

BOROUGH OF HALEDON
MAYOR AND COUNCIL
November 15, 2012

PRAYER
FLAG SALUTE

The November 8, 2012 regular meeting of the Mayor and Council of the Borough of Haledon previously noticed to take place is rescheduled for November 15, 2012 at 7:00 pm in the Council Chambers of the Haledon Municipal Complex located at 510 Belmont Ave., Haledon New Jersey 07508.

This meeting was called pursuant to the provisions of the Open Public Meetings Law. Notice of this meeting was included in a notice sent to the North Jersey Herald & the Record on November 8, 2012 posted on the bulletin board in the Municipal Building on November 8, 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 – Mayor Stampone called the meeting to order at 7:00PM

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

Absent: Councilman Michael Tirri with prior notice. Councilman Michael Tirri encountered traffic coming in from New York City and will not be able to attend the meeting tonight.

OPEN SPACE GRANT AWARD

Passaic County Freeholder Director Pat Lepore and Freeholder Terry Duffy presented a check for the Open Space Grant Award to Mayor Domenick Stampone.

PUBLIC HEARING
(Privilege of the floor)

Motion by Alkaita seconded by Costa to open the public hearing.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

Joe Moore, 9 Buschmann – have a couple of concerns regarding The Shepherd and The Knucklehead. The Owner and employee of The Shepherd and The Knucklehead are parking Municipal Building parking lot when it really was supposed to be used for valet parking. Why are they being allowed to park in the Municipal Parking lot? If ordinance does not permit residents to park there then he should not be allowed to park there either. Restaurant setting is changing they put a pool table instead of the dinner tables. Delivery trucks are too large for street and are blocking driveways. Noise in back of building remains to be a problem. The Shepherd and The Knucklehead are putting out the recyclables and garbage on Buschmann Avenue as opposed to on Belmont Avenue. Observed one of the employees urinating by the dumpsters behind the building. I did not call the Police Department to report it.

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

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

GOVERNING BODY RESPONSES

The Shepherd & The Knucklehead agreement has not been utilized. The Borough Attorney or Administrator should send out a letter to owner to let him know that the Borough Ordinance must be followed. In regards to the change in the restaurant setting it is a pub so not much has changed. We will make sure that he has a Legalized Games of Chance Control Commission permit for the pool table.

COMMITTEE REPORTS

PUBLIC SAFETY COMMITTEE – Rey Martinez, Chairperson

Police Liaison – commended the Police Department, Fire Department, Emergency Management and Department of Public Works for the hard work and long hours during hurricane Sandy. The Borough opened a Shelter in the Senior Center for residents that had no power. Sections of the Borough were out of power for several days.

Police Department

Housing Inspection/Building Maintenance

Municipal Court

Fire Liaison– Michael Johnson also thanked all the departments who worked extremely hard during hurricane Sandy. Hurricane Irene did prepare us for this type of situation. Unfortunately four families along Cliff and Granite lost roofs to homes. Emergency Management graduation tomorrow night at Passaic County Technical Institute if anyone is interested to attend.

Fire Department

Office of Emergency Management Liaison – Michael Tirri- absent.

FINANCE COMMITTEE

Mounir Almaita, Chair – The Finance Committee is currently working on next year's budget. We are collecting information from all the Department heads.

ADMINISTRATION AND PERSONNEL

Maha Kandis, Chair – read Administrator report.

ORDINANCE

Mounir Almaita, Chair – referred to ordinances on the agenda.

The Sewer Fee ordinance is on the agenda second reading. The Fire Department Ordinance is extending the distance beyond the two mile limit for Fire Fighters. The Fire Chief also feels the increase of distance will not have an impact on response time.

HEALTH AND WELFARE

Belgica Costa, Chair – no official report.

PUBLIC WORKS

Michael Johnson, Chair – Thanked the Department of Public Works for all their hard work during hurricane Sandy. Attended seminar with Department of Public Works Supervisor. The seminar was focused on how to be more mindful of the impact of storms and equipment that is needed to clean up after storm hits.

- 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 –

Walgreens is now open to the public. A business of that size provides jobs to our community.

