

## **BOROUGH OF HASBROUCK HEIGHTS**

### **MINUTES**

**April 13, 2004**

A Regular Meeting of the Mayor and Council of the Borough of Hasbrouck Heights was held on April 13, 2004 at 8:07 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 January 5, 2004 and transmitted to The Observer, The Record and The Herald News on January 5, 2004.

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

Absent:

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

**INVOCATION:** Rev. James Whelan, Parochial Vicar, Corpus Christi R.C. Church

A moment of silence was given for the passing of 1<sup>st</sup> Assistant Fire Chief Joseph Taylor=s mother.

**PRESENTATION:** Welcome Back Sgt. Sean McNeilly from Iraq

Mayor Jones, assisted by the Borough Clerk read the Certificate into the record and acknowledged Sgt. McNeilly with a brick paver to be placed in the Veterans Memorial Walkway.

#### **COMMUNICATIONS:**

1. Notice from State of New Jersey Board of Public Utilities of legislative type hearing for comments concerning appropriate funding level for Clean Energy Program, Friday April 30, at 10 a.m.
2. Letter from Recruiting office of NJ Army National Guard announcing tuition-free college education for members of NJ Army National Guard at all NJ Public Colleges and Universities.

**COMMUNICATIONS (cont=d):**

3. Ralph Daniels, Commander and Charles Petro of VFW inviting Mayor and Council to Loyalty Day, 7 p.m. April 30.
4. Announcement from United Water who will begin to flush fire hydrants from Monday, April 5 through early June.
5. Letter from State Dept. of Community Affairs advising that grant application for Statewide Livable Communities Local Library Aid Program was not selected for funding.

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

**PETITIONS:** None

**APPROVAL OF MINUTES:** (January 27, 2004, February 10, 2004)

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

**BILLS:**

**BE IT RESOLVED** that the claims and accounts amounting to \$1,885,126.99 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 Councilwoman Verrastro, seconded by Councilman Meli, and unanimously carried, the foregoing Resolution was approved.

**NEW BUSINESS**

**CONSENT AGENDA:** 60. Raffle License for North Hudson Community Action Corporation

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

- RESOLUTIONS:**
61. Declaring April as Autism Awareness Month
  62. Dog Licenses - Payment of Fees to State
  63. Marriage Licenses - Payment of Fees to State
  64. Construction Fees - Payment of Fees to State
  65. Authorizing Redemption of Tax Sale Certificate No. 2003-06
  66. Authorizing Additional Check for Redemption of Tax Sale Certificate No. 2003-03
  67. Authorizing Application for Joint Licensure of a Single Radio Repeater Frequency for the Joint Use of Fire Departments of Hasbrouck Heights and Wood-Ridge
  68. Ratifying and Confirming Sale of Bond Anticipation Note
  69. Authorizing Contract with County of Bergen for Health Services
  70. Authorizing Adoption of 2003 Budget - - This will be held pending word on Extraordinary Aid
  71. Awarding Contract for Vehicle Exhaust System for Fire House
  72. Declaring Week of April 12 Bergen County
  73. Authorizing Interlocal Services Agreement for

On a motion by Councilman Pepe, seconded by Councilwoman Verrastro, and unanimously carried (excluding Resolution No. 70) the following Resolutions were approved.

**BUDGET PUBLIC HEARING:**

Mayor Jones opened the public hearing on the 2004 Budget. There being no one wishing to speak, the public hearing was closed.

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**BUDGET PUBLIC HEARING (cont=d):**

Councilman Link issued the following statement:

The budget as introduced calls for a 12 point increase. The finance committee continues to review any possible modifications that will result in a reduced savings. As was mentioned when the budget was introduced on March 9, in light of the tax increase as proposed, Extraordinary aid in the amount of \$650,000 has been applied to offset the increase. Awards should be received within the next month or two and applications are currently being reviewed. To adopt the budget before word is received will void the application for aid.

**APPOINTMENTS:** None

**RESIGNATIONS:** Eileen Baker from Committee of Community Celebrations

Ralph Mastroberte from Local Assistance Board

On a motion by Councilman Pepe, seconded by Councilman DiPisa, and unanimously carried, the foregoing Resignations were accepted with regret.

