

**BOROUGH OF HALEDON**  
**MAYOR AND COUNCIL**  
September 16, 2010

PRAYER  
FLAG SALUTE

The regular meeting of the Mayor and Council of the Borough of Haledon will take place on September 16, 2010 at 7:00PM in the Council Chambers of the Haledon Municipal Complex located at 510 Belmont Avenue, Haledon, New Jersey.

This meeting was called pursuant to the provisions of the Open Public Meetings Law. Notice of this meeting was included in a list of meetings notice sent to the Hawthorne Press, the North Jersey Herald & News and the Record on January 7, 2010 posted on the bulletin board in the Municipal Building on January 7, 2010 and has remained continuously posted as the required notices under the Statute. In addition, copies of the above notices are and have been available to the public and are on file in the office of the Municipal Clerk.

Proper notice having been given, the Municipal Clerk is directed to include this statement in the minutes of this meeting.

ROLL CALL – Mayor Stampone called the meeting to order at 7:00PM

Present: Mayor Domenick Stampone; Council President Maha Kandis; Council members Rey Martinez, Dom Fusco, Heather Kilminster, Michael Tirri and Michael Johnson; Borough Attorney Andrew Oddo and Municipal Clerk Allan R. Susen.

Absent: -0-

**OATH OF OFFICE CEREMONY**

The oath of office was given to Councilman Michael Johnson by Congressman Pascrell.

Assemblywoman Elease Evans addressed the audience. It is an honor and privilege to be here. This is a tough period of time to be in government. Wished Councilman Johnson best of luck.

Mr. Richard Berdnik who is one of the candidates running for Sheriff stated that it was an honor to be here and wished Councilman Johnson the best of luck.

Mayor Stampone stated that he would like to have a 5 minute recess for the Dignitaries and the family members of Councilman Johnson to get a chance to say their hellos and goodbyes.

**Dignitaries that were present: Congressman Pascrell, Congressman Pascrell's Assistant Fahim, Assemblywoman Elease Evans, Ivette Roland, Chief of Staff for Assemblywoman Evans, Mounir Almaiti and Richard Berdnik, Sheriff candidate.**

**APPROVAL OF MINUTES**

August 19, 2010                      Regular Meeting

Motion by Fusco seconded by Kilminster to approve the minutes listed above.

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO:-0-

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**PUBLIC HEARING  
(Privilege of the floor)**

Motion by Fusco seconded by Martinez to open the public hearing.

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO: -0-

Charles Ferrer, 74 West Haledon Ave. - here to address garbage can size issue. Foresee problems in the future as a result of enforcing this ordinance. For the past couple of weeks I have been noticing that receptacles are not over 32 gallons but are over filled, are not being picked up. I fear that residents will start using plastic bags and animals will rip open the bags. The Department of Public Works is being selective with the garbage collection right now. The Borough should consider revising ordinance.

William Lotero – 589 Belmont Ave – his daughter is a junior at Passaic County Technical Institute. Transportation is not offered to her because we live less than 2.5 miles away from Passaic County Technical Institute. It is dangerous for her to walk due to the fact that there are no sidewalks available to walk on. Thank God nobody has gotten hit by a car or abducted. My daughter is in jeopardy and I need guidance on how to resolve this issue.

Mary Mayer, Belmont Ave. – Has anything been publicized regarding the political signs that are being put up? Political signs are supposed to be put up 30 days prior to elections, is that still the case? A month ago I mentioned the opening in the fence by the old vacant Municipal Building, has it been fixed? The Borough is wasting money on rent for a fence that has an opening in it. Garbage is put out by the residents, if it is not collected they leave it there for weeks.

Motion by Tirri seconded by Fusco to close the public hearing.

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO: -0-

**GOVERNING BODY RESPONSES**

Mayor Stampone responds – regarding the political signs, there is an ordinance in place that mandates the 30 days prior to elections. The ordinance is vague, does not really identify what 30 day period. We never really enforced that ordinance though. A similar ordinance in Hawthorne was ruled invalid. Our ordinance emphasizes the size of the sign being put up. The Borough has been criticized in the past for trying to enforce this ordinance. Our ordinance has never been challenged but it is a difficult item to enforce. Both Political Parties in Haledon have honored the ordinance though.

