the Code of the Borough of North Haledon, that permission to carry over vacation time into 2015 be granted as follows:

| | |
|-----------------|------------------|
| Keith Sloomaker | 15 Days |
| Renate Elatab | 9 Days 5 ½ Hours |
| Joseph Stately | 8 Days |
| William Graham | 7 Days |

BE IT FURTHER RESOLVED that Police vacation carry-over be approved in accordance with, and verified by, the Chief of Police.

Resolution #31-2015

Re: Approval / Towing Applications

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

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

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

- 1) Licenses are approved for the following applications for towing services:

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

Van's Auto Body
901 High Mountain Road
North Haledon, NJ 07508

City Wide Towing Company
131 Goffle Road
Hawthorne, NJ 07506

JML Inc.
T/A J & M Towing
116 Ford Street
Wayne, NJ 07470

A-Plus Towing & Recovery
23 Goffle Road
Hawthorne, NJ 07506

The within licenses shall be for the year 2015, and are subject to compliance with the provisions of Chapter 563 entitled "Towing and Storage" of the Code of the Borough of North Haledon.

- 2) The Municipal Clerk is authorized and directed to notify each applicant by furnishing a copy of the within resolution to each applicant.

Resolution #32-2015

Re: Settlement / Tax court Appeal

WHEREAS, Overlook Properties, LLC filed appeals with the Tax Court of the State of New Jersey for tax years 2013 and 2014 on the property located at 475 High Mountain Road, Block 18.01 Lot 10 and,

WHEREAS, the parties have agreed to a reduction in the assessments for 2013 and 2014 from a total of \$2,143,500 to a total of \$2,000,000 for 2013 and \$1,900,000 for 2014 and,

WHEREAS, the Borough Tax Assessor and Borough Attorney agree with the reductions in value for 2013 and 2014 in accordance with the settlement and,

WHEREAS, the settlement results in a tax refund for tax year 2013 in the amount of \$3,917.55 and for tax year 2014 in the amount of \$6,630.51 for a total of \$10,548.06, which

the plaintiff has agreed to take as a credit against future taxes once the judgments are issued and,

WHEREAS, the Mayor and Council for the Borough of North Haledon have determined that it is in the best interests of the Borough to adjust the assessments for the aforesaid property for tax years 2013 and 2014 in accordance with the settlement,

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

1. The tax assessments on the property located at 475 High Mountain Road, Block 18.01 Lot 10, be reduced to \$2,000,000 for 2013 and \$1,900,000 for 2014.
2. The Treasurer is hereby authorized to credit the proposed refund of \$10,548.06 to successive tax bills upon issuance of the judgments attributable to the reduction in the assessments for the 2013 and 2014 Tax Years.
4. This resolution should take effect immediately or as otherwise provided by law.

Resolution #33-2015

Re: Bids / Recycling and Solid Waste

BE IT RESOLVED, by the Borough Council of the Borough of North Haledon that the Clerk be and she is hereby authorized to advertise for the receipt of bids for recycling and solid waste pickup on behalf of the Mayor and Council.

Resolution # 34-2015

Re: Amending Rules / NHPD

WHEREAS, pursuant to §107-11 of the Code of the Borough of North Haledon, the Governing Body, as the duly designated Appropriate Authority, is empowered and required to prepare and adopt rules and regulations for the government of the Police Department of the Borough of North Haledon; and

WHEREAS, pursuant to the authority described above, the Governing Body of the Borough of North Haledon is desirous of adopting the Rules and Regulations, which are appended hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Council of the Borough of North Haledon that the Rules and Regulations for the government of the Police Department of the Borough of North Haledon appended hereto are hereby approved and adopted.

Resolution #35-2015

Re: Change Order / Coppola

WHEREAS, the Borough Council of the Borough of North Haledon awarded a contract to Coppola Services for the rehabilitation of the Molly Ann Pumping Station via Resolution #64-

2014, dated March 19, 2014, in the amount of \$267,000.00; and

WHEREAS, subsequent to the award of said contract, the Borough Engineer recommended and the Borough Council approved Change Order #1 via Resolution #205-2014, dated December 3, 2014, in the amount of \$14,526.75, effectively amending the original contract amount to \$281,526.75; and

WHEREAS, the Borough Engineer has recommended a second change order in accordance with NJAC5:34-4.4, entitled Change Order #2, in the amount of \$23,304.48; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of North Haledon that Change Order #2, in the amount of \$23,304.48 is hereby authorized causing the original contract amount to be amended to \$304,831.23.

CERTIFICATION

I, Laura Leibowitz, Treasurer of the Borough of North Haledon do hereby certify that funds are available for the aforementioned in 2014 CAPITAL FUND.

Resolution #36-2015

Re: Raffle License / NHFD

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

| | |
|---------------------|-------------------------------|
| Name: | North Haledon Fire Department |
| Location of Raffle: | 568 High Mountain Road |
| Date of Raffle: | April 11, 2015 |
| Raffle Licenses: | #19-2014 |

Resolution #37-2015

Re: Raffle License / NHEF

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

| | |
|---------------------|------------------------------------|
| Name: | North Haledon Education Foundation |
| Location of Raffle: | 1245 Belmont Avenue |
| Date of Raffle: | February 27, 2015 |
| Raffle Licenses: | #20-2014 |

Resolution #38-2015

Re: Replenishment of Postage Meter

BE IT RESOLVED, by the Borough Council of the Borough of North Haledon that the Treasurer be and she is hereby authorized to issue a check payable to the United States Postal Service for the replenishment of postage meter in the sum of \$500.00.

CERTIFICATION

I, Laura Leibowitz, Treasurer of the Borough of North Haledon, do hereby certify that funds are available for the aforementioned in Municipal Court OE.