TECHNOLOGY

Maha Kandis, Chair – referred to IT report from Passaic County Educational Service Commission that summarizes the technical issues the Borough had with the Server after hurricane Sandy the work PCESC did to restore the data on the server and an IT preventative action plan.

SPECIAL EVENTS

Maha Kandis, Chair –

Halloween Event was held on October 26, 2012. Attendance was low due to oncoming storm. Thanked Department of Public Works and Police Department for their assistance setting up and during the event.

December 2, 2012 is the date set for the Tree Lighting Ceremony which will begin at 6:30PM. Special Events Committee is looking to have an adult event around February. The Special Events Committee still short one member.

The Boys and Girls Club activities are as follows:

- Soccer program is concluded and a trophy ceremony was held.
- Basketball registration has been extended.
- Afterschool program running.

Residents are requesting open gym and volleyball. This request was forwarded to Boys and Girls Club. Thanked the Department of Public Works for addressing the maintenance issues at the Recreation Center. We will be addressing the garbage storage issues.

MAYOR'S REPORT

Congratulated everyone that participated in General Election. Also, congratulation to Michael Tirri and Rey Martinez for getting re-elected.

Haledon did better than most communities during super storm Sandy. Visited resident homes that did have issue, where trees fell on homes. No injuries to any of the residents directly related to storm. We had Police Officers and Special Police Officers in for double and triple

shifts. Saw Police Chief and men looking scruffy due to the long hours worked during and after the hurricane. Firefighters worked around the clock and slept in firehouse. A shelter set up in the Senior Citizen Center when temperature dropped. Bridgeway Church prepared meals, Chief donated money for food. The Librarian came in she did not have power and set up library for residents to use. A pole on Church Street fell and brought down power into North Haledon. Residents came out of their homes to help clean street when clearing to reopen. Prospect Park Police helped at gas line at Exxon. The Sheriff Department also assisted with the gas line and when they were done with their shift they patrolled the Borough. We decided that a curfew under police powers when State of Emergency on Monday and Tuesday occurred. I was reluctant to do it but, under the circumstances it was needed. There was no report of criminal activity or of anyone taking advantage during period. Public should know we spent a lot of money, all department heads kept close accounting of costs (manpower and equipment) and will seek reimbursement for costs related to storm from FEMA.

Glad to hear that Walgreens is open to the public. We are sorry to see St. Mary's close its doors. The decision was made by the Church. Received notice about COPS grant to hire a new officer. Officer must be Iraq or Afghanistan Veteran. January 1, 2013 the officer will be sworn in.

Approached by gentleman of Albanian group to honor their Independence Day. Open to other groups as well if they would like to celebrate their Independence Day.

COMMUNICATIONS

1. Letter from resident Kenneth Mayer regarding a tree that has fallen down on Avenue C.
2. Letter from Sheriff Richard H. Berdnik regarding the reinstatement of the SLAP program for Municipalities.
3. Thank you card Mrs. Hanenian for all the kindness and support received from the Mayor and Council after the passing of Mitch Hanenian.

Motion by Alkaita seconded by Martinez to accept and file.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

UNFINISHED BUSINESS

Motion by Alkaita seconded by Martinez that Ordinance #10-18-2012 to be heard in its second and final reading (User fee for Sanitary Sewer System)

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

THE CLERK WILL READ THE TITLE

BOROUGH OF HALEDON
ORDINANCE #10-18-2012
AN ORDINANCE SETTING USE FEES FOR CERTAIN USERS OF THE BOROUGH
SANITARY SEWER SYSTEM

Motion by Alkaita seconded by Martinez to open the public hearing on Ordinance #10-18-2012.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

NO COMMENTS.

Motion by Martinez seconded by Kandis to close the public hearing on Ordinance #10-18-2012

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

Motion by Martinez seconded by Kandis that Ordinance #10-18-2012 be approved and adopted and to authorize the Municipal Clerk to advertise according to law.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

Mayor Domenick Stampone explained the purpose of the ordinance was to address heavy users of the water system. We do not have separate sewer bill. This charge will only affect residents that are above a four family home.

