

BOROUGH OF HALEDON
MAYOR AND COUNCIL
September 23, 2015

MOMENT OF SILENCE
FLAG SALUTE

The regular meeting of the Mayor and Council of the Borough of Haledon took place on September 23, 2015 at 8:15PM 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 5, 2015 posted on the bulletin board in the Municipal Building on January 5, 2015 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 Domenick Stampone called the meeting to order at 8:15PM.

Present: Mayor Domenick Stampone; Council President Mounir Almaita; Council members: Michael Tirri, Tahsina Ahmed, Rey Martinez and Michael Johnson. Municipal Clerk/Borough Administrator Allan R. Susen and Borough Attorney Andrew Oddo.

Absent: Councilwoman Maha Kandis with prior notice.

Mayor Domenick Stampone requested that the Appointments on the agenda to be moved to the beginning of the meeting.

APPOINTMENTS

Mayor Stampone requests the advice and consent of the Borough Council for the following appointments:

RESOLUTION #2015-140A APPOINTMENT OF JOHN BONILLA AS POLICE OFFICER
Motion by Johnson seconded by Ahmed to appoint.

WHEREAS, Mayor Domenick Stampone requests the advice and consent of the Borough Council to appoint John Bonilla to the position of Police Officer effective September 27, 2015 at the annual starting salary of \$28,000.00.

WHEREAS, this appointment is made in accordance with Chapter 48-8 of the Haledon Municipal Code;

NOW THEREFORE BE IT RESOLVED, the Council of the Borough of Haledon hereby provides their advice and consent to appoint John Bonilla to the position of Police Officer effective September 27, 2015 at the annual starting salary of \$28,000.00.

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

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RESOLUTION #2015-140B

APPOINTMENT OF APRIL LATONA AS
POLICE OFFICER

Motion by Alkaita seconded by Martinez to appoint.

WHEREAS, Mayor Domenick Stampone requests the advice and consent of the Borough Council to appoint April Latona to the position of Police Officer effective September 27, 2015 at the annual starting salary of \$28,000.00.

WHEREAS, this appointment is made in accordance with Chapter 48-8 of the Haledon Municipal Code;

NOW THEREFORE BE IT RESOLVED, the Council of the Borough of Haledon hereby provides their advice and consent to appoint April Latona to the position of Police Officer effective September 27, 2015 at the annual starting salary of \$28,000.00.

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

Mayor Domenick Stampone thanked Lt. Daniele, Lt. Lemay and Lt. Guzman for great leadership in the Police Department. We are a family and we have known the appointees for a long time. A lot of our Special Police Officers became regular Police Officers.

RESOLUTION #2015-140C

APPOINTMENT OF JOHN LINDBERG AS
CODE ENFORCER/HOUSING MAINTENANCE
OFFICIAL

Motion by Martinez seconded by Johnson to appoint.

WHEREAS, the position of Code Enforcer/Housing Maintenance Official was posted on Borough website and advertised on the League of Municipalities website; and

WHEREAS, applications were received by the Administration & Personnel Committee and interviews were conducted; and

WHEREAS, the Administration and Personnel Committee is recommending the appointment of John Lindberg as the Code Enforcer/Housing Maintenance Official effective October 19, 2015 at the annual salary of \$45,000.00;

WHEREAS, this annual salary is based on Mr. Lindberg waiving his health, prescription and dental benefits;

NOW THEREFORE BE IT RESOLVED, that Mayor Domenick Stampone requests the advice and consent of the Borough Council to appoint John Lindberg as the Code Enforcer/Housing Maintenance Official effective October 19, 2015; and

BE IT FURTHER RESOLVED that the Borough Council hereby concurs with the appointment of John Lindberg as Code Enforcer/Housing Maintenance Official effective October 19, 2015 at the annual salary of \$45,000.00 based on waiving his health, prescription and dental benefits.

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

**OATHS OF OFFICE WERE ADMINISTERED TO THE ABOVE APPOINTEES BY
MAYOR DOMENICK STAMPONE.**

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Mayor Domenick Stampone mentioned John Lindberg is a Special Police Officer and now he will also serve the Borough as the Code Enforcer/Housing Maintenance Official. We are looking forward to having John as the Code Enforcer.