Resolution #39-2015

Re: Consolidation of Bonds

WHEREAS, the bond ordinances hereinafter described have been duly adopted and it is necessary to provide for the issuance of the bonds authorized by such bond ordinances;

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

Section 1. There shall be issued at this time \$436,610 of the bonds authorized pursuant to Bond Ordinance No. 17-2008 adopted by the Borough Council of said Borough on September 17, 2008, as amended by Bond Ordinance Nos. 19-2012 and 20-2012 adopted by the Borough Council of said Borough on July 25, 2012. The bonds are issued to finance the (A) acquisition of an emergency utility vehicle and various items of rescue and firefighting equipment for the use of the Fire Department, (B) acquisition of a comminutor for the use of the Sewer Department, (C) partial funding for construction of a free-standing building adjacent to the Department of Public Works ("DPW") Garage, (D) construction or reconstruction of sidewalks at North Haledon Avenue (from Squaw Brook Road to Linda Vista Avenue), improvement of Linda Vista Avenue - Section III (from Terrace Avenue to North Haledon Avenue), construction of a retaining wall, construction or reconstruction of curbs and parking areas, including paving, adjacent to the DPW Building and Garage, and roadway, sidewalk, curb and drainage improvements at various locations, (E) acquisition of computer equipment to upgrade the 9-1-1 system for the use of the Police Department and (F) acquisition of a computer equipment upgrade for the use of the Administration, all in, by and for the Borough. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 12.57 years computed from the date of such bonds.

Section 2. There shall be issued at this time \$770,720 of the bonds authorized pursuant

to Bond Ordinance No. 19-2009 adopted by the Borough Council of said Borough on July 15, 2009. The bonds are issued to finance the (A) acquisition of self-contained breathing apparatus equipment, turnout gear, thermal imaging cameras and pagers for the use of the Fire Department, (B) undertaking of various mechanical equipment upgrades for the sanitary sewer system, replacement of a comminutor at the sanitary sewer pump station and replacement of ejector pumps at various locations, (C) replacement of fencing at the Recreation Fields, (D) undertaking of various improvements to Borough-owned buildings and property, (E) improvement of Brookview Avenue and Willowbrook Court (entire lengths) and roadway, sidewalk, curb and drainage improvements at various locations, (F) acquisition of original furnishings and equipment for use in the new DPW Building, (G) acquisition of an ID card maker, computers and a four-wheel drive vehicle for the use of the Police Department and (H) acquisition of a computer equipment upgrade for the use of the Administration and other offices, all in, by and for the Borough. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 11.19 years computed from the date of such bonds.

Section 3. There shall be issued at this time \$915,670 of the bonds authorized pursuant to Bond Ordinance No. 11-2010 adopted by the Borough Council of said Borough on May 19, 2010, as amended by Bond Ordinance No. 21-2012 adopted by the Borough Council of said Borough on September 19, 2012. The bonds are issued to finance the (A) acquisition of self-contained breathing apparatus equipment, turnout gear, low-pressure air bags, portable radios and pagers for the use of the Fire Department, (B) acquisition of trucks and various items of equipment for the use of the DPW, (C) replacement of the doors at the sanitary sewer pump station and the acquisition of flow meters and a manhole lifter for the use of the Sewer Department, (D) replacement of fencing at the Recreation Complex Field No. 1 and the acquisition and installation of metal tables, chairs and playground equipment at Yahn's Pond and Leyden's Playground, (E) undertaking of various improvements to Borough-owned buildings and property, (F) acquisition of a thermal imaging camera for the use of the Fire Department and in-vehicle camera equipment, license plate reader equipment and solar-powered speed signs for the use of the Police Department, and improvement of Graham Avenue (Phase I) and roadway, sidewalk,

curb and drainage improvements at various locations, (G) acquisition of an ambulance for the use of the Ambulance Corps, (H) acquisition of firearms and replacement of Police Radio System (Phase I) for the use of the Police Department, (I) acquisition of radios for the use of the Office of Emergency Management, (J) acquisition of a computer equipment upgrade for the use of the Administration and other offices and (K) funding the Borough's matching share of the cost of the Molly Ann Brook Flood Control Study to be undertaken by the United States Army Corps of Engineers, all in, by and for the Borough. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 8.73 years computed from the date of such bonds.

Section 4. There shall be issued at this time \$999,000 of the bonds authorized pursuant to Bond Ordinance No. 12-2011 adopted by the Borough Council of said Borough on May 18, 2011, as amended by Bond Ordinance No. 21-2012 adopted by the Borough Council of said Borough on September 19, 2012. The bonds are issued to finance the (A) acquisition of self-contained breathing apparatus equipment and turnout gear for the use of the Fire Department, (B) installation of a holding tank aerator at the sanitary sewer pump station, (C) undertaking of various improvements to Borough-owned buildings and property, (D) acquisition of a thermal imaging camera for the use of the Fire Department, in-vehicle camera equipment, license plate reader equipment and solar-powered speed signs for the use of the Police Department, improvement of Graham Avenue (Phase II) and roadway, sidewalk, curb and drainage improvements at various locations, (E) acquisition of various items of new additional or replacement equipment and machinery and new communication and signal systems equipment for the use of North Haledon Volunteer Ambulance, Inc., (F) replacement of fencing at the Recreation Complex Field No. 1, (G) acquisition of a truck and various items of equipment for the use of the DPW, (H) acquisition of holsters and lights for firearms and various items of equipment for the use of the Police Department, (I) replacement of Police Radio System (Phase II), (J) acquisition of a computer equipment upgrade for the use of the Administration and other offices and (K) acquisition of traffic control signs and various items of equipment for the use of the Office of Emergency Management, all in, by and for the Borough. The average period of usefulness of the several purposes to be financed by such bond

ordinance is a period of 9.38 years computed from the date of such bonds.

