

BOROUGH OF HASBROUCK HEIGHTS

MINUTES

December 14, 2010

A Regular Meeting of the Mayor and Council of the Borough of Hasbrouck Heights was held on December 14, 2010 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 4, 2010 and transmitted to The Observer, The Record and The Herald News on January 4, 2010.

ROLL CALL: Present: Mayor Rose Heck, Councilwoman Sonya Buckman, Councilman David Gonzalez, Councilwoman Pamela J. Link, Councilman John Dingertopadre, Councilman Russell A. Lipari

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: The Invocation was given by Councilman Gonzalez as follows:

“Christmas Eve Prayer” by Robert Louis Stevenson

“Loving God, Help us remember the birth of Jesus, that we may share in the song of the angels, the gladness of the shepherds, and worship of the wise men. Close the door of hate and open the door of love all over the world. Let kindness come with every gift and good desires with every greeting. Deliver us from evil by the blessing which Christ brings, and teach us to be merry with clear hearts. May the Christmas morning make us happy to be thy children, and Christmas evening bring us to our beds with grateful thoughts, forgiving and forgiven, for Jesus’ sake.”

COMMUNICATIONS: 1) Thank you from Mayor’s Celebrations Committee for Tree Lighting

COMMUNICATIONS (cont'd):

- 2) Memo from Fire Official Arthur L. Jackson listing Names for Consideration for Fire Inspector Appointments
- 3) Proposed 2011 Budget of the Bergen County Utilities Authority

Mayor Heck asked if anyone wished to have any item read into the record, Item #1 was requested to be read into the record (copy attached). She then asked for a motion to accept all correspondence which was made by Councilman Lipari, seconded by Councilman Gonzalez, and unanimously carried.

PETITIONS: None

APPROVAL OF MINUTES: *(November 9, 2010 Executive Session 2, November 23, 2010 Regular Meeting, Executive Session 1 and Executive Session 2)*

On a motion by Councilwoman Link, seconded by Councilman Lipari, and unanimously carried, the foregoing Minutes were approved.

BILLS:

WHEREAS, claims and accounts amounting to \$2,259,390.42 specified in the schedule hereto annexed, have been examined and approved by the Finance Commissioner, or his Deputy; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the accounts listed for payment of the claims;

NOW, THEREFORE BE IT RESOLVED, that the claims be paid and checks be issued on the funds and accounts indicated on the attached schedule.

Signed Councilwoman Pamela J. Link
Commissioner of Finance

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

NEW BUSINESS:

APPOINTMENTS: Steven P. Sinisi as Interim Borough Attorney

APPOINTMENTS (cont'd):

On a motion by Councilman Gonzalez, seconded by Councilwoman Link, and unanimously carried, the foregoing appointment was approved.

Diane P. Hofmann to Hasbrouck Heights Fire Department
Ambulance Auxiliary

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

CONSENT AGENDA: 217. Raffle License for Concerned Parents of Corpus Christi

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

RESOLUTIONS: 218. Dog Licenses - Payment of Fees to State

On a motion by Councilman Lipari, seconded by Councilwoman Link, and unanimously carried, the foregoing Resolution was approved. (Copy attached)

219. Payroll

On a motion by Councilwoman Link, seconded by Councilman Gonzalez, and unanimously carried, the foregoing Resolution was approved. (Copy attached)

220. Authorizing of Cancellation of Taxes for 2009 for Block 104.01, Lot 9.01

On a motion by Councilwoman Link, seconded by Councilman Lipari, and unanimously carried, the foregoing Resolution was approved. (Copy attached)

221. Authorizing Payment to Former Firemen for 25 Years of Service

On a motion by Councilman Gonzalez, seconded by Councilman Lipari, and unanimously carried, the foregoing Resolution was approved. (Copy attached)

222. Authorizing a Contract with Stephen P. Sinisi, Esq. As Interim Borough Attorney

On a motion by Councilwoman Link, seconded by Councilwoman Buckman, and unanimously carried, the foregoing Resolution was approved. (Copy attached)

RESOLUTIONS (cont'd):

223. Budget Appropriation Transfers

On a motion by Councilman Lipari, seconded by Councilman Gonzalez, and unanimously carried, the foregoing Resolution was approved. (Copy attached)

ORDINANCE(S) ON INTRODUCTION: None

ORDINANCE(S) ON PUBLIC HEARING:

ORDINANCE NO. 2249:

Mayor Heck requested a motion to open the public hearing on Ordinance No. 2249 which was made by Councilman Gonzalez, seconded by Councilwoman Link and unanimously carried.

There being no one wishing to speak, Mayor Heck requested a motion to close the public hearing on this ordinance which was made by Councilman Gonzalez, seconded by Councilwoman Link and unanimously carried.

