**BOROUGH OF HALEDON**
**MAYOR AND COUNCIL**
September 15, 2011

PRAYER
FLAG SALUTE

The regular meeting of the Mayor and Council of the Borough of Haledon took place on September 15, 2011 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 6, 2011 posted on the bulletin board in the Municipal Building on January 6, 2011 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 will call the meeting to order at 7:00PM

Present: Mayor Stampone, Council members; Mounir Almaita, Michael Tirri, Rey Martinez and Heather Kilminster. Borough Municipal Clerk Allan R. Susen and Borough Attorney Andrew Oddo.

Absent: Council President Maha Kandis absent with prior notice.

ROLL CALL
YES: ALMAITA,TIRRI, KILMINSTER, MARTINEZ
NO: -0-

**PUBLIC HEARING (Privilege of the floor)**
Motion by Tirri seconded by Almaita to open the public hearing.

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ, JOHNSON
NO: -0-

Mrs.Costa, 1 Valley View Road is there any way property taxes can be decreased? Is there anything we can do for the youth in town to get more free time on the Roe Street field?

Motion by Almaita seconded by Martinez to close the public hearing.

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ,
NO: -0-

**Councilman Johnson arrived at the meeting at 7:06 PM**

**GOVERNING BODY RESPONSES**

Mayor Stampone responded general question of taxes worked on everyday. The Borough received Transitional Aid last year from the State but this year we were able to keep our budget under the 2% cap without assistance from the State. The Borough's record of being efficient speaks for itself. Most of budget is personnel who handle municipal services, does not mean we have extra employees. We save money through shared services and most the municipal

employees have more than one duty. For example the Police Department is down to fourteen Police Officers. Fourteen Police Officers is critical level and we will be hiring two Police Officers in 2012. The States own commission shows Haledon should have twenty one Police Officers in the office. The Borough also has the Municipal Clerk also as the Acting Administrator. CAP stabilizes taxes will not reduce short of large staff reductions. The State allowed the Borough out of Memorandum of Understanding early due to history of spending wisely.

**COMMITTEE REPORTS**

PUBLIC SAFETY COMMITTEE – Rey Martinez, Chairperson

Police Liaison – no official report. Would like to think Police Department and Fire Department for their presence at the 9/11 ceremony.

Police Department
Housing Inspection/Building Maintenance
Municipal Court

Fire Department

Fire Liaison– Heather Kilminster - Fire Department had a meeting on Monday and Thanked Borough Administrator Allan R. Susen for attending. We discussed equipment and addressed other matters that came up at the meeting.

Office of Emergency Management Liaison – Michael Tirri

Haledon was very prepared for Hurricane Irene. The Emergency Management Coordinator Michael Moscatello, Police Department and Fire Department networked properly during the storm to keep on of the events. We had a few evacuations on Church Street. The Borough did lend the City of Paterson pumps to assist with the flooding. Thanked all the Departments that were involved in preparing for Hurricane Irene.

FINANCE COMMITTEE

Mounir Almaita, Chair –

Michael Moscatello will be applying to State for funds to cover expense from Hurricane Irene.

ADMINISTRATION AND PERSONNEL

Maha Kandis, Chair – absent.
No report

ORDINANCE

Mounir Almaita, Chair –

We are looking into amending the residency requirement in the Fire Department Ordinance.

HEALTH AND WELFARE

Heather Kilminster, Chair -

I have forms regarding the flu season and I will give them to the Borough Administrator. One Form is a consent form so the Borough can track staff members that refuse to take the vaccinations. Along with the forms is a fact sheet from CDC, copy and give to employees. I encourage everyone to get flu vaccine.

PUBLIC WORKS

Michael Johnson, Chair – Thanked the Police, Fire and Emergency Management Departments for all their work thank you to PD, Fire, and OEM for work and preparing for Hurricane Irene.

- 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 – no official report.

TECHNOLOGY
Maha Kandis, Chair –

Mayor Stampone commented on the new website the fruits of Council President Kandis labor that launched on September 9, 2011. Thanked the Municipal Clerk Allan R. Susen and Deputy Clerk Leena Abaza for their efforts to launch new website on time.

SPECIAL EVENTS
Maha Kandis, Chair- absent.

**MAYOR'S REPORT**

We are considering auctioning the old municipal building. The Acting Administrator and the Borough Attorney will work together to research the details of the auction. By auctioning it allows the Borough to offer it to the highest bidder.