Agrees on concern regarding the fencing (around the old Municipal Building) but we hoped the property would be sold by now. One of proposed purchasers has looked at improving the lot. Hope to resolve proposals within the next month and if that is done the purchaser will take care of the fence issue.

We have tried numerous times to address the busing issue to Passaic County Technical Institute. Many students do reside in Haledon and do not get transportation to Passaic County Technical Institute. Another idea would be if Wayne would be willing to do improvements to the school route. For instance installing sidewalks for the students to walk on. Township of Wayne showed little incentive to do so. Bus route is responsibility of school board. Last year had several meetings with parents and schools to develop a plan for routes to be paid by

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schools and/or parents. In this economy, district is not in position to pay for something it does not need to. Municipalities funding has been reduced and they are unable to take on further expenses. Where do we draw the line when looking at busing.

There is a new law though - public school choice, you have the option to send your child to a different school in a different district. We will be meeting with Superintendent Richard Ney to discuss this issue.

Regarding the garbage receptacles this is an old ordinance. It might be time for us to review this ordinance and possibly amend it. The residents have been given one month's notice before this ordinance was enforced. Any garbage receptacle that is 32 gallons should be picked up. Garbage should not be put out prior to 6 PM the night before pick up.

Councilman Tirri – The Borough's Department of Public Works picks up the garbage for the Borough. We should look into privatizing garbage pick up.

Councilman Johnson – I did not put out the proper receptacle but now I will purchase the 32 gallon receptacle and put it out. I have seen areas where receptacles were not taken but should have been.

## **COMMITTEE REPORTS**

**PUBLIC SAFETY COMMITTEE – Rey Martinez, Chairperson**

Police Liaison – EMS service agreement; working out details with the City of Paterson and Prospect Park.

Police Department

Housing Inspection/Building Maintenance

Municipal Court

Fire Liaison– Heather Kilminster

Thanked the Fire Department for putting out the fire at the home next to Bagels Galore. (address is 460 Haledon Ave.)

Office of Emergency Management Liaison – Michael Tirri

We were on notice for a potential hurricane which did not impact the Borough. Will be revisiting H1N1 concerns as we enter flu season.

**FINANCE COMMITTEE**

Michael Tirri, Chair – have not passed budget, Governor Christie removed discretionary Aid – but we are waiting on the Transitional Aid to come through.

**ADMINISTRATION AND PERSONNEL**

Maha Kandis, Chair – read report from Borough Administrator Allan R. Susen. Regarding the Personnel Manual, no comments, so resolution to approve is on the agenda tonight as an add on.

**ORDINANCE**

Dom Fusco, Chair – referred to the ordinances on agenda.

**HEALTH AND WELFARE**

Heather Kilminster, Chair – date for the Flu Clinic is set for October 21, 2010. First come first serve for vaccinations.

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#### PUBLIC WORKS

Michael Johnson, Chair – did not have anything to report this week but will have a report next meeting.

- Water Department & Utility Management
- Department of Public Works
- Streets & Roads
- Public Land, Parks & Building Maintenance
- Sanitation & Waste Services
- Clean Streets
- Recycling

#### CAPITAL PROJECTS

Rey Martinez, Chair – earlier today received updated schedule from contractor

#### TECHNOLOGY

Maha Kandis, Chair –working details on service provider for website. No updates yet but is in progress.

#### SPECIAL EVENTS

Maha Kandis, Chair – the Soap Box Derby is scheduled for October 9, 2010. This event was organized by the residents and all the information is on Face book. Thanked Braen Industries for their participation and donation. Thanked Police Department for volunteering their services on that day. The Halloween Dance and Parade will be held on October 30, 2010.

Boys and Girls Club programs that are in progress now are: soccer registration was extended and parents should receive notice shortly regarding the extension. After school registration is being taken. Boys and Girls Club will be holding a beefsteak fundraiser on October 23, 2010 at St. Gerards.

#### MAYOR'S REPORT

Shared services – the Borough has challenged other Mayors to look beyond traditional services that are provided. We have identified certain areas where Haledon will be lead agency in the shared services. To lower Borough expenses we have reduced employees by combining positions. We cannot reduce the amount of employees, we are at the bare minimum. That is why we are looking into shared services now.

