

**BOROUGH OF HALEDON**  
**MAYOR AND COUNCIL**  
February 16, 2012

PRAYER  
FLAG SALUTE

The regular meeting of the Mayor and Council of the Borough of Haledon took place on February 16, 2012 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 North Jersey Herald & the Record on January 9, 2012 posted on the bulletin board in the Municipal Building on January 9, 2012 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 ó Mayor Stampone called the meeting to order at 7:00PM

Present: Mayor Domenick Stampone, Council President Maha Kandis, Council Members; Mounir Almaita, Belgica Costa, Rey Martinez and Michael Johnson. Borough Municipal Clerk Allan R. Susen and Borough Attorney Andrew Oddo.

Absent: Councilman Michael Tirri with prior notice.

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

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

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

Eva Pagan, 140 Church St ó have concerns about letter the received regarding cleanup by Lanxess Corporation.

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

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

## **GOVERNING BODY RESPONSES**

Mayor Stampone responded aware of issue but this is not a Borough project. The remediation of the Lanxess Corporation (a subsidiary of Bayer Corporation) started in the early 1990s. It has been an ongoing project for 15 years now. The State requires Lanxess Corporation to test nearby properties for soil vapor. Lanxess Corporation will test nearby properties but not all properties. They have notified residents within 200 ft, but only a portion of the properties will be tested. Resident is desirous to have the vapor tested. Mayor encouraged them to ask company to do test. State laws have gotten more stringent, hence this will require the additional testing.

## **COMMITTEE REPORTS**

### **PUBLIC SAFETY COMMITTEE ó Rey Martinez, Chairperson**

Police Liaison ó The committee has met regarding Sergeants promotions in the Police Department. We need to replace the two Sergeants who retired last year. A committee must be assembled.

Police Department  
Housing Inspection/Building Maintenance  
Municipal Court

Fire Liaison ó Michael Johnson

Fire Department - no official report but mentioned disciplinary process letter sent by Mike Moscatello.

Office of Emergency Management Liaison ó Michael Tirri absent.

### **FINANCE COMMITTEE**

Mounir Almaita, Chair ó committee is currently working on the Boroughs Budget. We are trying to cut costs as much as possible.

### **ADMINISTRATION AND PERSONNEL**

Maha Kandis, Chair ó read Administrator's report.

### **ORDINANCE**

Mounir Almaita, Chair ó mentioned ordinances on the agenda tonight. The Board of Health is also proposing certain ordinances.

Mayor Stampone commented on fifteen minute parking spot requests on Belmont Avenue and urged the committee to keep in mind that businesses are in a mixed use area.

#### HEALTH AND WELFARE

Belgica Costa, Chair ó no official report.

#### PUBLIC WORKS

Michael Johnson, Chair ó we are working on getting the street sweeper fixed. Due to warm winter need to clean some of the Borough streets. Until our sweeper is fixed the Borough of Prospect Park is lending us their street sweeper. Once weather permits curbs and lines need painting through out the Borough.

- 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 ó the Walgreens moving is progressing. We have a lot of projects that are about to start, renovation to the Roe Street Field Playground.

#### TECHNOLOGY

Maha Kandis, Chair ó nothing to add to technology it was covered in Administrator's report.

#### SPECIAL EVENTS

Maha Kandis, Chair ó upcoming event is the Easter Egg Hunt in early April. Special Events Committee member Dave Butera resigned and will be missed. The Special Events Committee is actively looking for replacement. There is a meeting set for design aspects of the children's playground at Roe Street Field.

The following are the activities for the Boys and Girls Club:

- Basketball ended February.
- Softball and baseball registration will begin shortly. Will be on website.
- Summer camp registration will begin.

Councilman Almaita questioned whether we will be having Haledon Day this year. Council President Kandis indicated there are budget restraints. In consideration of the economic environment the Borough did not want to reach out to the local business owners. The Special Events committee will focus on band shell events. The Special Events committee tried to reach out to the PBA to participate in the PBA Street Fair. Last year we were unable to, but this year we will try to again.

Mayor Stampone requested that Municipal Clerk Allan R. Susen reach out to the PBA and coordinate the event.

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### **MAYOR'S REPORT**

Lost long time member on the planning board, Tom Maselli never filled his spot on the Planning Board. Mayor Stampone makes the following appointment:

- Planning Board appointment: Basem Shaker, unexpired term ending December 31, 2012.

\* \* A certificate of appreciation to Nebojsa Zlatanovic Board of Health Secretary. Presented to Sara Burke, she accepted on his behalf.