**ORDINANCE (S) ON INTRODUCTION:**

**ORDINANCE NO. 2038:**

**BE IT RESOLVED that an Ordinance entitled AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED AN ORDINANCE TO APPROPRIATE THE SUM OF \$9,500,000.00 TO PROVIDE FOR THE CONSTRUCTION OF A NEW MUNICIPAL BUILDING ON THE BOULEVARD TO INCLUDE THE BOROUGH=S ADMINISTRATIVE OFFICES, A NEW FREE PUBLIC LIBRARY AND A SENIOR CITIZENS= CIVIC CENTER AND FOR THE CONSTRUCTION OF A NEW PUBLIC SAFETY BUILDING ON HAMILTON AVENUE TO INCLUDE THE BOROUGH=S MUNICIPAL COURT, FIRE DEPARTMENT, POLICE DEPARTMENT AND OFFICE OF EMERGENCY MANAGEMENT, TO APPLY TO THE COST THEREOF \$4,500,000.00 IN INSURANCE PROCEEDS AND A GRANT FROM COMMUNITY DEVELOPMENT IN THE SUM OF \$339,156.00, AND TO AUTHORIZE THE FINANCING OF THE COST THEREOF IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL BOND LAW BY THE ISSUANCE OF BONDS OR NOTES NOT TO EXCEED THE SUM OF \$4,427,000.00" BEING ORDINANCE NO. 1944 ADOPTED ON AUGUST 14, 2001 (AS THE SAME WAS AMENDED AND SUPPLEMENTED BY ORDINANCE NO. 1968 ADOPTED ON JULY 9, 2002, AND BY ORDINANCE NO. 1985 ADOPTED ON NOVEMBER 26, 2002,) IN ORDER TO INCREASE BY THE SUM OF \$50,413.00 THE TOTAL AMOUNT APPROPRIATED TO \$11,234,136.00 BY APPLYING THE PROCEEDS OF A BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT IN THE SUM OF \$50,413.00 FOR AN**

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

**ORDINANCE NO. 2038 (cont=d):**

**ELEVATOR IN THE PUBLIC SAFETY BUILDING)** 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 April 27, 2004.

**ORDINANCE NO. 2039:**

**BE IT RESOLVED** that an Ordinance entitled **AN ORDINANCE TO REPEAL SUBSECTION U. OF SECTION 198-2 ENTITLED APROHIBITED ACTS@ OF ARTICLE I ENTITLED AGENERAL REGULATIONS@ OF CHAPTER 198 ENTITLED APEACE AND GOOD ORDER@ OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS AND TO REPEAL SECTION 261-15 ENTITLED ALIMITATION ON THE USE OF CELLULAR TELEPHONES@ CONTAINED IN ARTICLE II ENTITLED ATRAFFIC REGULATIONS@ OF CHAPTER 261 ENTITLED AVEHICLES AND TRAFFIC@ OF THE CODE OF THE BOROUGH OF HASBROUCK SO AS TO REPEAL THE BOROUGH=S PROHIBITIONS AGAINST THE USE OF A HAND HELD CELLULAR TELEPHONE, THE SAME HAVING BEEN PREEMPTED BY STATE STATUTE@** 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 April 27, 2004.

**ORDINANCE NO. 2040:**

**BE IT RESOLVED** that an Ordinance entitled **AN ORDINANCE TO RATIFY AND CONFIRM ORDINANCE NO. 1882 AND ORDINANCE NO. 1906 WHICH WERE INTENDED TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED AN ORDINANCE TO PROVIDE FOR THE SUBDIVISION OF LAND AND SITE PLAN REVIEW OF DEVELOPMENTS WITHIN THE BOROUGH OF HASBROUCK HEIGHTS PURSUANT TO THE MUNICIPAL LAND USE LAW@** 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 May 11, 2004.