Thanked all the Departments that participated in the 9/11 Memorial Ceremony. The artifact was escorted by the Police Department and the Department of Public Works on September 8, 2011. The 9/11 Memorial Ceremony was held on September 9, 2011. Special Thanks to the Police Department, Color Guard, Department of Public of Works, Municipal Clerk's Office and the Special Events Committee. We were very pleased that Congressman Pascrell was able to attend.

**COMMUNICATIONS**

1. Invitation from the Borough of Prospect Park to their 10th anniversary of 9/11 Candlelight Vigil and Freedom Walk.
2. Invitation from the Borough of Prospect Park to the Prospect Park 110th Anniversary Parade.

Motion by Kilminster seconded by Martinez to accept and file.

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ, JOHNSON
NO: -0-

**UNFINISHED BUSINESS**

Motion by Almaita seconded by Martinez that Ordinance #8-18-2011 to be heard in its second and final reading (Bond Ordinance providing various Capital Improvements)

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ, JOHNSON
NO:-0-

THE CLERK WILL READ THE TITLE

BOROUGH OF HALEDON
ORDINANCE #8-18-2011
BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF HALEDON, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF $875,000 THEREFOR, INCLUDING AN AGGREGATE AMOUNT OF $625,000 GRANTS EXPECTED TO BE RECEIVED, AND AUTHORIZING THE ISSUANCE OF $875,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF

Motion by Kilminster seconded by Martinez to open the public hearing on Ordinance # 8-18-2011.

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ, JOHNSON
NO: -0-

No Comments.

Motion by Kilminster seconded by Johnson to close the public hearing on Ordinance # 8-4-2011.

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ, JOHNSON

Motion by Kilminster seconded by Johnson that Ordinance #8-18-2011 be approved and adopted and to authorize the Municipal Clerk to advertise according to law.

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ, JOHNSON
NO: -0-

**NEW BUSINESS**

Motion by Martinez seconded by Kilminster to read the introduction of Ordinance #9-15-2011 (Film production ordinance)

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ, JOHNSON
NO: -0-

The Clerk will read the title:

BOROUGH OF HALEDON
ORDINANCE 9-15-2011
AN ORDINANCE OF THE BOROUGH OF HALEDON TO REGULATE TELEVISION AND MOVIE FILMING ON PUBLIC PROPERTY WITHIN THE BOROUGH OF HALEDON

Motion by Almaita seconded by Kilminster to approve and authorize the Municipal Clerk to advertise in the next available issue of the Herald News for a public hearing to take place on October 20, 2011.

ROLL CALL
YES: ALMAITA, TIRRI, 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 #2011-135 | AUTHORIZE SUBMISSION OF 2011 DEDR MUNICIPAL ALLIANCE GRANT. |
| RESOLUTION #2011-136 | AUTHORIZE MUNICIPAL CLERK TO GO OUT TO BID FOR CUSTODIAL SERVICES. |
| RESOLUTION #2011-137 | AUTHORIZE RENEWAL OF THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL AGREEMENT. |
| RESOLUTION #2011-138 | AUTHORIZE CURRENT ESTIMATE #1 AND CHANGE ORDER #1 FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT ROE STREET RECREATION CENTER PARKING LOT IMPROVEMENTS BOROUGH OF HALEDON |
| RESOLUTION#2011-139 | AUTHORIZE NEW FIREFIGHTER APPLICATION; RONALD FERMIN |
| RESOLUTION #2011-140 | RESOLUTION COMMENDING MUNICIPAL RESPONSE TO HURRICANE IRENE |

Motion by Kilminster seconded by Johnson to approve.

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ, JOHNSON
NO: -0-

RESOLUTION #2011-135 AUTHORIZE SUBMISSION OF 2011 DEDR MUNICIPAL ALLIANCE GRANT

WHEREAS, the Governing Body of the Borough of Haledon, County of Passaic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Governing Body further recognizes that is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Governing Body has applied for funding to the Governor's Council on alcoholism and Drug Abuse through the County of Passaic;

NOW THEREFORE BE IT RESOLVED, the Governing Body of the Borough of Haledon, County of Passaic, State of New Jersey hereby recognizes the following:

1. The Governing Body does hereby authorize submission of an application for the Haledon Municipal Alliance grant for calendar year 2011 in the amount of $17,243.00
2. The Governing Body acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

RESOLUTION #2011-136 AUTHORIZE MUNICIPAL CLERK TO ADVERTISE FOR CUSTODIAL SERVICES

BE IT RESOLVED, by the Governing Body of the Borough of Haledon that the Municipal Clerk is hereby authorized to advertise for bids for custodial services.

RESOLUTION #2011-137 AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2016

WHEREAS, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various good and services to its members through the cooperative public bidding process; and

WHEREAS, the Borough of Haledon desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to renew its membership in the MCCPC for the period of October 1, 2011 through September 30, 2016.