Special Police Officer John Lindberg thanked the Governing Body for this opportunity.

APPROVAL OF MINUTES

June 24, 2015 Executive Session Minutes
September 9, 2015 Executive Session Minutes

Motion by Tirri seconded by Ahmed to approve the above meeting minutes.

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

PUBLIC HEARING

(Privilege of the floor)

Motion by Tirri seconded by Ahmed to open the public hearing.

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

Richard Federa, Ford Road – called Borough Hall yesterday and left a message but did not get a call back. Lower end of Ford Road needs patch work.

Mayor Domenick Stampone asked Mr. Federa and DPW Superintendent Douglas Morgan to discuss Ford Road; Doug was present.

Frank Menyhart, N12th St – abundance of trash in storm drains, worried about when rains and the water will not drain properly. Concerned about Councilman Tirri's comment from last month that if the Fire Chief left there would be no one able to replace him. Why is he not replaceable? Also, hearing other concerns from the Fire Department; that fire fighter applications are not being accepted (Mr. Menyhart was not willing to give names of firefighters that provided information). Mentioned the trash problem around Roe Street Field and requested garbage receptacles to be placed around the park.

Councilman Michael Johnson stated that there is some credibility with the information that Mr. Menyhart is giving in terms of issues that the Fire Department is currently going through.

Mayor Domenick Stampone stated that he would need the fire fighter's names, without it he cannot verify if what is being stated is true.

Motion by Alkaita seconded by Ahmed to close the public hearing.

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

GOVERNING BODY RESPONSES

No response. See Public Portion.

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COMMITTEE REPORTS

PUBLIC SAFETY COMMITTEE – Michael Johnson, Chairperson

Police Liaison – Michael Johnson

Police Department

Housing Inspection/Building Maintenance – John Lindberg has served the Borough as a Special Police Officer for 18 years and I am very happy with this appointment. In support of hiring of the New Officers. Thanked the Governing Body for addressing the need of New Officers in the Department.

Municipal Court

Fire Liaison– Michael Tirri-no official report.

Fire Department

Office of Emergency Management Liaison – Tahsina Ahmed- no report.

FINANCE COMMITTEE

Mounir Almaita, Chair –no official report. Due diligence on watching spending.

ADMINISTRATION AND PERSONNEL

Maha Kandis, Chair – absent.

ORDINANCE

Mounir Almaita, Chair –

- Retirement of consumption licenses.

Council President Mounir Almaita remarked that the ordinance to retire consumption liquor licenses makes sense and requested the Governing Body to discuss.

HEALTH AND WELFARE

Tahsina Ahmed, Chair – no official report.

PUBLIC WORKS

Michael Johnson, Chair –

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

Councilman Michael Johnson reiterated the complaint regarding the garbage. Sweeper should be out at least once a week. Feels there is no excuse for the street sweeper not to be out, but understands that scheduling is a factor. It needs to be done to keep the Borough's Streets clean. Needs to have done, keep streets clean.

Crosswalks – residents came to him complaining, paint did not dry before cars went over them. Upset over how project was handled. Crosswalk at N13th St and Haledon Ave. not painted after paving that needs to be done as well.

CAPITAL PROJECTS

Rey Martinez, Chair –no official report.

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TECHNOLOGY

Tahsina Ahmed, Chair –no official report.

SPECIAL EVENTS

Maha Kandis, Chair –absent.

MAYOR’S REPORT

No Report.

COMMUNICATIONS

None.

UNFINISHED BUSINESS

Motion by Johnson seconded by Martinez that Ordinance #8-26-2015 to be heard in its second and final reading (An ordinance authorizing a Special Emergency Appropriation)

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

THE CLERK WILL READ THE TITLE

BOROUGH OF HALEDON
ORDINANCE #8-26-2015

“AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION
N.J.SA40A: 4-53”

Motion by Martinez seconded by Johnson to open the public hearing on Ordinance #8-26-2015.

