

BOROUGH OF HALEDON
MAYOR AND COUNCIL
April 18, 2013

PRAAYER
FLAG SALUTE

The regular meeting of the Mayor and Council of the Borough of Haledon took place on April 18, 2013 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 notice sent to the North Jersey Herald & the Record on January 8, 2013 posted on the bulletin board in the Municipal Building on January 8, 2013 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 Mounir Almaita, Council Members; Maha Kandis, Belgica Costa, Rey Martinez and Councilman Johnson. Borough Municipal Clerk/Acting Administrator Allan R. Susen and Borough Attorney Andrew Oddo.

Absent: Councilman Michael Tirri with prior notice.

APPROVAL OF MINUTES

December 15, 2011	Executive Session
January 19, 2012	Executive Session
February 16, 2012	Executive Session
March 1, 2012	Executive Session
March 15, 2012	Executive Session
May 3, 2012	Executive Session
June 7, 2012	Executive Session
June 21, 2012	Executive Session
July 19, 2012	Executive Session
August 30, 2012	Executive Session #1
August 30, 2012	Executive Session #2
September 6, 2012	Executive Session
September 20, 2012	Executive Session
November 15, 2012	Executive Session
February 7, 2013	Executive Session

Motion by Almaita seconded by Johnson to approve the above meeting minutes.

ROLL CALL

YES: KANDIS, ALMAITA, COSTA, MARTINEZ, JOHNSON

NO: -0-

Mayor Stampone thanked Congressman Pascrell for his commitment to law enforcement. Federal COPS program enabled the Borough to hire a veteran for this position. Congressman Pascrell made this appointment possible through his support for grants like COPS.

The Governing Body is very committed to public safety. Unlike other Municipalities we are fortunate that we are adding to the Police force. Second pledge we make is to service men and women serving our country. Service men and women volunteer their service to protect our nation.

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We would like to reward their services by offering them employment once they return home. The Borough has accomplished the pledge to hire veterans by hiring Michael Palmer who is a veteran.

APPOINTMENT OF NEW POLICE OFFICER

RESOLUTION#2013-082 APPOINTMENT OF REGULAR POLICE OFFICER-
MICHAEL PALMER

Motion by Martinez seconded by Johnson to approve.

WHEREAS, Mayor Domenick Stampone requests the advice and consent of the Borough Council to appoint Michael Palmer to the position of Police Officer effective April 22, 2013 at the annual starting salary of \$28,000.00; and

WHEREAS, this appointment is made in accordance with the COPS 2011 grant award to the Borough of Haledon;

NOW THEREFORE BE IT RESOLVED, the Council of the Borough of Haledon hereby provides their advice and consent to appoint Michael Palmer to the position of Police Officer effective April 22, 2013 at the annual starting salary of \$28,000.

ROLL CALL

YES: KANDIS, ALMAITA, COSTA, MARTINEZ, JOHNSON

NO: -0-

Oath of office by Mayor Stampone, Council members joined in swearing in.

PUBLIC HEARING

(Privilege of the floor)

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

ROLL CALL

YES: KANDIS, ALMAITA, COSTA, MARTINEZ, JOHNSON

NO: -0-

Joe Moore, 9 Buschmann – at last meeting I have mentioned the garbage issue at The Shepherd and the Knucklehead, it is still an issue. Pails of garbage are outside fenced area visible to the public. A friend of mine that lives in Zofrea apartments; customer from bar was parked in private lot area for tenants. Owner of car was found and removed the car. What happens when someone parks on private property? Would like an answer. The bar customers continue to urinate in public.

Chief Mercurio responded by stating that parking on private property, blocking driveway is a traffic violation and the Police Department can enforce Title 39. If it is a parking issue or an individual urinating in public just call the Police Department and the problem will be taken care of. The Police Department has issued 88 summonses in the past few months at that location.

Mayor Domenick Stampone welcomed Woodland Park Mayor Keith Kazmark who was present to support the hiring of Michael Palmer.