Section 5. There shall be issued at this time \$1,126,500 of the bonds authorized pursuant to Bond Ordinance No. 7-2012 adopted by the Borough Council of said Borough on May 30, 2012, as amended by Bond Ordinance No. 12-2012 adopted by the Borough Council of said Borough on June 20, 2012. The bonds are issued to finance the (A) acquisition of an inflatable rescue boat for the use of the Fire Department, (B) replacement of the comminuter at the Sewer Plant and replacement of ejector pumps at various locations, (C) undertaking of various improvements to Borough-owned buildings and property, (D) improvement of Anhert Road (Phase I) and roadway, sidewalk, curb and drainage improvements at various locations, (E) acquisition of various items of new additional or replacement equipment and machinery and new communication and signal systems equipment for the use of North Haledon Volunteer Ambulance, Inc., (F) acquisition of a dump truck with plow and leaf attachment for the use of the DPW, (G) acquisition of various items of new additional or replacement equipment and machinery and new communication and signal systems equipment for the use of the Police Department, (H) acquisition of radio equipment for the use of the Police Department to satisfy the Federal Communications Commission mandate for narrow band compliance, (I) acquisition of photocopiers and a computer equipment upgrade for the use of the Administration and other offices, (J) acquisition of various items of new additional or replacement equipment and machinery and new communication and signal systems equipment for the use of the Office of Emergency Management and (K) undertaking of the construction of a tennis wall and installation of bleachers at the Recreation Complex, all in, by and for the Borough. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 10.08 years computed from the date of such bonds.

Section 6. There shall be issued at this time \$950,000 of the bonds authorized pursuant to Bond Ordinance No. 6-2013 adopted by the Borough Council of said Borough on May 1, 2013. The bonds are issued to finance the (A) acquisition of various items of new additional or replacement equipment and machinery for the use of the Fire Department, (B) replacement of motors and variable frequency drives at the Sewer Plant and the acquisition of various items of new additional or replacement

equipment and machinery for the use of the Sewer Department, (C) undertaking of various improvements to Borough-owned buildings and property, (D) improvement of Anherst Road (Phase II) and roadway, sidewalk, curb and drainage improvements at various locations, (E) acquisition of various items of new additional or replacement equipment and machinery for the use of North Haledon Volunteer Ambulance, Inc., (F) acquisition of various items of new additional or replacement equipment and machinery for the use of the DPW and undertaking of various improvements to DPW and Recycling facilities, (G) acquisition of an SUV for the use of the Police Department, (H) acquisition of various items of new additional or replacement equipment and machinery and new communication and signal systems equipment for the use of the Police Department, (I) acquisition of a computer equipment upgrade for the use of the Administration and other offices, (J) installation of a community message board at the Municipal Building, the acquisition of an employee time management system and various other items of new additional or replacement equipment and machinery and new computer equipment for the use of the Administration, (K) acquisition of various items of new additional or replacement equipment and machinery and a new all-terrain emergency vehicle, including original apparatus and equipment for the use of the Office of Emergency Management and (L) acquisition of a field grooming machine (with attachments) and various other items of new additional or replacement equipment and machinery for the use of Recreation, all in, by and for the Borough. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 10.67 years computed from the date of such bonds.

Section 7. There shall be issued at this time \$1,496,500 of the bonds authorized pursuant to Bond Ordinance No. 11-2014 adopted by the Borough Council of said Borough on July 21, 2014. The bonds are issued to finance the (A) acquisition of new additional or replacement equipment and machinery for the use of the Fire Department, including, but not limited to, a thermal camera, turnout gear, fire hose, training equipment and ice and water extraction equipment, (B) undertaking of security upgrades at Police Headquarters and the acquisition of a dispatch console and an officer tracking computer system for the use of the Police Department, (C) acquisition of "gridless" power equipment and various items of equipment for the use of the Office of Emergency Management, (D) acquisition of an

ambulance and various items of equipment for the use of North Haledon Volunteer Ambulance, Inc., (E) undertaking of various improvements to Borough-owned buildings and property, (F) acquisition of an air compressor trailer and a recycling container for the use of the DPW, (G) undertaking of improvements to Sicomac Road (Section 2) and roadway, sidewalk, curb and drainage improvements at various locations, (H) rehabilitation of the Molly Ann Pump Station (Phase II) and acquisition of grinder pumps for the use of the Sewer Department, (I) acquisition of an SUV for the use of the Construction Code Official, (J) installation of an early warning lightning detector system at various Recreation fields, (K) acquisition of a property information computer system for the use of the Administration and (L) acquisition of a computer equipment upgrade for the use of the Administration and other offices, all in, by and for the Borough. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 9.69 years computed from the date of such bonds.

Section 8. The bonds authorized by said seven bond ordinances described in Sections 1 to 7, inclusive, of this resolution shall be issued as a single issue of bonds, aggregating \$6,695,000 consisting of an issue of bonds of the denomination of \$5,000 each or any integral multiple thereof, numbered in the order of their maturity. In the event that the purchaser of the bonds elects to take bonds in the last maturity which are not in multiples of \$5,000, or, if there are any such bonds herein, such bonds shall be in the denomination of \$1,000 or any integral multiple thereof, numbered upwards from the last numbered \$5,000 bond. The average period of usefulness within which the bonds authorized by said seven bond ordinances mature, according to the respective reasonable lives of the purposes to be financed, as determined in said ordinances taking into consideration the respective amounts of bonds authorized for the purposes to be financed as set forth in each of the bond ordinances hereinbefore set forth, is a period of 10.07 years computed from the date of such bonds. Said issue shall be payable in annual installments on March 15 in each year as follows:

\$375,000 in the year 2016,
\$475,000 in the year 2017,
\$675,000 in the year 2018,
\$700,000 in the year 2019,
\$720,000 in the year 2020, and

\$750,000 in each of the years 2021 to 2025, inclusive.

Said bonds shall be designated "General Improvement Bonds". A portion of the indebtedness evidenced by each such bond shall be deemed to have been incurred for the purpose described in each bond ordinance authorizing bonds of the same maturity, and such portion of such indebtedness shall be in the same proportion to the principal amount of such bonds as the total amount of bonds of like maturity to be issued pursuant to such bond ordinance bears to the aggregate amount of bonds of like maturity to be issued pursuant to such seven bond ordinances.

Section 9. All of said bonds shall be dated March 15, 2015, and shall bear interest from their date until their respective maturities at the rates per annum named in the proposal accepted. Such rates of interest shall be determined at the time said bonds are sold. Such interest shall be payable on each March 15 and September 15, commencing March 15, 2016 (each, an "Interest Payment Date"), in each year until maturity. The bonds shall not be subject to redemption prior to their stated maturities.

