

BOROUGH OF HASBROUCK HEIGHTS

MINUTES

March 11, 2008

A Regular Meeting of the Mayor and Council of the Borough of Hasbrouck Heights was held on March 11, 2008 at 8:03 p.m. at Borough Hall, 320 Boulevard, Hasbrouck Heights, NJ.

Mayor Heck declared the meeting in Session and 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 January 2, 2008 and transmitted to The Observer, The Record and The Herald News on January 2, 2008.

ROLL CALL: Present: Mayor Rose Heck, Councilwoman Maryetta Saccomano, Councilman Anthony DiNanno, Councilman Stephen Altobelli, Councilwoman Sonya Buckman, Councilman David Gonzalez

Absent: Councilman Justin A. DiPisa

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

INVOCATION: Councilman DiNanno offered a prayer written by The Reverend Dr. Martin Luther King in respect to Black History Month

COMMUNICATIONS: 1) Letter from Lucia Waters, 211 Division Avenue recommending an ordinance to protect residents in close proximity to commercial buildings with regard to telecommunications antennae

Councilman DiNanno asked to have the letter read into the record. (Copy attached). Mayor Heck recommended that the Borough Attorney review this letter, who noted there is an ordinance to the extent that the law allows, and the applications to this building seek variances. He would report in writing, with a copy to Ms. Waters.

On a motion by Councilwoman Saccomanno, seconded by Councilman DiNanno, and unanimously carried, the foregoing Communication was accepted.

PETITIONS: None

APPROVAL OF MINUTES: *(January 1, 2008 - Sine Die Meeting, January 1, 2008 - Reorganization Meeting, February 12, 2008 Regular Meeting, February 12, 2008 Work Session, February 12, 2008 Executive Session)*

On a motion by Councilman Gonzalez, seconded by Councilman DiNanno, and unanimously carried, the foregoing Minutes were approved.

BILLS:

BE IT RESOLVED that the claims and accounts amounting to \$3,086,675.62 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 Councilman Justin A. DiPisa
Commissioner of Finance

On a motion by Councilman Altobelli, seconded by Councilman Gonzalez and unanimously carried, the foregoing Resolution was approved.

NEW BUSINESS:

CONSENT AGENDA: None

RESOLUTIONS: 48. Payroll

On Motion by Councilwoman Saccomano, seconded by Councilman DiNanno, and unanimously carried, the foregoing Resolution was approved. (Copy attached.)

49. Dog Licenses - Payment of Fees to State

On Motion by Councilman Gonzalez, seconded by Councilman Altobelli, and unanimously carried, the foregoing Resolution was approved. (Copy attached.)

50. Opposing the Failure of the Governor's Proposed State Budget for the 2008-2009 Fiscal Year to Treat Property Tax Relief as our Priority

On Motion by Councilman Gonzalez, seconded by Councilman DiNanno, and unanimously carried, the foregoing Resolution was approved. (Copy attached.)

APPOINTMENTS: Raymond J. Pesce to Fire Department Engine Company One

On a motion by Councilman Gonzalez, seconded by Councilman Altobelli, and unanimously carried, the foregoing Appointment was approved.

RESIGNATIONS: Philip Scribano from Fire Department Ambulance Squad

On a motion by Councilwoman Saccomanno, seconded by Councilman DiNanno, and unanimously carried, the foregoing Resignation was accepted with regret.

ORDINANCE(S) ON INTRODUCTION: None

ORDINANCE(S) ON CONTINUED PUBLIC HEARING:

ORDINANCE NO. 2172:

BE IT RESOLVED that an Ordinance entitled: **“AN ORDINANCE TO REPEAL ORDINANCE NO. 2166 ENTITLED “AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS BY ADDING A NEW CHAPTER, TO BE TITLED ‘ANTI-NEPOTISM GUIDELINES,’ WHICH OUTLINES PROHIBITIONS AGAINST THE HIRING BY THE BOROUGH OF FAMILY RELATIONS FOR PERMANENT FULL-TIME OR PART-TIME PAID POSITIONS” ADOPTED OVER THE VETO OF THE MAYOR ON DECEMBER 27, 2007,”** was continued on public hearing until the meeting of March 25, 2008.

On a motion by Councilman Gonzalez, seconded by Councilwoman Buckman, and unanimously carried, the foregoing Ordinance on Public Hearing was continued.

ORDINANCE(S) ON PUBLIC HEARING:

Mayor Heck opened the public hearing on Ordinances No. 2173 and No. 2174.

