

## BOROUGH OF HASBROUCK HEIGHTS

### MINUTES

December 14, 2004

A Regular Meeting of the Mayor and Council of the Borough of Hasbrouck Heights was held on December 14, 2004 at 8:11 p.m. at the new Municipal Building, 320 Boulevard, Hasbrouck Heights, NJ.

Borough Clerk Rose Marie Sees stated that the meeting complied with the Sunshine law, adequate notice of this meeting having been made to all members of the Council by personal service on May 5, 2004 and transmitted to The Observer, The Record and The Herald News on May 5, 2004.

**ROLL CALL:** Present: Mayor Ronald R. Jones, Councilman Andrew Link III, Councilman Justin A. DiPisa, Councilman Garrett R. Pepe, Councilman Ronald F. Kistner, Councilman Thomas E. Meli

Absent: Councilwoman Marlene Verrastro

**SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE:** Mayor Jones led in the Salute to the Flag and Pledge of Allegiance.

**INVOCATION:** The Invocation was given by Rev. Lewis V. Papera, Pastor of Corpus Christi R.C. Church.

**PROCLAMATION:** Councilman Garrett R. Pepe

As this would be Councilman Pepe's last meeting, a proclamation was read into the record with all council members coming forward:

**WHEREAS**, it is hereby resolved to acknowledge the contributions of Garrett R. Pepe who has faithfully and effectively served as a Councilman of the Borough of Hasbrouck Heights beginning on October 11, 1994, having been appointed to fill the unexpired term of Councilman Vincent Dente who had sadly passed away; and

**WHEREAS**, Councilman Pepe has served as Commissioner or Deputy Commissioner of Police, Fire, Sanitation, Streets and Transportation, Welfare and Land Use, but more notably as Buildings, which in 1997 was changed to Public Facilities, whereby he served each and every year; and

**WHEREAS**, Councilman Pepe is to be commended as one of the primary forces as a member of the Building Committee in implementing and overseeing the building of Borough Hall and the Public Safety Complex, making himself available at all hours;

**PROCLAMATION (cont'd):**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hasbrouck Heights, County of Bergen, State of New Jersey, that we do hereby extend sincere gratitude to Garrett R. Pepe for his many years of service to the Borough of Hasbrouck Heights, and wish him, his wife, Janet, and family, good health and happiness in the future.

*Dated: December 14, 2004*

*Signed by Mayor Ronald R. Jones and members of the Council.*

**COMMUNICATIONS:**

1. Thank you notes from Mayor's Community Celebrations Committee with regard to Christmas Tree Lighting.
1. Request from William G. Dressel, Jr., Executive Director of N.J. State League of Municipalities to appeal for more Homeland Security Funding for New Jersey.
1. Letter from Jack Lettiere, Commissioner of State of NJ Dept. Of Transportation thanking the Borough for its support of the NJ Transportation Trust Fund and Renewal of Federal Surface Transportation Act.
1. Letter from William G. Dressel, Jr., Executive Dir. Of N.J. State League of Municipalities regarding Announcement of NJDOT Municipal Aid Grants and recipients list on website: [www.state.nj.us/transportation](http://www.state.nj.us/transportation). Upon checking, Hasbrouck Heights was not listed.
1. Notice of DEP's approval of Shell's proposed remediation.
1. Letter from John Baratta regarding appeal of AT&T Tower to Governing Body.

It was requested that Mr. Baratta's letter be read into the record:

*"John Baratta  
269 Walter Avenue  
Hasbrouck Heights, NJ 07604*

*December 14, 2004*

*Hon. Mayor and Council  
320 Boulevard*

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**MR. BARATTA'S LETTER (cont'd):**

**Re: APPEAL TO THE GOVERNING BODY FROM THE DECISION OF THE  
PLANNING BOARD IN THE APPLICATION OF AT&T WIRELESS**

*Dear Mayor Jones and Members of the Town Council:*

*My appeal in the above matter is scheduled for hearing on December 28, 2004, I understand that Ann Marie Risquet and perhaps others are about to file an appeal from this matter. This is to formally advise that I wish to rely on the argument of that appeal and will abide by the determination made on that appeal on all issues. In order to do so, I request that my appeal be adjourned until and be incorporated into the hearing on Mrs. Risquet's appeal.*