Shepherd and Knucklehead Pub project opening 3/17/12.

### **COMMUNICATIONS**

- Letter from Belmont Dragon requesting a 15 minute parking sign in front of their business.
- Letter from Haledon Pizza requesting a 15 minute parking sign in front of their business.
- Letter from Joel Weinstock & Associates regarding his property at 364 Belmont Ave located across the street from Celebrity Bar.
- Letter from CDM Smith (on behalf of Lanxess Corporation) regarding status on remediation work at 8 Hoxsey Place.
- Letter from Haledon Public School celebrating Read Across America Day in honor of Dr. Seuss' 108<sup>th</sup> birthday.
- Letter of resignation from Nina Halstead resigning from the Board of Health.

\*\*Remove letter regarding Nina's resignation. Mayor Stampone will ask her to reconsider her resignation. \*\*\*

Motion by Alkaita seconded by Martinez to accept and file.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

### **UNFINISHED BUSINESS**

None.

### **NEW BUSINESS**

Motion by Alkaita second by Martinez to introduce Ordinance 2-16-2012 (Salary Ordinance of Borough Prosecutor)

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ

NO: JOHNSON

Clerk will read the title

BOROUGH OF HALEDON  
ORDINANCE 2-16-2012

AN ORDINANCE REVISING AND AMENDING THE CODE OF THE BOROUGH OF HALEDON, COUNTY OF PASSAIC, STATE OF NEW JERSEY, ENTITLED SALARIES OF MUNICIPAL EMPLOYEES.

*Please shut off or set to vibrate all cell phones and other communication devices*

Motion by Almaita seconded by Costa 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 March 15, 2012.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ

NO: JOHNSON

**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 #2012-054 TAX TITLE LIEN REDEMPTION/OUTSIDE LIEN HOLDER-  
78 BARBOUR STREET, HALEDON
- RESOLUTION #2012-055 REFUND OF TAX OVERPAYMENT- 49 GRAND SUMMIT  
AVENUE
- RESOLUTION #2012-056 APPROVE REQUEST BLUE LIGHT PERMITS-FOR  
KENNEITH FERMIN, JOSHUA ESPINAL, ELLIOT  
ROSARIO AND JAMES HALSTEAD
- RESOLUTION #2012-057 AUTHORIZE REQUEST TO CONDUCT AN OFF PREMISE  
50/50 RAFFLE, VERITANS CLUB ON MAY 17, 2012
- RESOLUTION #2012-058 AUTHORIZE FINAL PAYMENT AND CHANGE ORDER#1  
FOR LEGION PLCE EMERGENCY STORM SEWER REPAIR
- RESOLUTION #2012-059 AUTHORIZE TRANSFER OF FUNDS

\*\*Councilman Johnson requested the removal of resolution # 2012-056.\*\*

Motion by Almaita seconded by Martinez to approve.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

Motion by Johnson second by Martinez to defer action on resolution #2012-056 until the March 15, 2012 meeting.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

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RESOLUTION #2012-054 TAX TITLE LIEN REDEMPTION/ OUTSIDE LIEN  
HOLDER- 78 BARBOUR STREET, HALEDON, NEW  
JERSEY 07508.

WHEREAS, F.N.S. Realty, LLC is redeeming Tax Title Lien Certificate # 10-00014, better known as Block 114 Lot 5, 78 Barbour Street, Haledon, New Jersey, which was sold to 72 Oak Street Holdings, LLC, P.O. Box 653, Montvale, NJ 07645.

WHEREAS, subject to verification and receipt of a check to be deposited in the current account of the BOROUGH OF HALEDON for said redemption from F.N.S. Realty, LLC.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be and is hereby authorized to issue a check out of the Current Fund Account in the amount of \$ 52,715.87 and a check out of Trust Fund Account in the amount of \$ 5,000.00 to:

72 Oak Street Holdings, LLC.  
P.O. Box 653  
Montvale, NJ 07645

For Tax Title Lien Redemption.

RESOLUTION #2012-055 REFUND OF A TAX OVERPAYMENT

WHEREAS, an overpayment has been made by the property owner for 2011 taxes on block 34 Lot 12.01, better known as 49 Grand Summit Avenue, Haledon, New Jersey.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be and is hereby authorized to issue a check in the amount of \$ 253.72 to:

Waleed Lashin & Nourulislam Rasheed  
177 Derrom Avenue  
Paterson, NJ 07504

RESOLUTION #2012-056 APPROVE REQUEST FOR BLUE LIGHT PERMIT

WHEREAS, a blue light permit applications have been submitted for approval by the following volunteer fire fighters:

|                |                 |
|----------------|-----------------|
| Kenneth Fermin | Fire Company #2 |
| Joshua Espinal | Fire Company #2 |
| Elliot Rosario | Fire Company #2 |
| James Halstead | Fire Company #1 |

WHEREAS, the Assistant Chief of the Fire Department, Michael Moscatello has signed the applications;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Haledon that the Mayor is hereby authorized to sign the aforementioned blue light permit applications.