Section 10. The bonds will be issued in fully registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence ownership of the bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the bonds will be payable at the times stated in Section 9 of this resolution, and principal of the bonds will be paid annually on March 15, as set forth in the maturity schedule hereinbefore stated, in immediately available funds to DTC or its nominee as registered owner of the bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Interest will be payable to owners of bonds shown on the records of DTC as of the last business day of the month preceding the month in which such interest payment date occurs. The Borough will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the bonds, or (b) the Borough determines that continuation of the book-entry system of evidence and transfer of ownership of the bonds would adversely affect the interests of the beneficial owners of the bonds, the Borough will discontinue the book-entry system with DTC. If the Borough fails to identify another qualified securities depository to replace DTC, the Borough will authenticate and deliver replacement bonds in the form of fully registered certificates.

The principal of and the interest on the bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

Section 11. The Chief Financial Officer, pursuant to N.J.S.A. 40A:2-34, is hereby authorized to sell and award the bonds in accordance with the terms of the notice of sale, such terms to be determined by a resolution of the Borough Council to be hereafter adopted. The Chief Financial Officer shall report in writing to the Borough Council at the next meeting after the sale of the bonds as to the principal amount, interest rates and maturities of the bonds sold, the price obtained and the name of the purchaser.

Section 12. All of said bonds shall be signed by the Mayor by manual or facsimile signature and by the Chief Financial Officer by manual or facsimile signature and the corporate seal of said Borough shall be imprinted, affixed or reproduced thereon and such seal shall be attested by the Municipal Clerk or Deputy Municipal Clerk by manual or facsimile signature. The bonds will be authenticated by the manual signature of the Bond Registrar/Paying Agent.

Section 13. Each of said bonds shall be issued in substantially the following form:

[Form of Bond]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R-___ \$_____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF PASSAIC
THE BOROUGH OF NORTH HALEDON
GENERAL IMPROVEMENT BOND

INTEREST
RATE PER
ANNUM MATURITY DATE DATED DATE CUSIP
% MARCH 15, 20__ MARCH 15, 2015

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: -----DOLLARS

The Borough of North Haledon, a municipal corporation of the State of New Jersey, located in the County of Passaic (hereinafter referred to as the "Borough"), for value received hereby acknowledges itself indebted and promises to pay to the REGISTERED OWNER named above, on the MATURITY DATE specified above, upon surrender hereof, the PRINCIPAL SUM stated above and to pay to the REGISTERED OWNER hereof interest thereon from the DATED DATE of this Bond until it shall mature at the INTEREST RATE PER ANNUM specified above, payable on each March 15 and September 15, commencing March 15, 2016 (each, an "Interest Payment Date"), of each year until maturity. This Bond is not subject to redemption prior to maturity. The principal hereof is payable at the office of the Chief Financial Officer, Municipal Building, 103 Overlook Avenue, North Haledon, New Jersey 07508 (the "Bond Registrar/Paying Agent"). The interest so payable on any such Interest Payment Date will be paid

to the person in whose name this Bond is registered on the record date for such interest, which shall be the last business day of the month preceding the month in which such Interest Payment Date occurs. Both the principal of and the interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This Bond is one of an issue of Bonds of like date and tenor, except as to number, denomination, interest rate and maturity, issued pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended) and pursuant to seven bond ordinances adopted by the Borough Council of the Borough on September 17, 2008 (Ord. No. 17-2008, as amended by Ord. Nos. 19-2012 and 20-2012 adopted on July 25, 2012), July 15, 2009 (Ord. No. 19-2009), May 19, 2010 (Ord. No. 11-2010, as amended by Ord. No. 21-2012 adopted on September 19, 2012), May 18, 2011 (Ord. No. 12-2011, as amended by Ord. No. 21-2012 adopted on September 19, 2012), May 30, 2012 (Ord. No. 7-2012, as amended by Ord. No. 12-2012 adopted on June 20, 2012), May 1, 2013 (Ord. No. 6-2013) and July 21 2014 (Ord. No. 11-2014) and resolutions adopted by the Borough Council of the Borough on January 21, 2015.

The Bond Registrar/Paying Agent shall keep at its office the books of the Borough for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the resolution upon the surrender hereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall deliver in exchange for this Bond a new bond or bonds, registered in the name of the transferee, of authorized denomination, in an aggregate principal amount equal to the unredeemed principal amount of this Bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey, to exist, be performed or happen precedent to or in the issuance of

this Bond exist, have been performed and have happened, and that this Bond together with all other indebtedness of the Borough, is within every debt and other limit prescribed by the Constitution or statutes of said State.

The full faith and credit of the Borough are hereby pledged irrevocably to the punctual payment of the principal of and interest on this Bond in accordance with its terms.

This Bond shall not be valid or become obligatory for any purpose until the Certification of Authentication hereon shall have been signed by the Bond Registrar/Paying Agent.

IN WITNESS WHEREOF, the Borough has caused this Bond to be signed by its Mayor by manual or facsimile signature and by its Chief Financial Officer by manual or facsimile signature, and its seal to be impressed, affixed or reproduced hereon, and said seal to be attested by its Municipal Clerk by manual or facsimile signature and this Bond to be dated March 15, 2015.

[SEAL]

(manual or facsimile signature)
Mayor

ATTEST:

(manual or facsimile signature)
Municipal Clerk

(manual or facsimile signature)
Chief Financial Officer

AUTHENTICATION DATE: MARCH 26, 2015

CERTIFICATION OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned resolutions and is one of the General Improvement Bonds dated March 15, 2015 of The Borough of North Haledon, in the County of Passaic, State of New Jersey.

Chief Financial Officer,
as Bond Registrar/Paying Agent

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

the within Bond and irrevocably appoints _____

_____ attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

[End of Form of Bond]

Section 14. Bonds may, upon surrender thereof at the office of the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent and, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any bond may be registered only upon the registration books of the Borough upon the surrender thereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall authenticate and deliver in exchange for such bond a new bond or bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which bonds shall be exchanged or the transfer of bonds shall be registered hereunder, the Bond Registrar/Paying Agent shall authenticate and deliver at the earliest practicable time bonds in accordance with the provisions of this resolution. All bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar/Paying Agent. The Borough or the Bond Registrar/Paying Agent may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of bonds under this resolution.