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

Motion by Ahmed seconded by Martinez to close the public hearing on Ordinance #8-26-2015

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

Motion by Almaita seconded by Johnson that Ordinance #8-26-2015 be approved and adopted and to authorize the Municipal Clerk to advertise according to law.

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

Motion by Ahmed seconded by Johnson that Ordinance #8-26-2015A to be heard in its second and final reading (Bond Ordinance authorizing the acquisition of various capital equipment and the completion of various capital improvements)

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ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

THE CLERK WILL READ THE TITLE:

BOROUGH OF HALEDON

ORDINANCE #8-26-2015A

“BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT AND THE COMPLETION OF VARIOUS CAPITAL IMPROVMENTS IN AND FOR THE BOROUGH OF HALEDON, COUNTY OF PASSAIC, NEW JERSEY; APPROPRIATION THE SUM OF \$2,731, 847 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF HALEDON, COUNTY OF PASSAIC, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1, 366, 471; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING”

Motion by Martinez seconded by Johnson to open the public hearing on Ordinance #8-26-2015A.

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

Cindy Federa, Ford Rd. asked about steps for bond ordinance and what to expect, timetable for Ford Road to be fixed.

Municipal Clerk/Administrator Allan Susen responded by explaining the process a bond ordinance goes through before it becomes law. He also indicated that he spoke to Borough Engineer for updated plans for Ford Road.

Cindy Federa, Ford Rd., when will the actual work be done? This year? If not, we really need to patch up Ford Road before the winter.

Mayor Domenick Stampone the process is extremely slow so it will not be done by the winter.

Motion by Ahmed seconded by Johnson to close the public hearing on Ordinance #8-26-2015A.

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

Motion by Ahmed seconded by Martinez that Ordinance #8-26-2015A be approved and adopted and to authorize the Municipal Clerk to advertise according to law.

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

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NEW BUSINESS

Motion by Ahmed seconded by Martinez to read the introduction of Ordinance #9-23-2015 (“An ordinance amending Chapter 205 of the Code entitled “Vehicles and Traffic”)

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

The Clerk will read the title:

BOROUGH OF HALEDON
ORDINANCE #9-23-2015

“AN ORDINANCE AMENDING CHAPTER 205 OF THE CODE OF THE BOROUGH OF
HALEDON ENTITLED VEHICLES AND TRAFFIC”

Motion by Johnson seconded by Ahmed 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 14, 2015.

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

Motion by Martinez second by Ahmed to add ordinance #9-23-2015A to the agenda.

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

Motion by Ahmed second by Johnson to read the introduction of Ordinance #9-23-2015A (an ordinance amending chapter 88-11 entitled “Alcoholic Beverages-Fees”).

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

The Clerk will read the Title:

BOROUGH OF HALEDON
Ordinance#9-23-2015A

AN ORDINANCE AMENDING CHAPTER 88-11 OF THE CODE OF THE BOROUGH OF
HALEDON ENTITLED “ALCOHOLIC BEVERAGES-FEES”

Motion by Almata second by Ahmed 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 14, 2015.

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, 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#2015-141 | SPECIAL EMERGENCY RESOLUTION AND FINANCING OF SAME (N.J.S.A 40A:4-55) |
| RESOLUTION#2015-142 | RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE SUBURBAN ESSEX JOINT INSURANCE FUND |
| RESOLUTION#2015-143 | RESOLUTION AUTHORIZING THE INDEMNITY AND TRUST AGREEMENT SUBURBAN ESSEX JOINT INSURANCE FUND |
| RESOLUTION#2015-144 | RESOLUTION APPROVING THE SUBMISSION OF A 2016 NEW JERSEY DEPARTMENT OF TRANSPORTATION MUNICIPAL AID GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT FOR THE BELMONT AVENUE STREETScape (ADDITIONAL FUNDING) PROJECT |
| RESOLUTION#2015-145 | RESOLUTION AUTHORIZING THE ADOPTION OF THE HALEDON SURPLUS POLICY |
| RESOLUTION#2015-146 | AWARD OF CONTRACT FOR DISPOSAL OF SOLID WASTE TYPE 10 AND TYPE 13 |
| RESOLUTION#2015-147 | RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF HALEDON, COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$2,699,000 OF GENERAL OBLIGATION BONDS, SERIES 2015, OF THE BOROUGH OF HALEDON; MAKING CERTAIN CONVENANTS TO MAINTAIN THE EXEMPTION OF THE INTEREST ON SAID BONDS FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF BONDS |

Motion by Almaita seconded by Ahmed to approve.