**ORDINANCE NO. 2041:**

**BE IT RESOLVED** that an Ordinance entitled **AN ORDINANCE TO RATIFY AND CONFIRM AN ORDINANCE ENTITLED, AN ORDINANCE TO SUPPLEMENT SECTION 275-20 ENTITLED >REGULATIONS GOVERNING CERTAIN PRINCIPLE USES= AND SUPPLEMENTING SCHEDULE 1 ENTITLED >SCHEDULE OF DISTRICT**

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

**ORDINANCE NO. 2041 (cont=d):**

**USE REGULATIONS= BOTH OF CHAPTER 275 ENTITLED >ZONING= OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS SO AS TO PERMIT WITHIN CERTAIN LIMITED AREAS OF THE B-1 CENTRAL BUSINESS DISTRICT FARMER=S MARKETS SPONSORED AND APPROVED BY THE NEW JERSEY DEPARTMENT OF AGRICULTURE AND BY THE HASBROUCK HEIGHTS CHAMBER OF COMMERCE BETWEEN THE HOURS OF 10:00 A.M. AND 8:00 P.M. ONE DAY OF ANY WEEK EXCLUSIVE OF SATURDAY AND SUNDAY BETWEEN JUNE 15 AND OCTOBER 31 OF ANY YEAR AFTER APPROVAL OF THE SAME BY THE GOVERNING BODY, THE CHIEF OF POLICE AND THE BOARD OF HEALTH@ BEING ORDINANCE NO. 1883 AS THE SAME WAS AMENDED BY ORDINANCE NO. 1927 TO EXTEND THE PERMITTED PERIOD FOR THE SAME TO JUNE 1 THROUGH OCTOBER 31@** 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 May 11, 2004.

**ORDINANCE NO. 2042:**

**BE IT RESOLVED** that an Ordinance entitled **AN ORDINANCE RE-ADOPTING AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND THE SCHEDULE OF DISTRICT USE REGULATIONS OF CHAPTER 275 ENTITLED >ZONING= OF THE CODIFICATION OF ORDINANCES OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS IN RESPECT TO PERMITTED PRINCIPAL USES IN THE B-1 >CENTRAL BUSINESS DISTRICT= ZONE@ BEING ORDINANCE NO. 1956 ADOPTED ON MARCH 12, 2002@** 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 May 11, 2004.

**ORDINANCE NO. 2043:**

**BE IT RESOLVED** that an Ordinance entitled **AN ORDINANCE RE-ADOPTING AN ORDINANCE ENTITLED, AN ORDINANCE TO SUPPLEMENT SECTION 275-6 ENTITLED >DEFINITIONS= OF ARTICLE II ENTITLED >WORD USAGE AND DEFINITIONS= OF CHAPTER 275 ENTITLED >ZONING= OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS SO AS TO INCLUDE AMONG THE WORDS AND PHRASES DEFINED IN SAID CHAPTER THE PHRASE >COMMUNITY-ORIENTED= AS SUCH PHRASE APPLIES TO PERMITTED BUSINESSES IN THE B-1 >CENTRAL BUSINESS DISTRICT= ZONE@ BEING ORDINANCE NO. 1957 ADOPTED**

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

**ORDINANCE NO. 2043 (cont=d):**

**MARCH 12, 2002** 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 May 11, 2004.

**ORDINANCE NO. 2044:**

**BE IT RESOLVED** that an Ordinance entitled **AN ORDINANCE RE-ADOPTING AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND SECTION 275-37 ENTITLED >ENFORCEMENT= OF ARTICLE X ENTITLED >ADMINISTRATION AND ENFORCEMENT= OF CHAPTER 275 ENTITLED >ZONING= OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS SO AS TO ABOLISH THE SEPARATE OFFICE OF ZONING ENFORCEMENT OFFICER AND TO REDEFINE THE DUTIES OF OTHER BOROUGH OFFICIALS IN RELATION THERETO** BEING ORDINANCE NO. 1996 ADOPTED ON DECEMBER 20, 2002" 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 May 11, 2004.

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

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

Mayor Jones opened the Public Hearing on Ordinance No. 2035. There being no one wishing to speak, the Public Hearing was closed.

**ORDINANCE NO. 2035:**

**BE IT RESOLVED** that an Ordinance entitled **AN ORDINANCE REPEALING ARTICLE XII ENTITLED ADESIGN DISTRICT OF CHAPTER 275 ENTITLED AZONING OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS WHICH WAS ADOPTED ON JUNE 11, 1996 BY ORDINANCE NO. 1748 AND REPLACING THE SAME WITH A NEW ARTICLE ALSO TO BE DESIGNATED ARTICLE XII AND TO BE ENTITLED ACENTRAL BUSINESS DESIGN DISTRICT** was continued on public hearing until the first meeting in May.