Met with the Gatherings representatives because of their concerns over tax bills. Part of problem is the way the developer marketed the development.

We are requesting the cleaning company for 510 Belmont to try out environmentally sensitive cleaning material. The cleaning products that should be used are enzyme based and should not smell like other cleaning materials.

Thanked the Borough employees for taking five furlough days. In some cases some employees did not have to but did. Governing Body will give up their last paycheck for the year.

COMMUNICATIONS

1. Letter from resident Elizabeth Rivas regarding large tree falling down causing damage to her property.
2. Letter from APS Contractors, Inc. regarding Manchester Utilities Authority, 2008 Water Main Improvements Contract 2: Cleaning & Lining Road Opening Permit Fees and Bonds.
3. Thank you card from Lucas Birch to the Mayor & Council for the Eagle Scout Proclamation that was given to him at the Eagle Scout Ceremony held at Borough Hall.
4. Thank you card from Lucas Birch to Municipal Clerk Allan R. Susen and Edlyn Miller for their assistance in using the Borough's facilities for the Eagle Scout Ceremony.
5. Letter from resident Edward Deane regarding overcrowded parking in residential areas in the Borough of Haledon.
6. Letter from Chairman of the Haledon Democratic Committee regarding Council vacancy.

Motion by Kilminster seconded by Fusco to accept and file.

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO: -0-

**UNFINISHED BUSINESS**

Motion by Fusco seconded by Martinez that Ordinance #9-2-2010 to be heard in its second and final reading (Ordinance to Amend Chapter 346 of the Code Titled "Stormwater")

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO: -0-

THE CLERK WILL READ THE TITLE:

**BOROUGH OF HALEDON**

ORDINANCE #9-2-2010

AN ORDINANCE TO AMEND CHAPTER 346 OF THE CODE OF THE BOROUGH OF HALEDON TITLED "STORMWATER QUALITY" BY ADDING A NEW ARTICLE IX, INCLUDING SECTIONS 32 THROUGH 38, "FERTILIZER" TO COMPLY WITH THE STATE OF NEW JERSEY MUNICIPAL STORMWATER REGULATIONS PROGRAM.

Motion by Martinez seconded by Fusco to open the public hearing on Ordinance # 9-2-2010.

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO:-0-

Motion by Fusco seconded by Martinez to close the public hearing on Ordinance # 9-2-2010.

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO: -0-

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Motion by Kilminster seconded by Fusco that Ordinance #9-2-2010 be approved and adopted and to authorize the Municipal Clerk to advertise according to law.

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO: -0-

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Motion by Martinez seconded by Kilminster that Ordinance #9-2-2010A to be heard in its second and final reading (Ordinance to Amend Chapter 110 of the Code Titled "Brush, Weeds and Noxious Growths")

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO: -0-

THE CLERK WILL READ THE TITLE:

**BOROUGH OF HALEDON**

**ORDINANCE #9-2-2010A**

AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF THE BOROUGH OF HALEDON TITLED "BRUSH, WEEDS AND NOXIOUS GROWTHS" BY ADDING A NEW SUBSECTION 110-9 TITLED, "PERFORMANCE OF WORK BY THE BOROUGH"

Motion by Kilminster seconded by Fusco to open the public hearing on Ordinance # 9-2-2010A.

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO: -0-

Motion by Kilminster seconded by Fusco to close the public hearing on Ordinance # 9-2-2010A.

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO: -0-

Motion by Kilminster seconded by Fusco that Ordinance #9-2-2010A be approved and adopted and to authorize the Municipal Clerk to advertise according to law.