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

RESOLUTIONS FROM OTHER MUNICIPALITIES FOR CONSIDERATION:

- None.

RESOLUTION #2015-141 SPECIAL EMERGENCY RESOLUTION AND FINANCING
OF SAME (N.J.S.A 40A:4-55)

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, by the contractually required severance liability resulting from retirement of employees; and

WHEREAS, N.J.S.A 40A:4-55 et seq., provides that it shall be lawful to make such appropriations, which appropriation and or the "special emergency notes" issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least 1/5 of the amount authorized pursuant to this act; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Haledon in the County of Passaic (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A 40A:4-55;

1. An emergency appropriation be and the same is hereby made for:

The Contractually Required Severance Liability Resulting from retirement of
employees \$330,000

2. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
3. That said emergency appropriation shall be provided for by the inclusion of not less than \$66,000 (at least 1/5 of the total amount) in each of the succeeding annual budgets.

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the Director of Local Government Services.

RESOLUTION #2015-142 RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE
SUBURBAN ESSEX JOINT INSURANCE FUND

WHEREAS, the Borough of Haledon is a member of the Suburban Essex Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2015 unless earlier renewed by agreement between the Governing Body and the Fund; and

WHEREAS, the board desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

1. The Borough of Haledon agrees to renew its membership in the Suburban Essex and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the fund.
2. The Governing Body shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Suburban Essex Municipal Joint Insurance Fund evidencing the board's intention to renew its membership.

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RESOLUTION #2015-143 RESOLUTION AUTHORIZING THE INDEMNITY AND
TRUST AGREEMENT SUBURBAN ESSEX JOINT
INSURANCE FUND

WHEREAS, several local governmental units have collectively formed or are in the process of forming a Joint Insurance Fund as such an entity is authorized and described in N.J.S.A 40A:10-36 et seq. and the administrative regulations promulgated pursuant thereto; and

WHEREAS, the Governing Body has agreed to become a member of the fund in accordance with and to extent provided for in the bylaws of the fund and in consideration of such obligations and benefits to be shared by the membership of the fund;

NOW THEREFORE, it is agreed as follows:

1. The Governing Body accepts the funds by laws as approved and adopted and agrees to be bound by and to comply with each and every provision of the said bylaws and pertinent statutes and Administrative Regulations pertaining to same and as set forth in Risk Management Plan.
2. The Governing Body agrees to participate in the fund with respect to the types of insurance listed in the Borough's resolution.
3. The Governing Body agrees to become a member of the fund for an initial period not to exceed three (3) years, the commencement of which shall coincide with the effective date of the fund's operation and coverage, or the effective date of membership, whichever occurs later.
4. The Governing Body certifies that it has never defaulted any claims if self-insured and has not been canceled for non-payment of insurance premiums for a period of at least two years prior to the date hereof.
5. In consideration of member in the fund the Governing Body agrees that it shall jointly and severally assume and discharge the liability of each and every member of the fund, all of whom as a condition of membership in the fund shall execute a verbatim counterpart of this agreement and by execution hereof the full faith and credit of the Governing Body is pledged to the punctual payment of any sums which shall become due to the fund in accordance with the bylaws thereof, this agreement the fund's Risk Management Plan or any applicable Statute.
6. If the fund in the enforcement of any part of this agreement shall incur necessary expense or become obligated to pay attorney's fees and/or Court costs the Governing Body agrees to reimburse the fund for all such reasonable expenses, fees and costs on demand.
7. The Governing Body and the fund agree that the fund shall hold all monies paid by the Governing Body to the fund as fiduciaries for the benefit of fund claimants all in accordance with N.J.A.C 11:15 2.1 et seq.
8. The fund shall establish separate trust accounts for each of the following categories of risk and liability:
 - a. Workers' Compensation and Employer's Liability
 - b. Liability, other than motor vehicle
 - c. Property Damage, other than motor vehicle
 - d. Motor Vehicle
 - e. Public Officials/Employment Practices Liability
 - f. Environmental Impairment Liability