BE IT RESOLVED, by the Borough of Haledon County of Passaic, State of New Jersey as follows:

1. The Governing Body of the Borough of Haledon hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2011 pursuant to N.J.S.A 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2011 through September 30, 2016.
2. The Borough of Haledon Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take in effect immediately upon final passage according to law.
4. All appropriate Borough of Haledon officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

RESOLUTION #2011-138 AUTHORIZE CURRENT ESTIMATE #1 AND CHANGE ORDER #1 COMMUNITY DEVELOPMENT BLOCK GRANT ROE STREET RECREATION CENTER PARKING LOT IMPROVEMENTS

WHEREAS, the Borough of Haledon awarded a contract to SCS Contracting INC of 87 Shadyside Road Ramsey, NJ 07446 for the Roe Street Parking Lot Improvement project; and

WHEREAS, Nordan Murphy of Alaimo Group has recommended that the Borough modify the award for a change order decreasing the contract price by $5,716.52; and

WHEREAS, the Borough has concurred in the recommendation of Mr. Murphy and has determined that this Resolution should be adopted subject to the conditions hereinafter, stated;

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

Field quantity adjustments for completed and unused portions of the project, including the following:

- An increase in the amount of $1,000.00 for additional site clearing for the removal of the landscaping along the building frontage.
- Adjustments in the total amount of asphalt used for the project, resulting in a cumulative decrease in the amount of $826.52.
- Adjustment for the replacement of additional deteriorated and unsafe sidewalk around the building in the amount of $4,950.00.
- Deletion of the unused asphalt and fuel price adjustment allowances, resulting in a cumulative decrease in the amount of $17,000.00

Supplemental Item 1S in the amount of $6,160.00 for repair of the existing fence along the property frontage, including replacement of damaged and missing fence posts and top rails, replacement of missing and damaged vinyl coated wire mesh, replacement of missing personnel gate and adjustment of existing slide gate. This work was necessitated for safety and security purposes.

The enclosed Change of Order No. 1 should be reviewed and executed prior to the consideration of Current Estimate No. 1. Change Order No. 1 is a decrease in the amount of $5,716.52, which results in a total Contract amount of $200,501.48. Approval of Change of Order No. 1 will result in a 2.77 % decrease of the original Contract amount of $206,218.00.

The written concurrence by SCS Contracting, Inc. to the modification shall be obtained in the form of Change Order No. 1, a copy of which is attached hereto and incorporated herein by reference.

It is hereby determined that this Change Order does not expand the size, nature or scope of the project as it was originally described in the bid specifications. The work could not reasonably be effectuated by a separately bid contract without unduly disrupting the basic work or imposing adverse cost consequences.

The Contractor waives all claims for extensions of time and all claims for damages of whatsoever kind, either direct or indirect as well as any claim for impacted loss of profits of whatsoever kind related to this Change Order.

RESOLUTION #2011-139 APPROVE NEW FIREFIGHTER APPLICATION; RONALD FERMIN

BE IT RESOLVED, by the Mayor and Council of the Borough of Haledon that the following individual be accepted as probationary member of the Haledon Fire Department and is authorized to sign the Borough Roll:

<u>Fire Company #2</u>
Ronald Fermin

RESOLUTION #2011-140 RESOLUTION COMMENDING MUNICIPAL RESPONSE TO HURRICANE IRENE

WHEREAS, in preparing for, dealing with, responding to and recovering from the devastation brought to our State by the winds and rains of Hurricane Irene, New Jersey municipal officials and local police, fire, rescue and EMS personnel – both paid and volunteers - once again ably demonstrated their selfless commitment to their hometowns, their neighbors and their duty; and

WHEREAS, by that commitment, and by their cooperation with adjoining municipalities, with county coordinators, and with Federal and State emergency management agencies, local officials and first responders confirmed the need for a government close to the people and immediately available to them in their need; and

WHEREAS, when the needs of their fellow citizens called for a response beyond the power of local officials, immediate contact was made with responsible parties and the reaction of those concerned closely monitored by New Jersey Mayors and municipal governing body members; and

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Haledon does join in commending our courageous first responders and our fellow local officials, throughout the State, for their selfless commitment and tireless service before, during and after New Jersey endured the impact of Hurricane Irene; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the New Jersey State League of Municipalities, to Governor Christie; Senator John Girgenti; Assemblywoman Nellie Pou and Assemblywoman Elease Evans.

RESOLUTION#2011-141 APPOINTMENT OF SPECIAL POLICE CLASS I- DAVID POSADA
Motion by Kilminster seconded by Martinez to approve.

