

**BOROUGH OF HASBROUCK HEIGHTS**

**MINUTES**

**March 12, 2013**

A Regular Meeting of the Mayor and Council of the Borough of Hasbrouck Heights was held on March 12, 2013 at 8:09 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, 2013 and transmitted to The Observer, The Record and The Herald News on January 2, 2013.

**ROLL CALL:** Present: Mayor Rose Heck, Councilman Justin A. DiPisa, Councilwoman Sonya Buckman (arrived at 8:20 p.m.), Councilman David Gonzalez, Councilwoman Pamela J. Link, Councilman Russell A. Lipari, Councilman Christian Semenez

Absent: None

**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 DiPisa which was as follows:

"Daily, we live side by side, sharing our community, we take each other for granted, living our lives, going through our days, seldom thinking of community, seldom stopping to think of the needs of our neighbors, caught up, in living and providing for ourselves and family. Community is just there, and we take it for granted, until disaster strikes, hardship comes, or weather rages, then, we suddenly, and desperately, need our community, we need it to help us survive, keep hope alive, to live. It is community that provides the essential safety net, protecting each of us in the face of loss and tragedy, it, our community that brings out the neighbor in us all. Today I will do something to build my own community, making it stronger for all my neighbors and myself."

**COMMUNICATIONS:** 1) Memo from Fire Chief Richard Giarratana advising of resignation of Daniel Wixon from the HHFD Hook and

**COMMUNICATIONS (cont'd):**

Ladder Company One

- 2) Letter from Cablevision regarding tariffs which reflect rate adjustments
- 3) Legal Notice Announcing Wood-Ridge Planning Board Meeting on Wednesday, March 20, 2013 at 7 p.m for Application to Amend Wesmont Station Redevelopment Plan

Mayor Heck asked if Councilman Lipari, who is Commissioner of Land Use, could attend the Wood-Ridge Planning Board Meeting and he answered yes.

Mayor Heck asked if anyone wished to have any item read into the record. There was none. Mayor Heck requested a motion to accept the correspondence which was made by Councilman DiPisa, seconded by Councilman Gonzalez, and unanimously carried.

**PETITIONS:** None

**APPROVAL OF MINUTES:** *(January 22, 2013 Executive Session 1, January 22, 2013 Executive Session 1, January 22, 2013 Executive Session 2, February 12, 2013 Work Session, February 26, 2013 Regular Meeting, February 26, 2013 Executive Session)*

Mayor Heck requested a motion to approve the foregoing Minutes which was made by Councilman Semencz, seconded by Councilman Lipari, and unanimously carried, the foregoing Minutes were approved.

**BILLS:**

WHEREAS, claims and accounts amounting to \$2,684,358.65 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.

/s/ Councilwoman Pamela J. Link  
Commissioner of Finance

**BILLS (cont'd):**

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

**NEW BUSINESS:**

**CONSENT AGENDA:**

60. Payroll
61. Dog Licenses – Payment of Fees to State
62. Authorizing Raffle License for Corpus Christi Church
63. Rejecting Proposal of Verizon Wireless for the Installation of a Cell Tower Facility on the Public Safety Building as being Noncompliant with Specifications
64. Supporting Bergen County Police Chiefs Association Mutual Aid Plan and Rapid Deployment Force
65. Authorizing Refund of Taxes Overpaid for 2011 for Block 101, Lot 1, 74 Route 17 North
66. Authorizing Cancellation of Old Checks
67. Authorizing Approval of 2013/2014 Licenses for Commercial Sale of Certain Motor Vehicle Dealers
68. Authorizing Bond Anticipation Note
69. Opposing S2364/A3553 Which Proposes to Create a System of Early Voting in New Jersey
70. Authorizing Raffle License for PTSA Hasbrouck Heights HS

Mayor Heck requested a motion to approve the Consent Agenda, which was made by Councilman Semenez, seconded by Councilman Gonzalez and unanimously carried. (Copies attached)

**APPOINTMENTS:** None

**RESIGNATIONS:** Daniel Wixon from Fire Department Hook and Ladder Company One

Mayor Heck requested a motion to accept the foregoing Resignation, which was made by Councilman Gonzalez, seconded by Councilman DiPisa, and unanimously carried.

**ORDINANCE(S) ON INTRODUCTION:**

**ORDINANCE NO. 2299:**

**BE IT RESOLVED** that an Ordinance entitled: **AN 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 “2013 RENT LEVELING ORDINANCE”** as 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 9, 2013.

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

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

**ORDINANCE NO. 2297:**

**BE IT RESOLVED** that an Ordinance entitled **“AN ORDINANCE TO AMEND AND SUPPLEMENT CERTAIN SECTIONS OF CHAPTER 231 ENTITLED “SOIL MOVEMENT” OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS SO AS TO PROVIDE THAT ALL MAJOR SOIL PERMIT APPLICATIONS BE SUBJECT TO REVIEW BY THE PLANNING BOARD ONLY AND THAT, ONCE SUCH APPLICATIONS ARE SO DESIGNATED, THE REVIEWING ENGINEER SHALL BE THE PLANNING BOARD ENGINEER”** 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 open the public hearing on Ordinance No. 2297 which was made by Councilwoman Link, seconded by Councilman Lipari, and unanimously carried.