The fund shall maintain Trust accounts aforementioned in accordance with N.J.S.A 40A:10-36, N.J.A.C 11:15.2 et seq, N.J.S.A 40A: 5-1 and such other statutes as may be applicable. More specifically, each of the aforementioned separate trust accounts shall be utilized solely for the payments of claims, allocated claim expense and excess insurance or reinsurance premiums for each such risk or liability or as "surplus" as such term is defined by N.J.A.C 11:15-2.2.

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9. Each Governing Body who shall become a member of the fund shall be obligated to execute this agreement.

RESOLUTION #2015-144 RESOLUTION APPROVING THE SUBMISSION OF A 2016 NEW JERSEY DEPARTMENT OF TRANSPORTATION MUNICIPAL AID GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT FOR THE BELMONT AVENUE STREETScape (ADDITIONAL FUNDING) PROJECT

WHEREAS, the Borough of Haledon wishes to apply for and obtain funding through the New Jersey Department of Transportation Municipal Aid grant program for the completion of the Belmont Avenue Streetscape (Additional Funding) Project.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Haledon do hereby authorize the submission of such a grant application, for the said project, titled MA-2016 Belmont Ave. Streetscape (additional – 0004).

BE IT FURTHER RESOLVED, that upon the receipt of a grant award the Mayor and Clerk are hereby authorized to sign the grant agreement and that their signatures constitute acceptance of the terms and conditions of the grant agreement.

RESOLUTION #2015-145 ESTABLISH SURPLUS POLICY

WHEREAS, the Borough of Haledon has had an unwritten policy regarding maintenance and use of Surplus; and

WHEREAS, the Governing Body intends to continue its goal of building year-end surplus to promote good budgeting practices and foster reasonable tax rate management; and

WHEREAS, each budget year the plan is to not to budget more than 50% of the surplus increase or decrease and to maintain a \$500,000 surplus balance after being used as a revenue in the annual budget;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Haledon, the attached Surplus Policy is hereby approved and to become part of the regular Finance Management of the Borough of Haledon.

RESOLUTION #2015-146 AWARD OF CONTRACT FOR DISPOSAL OF SOLID WASTE TYPE 10 AND TYPE 13

WHEREAS, bids were received for the Disposal of Solid Waste Type 10 and Type 13 project by the Municipal Clerk on September 9, 2015; and

WHEREAS, the apparent low bidder was Covanta Sustainable Solutions, LLC; and

WHEREAS, Douglas Morgan Department of Public Works Superintendent recommends the Borough award the project to Covanta Sustainable Solutions, LLC; and

WHEREAS, Covanta Sustainable Solutions, LLC is the lowest bidder, submitting a proposal with at \$72.15 per ton which is inclusive of the \$3.00 recycling fee for the period of five years; and

WHEREAS, the Borough Chief Financial Officer, Maryann Brindisi; has issued the attached certification of funds;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Haledon that Covanta sustainable Solutions, LLC be awarded the contract of Disposal of Solid Waste type 10 and type 13 for \$72.15 per ton; and

BE IT FURTHER RESOLVED, that this award is subject to review and approval of the Borough Attorney; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk subject to the above mentioned items are hereby authorized to execute a contract with Covanta sustainable solutions, LLC in a form to be approved by the Borough Attorney for the Disposal of Solid Waste Type 10 and Type 13.