As to any bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such bond and the interest on any such bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond, including interest thereon, to the extent of the sum or sums so paid.

The Borough shall appoint such registrars, transfer agents, depositories or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of bonds within a reasonable time according to the then commercial standards and for the timely payment of principal and interest with respect to the bonds. The Chief Financial Officer is hereby appointed registrar and paying agent for the Bonds (the "Bond Registrar/Paying Agent") subject to the right of the Borough Council to appoint another Bond Registrar/Paying Agent, and, as such, shall keep at the Municipal Building, 103 Overlook Avenue, North Haledon, New Jersey 07508, the books of the Borough for the registration, registration of transfer, exchange and payment of the bonds.

Section 15. The Mayor, the Chief Financial Officer and the Municipal Clerk are hereby authorized and directed to cause said bonds to be prepared and to execute and deliver said bonds upon payment of the purchase price therefor.

Section 16. This resolution shall take effect immediately upon its adoption.

Resolution #40-2015

Re: Electronic Bidding of Bond Sale

WHEREAS, the Borough Council of The Borough of North Haledon, in the County of Passaic, New Jersey (the "Borough"), desires to make further provision for the issuance of \$6,695,000 General Improvement Bonds (the "Bonds"), which are to be issued pursuant to bond ordinances heretofore adopted by the Borough Council; NOW, THEREFORE,

BE IT RESOLVED by the Borough Council of The Borough of North Haledon, in the County of Passaic, as follows:

Section 1. A Notice of Sale (the "Full Notice of Sale") shall be published and printed and inserted in the Preliminary Official Statement (as hereinafter defined) for distribution in substantially the following form:

NOTICE OF SALE
THE BOROUGH OF NORTH HALEDON,
IN THE COUNTY OF PASSAIC, NEW JERSEY

\$6,695,000 GENERAL IMPROVEMENT BONDS

(Book-Entry Only) (Bank-Qualified)
(Non-Callable)
(Parity Bid) (Sure-Bid Surety Bond)

dated
March 15, 2015

The Borough of North Haledon, in the County of Passaic, a municipal corporation of the State of New Jersey (the "Borough"), hereby invites ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS for the purchase of its \$6,695,000 General Improvement Bonds, dated March 15, 2015 (the "Bonds").

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received and publicly opened and announced by the Chief Financial Officer at the Municipal Building, 103 Overlook Avenue, North Haledon, New Jersey 07508 on March 12, 2015 at 11:00 o'clock A.M. (local time).

The Bonds comprise an issue of bonds payable on March 15 in each year (without the right of prior redemption) as follows:

\$375,000 in the year 2016,
\$475,000 in the year 2017,
\$675,000 in the year 2018,
\$700,000 in the year 2019,
\$720,000 in the year 2020, and
\$750,000 in each of the years 2021 to 2025, inclusive.

To the extent any instructions or directions set forth in PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact Ipreo at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds shall be issued in registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC") and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any integral multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The successful bidder, as a condition to delivery of the Bonds, shall be required to deposit the bond certificates with DTC, registered in the name of Cede & Co., its nominee. Interest on the Bonds will be payable on each March 15 and September 15, commencing March 15, 2016 (each, an "Interest Payment Date"), in each year until maturity, and principal of the Bonds will be payable, at maturity, by payment of immediately available funds by the Bond Registrar/Paying Agent to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest to participants of DTC will be the responsibility of DTC. Transfer of principal and interest to beneficial owners will be the responsibility of the DTC participants and other nominees of the beneficial owners. The Borough will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Borough determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the

Borough will discontinue the book-entry system with DTC. If the Borough fails to identify another qualified securities depository to replace DTC, the Borough will deliver replacement bonds in the form of fully registered certificates.

The Bonds are general obligations of the Borough and are secured by a pledge of the full faith and credit of the Borough for the payment of the principal thereof and the interest thereon. The Bonds are payable, if not paid from other sources, from advalorem taxes to be levied upon all the real property taxable within the Borough without limitation as to rate or amount.

Each proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds bid for, and the rate or rates named must be a multiple of 1/8th or 1/20th of one percentum (1%). The interest payable with respect to each Bond on any one date will be evidenced by a single rate of interest. Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the number of rates that may be named. If more than one rate of interest is named, no interest rate named for any maturity may be less than the interest rate named for any prior maturity. Each proposal submitted must be for all of the Bonds offered and the purchase price specified must not be less than \$6,695,000 nor more than \$6,761,950. The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest net interest cost, such net interest cost shall be computed, as to each bid, by adding to the total principal amount of Bonds bid for (which shall be all of the Bonds offered) the total interest cost to maturity in accordance with such bid and by deducting therefrom the amount of premium, if any, bid, which premium shall not exceed \$66,950 (1% of par). No proposal shall be considered which offers to pay an amount less than the principal amount of Bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest net interest cost to the Borough under any legally acceptable proposal. The Borough reserves its right to reject all bids, and any bid not complying with the material terms of this notice will be rejected. The Borough reserves the right to waive defects it deems non-material, in its sole discretion.

The successful bidder must pay accrued interest from the date of the Bonds to the date of delivery. No interest will be paid upon the deposit made by the successful bidder. The Bonds will be authenticated by the Chief Financial Officer, acting as Bond Registrar/Paying Agent for the Bonds.