*However, I wish to supplement my appeal to include one further objection to the proceedings of the Planning Board. Based on the Appellate Division decisions in Zell v. Borough of Roseland, McVoy v. the Board of Adjustment of Montclair Township and Marlboro Manor, Inc. v. Montclair Township, I seek to have the proceedings of the Planning Board in this matter set aside and the decision reversed due to the fact that two members of the Board who are also members of the Methodist Church participated in the proceedings. Although there does not appear to have been any intentional wrongdoing, it is my understanding of the law that they were disqualified and should not have participated at all.*

*Finally, I request that the Mayor and Council decide this issue at its meeting of December 28, 2004. I will rely on this letter and the cases that I have cited above. Please confirm that you will proceed on this issue as scheduled.*

*Very truly yours,*

*(s) John Baratta*

*cc: Mr. Michael T. Lavigne*

*Matthew J. Ahearn, Esq."*

The borough attorney was questioned, and reported that later on in the agenda a resolution will be read to this effect.

The mayor requested the letter on the Shell station be referred to the borough engineer.

The mayor reported a letter will be sent to request Homeland Security funding.

On a motion by Councilman Pepe, seconded by Councilman DiPisa, and unanimously carried, the foregoing Correspondence was accepted.

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**PETITIONS:**           None

**APPROVAL OF MINUTES:** None

**BILLS:**

**BE IT RESOLVED** that the claims and accounts amounting to \$1,714,919.53 specified in the schedule hereto annexed, having been examined and approved by the Finance Commissioner, or his Deputy, be paid and that warrants be issued therefor.

Signed Andrew Link III  
Commissioner of Finance

On a motion by Councilman DiPisa, seconded by Councilman Meli, the foregoing Resolution was approved.

**NEW BUSINESS**

**CONSENT AGENDA:** 196. Raffle License for Concerned Parents of Corpus Christi School

On a motion by Councilman Pepe, seconded by Councilman DiPisa, and unanimously carried, the foregoing Consent Agenda Resolution was approved. (Copy attached)

**RESOLUTIONS:**

197. Dog Licenses - Payment of Fees to State
198. Transfer Current Taxes Receivable to Tax Title Lien for the year 2004
199. Authorizing Mutual Aid Agreement with South Bergen Fire Chiefs Association
200. Payroll
201. Granting of Adjournment of Appeal Filed by John Baratta
202. Renewal of Contract with Delta Dental
203. Payment to Former Firemen for 25 Years of Service
204. Fire Department Percentages
205. Ambulance Squad Percentages

**RESOLUTIONS (cont'd):**

206. Authorizing Contract with County of Bergen for Health Services
207. Authorizing Adoption of Ordinance No. 2065 Over and Above Recommendations of Planning Board
208. Requesting Extension of Time for Award of Contract for State Aid Improvement of Oak Grove Avenue
209. Adopting Provisions of State Health Benefits Program with Regard to Coverage of Certain Retirees
210. Authorizing Check on Capital Account Payable to Hasbrouck Heights Fire Department

On a motion by Councilman Link, seconded by Councilman DiPisa, and unanimously carried, the foregoing Resolutions were approved. (Copies attached)

**APPOINTMENTS:** Renita Goldsberry as Substitute Crossing Guard

Agnes Anderson as Substitute Crossing Guard

Michael Niekrewicz as Substitute Crossing Guard

On a motion by Councilman Pepe, seconded by Councilman DiPisa, and unanimously carried, the foregoing Appointments were approved.

**RESIGNATIONS:** Anthony Marchese from Engine Company One

On a motion by Councilman Meli, seconded by Councilman Kistner, and unanimously carried, the foregoing Resignation was approved with regret.

**ORDINANCE (S) ON INTRODUCTION:**

**ORDINANCE NO. 2066:**

**BE IT RESOLVED** that an Ordinance entitled: **“AN ORDINANCE TO FIX THE SALARY AND COMPENSATION OF MEMBERS OF THE HASBROUCK HEIGHTS POLICE DEPARTMENT FOR THE YEAR 2005 IN ACCORDANCE WITH THE TERMS OF A CONTRACT BETWEEN THE BOROUGH OF HASBROUCK HEIGHTS AND THE POLICEMEN’S BENEVOLENT ASSOCIATION LOCAL 102,”** was introduced this date be and the same is hereby passed on first reading and the Borough Clerk be

**ORDINANCE(S) ON INTRODUCTION (cont’d):**

directed to advertise notice of public hearing on said Ordinance to be held at the regular meeting of the Borough Council on December 28, 2004.