RESOLUTION #2015-147 RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF HALEDON, COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$2,699,000 OF GENERAL OBLIGATION BONDS, SERIES 2015, OF THE BOROUGH OF HALEDON; MAKING CERTAIN COVENANTS TO MAINTAIN THE EXEMPTION OF THE INTEREST ON SAID BONDS FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE BONDS

BACKGROUND

WHEREAS, pursuant to the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), the Borough Council of the Borough of Haledon, County of Passaic, New Jersey ("Borough"), has, pursuant to bond ordinances 8-20-2009A; 10-15-2009A; 7-1-2010; 11-08-2007A, as amended by 7-17-2008; 8-18-2011; 6-21-2012; 3-3-2011; 10-20-2011; and 5-2-2013A (collectively, the "Bond Ordinances"), each duly and finally adopted and published in accordance with the requirements of the Local Bond Law, authorized the issuance of general obligation bonds or bond anticipation notes of the Borough to finance the costs of certain capital improvements, as set forth in and authorized by the Bond Ordinances, all as more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, on November 5, 2014, the Borough issued its Bond Anticipation Notes of 2014, Series A, in the principal amount of \$3,377,031 ("Prior Notes"), to temporarily finance the costs of the improvements authorized by the Bond Ordinances A ("Prior Improvements"); and

WHEREAS, the Prior Notes mature on November 4, 2015; and

WHEREAS, it is the desire of the Borough to issue its general obligation bonds in the aggregate principal amount of up to \$2,699,000, as further described in Exhibit "A" attached hereto and made a part hereof, the proceeds of which will be used to: (i) permanently finance the costs of the Prior Improvements by the repayment at maturity of the principal of the Prior Notes; and (ii) pay certain costs and expenses incidental to the issuance and delivery of the bonds (collectively, the "Project"); and

WHEREAS, pursuant to the Local Bond Law and the Bond Ordinances, it is the intent of the Borough Council hereby to authorize, approve and direct the issuance and sale of such bonds, to ratify and confirm certain actions heretofore taken by or on behalf of the Borough, and to make certain related determinations and authorizations in connection with such issuance and sale.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HALEDON, COUNTY OF PASSAIC, NEW JERSEY, PURSUANT TO THE LOCAL BOND LAW, AS FOLLOWS:

Section 1. Pursuant to the Local Bond Law and the Bond Ordinances, the issuance and sale of general obligation bonds of the Borough, to be designated substantially, "Borough of Haledon, County of Passaic, New Jersey, General Obligation Bonds, Series 2015" ("Bonds"), in an aggregate principal amount of up to \$2,699,000 for the Project, is hereby authorized and approved.

Section 2. The Bonds shall be dated their date of delivery and shall mature on October 15 in the years and amounts set forth below:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Principal Amount</u>
2016	\$95,000	2024	\$180,000
2017	100,000	2025	185,000
2018	150,000	2026	190,000
2019	160,000	2027	190,000
2020	170,000	2028	190,000
2021	170,000	2029	190,000
2022	170,000	2030	190,000
2023	180,000	2031	189,000

The term of the Bonds is equal to or less than the average period of usefulness of the Project being financed through the issuance of the Bonds. Interest on the Bonds shall be payable semiannually on April 15 and October 15, commencing April 15, 2016, in each year until maturity. The Bonds are not subject to redemption prior to their stated maturity dates.

The Chief Financial Officer is hereby authorized to revise the principal amounts and/or interest payment dates set forth in the maturity schedules set forth above in accordance with the Local Bond Law.

Section 3. The Bonds shall be general obligations of the Borough. The full faith and credit of the Borough are irrevocably pledged to the punctual payment of the principal of and interest on the Bonds and, to the extent payment is not otherwise provided; the Borough shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 4. The Bonds will be issued in fully registered book-entry-only form. One certificate shall be issued for the aggregate principal amount of Bonds maturing in each year. Both the principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository ("Securities Depository"). The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for

maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 through book-entries made on the books and the records of DTC and its participants. The principal of and interest on the Bonds will be paid to DTC by the Borough on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of DTC as listed on the records of DTC as of the first (1st) day of the month containing an interest payment date. The Bonds will be executed on behalf of the Borough by the manual or facsimile signatures of the Mayor and Chief Financial Officer, attested by the Municipal Clerk or the Deputy Municipal Clerk, and shall bear the affixed, imprinted or reproduced seal of the Borough thereon.