ORDINANCE NO. 2173:

BE IT RESOLVED that an Ordinance entitled: **“AN ORDINANCE TO SUPPLEMENT CHAPTER 45 ENTITLED “OFFICERS AND EMPLOYEES” OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS SO AS TO INCLUDE THEREIN A NEW ARTICLE ENTITLED “ARTICLE VIII, ANTI-NEPOTISM”** was continued on public hearing.

Mayor Heck read a note from Councilman DiPisa requesting that this ordinance be continued on public hearing due to his absence, to allow him the courtesy as chairman of the committee, to be able to be present.

Councilman Altobelli asked to respond by expressing his views that he opposes this ordinance, that he considers it a “nepotism” ordinance that articulates the process by which it is possible to hire a family member when another family member is already an

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

ORDINANCE NO. 2173 (cont'd):

employee of the borough by removing an individual from the hiring process, that the ordinance on file better serves the community.

Councilwoman Saccomano agreed with Councilman Altobelli, expounding that Ordinance No. 2173 is giving us guidelines on how to hire relatives, that there are good employees not from Hasbrouck Heights and that she is opposed to this ordinance.

Councilman DiNanno also stated his is opposed to this ordinance, that it opens the door to scrutinizing the anti-nepotism ordinance.

Councilwoman Buckman felt it allowed any person whether a resident or not to apply for a position, and in reviewing other ordinances presented by Councilman Altobelli at a previous meeting, thought they were not as thorough as this proposed ordinance. The present ordinance was much too strict.

Councilman Gonzalez, thought that the present anti-nepotism ordinance discriminates against a qualified candidate who would be denied simply because he is related to someone who works in town.

Mayor Heck was surprised to learn that some towns don't even give a test. She asked the borough attorney to read from Ordinance No. 2173 as follows:

1. It is essential that the residents of this Borough have continued confidence that their local elected officials and the Borough administration continue to act in the best interests of the entire community; and
2. The appointment of officials and the hiring and promotion of employees who are closely related to elected officials or certain employees may, under certain circumstances, give rise to an appearance of a conflict of interest even in cases in which no actual conflict of interest exists; and
3. Such practices may wrongfully benefit unqualified officials or employees and diminish the reputation of this Borough, of its Governing Body, of its other appointing authorities and of its administrative body in general; and
4. An anti nepotism policy that would prevent the aforesaid should be enacted.

Mayor Heck asked for a motion to open this ordinance on public hearing which was made by Councilman Gonzalez, seconded by Councilman Altobelli, and unanimously carried.

ORDINANCE(S) ON PUBLIC HEARING (cont'd):**ORDINANCE NO. 2173 (cont'd):**

Carol Skiba, 191 Field Avenue, with regard to Chapter 55.5 of borough code, and the Police Department which states that "the Mayor shall nominate and by and with the advice and consent of and upon the confirmation of the Borough Council, appoint any and all officers and members of said Police Department and in the same manner, make promotions within the Department pursuant to and in accordance with N.J.S.A. 40A:14-129 and 130. If such appointment is to fill a vacancy, the Mayor shall certify how such vacancy occurs or exists and the name of the person who held such office or position immediately prior to the vacancy." She questioned how this new ordinance would impact that section of the Borough Code. The Borough Attorney said it applies to all borough employees. Ms. Skiba continued that she agrees with Councilman Altobelli, the practice of hiring family members, whether or not the family member is involved is wrong. She urged the council to not vote for this ordinance and support something plain and simple.

Mayor Heck asked for clarification on the residency ordinance, that it wasn't done for any particular person.

Christian Semenez, 415 Jefferson Avenue, said he is opposed to this ordinance and agrees with Councilman Altobelli. In Section 2, "even in cases in which no actual conflict of interest exists," questioned what would that be. It was explained where one wouldn't gain by the employment of another. In Section 3, he asked what would be the "unqualified officials", and it was explained that applies to hiring someone who is not qualified to do the job. In Section 45-46, "advertising" shouldn't there always be advertising, and it was explained that is a policy issue, there is not always advertising. It was explained that in some instances there are already a number of applications on file. That in the section requiring four other candidates, what would happen if there were not three other applicants. It was explained that you could proceed with approval by two thirds of the full authorized membership. He then questioned did it mean those present, and said it meant six members were full authorized membership, if there was absentee members, there would have to be four affirmative votes. He questioned employment at will without tenure.