Benice Gayle, Lee Ave. commented on Haledon Press newspaper being on the street throughout the Borough. Complained of smells at supermarket in the Borough.

John Valary, Sherwood Ave. – Paterson, there is an issue of drainage system flowing - system has a function, storm water. Originally a drainage ditch flowing from Wayne through Heights of Haledon, and ends up in Molly Anns Brook. This issue involves a couple of Public Entities, water flows through catch basins into drainage system, piped from Wayne through private property. When the pipe was constructed it was 12 inches long pipe. Totowa also drains into it and other towns in the County drain into it also.

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Two distressed properties in Paterson due to this drainage issue. Matter was explained to Phil Cheff, and Doug Morgan. Issue is resulting in his neighbor's wall falling down. What will happen when the system fails? Requesting the Borough of Haledon to part in resolving the problem. Both properties by wall are a hazard and have sink holes. Paterson enforced UCC Code put up yellow tape and barricades. Reached out to County, nothing happened. Other property is in foreclosure, owner no longer there. Advised County Administrator Anthony DeNova, Attorney Michael Glovin and Steve Edmonds were notified.

Frank Menyhardt, N12th Street – lights out on N15th Street and on flag pole. There was an incident yesterday, harassment by 15 year olds. Upset, this needs to be resolved. Garbage being produced in playground, field, and onto streets. Sewer grates are getting clogged by the litter. Vehicles parking on wrong side of Bernard Ave. Officers show up after being called, but no tickets were issued. A woman parked in my driveway with hazards lights on. Increase number of dogs in playground; called, officer watched as dog defecated in playground. Officers watching as dogs enter playground. Signs to curb dog cannot be seen when gate is opened.

Brown, N15th Street – park is gorgeous. I enjoy the park but had a problem with 14 year old teenagers. Police Officers came to the scene and addressed the issue. Thank you to the Police Department. I am here in support of the Tricky Tray license that is on the agenda.

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

ROLL CALL

YES: KANDIS, ALMAITA, COSTA, MARTINEZ, JOHNSON

NO: -0-

GOVERNING BODY RESPONSES

Mayor Domenick Stampone thanked Mr. Valary for coming to the meeting and stating his concerns regarding the drainage issue. The drainage issue is surrounded by five different towns. The Mayor stated that he is very familiar with the issue. This issue needs to be addressed by the Court and they will direct each town how to deal with it. State might also get involved due to State regulations. The Borough of Haledon will abide by whatever it is the Court decides.

Regarding the ongoing issues with The Shepherd and The Knucklehead they will be taken care of when the new Code Enforcer is hired full time. Any issues with parking the Police Department must be notified. If anyone is blocking or parking in a private driveway the Police Department should be called and a civilian complaint should be filed.

Mayor Stampone questioned if the 14 year old teenagers were under adult supervision.

Chief Mercuro, received complaints from my office. Did send out an email to all department heads. Received complaint from Mr. Menyhardt's sister. Took care of issue and brought juveniles home. Also notified Councilman Rey Martinez who is the Public Safety chair and doubled the foot patrol around the park.

Councilwoman Maha Kandis mentioned the meeting scheduled for next Friday regarding garbage pails and signs around Roe Street Field Park. Will discuss with the Department of Public Works Supervisor and the Code Enforcer.

Councilman Johnson asked if the juveniles were Haledon residents. Chief said yes but Mayor indicated that is not relevant.

Councilman Johnson stated that there is an increased traffic from across border that is an issue. Children need more activities, need parents involved at the Boys and Girls Club. After school there are tons of children on Barbour Street. Did go to the park with my children it was not open and the climbing equipment had graffiti all over it.

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Municipal Clerk Allan Susen mentioned the PSE & G was notified of lighting outages by Roe Street Field.