Sealed proposals should be addressed to the undersigned Chief Financial Officer, and enclosed in a sealed envelope marked on the outside "Proposal for Bonds". A good faith deposit (the "Deposit") in the form of a cash wire, a certified, treasurer's or cashier's check drawn upon a bank or trust company or a Financial Surety Bond in the amount of \$133,900, payable to the order of THE BOROUGH OF NORTH HALEDON, is required for each bid to be considered. If a cash wire is used, the wire must be received by the Borough no later than 11:00 A.M. on March 12, 2015. If a cash wire is utilized, each bidder must notify the Borough of its intent to use such cash wire prior to 11:00 A.M. on March 12, 2015, and must provide proof of electronic transfer of such cash wire prior to 11:00 A.M. on March 12, 2015 (with return wiring instructions). Wire instructions for the Borough can be obtained by contacting the Chief Financial Officer (Laura A. Leibowitz (973) 427-0685), or the Borough's Bond Counsel (Steven Rogut or Peter Sandroni (908) 931-1150). If a check is used, it must accompany the bid or be received by the undersigned Chief Financial Officer prior to the opening of bids. Each bidder accepts responsibility for delivering such cash wire or check on time and the Borough is not responsible for any cash wire or check that is not received on time. If a Financial Surety Bond is used, it must be issued by Assured Guaranty Municipal Corp. (formerly known as Financial Security Assurance Inc.), 31 West 52nd Street New York, NY 10019 and such bond must be submitted to the Borough prior to the opening of bids. The Financial Surety Bond must identify each bidder whose Deposit is guaranteed by the Financial Surety Bond. If the Bonds are awarded to a bidder utilizing a Financial Surety Bond, then that bidder (the "Purchaser") is required to submit its Deposit to the Borough in the form of a cashier's check (or wire transfer of such amount as instructed by the Borough) not later than 3:30 p.m. (local time) on the next business day following the award. If the Deposit is not received by that time, the Borough may draw upon the Financial Surety Bond to satisfy the Deposit requirement. Checks or wires of unsuccessful bidders will be returned upon the award of the Bonds. No interest on the Deposit will accrue to the Purchaser. The Deposit will be applied in part payment for the Bonds or to partially secure the Borough from any loss resulting from the failure of the Purchaser to comply with the terms of its bid.

Award of the Bonds to the successful bidder or rejection of all bids is expected to be made within two hours after opening of the bids, but such successful bidder may not withdraw its proposal until after 3:00 p.m. (local time) of the day of such bid-opening and then only if such award has not been made prior to the withdrawal.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder thereof to accept delivery of and pay for the Bonds in accordance with its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid for by the Borough; provided, however, that the CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the successful bidder.

The Bonds shall be delivered on or about March 26, 2015 at the office of Rogut McCarthy LLC, Cranford, New Jersey ("Bond Counsel"), or at such other place as may be determined by the successful bidder and the Borough. **PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE IN IMMEDIATELY AVAILABLE FUNDS.**

A preliminary Official Statement has been prepared and is available at www.i-DealProspectus.com or may be obtained from the undersigned, Chief Financial Officer, Municipal Building, 103 Overlook Avenue, North Haledon, New Jersey 07508, Telephone No. (973) 427-0685. The preliminary Official Statement is deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12"), but is subject to (a) completion with certain pricing and other information to be made available by the successful bidder for the Bonds and (b) amendment. The preliminary Official Statement, as so revised, will constitute the "final official statement". By the submission of a bid for the Bonds, the successful bidder contracts for the receipt of a reasonable number of copies of the final Official Statement within seven business days of the award of the Bonds. In order to complete the final Official Statement, the successful bidder must furnish on behalf of the underwriters of the Bonds the following information to Bond Counsel and the Borough by facsimile transmission or overnight delivery received by Bond Counsel and the Borough within 24 hours after the award of the Bonds: (a) initial offering prices or yields (expressed as percentages), (b) selling compensation (aggregate total anticipated compensation to the underwriters expressed in dollars), (c) the identity of the underwriters if the successful bidder is part of a group or syndicate and (d) any other material information necessary for the final Official Statement, but not known to the Borough (such as the bidder's purchase of credit enhancement). It shall also be the obligation of the successful bidder to furnish to DTC an underwriter's questionnaire and the denominations of the Bonds not less than seventy-two (72) hours prior to the delivery of the Bonds.

Concurrently with the delivery of the Bonds, the officials of the Borough who will have executed the final Official Statement will deliver to the purchaser of the Bonds a certificate stating that, to the best of their knowledge, the preliminary Official Statement did not as of its date and as of the sale date, and the final Official Statement did not as of its date and does not as of the date of delivery of the Bonds, contain an untrue statement of a material fact or omit to state a material fact required to be included therein for the purpose for which the preliminary Official Statement or the final Official Statement is to be used or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, provided such certificate shall not include consideration of information supplied by, or which should have been supplied by, the successful bidder for the Bonds.

The Borough has agreed in its bond resolution adopted on January 21, 2015 to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12, (i) not later than seven months after the end of the Borough's fiscal year (presently December 31) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year (commencing with the fiscal year ending December 31, 2014), (ii) timely notice of the occurrence of certain material events with respect to the Bonds and (iii) timely notice of a failure by the Borough to provide the required annual financial information on or before the date specified in (i) above.

The successful bidder's obligation to purchase the Bonds shall be conditioned upon its receiving, at or prior to the delivery of the Bonds, in form and substance reasonably satisfactory to the successful bidder, evidence that the Borough has made the continuing disclosure undertaking set forth above in a written agreement or contract for the benefit of the Bondholders and the beneficial owners of the Bonds.

The approving legal opinion of Bond Counsel will be furnished without cost to the purchaser. The preliminary Official Statement contains a discussion of the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), with respect to the exclusion from gross income for Federal income tax purposes of the interest on the Bonds and a description of the opinion of Bond Counsel with respect thereto. The Borough has covenanted, to the extent permitted by the Constitution and laws of the State of New Jersey, to comply with the provisions of the Code required to preserve the exclusion from gross income of interest on the Bonds for Federal income tax purposes. There will also be furnished the usual closing papers.

The Borough has designated the Bonds "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code and will represent that it reasonably expects that neither it nor its subordinate entities will issue more than \$10,000,000 of new money tax-exempt obligations in 2015.

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of a bidder, any purchase of such insurance or commitment therefor shall be at the sole option and expense of the bidder and any increased costs of issuance of the Bonds resulting by reason of such insurance, unless otherwise paid, shall also be paid by such bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued, shall not in any way relieve the purchaser of its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds.

The successful bidder will be required to furnish, prior to the delivery of the Bonds, a certificate acceptable to Bond Counsel setting forth information with respect to the Bonds including the "issue price" of the Bonds within the meaning of Section 1273 of the Code.

By order of the Borough Council of The Borough of North Haledon, in the County of Passaic, New Jersey.