BE IT RESOLVED that an Ordinance entitled: **“AN ORDINANCE TO RE-ENTITLE, AMEND AND SUPPLEMENT § 45-41 ENTITLED “REPORTS OF CONTRIBUTIONS” OF CHAPTER 45 ENTITLED "OFFICERS AND EMPLOYEES" OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS SO AS TO SO AS TO CLARIFY THE REQUIREMENTS WITH RESPECT TO LOCAL FILING OF CAMPAIGN DISCLOSURE DOCUMENTS”** 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 and published in the Borough of Hasbrouck Heights.

Mayor Heck requested a motion to adopt Ordinance No. 2249 which was made by Councilman Lipari, seconded by Councilwoman Link and unanimously carried.

ORDINANCE NO. 2250:

Mayor Heck requested a motion to open the public hearing on Ordinance No. 2250 which was made by Councilman Lipari, seconded by Councilwoman Link and unanimously carried.

There being no one wishing to speak, Mayor Heck requested a motion to close the public hearing on this ordinance which was made by Councilman Lipari, seconded by Councilwoman Link and unanimously carried.

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

ORDINANCE NO. 2249:

BE IT RESOLVED that an Ordinance entitled: **“AN ORDINANCE PURSUANT TO N.J.S.A. 40A:12-14 & 15 TO AUTHORIZE THE BOROUGH OF HASBROUCK HEIGHTS TO ENTER INTO A LEASE MODIFICATION AGREEMENT WITH THE HASBROUCK HEIGHTS SWIM CLUB, INC., A NON-PROFIT CORPORATION OF THE STATE OF NEW JERSEY, WITH REGARD TO THE QUALIFICATIONS OF MEMBERS”** 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 and published in the Borough of Hasbrouck Heights.

Mayor Heck requested a motion to adopt Ordinance No. 2250 which was made by Councilman Lipari, seconded by Councilwoman Link and unanimously carried.

MISCELLANEOUS FROM PUBLIC:

At 8:20 p.m., Mayor Heck requested a motion to open the meeting to the public which was made by Councilman Gonzalez, seconded by Councilwoman Link, and unanimously carried.

Leonard Lamparello, 201 Berkshire Road, was representing “RAID, Residents Against Indiscriminate Development.” This group of residents were questioning the hospital site which is in a residential area. The development and expansion requires under NJ 45:50-70B of the Municipal Land Use Law that permits for variances be obtained from the Borough before expanding any nonconforming use. He was familiar with this law having served as a Member of the Zoning Board of Adjustment. He thought the Building Department had erred dramatically in giving permission to these people to do the construction they were doing, adding orifices as a 12 ½ ft high generator by 20 ft long and 8 ft wide directly into the residential area. None of the setbacks were observed, the original application is flawed in that it only addresses interior work and nothing on the outside. The scope of these repairs and additions would now require a variance, by State law and Borough ordinances. He asked the Mayor and Council to protect the residents of Hasbrouck Heights, issue a stop work order, demand they apply for a variance with proper notification.

Mayor Heck called upon the Construction Code Official to express his opinions, and noted that on the table were copies of the Borough Attorney’s opinion and the history of that particular property.

Mr. Lamparello continued by asking the council to protect the citizens and their quality of life and how adversely it was affected here, the highest taxed block in Hasbrouck Heights. He noted further testimony by affected residents was forthcoming.

MISCELLANEOUS FROM PUBLIC (cont'd):

Mayor Heck said every tax payer is represented equally. She called upon Nicholas Melfi, and his position was that it was conforming to all regulations and ordinances as far as set backs. The generator will be kicking on once a week for 15 minutes. If the electricity went out in the building it will kick on for emergency purposes. It will not be seen when it is completed, with a six foot fence, 10-12 arborvitaes, and along the north and of the rear of the building. The duct work will be painted to match the building. The generator was moved for safety issues, as an 800 gallon gasoline tank was removed, testing was being done. It has been an inconvenience for those neighbors entering their driveways. He had visited the site often during the last month. He had a copy of the letter that was put in everybody's mailbox. When the project is done, you will not see any of this, the road will be repaved and the curbing fixed.

Leonard Lamparello, 201 Berkshire Road, asking Mr. Melfi that given the size of the property why wasn't it located away from the residential homes, there were options.

Mr. Melfi said if it meets the regulations of the ordinance, they can put it there.

Mr. Lamparello thought it didn't meet the setbacks, and asked if it could have been put in the front of the building. When he had come to the office and asked, he was told it was interior work.

Mr. Melfi did not recall the conversation, that the plans were approved by the Department of Community Affairs in Trenton, with the air conditioning and generators showing on the plans that were first approved by his office.

Mr. Lamparello said he would be subpoenaing the plans.