COMMITTEE REPORTS

PUBLIC SAFETY COMMITTEE – Rey Martinez, Chair

Police Liaison – Rey Martinez
Police Department
Housing Inspection/Building Maintenance
Municipal Court

Congratulated Michael Palmer on his appointment to the Haledon Police Department.

Fire Liaison– Michael Johnson
Fire Department

Department of Public Works did rewiring on Fire Company #2.

Office of Emergency Management Liaison – Michael Tirri-absent.

FINANCE COMMITTEE

Mounir Almaita, Chair –The Municipal Budget was supposed to be introduced but we need to review again and make further cuts.

ADMINISTRATION AND PERSONNEL

Maha Kandis, Chair – read regular report

ORDINANCE

Mounir Almaita, Chair –working on ordinances.

HEALTH AND WELFARE

Belgica Costa, Chair –no official report.

PUBLIC WORKS

Michael Johnson, Chair – no official report.

- 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.

Mayor Stampone stated his concern with new parking lot project on Tilt Street. There is 12 days left for the completion date. Deadline needs to be met and the contractor needs to be reminded of deadline. Also, a new sidewalk is needed after completion of parking lot.

TECHNOLOGY

Maha Kandis, Chair –no official report. Discussing improvements on website based on a survey by Monmouth University.

SPECIAL EVENTS

Maha Kandis, Chair –spring cleanup events continue throughout the Borough. Barbour Street and Central Ave. are next. Spring plantings are scheduled for early May. Special Events Committee working on upcoming Art Exhibition. Notice of the Art Exhibition has been posted on website and throughout the Municipal Building. Memorial Day Ceremony is coming up; it has been planned and will be discussed at the next work session meeting. Fishing Derby and the Ice Cream Social Event will be held in June.

The following are activities that the Boys and Girls Club are sponsoring:

- T ball registration at the Boys and Girls Club.
- Spring soccer registration is ongoing.
- Red Bulls soccer program discussions continue in May.
- Summer camp registration to begin.

MAYOR'S REPORT

The Municipal Clerk/Borough Administrator and I are working on a St. Mary's Bell Ceremony. We would like to rename the pocket park to St. Mary's Square. This is in remembrance of St. Mary's Church which was at that location for a long time.

COMMUNICATIONS

1. Letter from Horizon advising the Mayor that the American Labor Museum was awarded a grant.
2. Invitation from the Borough of North Haledon to the North Haledon Memorial Day Service 2013.

Motion by Martinez seconded by Johnson to accept and file.

ROLL CALL

YES: KANDIS, ALMAITA, COSTA, MARTINEZ, JOHNSON

NO: -0-

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

RESOLUTION#2013-083 AUTHORIZE THE MAYOR TO SIGN FEDERAL AID AGREEMENT THE PHASE II-BELMONT AVENUE GATEWAY COMMUNITY ENHANCEMENT FEDERAL PROJECT NO. HPP-B00S (588) CON
Motion by Martinez seconded by Almaita to approve.

WHEREAS, the Borough of Haledon received notification from the New Jersey Department of Transportation that on April 1, 2013 the Federal Highway Administration (FHWA) authorized funding of up to \$613,387.00 for Phase II-Belmont avenue Gateway Community Enhancement Project; and

WHEREAS, the Borough of Haledon must meet the requirements of this grant and follow all applicable federal guidelines;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Haledon that they hereby accept the responsibility of this Federally funded project and authorize the Mayor to execute the Federal Aid Agreement subject to review by Borough Attorney Andrew Oddo.

ROLL CALL

YES: KANDIS, ALMAITA, COSTA, MARTINEZ, JOHNSON

NO: -0-

RESOLUTION#2013-084 RESOLUTION IN SUPPORT OF A-3393, LEGISLATION TO PROTECT RESIDENTIAL PROPERTY TAXPAYERS FROM THE LOSS OF TELECOMMUNICATIONS TAX SUPPORT
Motion by Costa seconded by Johnson to approve.