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO: -0-

**DEPARTMENTAL REPORTS ARE POSTED ON THE BULLETIN BOARD**

**RESOLUTIONS**

**CONSENT AGENDA**

WHEREAS, the Mayor and Council of the Borough of Haledon have reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Haledon are not desirous of removing any resolution from the Consent Agenda;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Haledon, that the following resolutions on the Consent Agenda are hereby approved:

- RESOLUTION #2010-145    AUTHORIZE A WAIVER OF THE PERMIT FEES FOR APS CONTRACTORS.  
RESOLUTION #2010-146    LIQUOR LICENSE RENEWAL- BELMONT TAVERN SEPTEMBER 16, 2010 TO JUNE 30, 2011.  
RESOLUTION #2010-147    LIQUOR LICENSE RENEWAL- JJJS LLC CELEBRITIES CAFÉ SEPTEMBER 16, 2010 TO JUNE 30, 2011.  
RESOLUTION #2010-148    COMMITTEE ASSIGNMENTS FOR COUNCILMAN MICHAEL JOHNSON

Motion by Kilminster seconded by Tirri to approve Consent Agenda.

**ROLL CALL**

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON  
NO:-0-

- RESOLUTION #2010-145    REQUEST TO WAIVE PERMIT FEES – FOR APS CONTRACTORS

WHEREAS, APS Contractors, Inc. is formally requesting a waiver of the permit fee and permit performance bond requirements; and

WHEREAS, APS Contractors, Inc. is performing the work for Manchester Utilities Authority and there is a Performance and Payment Bond in place for the project as well as one year guarantee period;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Haledon that the request to waive permit fees and permit performance bond requirements for APS Contractors is hereby approved.

- RESOLUTION #2010-146    LIQUOR LICENSE RENEWAL – THE BELMONT TAVERN SEPTEMBER 16, 2010 TO JUNE 30, 2011

WHEREAS, application were made in proper form for the liquor license renewal by the licensee for the ensuing fiscal year 2010-2011 to be effective September 16, 2010; and

WHEREAS, the intent to do so was made public by the Alcoholic Beverage Control Commission by way of advertisement in local newspapers; and

WHEREAS, no objection to the issuance of any of the licenses has been received by the Municipal Clerk of the Borough of Haledon; and

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WHEREAS, tax clearance certificates have been received for the licensee below; and

WHEREAS, investigations conducted by the Police Department, Fire Subcode Official and Sanitary Inspector of the Borough of Haledon revealed not violations or valid reason for denial of any of the applications;

NOW THEREFORE BE IT RESOLVED, that a copy of this resolution, certified by the Municipal Clerk to be a true copy thereof, be sent to the Commissioner of Alcoholic Beverage Control, the State Treasury Department Beverage Tax Division and that the license renewals be and are hereby granted to each of the Following applicant:

The Belmont Tavern Inc      378 Belmont Avenue      1603-33-002-007

RESOLUTION #2010-147    LIQUOR LICENSE RENEWAL – JJJS LLC CELEBRITIES  
CAFÉ SEPTEMBER 16, 2010 TO JUNE 30, 2011

WHEREAS, application were made in proper form for the liquor license renewal by the licensee for the ensuing fiscal year 2010-2011 to be effective September 16, 2010; and

WHEREAS, the intent to do so was made public by the Alcoholic Beverage Control Commission by way of advertisement in local newspapers; and

WHEREAS, no objection to the issuance of any of the licensees has been received by the Municipal Clerk of the Borough of Haledon; and

WHEREAS, tax clearance certificates have been received for the licensee below; and

WHEREAS, investigations conducted by the Police Department, Fire Subcode Official and Sanitary Inspector of the Borough of Haledon revealed not violations or valid reason for denial of any of the applications;

NOW THEREFORE BE IT RESOLVED, that a copy of this resolution, certified by the Municipal Clerk to be a true copy thereof, be sent to the Commissioner of Alcoholic Beverage Control, the State Treasury Department Beverage Tax Division and that the license renewals be and are hereby granted to each of the Following applicant:

JJJS LLC CELEBRITIES CAFÉ      359-361 Belmont Avenue      1603-33-017-005

RESOLUTION #2010-148    ASSIGNMENT OF COUNCIL COMMITTEES

BE IT RESOLVED, by the Council of the Borough of Haledon, the Council Committees that Councilman Johnson is assigned to are:

HEALTH & WELFARE –    Heather Kilminster, Chair  
   Michael Tirri  
   Michael Johnson

PUBLIC WORKS –            Michael Johnson, Chair  
   Heather Kilminster  
   Maha Kandis

SPECIAL EVENTS-        Maha Kandis, Chair and Liaison to the Boys and Girls Club  
   Michael Tirri  
   Michael Johnson

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RESOLUTION#2010-134 AUTHORIZING DEFENSE OF TIRRI- MERCURO VS.  
BOROUGH OF HALEDON.