Marcel Ramirez, 205 Berkshire Road, showed a picture of the generator which is what she was facing from her dining room window 10-12 feet away. She needed to address Nick (Melfi) as she had been going to the Building Department for over a year with problems with the hospital, big trucks coming on the private roadway and when the work started they knocked down her retaining wall and flower boxes. The new doctors group at first was helpful, but communication has stopped. She was told to come to the council meetings, that Mr. Melfi did not call her back. She was unaware of the generator until it appeared and why was it right in front of her property. According to her survey, it was 7 feet 3 inches from her property line.

Borough Attorney Sinisi asked that only one person speak at a time to preserve the record.

Ms. Ramirez said tree roots were taken down a few weeks ago and she was afraid for their safety. She was never notified by letter in her mail box. Mayor Heck advised her

MISCELLANEOUS FROM PUBLIC (cont'd):

to call the Police when anyone was coming onto her property and asked that before she left this evening to talk to the Police Chief and DPW Superintendent. Mayor Heck had visited the property yesterday, and asked Mr. Melfi to put a site plan together, that the property has changed hands many times since it was built in 1944. The building was now considered a professional building and subject to taxes. Inconveniences occurred due to the gasoline tank which was very dangerous, that the law could not be broken. Everything said it would be taken under advisement, discussed with the borough attorney, Mr. Melfi would put together the site plan and they would be contacted.

Mr. Kronyak asked Ms. Ramirez to given him her survey which would be looked at by the Borough Engineer, the group would be approached to give an as-built survey, and if it was not in compliance, action could be taken.

Thomas Mergola, 235 Berkshire Road, was concerned about trees along the back side and asked how high. He was told six to eight feet high on the building property. If the units hanging off the side of the building make a certain amount of noise, how do they know the decibel levels. Mr. Melfi said the County could be called in to inspect. The Borough Engineer was asked to comment, noting that duct work did not produce noise, but if there is an issue, the decibels are tested at the property line both day and night and if exceeded, insulated panels could be installed. The generator is emergency equipment and not subject to the same regulations.

Kevin McManus, 227 Berkshire Road, whose house was right behind the duct work said it can't be painted and was told it will be covered to blend in with the building. He asked where the arborvites would be planted. He was directly affected by the gas leak and was very concerned for his young children. Holes were made in his driveway and basement. There was a 20 foot whole right behind his garage that nobody told him about which was not blocked off. Mayor Heck agreed that was unacceptable. Another issue he said is the big high powered electrical unit. He is also finding difficulty in entering his garage now because of this unit being directly behind his garage, and he thought placed there with no thought to the residents.

Councilman Gonzalez asked if the holes in his basement were sealed and Mr. McManus said yes. The node is still in his basement. He received copies of the report which are very technical. Some counts were over what is acceptable but he never received any return phone calls.

Thomas Mergola was also concerned with the electrical unit and the consequences to the quality of health to the residents.

Mayor Heck asked if theses types of reports go to DOT. Mr. McManus would provide Mr. Melfi with a copy.

MISCELLANEOUS FROM PUBLIC (cont'd):

Joseph Paladino, 219 Berkshire Road, also directly behind the building. He said this has affected his quality of life since August when the construction began. Up until last Thursday he never received any communication by any construction company. The first letter he received was from the sewer company last Thursday. He has not had the use of his driveway on 5 different occasions. The first time was they put dirt on his private property and any other time his driveway was blocked, barricades flew into a guest's car.

Dolores Lamparello, 201 Berkshire Road, questioned the protection of residents by the town and building department and whose responsibility was it. If the building inspector was visiting the site, why wasn't the generator placement questioned. Mayor Heck said when the plans come in, if the law is being broken, the borough should be notified or they will not know it.

Marcel Ramirez said she came to the building department for months and months with pictures of the site progressing. Mr. Melfi said that the plans were originally approved by the N.J. Department of Community Affairs. Everything has been on the plans from day one. She was told by Mayor Heck that the problem would be addressed. Ms. Ramirez said that the staff and town officials were aware of the problems as she came to the Municipal Building twice a week for the last nine months. Ms. Ramirez was concerned that there is a safe environment with the size of the equipment and that if there was further expansion planned of the building, then the neighbors should be advised. Mayor Heck said they had all the facts, they will look into it and will take some action. There could not be expansion of the building unless they came before a board.

Mayor Heck apologized for anything that the Mayor and Council did not know and they are looking into all aspects now.

There being no one else wishing to speak, Mayor Heck asked for a motion to close the public portion which was made by Councilwoman Link, seconded by Councilman Gonzalez, and unanimously carried.

WORK SESSION:

At 9:22 p.m., Mayor Heck asked for a motion to go into Work Session which was made by Councilman Gonzalez, seconded by Councilwoman Buckman and unanimously carried. She announced that the meeting would continue to Work Session, to which she invited all present to stay.

ADJOURN:

There being no further business to be conducted by the Mayor and Council, the meeting was adjourned at 9:44 p.m. on a motion by Councilman Lipari, seconded by Councilwoman Link and unanimously carried.

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, 2010.

Rose Marie Sees
Borough Clerk