**ORDINANCE NO. 2067:**

**BE IT RESOLVED** that an Ordinance entitled: **“AN ORDINANCE TO FIX THE SALARY AND COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF HASBROUCK HEIGHTS, NEW JERSEY, FOR THE YEAR 2005,”** was introduced this date be and the same is hereby passed on first reading and the Borough Clerk be directed to advertise notice of public hearing on said Ordinance to be held at the regular meeting of the Borough Council on December 28, 2004.

**ORDINANCE NO. 2068:**

**BE IT RESOLVED** that an Ordinance entitled: **“AN ORDINANCE TO FIX THE SALARY AND COMPENSATION OF CERTAIN EMPLOYEES OF THE DEPARTMENT OF PUBLIC WORKS OF THE BOROUGH OF HASBROUCK HEIGHTS, NEW JERSEY, FOR THE YEAR 2005,”** was introduced this date be and the same is hereby passed on first reading and the Borough Clerk be directed to advertise notice of public hearing on said Ordinance to be held at the regular meeting of the Borough Council on December 28, 2004.

**ORDINANCE NO. 2069:**

**BE IT RESOLVED** that an Ordinance entitled: **“AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “AN ORDINANCE TO FIX THE SALARY AND COMPENSATION OF CERTAIN EMPLOYEES OF THE DEPARTMENT OF PUBLIC WORKS OF THE BOROUGH OF HASBROUCK HEIGHTS, NEW JERSEY, FOR THE YEAR 2005,”** was introduced this date be and the same is hereby passed on first reading and the Borough Clerk be directed to advertise notice of public hearing on said Ordinance to be held at the regular meeting of the Borough Council on December 28, 2004.

**ORDINANCE NO. 2070:**

**BE IT RESOLVED** that an Ordinance entitled: **“AN ORDINANCE TO FIX THE SALARY AND COMPENSATION OF CERTAIN OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF HASBROUCK HEIGHTS, NEW JERSEY, FOR THE YEAR 2005,”** was introduced this date be and the same is hereby passed on first reading and the Borough Clerk be directed to advertise notice of public hearing on said Ordinance to be held at the regular meeting of the Borough Council on December 28, 2004.

**ORDINANCE(S) ON INTRODUCTION (cont'd):**

On a motion by Councilman Pepe, seconded by Councilman DiPisa, and unanimously carried, the foregoing Ordinances on Introduction were approved.

**ORDINANCE(S) ON PUBLIC HEARING:**

Mayor Jones opened the public hearing on Ordinances No. 2061, 2062, 2063, 2064, and 2065. There being no one wishing to speak, the public hearing was closed.

Dorothy Petroulis, questioned Ordinance No. 2065, if there was protection from lawsuits. She was advised that this ordinance is being provided to protect from excess litigation, limiting such uses to the highway business zone and 400 feet from other uses.

**ORDINANCE NO. 2061:**

**BE IT RESOLVED** that an Ordinance entitled: **“AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “AN ORDINANCE TO FIX THE SALARY AND COMPENSATION OF CERTAIN EMPLOYEES OF THE DEPARTMENT OF PUBLIC WORKS OF THE BOROUGH OF HASBROUCK HEIGHTS, NEW JERSEY, FOR THE YEAR 2004”** be now passed on second and final reading and the Borough Clerk be and is hereby authorized and directed to publish said Ordinance, same to be published in The Record, a newspaper circulating in the Borough of Hasbrouck Heights.

**ORDINANCE NO. 2062:**

**BE IT RESOLVED** that an Ordinance entitled: **“AN ORDINANCE TO FIX THE SALARY AND COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF HASBROUCK HEIGHTS, NEW JERSEY, FOR THE YEAR 2004”** be now passed on second and final reading and the Borough Clerk be and is hereby authorized and directed to publish said Ordinance, same to be published in The Record, a newspaper circulating in the Borough of Hasbrouck Heights.

**ORDINANCE NO. 2063:**

**BE IT RESOLVED** that an Ordinance entitled: **“AN ORDINANCE TO FIX THE SALARY AND COMPENSATION OF CERTAIN EMPLOYEES OF THE BOROUGH OF HASBROUCK HEIGHTS, NEW JERSEY, FOR THE YEAR 2004”** be now passed on second and final reading and the Borough Clerk be and is hereby authorized and directed to publish said Ordinance, same to be published in The Record, a newspaper circulating in the Borough of Hasbrouck Heights.