Carol Skiba, 191 Field Avenue, residency ordinance was changed in 2003 to add prosecutor to non-resident, and in 2005 to change administrator, DPW superintendent and judge.

Dorothy Petroulis, said maybe she didn't have the correct definition of nepotism, but her impression was that this was for people who were relatives who were appointed to no show jobs. If the best qualified person is hired and does their job properly she didn't see a problem. Children follow their fathers, and they wouldn't have anything to do with

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

ORDINANCE NO. 2173 (cont'd):

their promotions. It's the people who never show up, as we had last year and never signed their contracts. She asked to go on with governing the town.

Leonard Introna, 215 Roosevelt Avenue, was disappointed in the findings of this committee. He referred to a 30 man police force with three family members, that's 10% of that force and gave examples, that a police officer today stood to making 3-4 million dollars over a lifetime, to look for the betterment of the police in this town. Mayor Heck said this ordinance is put together with care and no prejudice. He suggested a method where family members can be accepted, if a salary mandates this type of activity, to look at the education, that this is a nepotism ordinance.

Councilman Gonzalez said when his father was on the police force there were about 75 members, and when he applied, he did not get a job, that it doesn't mean that a family member will get hired, that you want qualified members.

Christian Semencz, 415 Jefferson Avenue, said family members can still join the department, that if you have an authoritative position, in this borough, your family member can't be appointed in your department.

Councilman Altobelli made a motion to conduct a straw vote, seconded by Councilman DiNanno, with Councilwoman Saccomano, Councilman DiNanno and Councilman Altobelli voting no, Councilwoman Buckman and Councilman Gonzalez voting yes.

Mayor Heck asked for a motion to continue this ordinance on public hearing to the next regular meeting, which was made by Councilman Gonzalez, seconded by Councilman Altobelli, and unanimously carried.

ORDINANCE NO. 2174:

Mayor Heck asked for a motion to open the public hearing on Ordinance No. 2174 which was made by Councilman Gonzalez, seconded by Councilman DiNanno, and unanimously carried. There being no one wishing to speak, Mayor Heck asked for a motion to close the public hearing which was made by Councilman Gonzalez, seconded by Councilman DiNanno and unanimously carried.

BE IT RESOLVED that an Ordinance entitled: **"AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) CALENDAR YEAR 2008** 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 Observer, a newspaper circulating in the Borough of Hasbrouck Heights.

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

ORDINANCE NO. 2174 (cont'd):

On a motion by Councilwoman Saccomano, seconded by Councilman Gonzalez, and unanimously carried, the foregoing Ordinance No. 2174 on Public Hearing was approved.

MISCELLANEOUS FROM PUBLIC:

Mayor Heck invited anyone wishing to speak, to please come forward.

Eric Muzon, 101 Terrace Avenue, regarding parking for the tenants, and with the recent banning of parking in a nearby lot, the tenants were looking for another site. They had approached the various names on the list which the clerk gave them but with no success. Chief Colaneri clarified that some of these tenants were parking at the HUMC annex and hospital security signed complaints against the vehicles. Councilman Altobelli asked if anyone had applied for the Central Avenue lot, to which the borough clerk said no one had applied. The clerk was asked to read the rules for parking in the Central Avenue lot. Chief Colaneri had met with the VFW who said they were interested.

Leonard Introna, 215 Roosevelt Avenue, was concerned about a situation around the high school where the traffic is horrendous in the morning. He recommended redirection of what is happening there.

Mayor Heck said this coming Friday a joint meeting of Safe Routes to Schools would be held to seek a grant to promote walking to schools.

Mr. Introna thought the focus should be on how to deliver the students to the school and control traffic. Mayor Heck recommended he give his suggestions to the Chief.

Carter Moore, 101 Terrace Avenue, was asking for help with parking for six more weeks. He was advised to talk to the Police Chief.

Lois Carlson, 208 Longworth Avenue, walked to school and recommended it.

There being no one else wishing to speak, Mayor Heck closed the public portion.

WORK SESSION:

Mayor Heck announced that the meeting would continue to Work Session, to which she invited all present to stay.

On a motion by Councilman Altobelli, seconded by Councilman DiNanno, and unanimously carried, the meeting was continued to Work Session.

ADJOURN:

There being no further business to be conducted by the Mayor and Council, the regular meeting was adjourned at 9:18 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 March 11, 2008.

Rose Marie Sees, RMC
Borough Clerk