Dated: February 26, 2015

/s/ Laura A. Leibowitz
Chief Financial Officer
The Borough of North Haledon
County of Passaic, New Jersey

Section 2. A Summary Notice of Sale ("Summary Notice of Sale") shall be published in substantially the following form:

SUMMARY NOTICE OF SALE

THE BOROUGH OF NORTH HALEDON,
IN THE COUNTY OF PASSAIC,
NEW JERSEY
\$6,695,000 General Improvement Bonds
(Book-Entry Only) (Bank-Qualified)
(Non-Callable)
(Parity Bid) (Sure-Bid Surety Bond)
dated
March 15, 2015

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received by the Chief Financial Officer of The Borough of North Haledon, in the County of Passaic, New Jersey (the "Borough"), at the Municipal Building, 103 Overlook Avenue, North Haledon, New Jersey 07508, on

March 12, 2015

at 11:00 o'clock A.M. (local time) at which time they will be publicly opened and announced, for the purchase of the Borough's \$6,695,000 General Improvement Bonds dated March 15, 2015 and payable on March 15 in each year (without the right of prior redemption) as follows:

\$375,000 in the year 2016,
\$475,000 in the year 2017,
\$675,000 in the year 2018,
\$700,000 in the year 2019,
\$720,000 in the year 2020, and
\$750,000 in each of the years 2021 to 2025, inclusive.

The Bonds shall be issued in book-entry only form through the book-entry system operated by The Depository Trust Company, New York, New York. The full Notice of Sale (the "Notice of Sale") and Proposal for Bonds to be made available to interested persons should be reviewed by potential bidders for additional terms and conditions of the sale of the Bonds prior to bidding on the Bonds. To the extent any instructions or directions set forth in PARITY conflict with the Notice of Sale, the terms of the Notice of Sale shall control. For further information about PARITY, potential bidders may contact Ipreo at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds will bear interest from their date at a rate or rates of interest in multiples of 1/8th or 1/20th of 1% per annum (same or ascending rates and only one rate per maturity) specified by the successful bidder payable on each March 15 and September 15, commencing March 15, 2016, in each year until maturity. The purchase price specified must not be less than \$6,695,000 nor more than \$6,761,950 (par plus a maximum 1% premium). Each proposal must be for all the Bonds offered. As further described in the Notice of Sale, bidders must, at the time of making their bids, make a wire transfer or deposit a certified, cashier's or treasurer's check drawn upon a bank or trust company or a financial surety bond in the amount of \$133,900 to the order of the Borough. The Bonds will be sold to the bidder specifying the lowest net interest cost in accordance with the terms set forth in the Notice of Sale. The Borough will furnish the Bonds and the approving legal opinion of Rogut McCarthy LLC, Cranford, New Jersey, Bond Counsel.

The Bonds will be designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Copies of the Preliminary Official Statement, the Notice of Sale and the Proposal for Bonds are available at www.i-DealProspectus.com or by contacting the undersigned Chief Financial Officer at the Municipal Building, 103 Overlook Avenue, North Haledon, New Jersey 07508, Telephone No. (973) 427-0685.

By order of the Borough Council of the Borough of North Haledon, in the County of Passaic, New Jersey.

Dated: February 26, 2015

/s/ Laura A. Leibowitz
Chief Financial Officer
The Borough of North Haledon
County of Passaic, New Jersey

Section 3. The Municipal Clerk is hereby authorized and directed to publish (A) the Summary Notice of Sale in THE BOND BUYER, which is a publication carrying municipal bond notices and devoted primarily to the subject of State and municipal bonds, and is published in New York City, and (B) the Full Notice of Sale in The Hawthorne Press, a newspaper of general circulation published in Passaic County and circulating in the Borough. Said Summary Notice of Sale and Full Notice of Sale shall be published in each publication not later than one week before the date of the sale of said Bonds.

Section 4. The preparation of and distribution to potential bidders for the Bonds of a Preliminary Official Statement to be dated on or about February 26, 2015 is hereby approved. Such Preliminary Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12").

Section 5. The preparation of an Official Statement in connection with the sale of the Bonds to be dated on or about March 12, 2015 is hereby approved. Such Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12.

Section 6. The execution of the Official Statement by the Chief Financial Officer and the Municipal Clerk on behalf of the Borough, the distribution of same to the successful bidder and the successful bidder's subsequent distribution of the Official Statement to purchasers or prospective purchasers of the Bonds are hereby authorized.

Section 7. The Borough hereby agrees to undertake for the benefit of the Bondholders and the beneficial owners of the Bonds to provide certain secondary market disclosure information pursuant to Rule 15c2-12 to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format, as prescribed by the MSRB. Specifically, the Borough will do the following for the benefit of the holders of the Bonds and the beneficial owners thereof:

(A) Not later than seven months after the end of the Borough's fiscal year (presently December 31), commencing with the report for the fiscal year ending December 31, 2014, provide or cause to be provided annual financial information with respect to the Borough consisting of (i) audited financial statements (or unaudited financial statements if audited financial statements are not then available by the date of filing, which audited financial statements will be delivered when and if available)

of the Borough and (ii) certain financial information and operating data consisting of (a) information concerning the Borough's debt, overlapping indebtedness, tax rate, levy and collection data, property valuation and fund balance of the type contained under the headings "Major Real Property Taxpayers", "Net Assessed and Equalized Property Valuations", "Levy and Collection of Taxes", "Current Fund Balances and Amounts Utilized in Succeeding Year's Budget", and "Debt Information" in Appendix A of the Official Statement and (b) the Borough's most recent adopted budget. The audited financial statements will be prepared in accordance with mandated State statutory accounting principles, as in effect from time to time. Audited financial statements if not available by the filing date will be submitted separately when available.

(B) Provide or cause to be provided in a timely manner not in excess of ten days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds:

- (1) Principal or interest payment delinquencies;
- (2) Non-payment related default, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to the rights of Bondholders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property which secures the repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Borough (the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Borough in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Borough, or if such jurisdiction has been assumed by leaving the existing

governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Borough);

- (13) The consummation of a merger, consolidation, or acquisition involving the Borough or the sale of all or substantially all of the assets of the Borough, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

(C) Provide or cause to be provided, in a timely manner, notice of a failure of the Borough to provide required annual financial information on or before the date specified above.