WHEREAS, in 1997, at the request of incumbent utilities, the laws regarding State taxation of telecommunications corporations were amended in response to technological and market innovations, in order to increase competition; and

WHEREAS, the amendments sought to preserve revenues to local governments by providing that local exchange telephone companies subject to the New Jersey Franchise and Gross Receipts Tax on April 1, 1997 would continue to be subject, annually, to the Business Personal Property Tax (“BPPT”); and

WHEREAS, the statute defines local exchange companies as those telecommunications carriers “providing dial tone and access to 51% of a local telephone exchange”; and

WHEREAS, Verizon’s self-serving interpretation of the statutory definition has led it to claim exemption from the BPPT in any municipality where the corporation unilaterally determines, in any given year, that it no longer supplies dial tone and access to at least 51% of the local telephone exchanges; and

WHEREAS, Hopewell Borough’s challenge to that claim was upheld by the Mercer County Board of Taxation in 2009; and

WHEREAS, Verizon’s appeal of that determination to the Tax Court resulted in a June, 2012 trial court decision accepting the corporation’s self-serving interpretation of the law; and

WHEREAS, as things now stand, over 100 municipalities know that they enter 2013 without BPPT revenues that will cost property taxpayers well in excess of \$8 million and, unless matters change, more municipalities will lose more millions in the future; and

WHEREAS, the Borough of Haledon based on 2010 levels will have a loss of \$130,344 in tax revenue based on Verizon not paying BPPT; and

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WHEREAS, remedial legislation (A-3393) has been introduced by Assemblyman Ralph Caputo, which will clarify the perceived ambiguity of the statutory definition to further implement the original legislative intent to preserve revenues to local governments; and

WHEREAS, we anticipate the introduction of companion legislation by Senator Bob Smith, as soon as the Senate next convenes;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Haledon commends Assemblyman Caputo and Senator Smith and strongly supports A-3393, which would clearly identify the telecommunications carriers subject to taxation on their business personal property and remove the budget uncertainty caused by Verizon's obfuscation; and

BE IT FURTHER RESOLVED, that we urge our State Senator and our representatives in the General Assembly to join as co-sponsors of A-3393 and its companion bill; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Honorable Governor Chris Christie, the Honorable Speaker of the General Assembly Sheila Oliver, the Honorable President of the State Senate Stephen M. Sweeney, the Honorable Assembly Republican Leader Jon Bramnick, the Honorable Senate Republican Leader Thomas H. Kean, Jr., and our own State Senator and Representatives in the General Assembly, and to the New Jersey State League of Municipalities.

ROLL CALL

YES: KANDIS, ALMAITA, COSTA, MARTINEZ, JOHNSON

NO: -0-

RESOLUTION #2013-085 AUTHORIZE RAFFLE LICENSE, BRIDGEWAY
COMMUNITY CHURCH – ON PREMISE TRICKY TRAY
Motion by Kandis seconded by Martinez to approve.

WHEREAS, Bridgeway Community Church has applied for a raffle license to hold an on premise Tricky Tray; and

WHEREAS, the purpose of this raffle is to support and benefit Bridgeway Community Church for year 2013; 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 on premise Tricky Tray to be held on April 25, 2013 at Bridgeway Community Church 381 Haledon Ave, Haledon, NJ 07508.

ROLL CALL

YES: KANDIS, ALMAITA, COSTA, MARTINEZ, JOHNSON

NO: -0-

Motion by Johnson seconded by Kandis to add two resolutions to the agenda.

ROLL CALL

YES: KANDIS, ALMAITA, COSTA, MARTINEZ, JOHNSON

NO: -0-

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RESOLUTION #2013-086 REJECT ALL PROPOSALS FOR PAYROLL SERVICES AND
AUTHORIZE RE-ADVERTISEMENT

Motion by Johnson seconded by Costa to approve.