*Please shut off or set to vibrate all cell phones and other communication devices*

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RESOLUTION #2012-057 AUTHORIZE REQUEST TO CONDUCT AN OFF PREMISE  
50/50 RAFFLE, VERITANS CLUB ON MAY 17, 2012

WHEREAS, Veritans Club has applied for a raffle license to hold an off premise 50/50 raffle;  
and

WHEREAS, the purpose of this raffle is to support and benefit Camp Veritans for year 2012;  
and

WHEREAS, the proper application has been completed and the correct fees paid; and

WHEREAS, the Municipal Clerk has reviewed the application and found everything to be in  
order;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of  
Haledon that the request for a raffle license is hereby approved for an off premise 50/50 to be  
held on May 17, 2012 at Camp Veritans, Pompton Road, Haledon, NJ 07508.

RESOLUTION #2012-058 AUTHORIZE FINAL PAYMENT AND CHANGE ORDER#1  
LEGION PLACE EMERGENCY STORM SEWER REPAIR

WHEREAS, the Borough of Haledon awarded a contract to J. Fletcher Creamer & Son, Inc. for  
the Legion Place emergency storm sewer repair; and

WHEREAS, Alaimo Engineering has recommended in their correspondence dated February 3,  
2012 that the Borough modify the award for a change order decreasing the contract price by  
\$4,844.00; and

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

WHEREAS, Mr. Murphy has also recommended that Current Estimate #1 in the amount of  
\$79,616.00 be paid to the Contractor in accordance with the contractor's submitted estimate,  
subject to availability of funds and submittal of all required documentation; and

WHEREAS, Mr. Murphy has also recommended that it will be necessary for the contractor to  
post a separate Maintenance Bond for the full amount of the contract for the period of two  
years from the date of final payment; and

WHEREAS, the Chief Financial Officer will not release payment until the Maintenance Bond  
is received; and

WHEREAS, this matter has been referred to the Borough Attorney and the Alaimo Group for  
clarification of the Borough's responsibility;

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

1. The modification of the contract to provide for a change order decreasing the  
contract price by \$4,844.00 for an amended contract amount of \$79,616.00 be  
approved. Approval of Change of Order #1 will result in a cumulative 5.74 percent  
decrease of the original contract amount of \$84,460.00.

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2. As recommended by Alaimo Group payment be made to J. Fletcher Creamer & Son, Inc. in the amount of \$79,616.00 subject to the availability of funds, and submittal of all required documents by the Contractor.
3. The written concurrence by J. Fletcher Creamer 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.
4. 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.
5. 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; and

BE IT FURTHER RESOLVED, the Governing Body hereby authorizes payment of current estimate #1 subject to Attorney review and direction regarding the Final Payment to J. Fletcher Creamer & Son, Inc.

RESOLUTION #2012-059    TRANSFER OF FUNDS-2011 BUDGET APPROPRIATION  
RESERVES

Be it resolved, by the Mayor and Board of Council of the Borough of Haledon, that the Treasurer be and is hereby authorized to make the following transfers of the 2011 Budget Appropriations reserves according to N.J.S.A. 40A:4-5.8:

|                  |                                 |             |
|------------------|---------------------------------|-------------|
| From:            | Police S & W<br>118-101         | \$18,500.00 |
| From:            | Finance S & W<br>103-101        | \$10,000.00 |
| To:              | Finance O & E<br>103-201        | \$10,000.00 |
| To:              | Police O & E<br>118-261         | \$6,500.00  |
| To:              | Gasoline P.U.L.<br>140-206      | \$5,500.00  |
| To:              | Gasoline Diesel Fuel<br>140-204 | \$4,500.00  |
| To:              | Fire O & E<br>114-201           | \$2,000.00  |
| Total Transfers: |                                 | \$28,500.00 |

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RESOLUTION #2012-060 BOARD OF HEALTH APPOINTMENT

Motion by Alkaita seconded by Johnson to approve.