NEW BUSINESS

Motion by Alkaita seconded by Kandis to read the introduction of Ordinance 11-15-2012 (Salary Ordinance)

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

THE CLERK WILL READ THE TITLE

BOROUGH OF HALEDON
ORDINANCE #11-15-2012

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

Motion by Alkaita seconded by Johnson 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 December 20, 2012.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

Motion by Martinez seconded by Johnson to add one ordinance to the agenda.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

Motion by Alkaita seconded by Johnson to read the intro of Ordinance 11-15-2012A (Fire Department)

THE CLERK WILL READ THE TITLE:

BOROUGH OF HALEDON
AN ORDINANCE AMENDING CHAPTER 23 OF THE CODE OF THE BOROUGH OF HALEDON ENTITLED FIRE DEPARTMENT

Motion by Alkaita seconded by Johnson 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 December 20, 2012.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

DEPARTMENTAL REPORTS ARE POSTED ON THE BULLETIN BOARD

RESOLUTION#2012-198 AUTHORIZE THE CLERK TO ADVERTISE FOR RFP FOR PROFESSIONAL SERVICES AND PAYROLL SERVICES
Motion by Costa seconded by Martinez to approve.

BE IT RESOLVED, by the Governing Body of the Borough of Haledon that the Municipal Clerk is hereby authorized to advertise for RFP for Professional Services and Payroll Services.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

RESOLUTION#2012-199 EMERGENCY APPROPRIATION RESOLUTION
Motion by Martinez seconded by Costa to approve.

WHEREAS, an emergency has arisen with respect to Judgments and no adequate provision was made in the 2012 Current Budget for the aforesaid purpose, and N.J.S. 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of emergency appropriations created, including the appropriation to be created by this resolution is \$225,000 and three (3) percent of the total operating appropriations in the budget for 2011 is \$228,187 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2012,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with N.J.S. 40A:4-48:

1. An emergency appropriation is here by made for Judgments in the amount of \$225,000.
2. That said emergency appropriation shall be provided for in full in the 2013 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1).
3. That an Emergency Note not in excess of the above amount be authorized pursuant to N.J.S. 40A:4-51.
4. That such note be executed by the Mayor and by the Treasurer.
5. That such note be dated November 15, 2012, may be renewed from time to time, and such note and any renewals shall be payable on or before December 31, 2013.
6. That two (2) certified copies of this resolution be filed with the Director of Local Government Services

I, Allan R. Susen, Borough Clerk of the Borough of Haledon, County of Passaic, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Governing Body at a meeting of said Governing Body held on November 15, 2012, and said resolution was adopted by not less than a two-thirds vote of the members of the Governing Body.

Allan R. Susen, Borough Clerk

Witness my hand and seal on this
15th day of November, 2012

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

RESOLUTION#2012-200 AUTHORIZE THE REJECTION OF BIDS RECEIVED FOR
 DEMOLITION AND PARKING LOT PROJECT
 Motion by Costa seconded by Kandis to approve.

WHEREAS, the Borough of Haledon advertised for bids for a project titled, "Bid For the Demolition and Parking Lot Project" (hereinafter referred to as the "Project"); and

WHEREAS, two contractors submitted bids for the Project; and

WHEREAS, the Borough Clerk received and opened the bids received for the Project on November 8, 2012; and

WHEREAS, the bid proposals received were higher than the estimated cost established by the Borough Engineer for the project; and

WHEREAS, the Governing Body is authorized to reject all bids received pursuant to the bid specifications and [N.J.S.A. 40A:13.2](#); and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Haledon, that it hereby rejects all bids received on the project titled, "Bid For the Demolition and Parking Lot Project" on the grounds that the bids received were higher than the estimated cost for the Demolition and parking lot project;

BE IT FURTHER RESOLVED, the Municipal Clerk is hereby authorized to re-advertise this project to receive bids on December 4, 2012.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

RESOLUTION#2012-201 AUTHORIZE THE HIRING OF TEMPORARY DPW HELP
FOR LEAF COLLECTION ANDREW KOST
Motion by Martinez seconded by Costa to approve.