WHEREAS, the Municipal Clerk received proposals for payroll services on December 18, 2012; and

WHEREAS, a 60 day extension to award was requested by the Municipal Clerk and agreed to by the one firm submitting a proposal; and

WHEREAS, the Municipal Clerk is now recommending the Governing Body reject the proposal since requested services cannot be provided in-house by the firm and must be contracted with another company;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Haledon that the proposal received for payroll services be rejected and the Municipal Clerk is authorized to re-advertise for payroll services.

ROLL CALL

YES: KANDIS, ALMAITA, COSTA, MARTINEZ, JOHNSON

NO: -0-

RESOLUTION #2013-087 SUPPORT PSE&G's ENERGY STRONG PROGRAM

Motion by Almata seconded by Costa to approve.

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

WHEREAS, the State of New Jersey has experienced a series of extreme weather events over the last two years, including but not limited to: Hurricane Irene, the October 2011 snowstorm, Superstorm Sandy and an accompanying Nor'easter;

WHEREAS, the Borough of Haledon and surrounding municipalities were impacted by said extreme weather events, including but not limited to: wind damage, down trees and power lines, and power outages; and

WHEREAS, Public Service Electric and Gas Company ("PSE&G") provides the Borough of Haledon electric and gas service;

WHEREAS, said extreme weather events severely damaged PSE&G infrastructure, including but not limited to: flooded electrical substations due to storm surges, downed power lines and poles due to high winds and fallen trees, and the destruction of gas meters due to contact with water; and

WHEREAS, said damages to PSE&G infrastructure contributed to Haledon's said impacts;

WHEREAS, the New Jersey Board of Public Utilities ("BPU") issued an order on January 23, 2013 directing the State's electric and gas utilities, including PSE&G, to implement certain recommendations in the areas of: "Preparedness efforts", "Communications", "Restoration and response", "Post event", and "Underlying infrastructure issues"; and

WHEREAS, PSE&G submitted an infrastructure filing on February 20, 2013 entitled “Energy Strong”; and

WHEREAS, “Energy Strong” proposes an investment of \$3.9B worth of infrastructure projects over a 10-year period to enhance PSE&G’s electrical and gas system, including but not limited to: fortifying electrical stations, replacing and modernizing cast iron gas mains, deploying smart grid technologies, improving pole distribution systems, creating more redundancies, undergrounding of electricity lines, and protecting gas metering stations;

WHEREAS, the Borough of Haledon would benefit from the proposed investments in the “Energy Strong” filing;

NOW THEREFORE BE IT RESOLVED, that the Borough of Haledon formally declares its support for PSE&G’s “Energy Strong” program.

ROLL CALL

YES: KANDIS, ALMAITA, COSTA, MARTINEZ, JOHNSON

NO: -0-

RESOLUTION #2013-088 APPROVE BILLS LIST, April 18, 2013
Motion by Johnson 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 April 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 April 18, 2013 WITH PREPAIDS IS:

CURRENT:	\$2,614,943.97
WATER (MUA):	<u>\$ 24,649.80</u>
TOTAL:	\$2,639,593.77

ROLL CALL

YES: KANDIS, ALMAITA, COSTA, MARTINEZ, JOHNSON

NO: -0-

Motion by Alkaita seconded by Johnson to go into Executive Session.

ROLL CALL

YES: KANDIS, ALMAITA, COSTA, MARTINEZ, JOHNSON

NO: -0-

RESOLUTION #04182013

EXECUTIVE SESSION

Motion by Almaita seconded by Johnson to go into 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:

- Potential Litigation-Haledon Town Center.

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: KANDIS, ALMAITA, COSTA, MARTINEZ, JOHNSON

NO: -0-

Motion by Almaita seconded by Costa to go back into Public Session.

ROLL CALL

YES: KANDIS, ALMAITA, COSTA, MARTINEZ, JOHNSON

NO: -0-

ADJOURN

Motion by Johnson seconded by Kandis to adjourn.

ROLL CALL

YES: KANDIS, ALMAITA, COSTA, MARTINEZ, JOHNSON

NO: -0-

Respectfully submitted:

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