Section 5. The Borough is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary in order to provide that the Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

Section 6. In the event that DTC may determine to discontinue providing its service with respect to the Bonds or is removed by the Borough and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds in denominations of \$5,000, or any integral multiple thereof ("Registered Bonds"). The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The Borough shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

Section 7. The preparation of a preliminary official statement ("Preliminary Official Statement") relating to the Bonds, and the distribution of said Preliminary Official Statement to prospective purchasers of the Bonds and others having an interest therein, are hereby authorized and directed. The Mayor, Chief Financial Officer and Municipal Clerk are each hereby authorized to deem the Preliminary Official Statement "final", as contemplated by paragraph (b)(1) of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended ("Rule 15c2-12").

Section 8. The Chief Financial Officer is hereby authorized to solicit proposals for, and engage the services of, a qualified financial institution to serve as paying agent ("Paying Agent") and/or Dissemination Agent ("Dissemination Agent") for the Bonds. The Chief Financial Officer is hereby authorized to enter into an agreement with the Paying Agent and/or Dissemination Agent for the services to be provided.

Section 9. The Chief Financial Officer is hereby authorized to engage the services of a qualified financial advisor for the Bonds ("Financial Advisor"). The Chief Financial Officer is hereby authorized to enter into an agreement with the Financial Advisor for the services to be provided.

Section 10. Pursuant to the Local Bond Law, the Chief Financial Officer ("Sale Official") is hereby authorized to sell and award the Bonds at a public sale. The sale of the Bonds shall be in accordance with the provisions of the Local Bond Law and the advertised terms of such public sale. If necessary or desirable, the Sale Official is hereby authorized to postpone, from time to time, the date and time established for receipt of bids for the sale of the Bonds in accordance with the Local Bond Law. If any date fixed for receipt of bids and the sale of the Bonds is postponed, the Sale Official is hereby authorized to announce an alternative sale date at least forty-eight (48) hours prior to such alternative sale date. The Sale Official is hereby authorized and directed to cause a summary notice of sale and a notice of sale of the Bonds to be prepared and disseminated in accordance with the Local Bond Law. At the next meeting of the Borough Council after the sale and award of the Bonds, the Sale Official shall report, in writing, to the Borough Council the principal amount, the rate or rates of interest, the maturity dates, the dates upon which interest on the Bonds shall be paid, the price and the purchaser or purchasers of the Bonds.

Section 11. The utilization of i-Deal LLC, New York, New York, to provide electronic bidding services to the Borough in connection with the competitive sale of the Bonds ("Bidding Agent") through the use of the Bidding Agent's BiDCOMP/PARITY auction system, pursuant to the Local Bond Law and the regulations promulgated thereunder, is hereby authorized, approved, ratified and confirmed.

Section 12. The preparation of a final official statement ("Official Statement") with respect to the Bonds is hereby authorized and directed. Within seven (7) business days of the sale of the Bonds and in sufficient time to accompany any confirmation that requests payment from a customer, the Borough will deliver sufficient copies of the Official Statement to the purchaser of the Bonds in order for the same to comply with Paragraph (b)(4) of Rule 15c2-12. The Mayor, Chief Financial Officer and Municipal Clerk are each hereby authorized to execute the Official Statement, and the distribution thereof to purchasers and others is hereby authorized and directed. The execution of the final Official Statement by the Mayor, Chief Financial Officer and Municipal Clerk shall constitute conclusive evidence of approval by the Borough of the changes therein from the Preliminary Official Statement. The Mayor, Chief Financial Officer and Municipal Clerk are each hereby authorized to approve any amendments of or supplements to the Official Statement.

Section 13. In order to assist the underwriters of the Bonds in complying with the secondary market disclosure requirements of Rule 15c2-12, the Mayor, Chief Financial Officer and Municipal Clerk are each hereby authorized to execute on behalf of the Borough before the issuance of the Bonds an agreement providing for the preparation and filing of the necessary reports in accordance with Rule 15c2-12.