Section 8. All documents provided to the MSRB shall be accompanied by identifying information as prescribed by the MSRB.

Section 9. If the Borough fails to comply with the undertaking described above, any Bondholder or beneficial owner of the Bonds may pursue an action for specific performance to enforce the rights of all Bondholders and beneficial owners with respect to such undertaking; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds or any liability by the Borough for monetary damages. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all Bondholders and beneficial owners of the Bonds.

Section 10. The Borough reserves the right to terminate its obligation to provide annual financial information and notice of material events, as set forth above, if and when the Borough no longer remains an "obligated person" with respect to the Bonds within the meaning of Rule 15c2-12.

Section 11. The undertaking may be amended by the Borough from time to time, without the consent of the Bondholders or the beneficial owners of the Bonds, in order to make modifications required in connection with a change in legal requirements or change in law, or change in the identity, nature, type of operation, or status of the Borough, which in the opinion of nationally recognized bond counsel complies with Rule 15c2-12 and does not, in such bond counsel's opinion, materially impair the interest of the Bondholders and the beneficial owners of the Bonds.

Section 12. The Borough hereby covenants, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Bonds be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code").

Section 13. The Borough hereby designates the Bonds as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code. It is hereby determined and stated that (1) the Bonds are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2015. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Borough does not covenant to do so, and expressly states that a covenant is not made hereby.

Section 14. The Mayor, the Chief Financial Officer and the Municipal Clerk are hereby authorized and directed to execute and deliver such other documents and to take such other action as they determine to be necessary or appropriate in order to effectuate the issuance and sale of the Bonds including, without limitation, the execution and delivery of all closing documents and certificates.

Section 15. The Chief Financial Officer, the Municipal Clerk, the Bond Counsel, the Auditor and other Borough officials and representatives are hereby authorized to take all necessary actions to allow for (A) the submission of electronic bids for the bonds, (B) the electronic posting of the Preliminary Official Statement, the full Notice of Sale and the bid form and (C) the submission by bidders of a wire transfer or a financial surety bond in lieu of a good faith check.

Section 16. This resolution shall take effect immediately upon its adoption.

Resolution #41-2015

Re: Payment to Smentkowski

WHEREAS, the Borough of North Haledon (the "Borough") currently has a Contract with Smentkowski for the collection, removal and disposal of recyclable materials; and

WHEREAS, there is currently due to Smentkowski the sum of \$26,400.00 in accordance with the aforementioned Contract; and

WHEREAS, payment of the amount referenced above has been withheld by the Borough pending payment of a penalty by Smentkowski to the Borough in the sum of \$3,584.04, which was imposed by the Borough on December 19, 2013 for sixty-three (63) alleged missed pick-ups on one (1) day pursuant to the aforementioned Contract; and

WHEREAS, in an effort to resolve the issues set forth above, the Borough finds good cause to reduce the aforementioned penalty to \$1,200.00, representing the amount charged by Smentkowski to the Borough for one (1) day of collection for the entire Borough and to deduct said amount from the aforementioned sum of \$26,400.00 currently due to Smentkowski; and

WHEREAS, Smentkowski has agreed to pay a penalty in the amount of \$1,200.00 and to have said amount deducted from the amount due and owing to it and to accept the balance on the sum of \$25,200.00 in payment in full of all amounts owed to it by the Borough pursuant to the aforementioned Contract through and including January of 2015,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Council of the Borough of North Haledon that the Chief Financial Officer be and she is hereby authorized and directed to issue payment to Smentkowski in the sum of \$25,200.00 and to retain the sum of \$1,200.00 as a penalty consistent with the above.

Resolution #42-2015

Re: CDBG Grant Application

BE IT RESOLVED, that the Board of Council of the Borough of North Haledon authorize an application to the Passaic County Community Development Block Grant (CDBG) Program for new roof and improvements at the American Legion Building described in the proposal. If awarded CDBG funds, the Borough of North Haledon shall implement the activities in a manner to ensure compliance with all applicable federal, state, and local laws and regulations.

CERTIFICATION OF AVAILABILITY OF FUNDS

Mayor George read the Certification of Availability of Funds into the record.

Resolution #43-2015

Re: Payment of Approved Claims

Mayor George reads the Payment of Claims Resolution into the record:

WHEREAS, claims from the following funds have been presented to the Mayor and Board of Council for payment:

2014 BILLS

CURRENT FUND -RESERVES.....\$ 25,528.82

2015 BILLS

CURRENT FUND-OTHER EXPENSES\$22,369.50

2014 BILLS

PREPAID BILLS - CURRENT FUND - OTHER EXPENSE.....\$ 103,066.33

FEDERAL/STATE GRANT FUND.....\$ 100.00
TRUST FUND II.....\$ 636.00
CAPITAL FUND.....\$ 23,915.79

NOW, THEREFORE, BE IT RESOLVED that the Treasurer is hereby authorized to pay these claims, as funds are available.

BE IT FURTHER RESOLVED that the total payrolls in the amount of \$ 337,994.95 paid in the month of December be approved.

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

EXECUTIVE SESSION (in: 9:52 p.m.)

Resolution #43-2015

Re: Executive Session

WHEREAS, Section 6 of the Open Public Meetings Act, P.L. 1975, Chapter 231, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

WHEREAS, the members of the Governing Body wish to discuss:

CONTRACT NEGOTIATIONS

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then minutes can be made public;

NOW, THEREFORE, BE IT RESOLVED that the public be excluded from this meeting.

Motion by Councilmember Galluccio, second by Councilmember Marco, to adopt the foregoing resolution. Upon roll call, all members present voted in the affirmative. Motion carried.

EXECUTIVE SESSION (out: 10:06 p.m.)

Present:

Mayor Randy George

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

Borough Attorney, Michael De Marco

Municipal Clerk / Administrator, Renate Elatab

ADJOURNMENT

Motion by Councilmember Marco, second by Councilmember 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 10:08 p.m.