WHEREAS, the Department of Public Works Supervisor has expressed the need to have an additional temporary DPW help to assist with leaf collection; and

NOW THEREFORE BE IT RESOLVED, that Mayor Domenick Stampone requests the advice and consent of the Borough Counsel to hire Andrew Kost as a temporary DPW help effective November 13, 2012 at an hourly rate of \$10 per hour; and

BE IT FURTHER RESOLVED that the Borough Council hereby concurs with the hiring of Andrew Kost as a temporary DPW help effective November 13, 2012.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

RESOLUTION#2012-202 AUTHORIZE THE HIRING OF TEMPORARY DPW HELP
FOR LEAF COLLECTION TANSIN SAMIZ
Motion by Alkaita seconded by Costa to approve.

WHEREAS, the Department of Public Works Supervisor has expressed the need to have an additional temporary DPW help to assist with leaf collection; and

NOW THEREFORE BE IT RESOLVED, that Mayor Domenick Stampone requests the advice and consent of the Borough Counsel to hire Tansin Samiz as a temporary DPW help effective November 5, 2012 at an hourly rate of \$10 per hour; and

BE IT FURTHER RESOLVED that the Borough Council hereby concurs with the hiring of Tansin Samiz as a temporary DPW help effective November 5, 2012.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

RESOLUTION#2012-203 TAX TITLE LIEN REDEMPTION/ OUTSIDE LIEN
HOLDER- 30 GEYER STREET, NEW JERSEY 07508
Motion by Alkaita seconded by Johnson to approve.

WHEREAS, Ernesto Cabbigat is redeeming Tax Title Lien Certificate # 10-00013, better known as Block 108 Lot 14, 30 Geyer Street, Haledon, New Jersey, which was sold to Empire Tax Fund II LLC., P.O. Box 503, Purchase, NY 10577.

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 Ernesto Cabbigat.

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 \$ 34,370.84 and a check out of Trust Fund Account in the amount of \$ 300.00 to:

Empire Tax Fund II LLC.
P.O. Box 503
Purchase, NY 10577

For Tax Title Lien Redemption.

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ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

Motion Alkaita seconded by Kandis to add a resolution to the agenda.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

RESOLUTION #2012-204 AUTHORIZE CHANGE ORDER #1 FOR THE CHILDREN'S PARK
AT ROE STREET FIELD IMPROVEMENTS

Motion by Alkaita seconded by Martinez to approve.

WHEREAS, the Borough of Haledon awarded a contract to Giordano Contracting LLC 500 Hoiles Drive, Kenilworth NJ 07033 for the Children's Park at Roe Street Field Improvements; and

WHEREAS, Alaimo Engineering has recommended in their correspondence dated November 15, 2012 that the Borough modify the award for a change order increasing the contract price by \$2,304; 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, 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 #1 an increase of \$2,304.00 to the contract price for an amended contract amount of \$176,299 be approved. This modification in price is for the replacement of an additional 96 linear feet of existing timber retaining wall.
2. The change order #1 also reflects an extension of time to December 3, 2012, from the original contract completion date of November 18, 2012.
3. The written concurrence by Giordano 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.
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.

BE IT FURTHER RESOLVED, the Governing Body hereby authorizes change order#1 subject to Attorney review and direction.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

RESOLUTION #2012-205 APPROVE BILLS LIST, November 15, 2012
Motion by Alkaita seconded by Martinez 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 November 15, 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 November 15, 2012 WITH PREPAIDS IS:

| | |
|--------------|----------------|
| CURRENT: | \$2,051,991.61 |
| WATER (MUA): | \$ 14,133.37 |
| TOTAL: | \$2,066,124.98 |

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

RESOLUTION #11152012

EXECUTIVE SESSION

Motion by Alkaita seconded by Martinez 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:

- Pending litigation- Chief Mercurio

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-

Motion by Alkaita seconded by Martinez to reopen the public session of the meeting.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

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Councilman Michael Johnson left the meeting at 8:30 PM

ADJOURN

Motion by Almaita seconded by Kandis to adjourn.

ROLL CALL

YES: ALMAITA, KANDIS, COSTA, MARTINEZ, JOHNSON

NO: -0-

Respectfully submitted:

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