Section 14. The Borough hereby covenants that it will not make any use of the proceeds of the Bonds or do or suffer any other action that would cause: (i) the Bonds to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code") and the Income Tax Regulations promulgated thereunder; (ii) the interest on the Bonds to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Bonds to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 15. The Borough hereby covenants as follows: (i) it shall timely file such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and (ii) it shall take no action that would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 16. To the extent not otherwise exempt, the Borough hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(g)-1, 1.150-1 and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Bonds.

Section 17. The Borough hereby designates the Bonds as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b) (3) of the Code. For purposes of this designation, the Borough hereby represents that it reasonably anticipates that the amount of tax-exempt obligations to be issued by the Borough during the period from January 1, 2015 to December 31, 2015, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Bonds.

For purposes of this Section 17, the following obligations are not taken into account in determining the aggregate principal amount of tax-exempt obligations issued by the Borough: (i) a private activity bond as defined in Section 141 of the Code (other than a qualified 501(c)(3) bond, as defined in Section 145 of the Code); and (ii) any obligation issued to refund any other tax-exempt obligation (other than to advance refund within the meaning of Section 149(d)(5) of the Code) as provided in Section 265(b)(3)(c) of the Code.

Section 18. Application to Standard and Poor's Ratings Services and/or Moody's Investors Service for a rating of the Bonds, and the furnishing of certain information concerning the Borough and the Bonds, for the purpose of qualifying the Bonds for municipal bond insurance, are hereby authorized, ratified, confirmed and approved.

Section 19. All actions heretofore taken and documents prepared or executed by or on behalf of the Borough by the Mayor, Chief Financial Officer, Municipal Clerk, other Borough officials or by the Borough's professional advisors, in connection with the issuance and sale of the Bonds are hereby ratified, confirmed, approved and adopted.

Section 20. The Mayor, Chief Financial Officer and Municipal Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the Bonds not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinances, or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial Officer or Municipal Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 21. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 22. This resolution shall take effect immediately upon adoption this 23rd day of September, 2015.

Exhibit "A"

Bond Ordinances

Ordinance Number	Improvement Description	Bonds/Notes Authorized	Prior Notes Outstanding	Bonds to be Issued
8-20-2009A	Roe Street emergency sewer rehabilitation	\$166,500	\$12,284	\$12,066
10-15-2009A	Construction of jail cells at Municipal Building	85,500	81,114	81,114
7-1-2010	Various capital improvements to the Borough's streets; acquisition of garbage truck; Soil remediation	1,330,000	693,176	693,176
11-08-2007A, as amended by 7-17-2008	Various improvements to Municipal Building	142,500	136,172	136,172
8-18-2011	Various capital improvements such as reconstruction of the Borough's streets, and acquisition of capital equipment	875,000	673,435	518,620
6-21-2012	Various capital improvements included streetscape improvements; demolition of court house; and reconstruction of the Borough's streets	1,397,500	1,397,500	974,502
3-3-2011	Repair and reconstruction of storm sewer	100,000	100,000	100,000
10-21-2011	Improvements to Sewer System	109,500	109,500	109,500
5-2-2013A	Streetscape improvements along Belmont Avenue	173,850	173,850	73,850
Totals		\$4,380,350	\$3,377,031	\$2,699,000

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Motion by Almaita second by Ahmed to add resolution #2015-148 to the agenda.

RESOLUTION #2015-148 AUTHORIZE THE CLERK TO ADVERTISE REQUEST FOR PROPOSALS; 2016 PROFESSIONAL SERVICES, COMPETITIVE CONTRACT FOR RECREATION SERVICES AND ENGINEERING DESIGN SERVICES FOR THE BELMONT STREETScape PHASE III

Motion by Almaita second by Ahmed to approve.

BE IT RESOLVED, by the Governing Body of the Borough of Haledon that the Municipal Clerk is hereby authorized advertise a request for 2016 Professional Service proposals, competitive contract for Recreation Services, and engineering design services for the Belmont Avenue Streetscape Phase III.

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

ADJOURN

Motion by Almaita seconded by Johnson to adjourn.

ROLL CALL

YES: TIRRI, ALMAITA, AHMED, MARTINEZ, JOHNSON

NO: -0-

Respectfully submitted:

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