Motion by Martinez seconded by Kilminster to approve.

ROLL CALL

YES: KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO: -0-

ABSTAIN: FUSCO, TIRRI

RESOLUTION #2010-149 APPROVE BILLS LIST, September 16, 2010

Motion by Tirri seconded by Fusco to approve.

WHEREAS, the attached bills have been submitted for payment; and

WHEREAS, the Chief Financial Officer has attached his certification of availability of funds stating that the Bills list for September 16, 2010 will not constitute an over expenditure of any Ordinance or Line Item;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Haledon that the attached payments are hereby approved and payment made when the funds of the Borough are sufficient to meet them.

TOTAL BILLS LIST FOR September 16, 2010 WITH PREPAIDS IS:

CURRENT:	\$ 790,566.42
WATER (MUA):	<u>\$ 23,110.35</u>
TOTAL:	\$ 813,666.77

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO: -0-

Motioned by Kilminster seconded by Martinez to add two resolutions to the agenda.

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO:-0-

RESOLUTION #2010-150 APPOINTMENT OF CROSSING GUARD

Motion by Kilminster seconded by Fusco to approve.

WHEREAS, Deputy Chief Kevin Gottheiner has submitted an application for James Breen to be appointed as an alternate Crossing Guard; and

WHEREAS, Mayor Domenick Stampone requests the advice and consent of the Borough Council to appoint James Breen as an alternate Crossing Guard effective 9/14/2010 at the current hourly rate;

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Haledon that James Breen be appointed to the position of an alternate Crossing Guard effective 9/14/2010.

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO:-0-

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RESOLUTION #2010-151 RESOLUTION AMENDING PERSONNEL POLICIES AND PROCEDURES

Motion by Kilminster second by Fusco to approve.

WHEREAS, it is the policy of the Borough of Haledon to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Borough of Haledon maintains a policies and procedures manual to effectuate the efficient and consistent treatment of all employees and further, to ensure that employees and prospective employees are treated in a manner consistent with the laws and regulations cited above; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund (hereinafter, the MEL), for which the Borough of Haledon is a member, requires the update of the Borough of Haledon's Policies and Procedures Manual to ensure compliance and adherence to recent changes to federal and State laws and regulations and through recent court case rulings.

NOW, THEREBY, BE IT RESOLVED by the Governing Body of the Borough of Haledon that the revised Personnel Policies and Procedures Manual is hereby adopted.

BE IT FURTHER RESOLVED that as with past revisions to the Manual, these personnel policies and procedures revisions shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Governing Body of the Borough of Haledon.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough of Haledon's Risk Management Consultant, PIA, Inc. for their review and filing with the MEL in accordance with the requirements set forth by the Fund.

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO:-0-

**Mayor and Council decided to go into Executive Session.**

RESOLUTION #09162010

EXECUTIVE SESSION

Motion by Martinez seconded by Kandis to go into Executive Session.

ROLL CALL

YES: MARTINEZ, KANDIS, TIRRI, KILMINSTER, FUSCO, JOHNSON

NO: -0-

WHEREAS, 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; and

WHEREAS, the Mayor and Council wish to move to executive session to discuss the following matters:

- Litigation
- Personnel

WHEREAS, minutes will be taken during the closed session and once the confidential matter has been resolved, then the minutes will be made available to the public;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Haledon will hereby move to closed session and that the public will be excluded from this meeting in accordance with the Open Public Meetings Act.

ROLL CALL

YES: MARTINEZ, FUSCO, KILMINSTER, KANDIS, TIRRI, JOHNSON

NO: -0-

Motion by Kilminster seconded by Fusco to reopen public portion of meeting.

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO:-0-

ADJOURN

Motion by Fusco seconded by Martinez to adjourn.

ROLL CALL

YES: FUSCO, TIRRI, KANDIS, KILMINSTER, MARTINEZ, JOHNSON

NO:-0-

Respectfully submitted:

Allan R. Susen, RMC/CMC  
Municipal Clerk/Acting Administrator