WHEREAS, there is a vacancy on the Board of Health due to the resignation of Nina Halstead;  
and

WHEREAS, Mayor Stampone requests the advice and consent of the Borough Council to  
appoint Kim Jones-Gervais to the Board of Health for a term expiring December 31, 2013;

NOW THEREFORE BE IT RESOLVED, the Borough Council hereby provides their advice  
and consent to appoint Kim Jones-Gervais to the Board of Health for a term expiring  
December 31, 2013.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

Motion to add two resolutions to the Agenda.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

RESOLUTION #2012-061 REQUEST TO CONDUCT TAG DAY 6 HALEDON FIRE  
DEPARTMENT

Motion by Martinez seconded by Johnson to approve.

WHEREAS, a request has been made by the Haledon Fire Department (Co#2) to hold a Tag  
Day on Saturday, May 5, 2012 between 8:00AM and 3:00PM with a raindate of May 12,  
2012; and

WHEREAS, solicitation is requested to take place in the roadway at the following locations:

- Corner W. Broadway/Chamberlain Ave.
- Corner Haledon Ave./Church Street

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Haledon that the  
request by the Haledon Fire Department (Co#2) is hereby approved with the following  
conditions.

1. Since the locations are on County roadways, this request must be forwarded to the Passaic  
County Board of Chosen Freeholders for a concurring resolution. The Board of Chosen  
Freeholders will require an application and if approved will require the approval based on  
certain contingencies.
2. Children under the age of 18 are not permitted to solicit in the roadway. Solicitation is to  
be conducted by adults only.
3. Everyone soliciting donations in the roadway must wear proper safety vests and the  
roadway must be properly signed and coned to alert drivers to slow down and be aware of  
the presence of individuals in the roadway.
4. The tag day may be conducted at the following locations only:
  - Corner W. Broadway/Chamberlain Ave.
  - Corner Haledon Ave./Church Street

BE IT FURTHER RESOLVED, that the Municipal Clerk is to provide a copy of this resolution  
to the Haledon Police Department and the Passaic County Board of Chosen Freeholders.

RESOLUTION #2012-062 REQUEST TO CONDUCT TAG DAY 6 MANCHESTER  
JUNIOR FALCONS FOOTBALL ASSOCIATION  
Motion by Alkaita seconded by Johnson to approve.

WHEREAS, a request has been made by the Manchester Junior Falcons Football Association to hold a Tag Day on Saturday, June 9, 2012 between 10:00AM and 3:00PM; and

WHEREAS, solicitation is requested to take place in the roadway at the following locations:

- North Bound-Haledon Ave.
- East Bound ó Haledon Ave.
- North Bound-Church
- West Bound- Church Street-Left Turn lane

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Haledon that the request by the Manchester Junior Falcons Football Association is hereby approved with the following conditions.

5. Since the locations are on County roadways, this request must be forwarded to the Passaic County Board of Chosen Freeholders for a concurring resolution. The Board of Chosen Freeholders will require an application and if approved will require the approval based on certain contingencies.
6. Children under the age 18 are not permitted to solicit in the roadway. Solicitation is to be conducted by adults only.
7. Everyone soliciting donations in the roadway must wear proper safety vests and the roadway must be properly signed and coned to alert drivers to slow down and be aware of the presence of individuals in the roadway.
8. The õtag dayö may be conducted at the following locations only:
  - North Bound-Haledon Ave.
  - East Bound-Haledon Ave.
  - North Bound-Church Street
  - West Bound- Church Street-Left Turn lane

BE IT FURTHER RESOLVED, that the Municipal Clerk is to provide a copy of this resolution to the Haledon Police Department and the Passaic County Board of Chosen Freeholders.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

RESOLUTION #2012-063 APPROVE BILLS LIST, February 16, 2012  
Motion by Alkaita seconded by Johnson 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 February 16, 2012 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 February 16, 2012 WITH PREPAIDS IS:

|              |                     |
|--------------|---------------------|
| CURRENT:     | \$2,499,158.43      |
| WATER (MUA): | <u>\$ 23,500.81</u> |
| TOTAL:       | \$2,522,659.24      |

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

Mayor and Council decided to go into Executive Session.

RESOLUTION #02162012

EXECUTIVE SESSION

Motion by Almaita seconded by Kandis to approve.

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:

- Former Business Administrator litigation
- Charles Rabolli report on Fire Department Harassment charges (Mike Moscatello)
- Paychex non-compliance with Affirmative Action

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: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

\*\*Councilman Johnson left the meeting during executive session\*\*

Motion by Almaita seconded by Costa to reopen public portion of meeting.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ

NO: -0-

**ADJOURN**

Motion by Kandis seconded by Costa to adjourn.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ

NO:-0-

Respectfully submitted:

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