**ORDINANCE ON PUBLIC HEARING:**

**ORDINANCE NO. 2037:**

Mayor Jones opened the public hearing on Ordinance No. 2037. There being no one wishing to speak, the public hearing was closed.

BE IT RESOLVED that an Ordinance entitled **A AAN ORDINANCE TO STABILIZE AND REGULATE RENTS WITHIN THE BOROUGH OF HASBROUCK HEIGHTS AND TO ESTABLISH A RENT BOARD, WHICH ORDINANCE IS TO BE COMMONLY KNOWN AS THE A2004" RENT LEVELING ORDINANCE** 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 published and circulating in the Borough of Hasbrouck Heights.

On a motion by Councilman Link, seconded by Councilman Kistner, and unanimously carried, the foregoing Ordinance on Public Hearing was approved.

**MISCELLANEOUS FROM PUBLIC:**

Ann McGill, 139 Field Avenue, questioned if the Springfield Avenue builder was coming to this meeting, and she was told no, and also that the mayor and council can't give any approvals, it is before the Planning Board. The jurisdictions of the Planning Board and Mayor and Council were explained.

Dr. Frank V. Zaccaria, 429 Springfield Avenue, (whose home was at the end of Springfield Avenue at the crest of the cliff) was concerned with the drainage from Terrace Avenue down Springfield and ultimately down the cliff and that the swale was getting deeper with tree roots exposed. When the builder had removed many of the trees on his property, erosion developed and he was now asking the council to address this issue. Borough Engineer Ken Job explained that a stop work order had been given to the builder when he began to remove trees and the Bergen County Soil Conservation issued a violation and he had to stabilize the site. A follow-up inspection was requested. It was asked if the application did not go through, what would he have to do, and it was noted that the area would have to be stabilized if the B.C. Soil Conservation Committee rendered it not stable. Dr. Zaccaria asked that these matters be addressed.

Matthew Ahearn, West 115 Century Road, Paramus, an attorney representing Carol Skiba who was appealing to reject the Springfield Avenue project particularly with the vacation of rights of way, with the central issue being the applicant's plan and the need to properly address it conceptually, that there was a need for a developer's agreement with the council with issues to be addressed with the Planning Board regarding the underground stormwater retention basis under the cul de sac road and who would maintain it and to let the applicant know now. The borough attorney agreed and noted

## **MISCELLANEOUS FROM PUBLIC (cont=d):**

that in the first letter to the Planning Board that the borough and planning board engineers be involved on all approvals and that the borough attorney be involved in a developer=s agreement. Mayor Jones restated that this application must first come before the Planning Board. Councilman Pepe noted that conceptual approval had been given on the first plan submitted for only five houses and that once the plans were changed the entire plan was changed. The borough attorney agreed that this project cannot cause burden to Hasbrouck Heights, that it is a private enterprise.

Marie Kenney, 421 Springfield Avenue, was concerned with the sound barrier gone by removal of the trees, that she now sees Route 17, oxygen from removal of the trees is gone and roots are now exposed of existing trees.

Robert Schwalb, 167 Field Avenue, was again concerned with the drainage problem on Field Avenue, the he had taken pictures of the ditch which he showed that all the stormwater drains into and that it was filled with silt. Councilman Kistner had looked when it was raining, that it was draining, and that the State can be called back anytime. Ken Job went into the fact that the New Jersey Environmental Protection won=t allow the piping of the ditches, but New Jersey Transit has alleviated a lot of the problems. When there is a heavy thunderstorm there will be some flooding. The engineer explained the history of attempting to clean the ditches south through neighboring towns. Robert Heck explained further the two ditches and drainage. Another ditch in that area is actually in Teterboro and that town=s responsibility who had recently received notification that they can apply for DEP permits to clean.

## **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 9:50 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 April 13, 2004.

Rose Marie Sees, RMC  
Borough Clerk