WHEREAS, Deputy Police Chief Kevin Gottheiner has recommended the following appointments in his letter dated September 14, 2011:

Special Police Officer, Class I David Posada

WHEREAS, this position is an appointment by the Mayor with the advice and consent of the Borough Council according to Chapter 48-6 of the Code of Haledon; and

WHEREAS, Mayor Stampone requests the advice and consent the of Council to appoint David Posada to the position of Special Police Officer, Class I;

NOW THEREFORE BE IT RESOLVED, by Council of the Borough of Haledon that they hereby consent to the above Special Police appointments; and

BE IT FURTHER RESOLVED, that these appointments be effective immediately and that they shall expire at the end of the current calendar year and may be revoked without cause or hearing.

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ, JOHNSON
NO: -0-

Brief discussion on the sinkhole located at Legion Place. Mayor Stampone requested the Borough Engineer to submit a report on options that are available to repair the sinkhole located at Legion Place.

Borough Attorney Andrew Oddo advised the Governing Body that there is a need to hire special counsel to hire outside investigator Charles Rabolli to investigate Fire Department harassment charges. Charles Rabolli fee per hour is $100 per hour not to exceed $3000 for Fire Department harassment issue

Motion by Martinez seconded by Almaita to add resolution 2011-142 to the agenda.

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ, JOHNSON
NO: -0-

RESOLUTION #2011-142 APPOINT CHARLES RABOLLI, ESQ. AS SPECIAL INVESTIGATOR FOR FIRE DEPARTMENT HARRASSMENT
Motion by Almaita seconded by Tirri to approve.

WHEREAS, an alleged act of harassment was reported to the Municipal Clerk/Acting Administrator by a member of the Haledon Fire Department; and

WHEREAS, an initial investigation was conducted by the Municipal Clerk/Acting Administrator; and

WHEREAS, the Clerk/Acting Administrator recommended to the Governing Body that enough evidence existed to continue the investigation; which would include interviewing members of the Fire Department that may have participated in the harassment or have knowledge of the harassment; and

WHEREAS, the Clerk/Acting Administrator requested the continued investigation be conducted by an independent investigator; and

WHEREAS, the governing body concurred with this request;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of Haledon that Charles Rabolli, Esq. be selected as special investigator in the alleged harassment at the Haledon Fire Department at the hourly rate of $100 per hour, not to exceed 30 hours ($3000.00)

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ, JOHNSON
NO: -0-

RESOLUTION #2011-143 APPROVE BILLS LIST, September 15, 2011
Motion by Kilminster seconded by Almaita 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 15, 2011 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 15, 2011 WITH PREPAIDS IS:

| | |
|---|---|
| CURRENT: | $ 1,347,231.74 |
| WATER (MUA): | $ 34,372.75 |
| TOTAL: | $ 1,381,604.49 |

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ, JOHNSON
NO: -0-

Mayor and Council decided to go into Executive Session.

**RESOLUTION #09152011 EXECUTIVE SESSION**

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:

- Contract negotiation with Department of Public Works.
- Contract negotiation with Deputy Chief of Police.

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.

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

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ, JOHNSON
NO: -0-

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

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ, JOHNSON
NO: -0-

Motion by Martinez seconded by Almaita to add resolution #2011-144.

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ, JOHNSON
NO: -0-

RESOLUTION #2011-144 AUTHORIZE AN AGREEMENT BETWEEN THE BOROUGH OF HALEDON AND THE DEPUTY CHIEF OF POLICE
Motion by Almaita seconded by Tirri to approve.

WHEREAS, the Borough of Haledon and the Deputy Chief of Police, Kevin Gottheiner, have agreed upon the terms of an initial employment agreement covering the period of January 1, 2010 through December 31, 2015; and

WHEREAS, the Governing Body of the Borough of Haledon are desirous of memorializing the terms of the successor agreement as attached hereto and incorporated herein by reference; and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Haledon that it hereby approves of the memorandum of understanding between the Borough of Haledon and the Deputy Chief of Police attached to this resolution and incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the Mayor, Borough Administrator, Borough Clerk and Borough Attorney are hereby authorized to take any and all necessary action to the effect the terms of this Resolution including but not limited to the incorporation of the memorandum into a formal agreement and the execution of the agreement.

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ, JOHNSON
NO: -0-

**ADJOURN**

Motion by Johnson seconded by Kilminster to adjourn.

ROLL CALL
YES: ALMAITA, TIRRI, KILMINSTER, MARTINEZ, JOHNSON
NO: -0-

Respectfully submitted:

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