**ORDINANCE(S) ON PUBLIC HEARING (cont'd):**

**ORDINANCE NO. 2064:**

**BE IT RESOLVED** that an Ordinance entitled: **“AN ORDINANCE TO SUPPLEMENT THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS SO AS TO PROVIDE THEREIN A NEW CHAPTER ENTITLED “CHAPTER 18, CONTRACTS, PUBLIC” REQUIRING THE DISCLOSURE BY PROSPECTIVE CONTRACTORS OF CERTAIN POLITICAL CONTRIBUTIONS AND PROHIBITING THE AWARD OF CERTAIN CONTRACTS TO CONTRACTORS HAVING MADE CERTAIN POLITICAL CONTRIBUTIONS ”**be now passed on second and final reading and the Borough Clerk be and is hereby authorized and directed to publish said Ordinance, same to be published in The Record, a newspaper circulating in the Borough of Hasbrouck Heights.

**ORDINANCE NO. 2065:**

**BE IT RESOLVED** that an Ordinance entitled: **“AN ORDINANCE TO AMEND AND SUPPLEMENT CERTAIN PROVISIONS OF CHAPTER 275 ENTITLED “ZONING” OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS SO AS TO FURTHER DESIGNATE AS A PERMITTED USE THE “B-2” HIGHWAY COMMERCIAL AND “I” INDUSTRIAL ZONES COMMUNICATION TOWER OR ANTENNA FACILITIES IN ACCORDANCE WITH CERTAIN SPECIFIED RESTRICTIONS AND LIMITATIONS”** be now passed on second and final reading and the Borough Clerk be and is hereby authorized and directed to publish said Ordinance, same to be published in The Record, a newspaper circulating in the Borough of Hasbrouck Heights.

On a motion by Councilman Pepe, seconded by Councilman DiPisa, and unanimously carried, the foregoing Ordinances on Public Hearing were approved.

**MISCELLANEOUS FROM PUBLIC:**

Ann McGill, 139 Field Avenue, supported additional funding for homeland security in New Jersey.

Kathy DeGregorio, 247 Lawrence Avenue, questioned why on December 1, the 9-1-1 and telephone services to the Police Department were down, as she had an intruder in her home and wanted to know why it did not roll over to a backup system. She explained she was not attacking the department at all, and thanked them as they had since apprehended the intruder. The Police Chief explained that there was a problem with a transformer that had exploded in the basement of the Public Safety Complex, unknown to the desk officers and power was lost gradually. Power was restored and problems have been corrected.

**MISCELLANEOUS FROM PUBLIC (cont'd):**



Mary Colaneri, 236 Washington Place, asked what the cul-de-sac on Central Avenue would cost. She was advised that in relation to the entire phase 1 and phase 2 of the proposed parking lot, it might be in the range of \$20,000. She also asked if a traffic flow study had been done on Madison, Central and Washington Avenues with regards to the impact of traffic from Borough Hall. She was told the cul-de-sac would provide additional parking spaces and a safer crossing to Borough Hall. She was concerned with the increased traffic associated with the close proximity to Corpus Christi, avoidance of the Kipp Avenue light, and the Farmer's Market. Speeding was becoming a major problem. A traffic study comparing past and present numbers is being conducted.

Councilman Pepe announced this would be his last meeting, as he would be absent on the December 28 meeting as this was his anniversary. Being on the Council for ten years, he said, has been a tremendously rewarding experience. He commended the Police and Fire Departments, the DPW, the Library and Borough employees. He continued he witnessed three different styles of leadership, former Mayors Heck and Torre, and now Mayor Jones, and that there is no better way to serve the community than to be on the Council.

Each member of the Council and Mayor Jones commended Councilman Pepe for his years of service, that he will be sorely missed.

Mayor Jones announced that the Sine Die and Reorganization Meeting will be held on January 1, 2005, going back to the tradition of this meeting being held on the first day of the year.

**RECESS FOR WORK SESSION:**

Mayor Jones announced that the meeting would be recessed for Work Session.

**ADJOURN:**

There being no further business to be conducted by the Mayor and Council, the meeting was adjourned at 9:10 p.m.

I, ROSE MARIE SEES, Borough Clerk of the Borough of Hasbrouck Heights, do hereby certify that the foregoing Minutes are to the best of my knowledge a true account of the Mayor and Council Meeting held on December 14, 2004.

Rose Marie Sees, RMC  
Borough Clerk