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

Mayor Heck requested a motion to approve Ordinance No. 2297 which was made by Councilman Semencz, seconded by Councilman Gonzalez, and unanimously carried.

**ORDINANCE NO. 2298:**

**BE IT RESOLVED** that an Ordinance entitled **AN ORDINANCE TO AMEND AND SUPPLEMENT CERTAIN SECTIONS OF ARTICLE I ENTITLED “CREATION AND ORGANIZATION” OF CHAPTER 55 ENTITLED “POLICE DEPARTMENT” OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS UPDATING THE SAME TO AS TO CONFORM TO CURRENT APPLICABLE LAWS, REGULATIONS AND PRACTICES**

Mayor Heck requested a motion to open the public hearing on Ordinance No. 2298 which was made by Councilman DiPisa, seconded by Councilman Gonzalez, and unanimously carried. She invited anyone wishing to speak to please come forward.

John McAusland, Esq., 1 Sandewood Drive, Norwood, NJ, representing PBA Local 102, noted that they were made aware of this ordinance just recently. He noted this ordinance had been premature and without proper consideration and wanted to address some of the issues they had as a group before final action was taken. He referred to the promotional policy being mandatorily negotiable, the Chief's Statute referenced in the ordinance, and the existing nepotism ordinance.

Mayor Heck responded to each reference in turn, noting there are attorneys representing the borough and a labor attorney who reviewed this ordinance, that she was not aware they had to address the PBA Local of any unit in presenting a promotion procedure and that she would have appreciated notification from Mr. McAusland so that Mr. Hanrahan, who helped prepare this ordinance could have been present. She said this began by her speaking to the police committee that it would be a good idea to put a procedure in place. As a recipient of the PBA Silver Medal, she noted she wrote the Policemen's Bill of Rights and guided it through the Senate and Assembly and has a high regard for police.

Paul Bassett, Hasbrouck Heights Patrolman for over 18 years, said he thought this ordinance was flawed and the problem he had with #2298 was the connotation “community service” did it mean within Hasbrouck Heights or elsewhere as well. Mayor Heck based on whatever community service they are made aware of. He also said this ordinance allows the police chief to pretty much promote whoever he wants. The mayor refuted that statement.

James Miller, Hasbrouck Heights Lieutenant, in his 25<sup>th</sup> year, found this ordinance unfair in that he could never become Captain of Detectives as it had been seven years since he was in the Detective Bureau. Mayor Heck noted they were not looking for captains this year and when they were it would be up to the Police Committee to recommend it.

Charles Lesho, Hasbrouck Heights Lieutenant, with 22 ½ years service, also felt this

**ORDINANCE NO. 2298 (cont'd):**

ordinance unfair and gives some individuals preference over others to receive a promotion. Mayor Heck said that the ordinance was put together with respect given fairly to each of the officers who would be involved.

Benjamin Kest, Hasbrouck Heights Patrolman, asked about sick time, that men who had suffered debilitating cancer, orthopedic operations shouldn't be disciplined or singled out for their ailments and that he did not expect to be promoted soon, there were other members of the police department who were more experienced. Councilman Gonzalez asked what did he mean, that it was not his time, to which he answered there are members of the department who should be promoted before him, based on experience.

Mayor Heck said she would take the sick time into consideration, she said a cancer or accident patient was not a part of the sick time – it was looked at as “sick leave.”

Michael Vargo, Hasbrouck Heights Sergeant, asked if the ordinance took into account anyone's education or background, there were members with college degrees. Mayor Heck said it could be part of the oral examination. He also said a written test showed an officer's knowledge and skills he has picked up on the job. Mayor Heck responded it was a matter of opinion, she knew people who could ace a test. Councilwoman Link and Councilman Semenez pointed out it was already in the ordinance.

In being as fair as possible, Mayor Heck asked the Borough Attorney if this ordinance could be continued on public hearing to the next meeting to have Mr. Hanrahan present, with the guidance and vote of the Council, to which he answered yes.

There being no one else wishing to speak on this ordinance, Mayor Heck requested a motion to continue this ordinance on public hearing to the meeting of March 26, 2013, which was made by Councilman Semenez, seconded by Councilwoman Link, and unanimously carried.

**MISCELLANEOUS FROM PUBLIC:**

Mayor Heck requested a motion to open the meeting to the public which was made by Councilman Gonzalez, seconded by Councilwoman Buckman, and unanimously carried.

There being no one wishing to speak, Mayor Heck asked for a motion to close the public portion at 9:04 p.m. which was made by Councilman Gonzalez, seconded by Councilwoman Link, and unanimously carried.

**RECESS FOR WORK SESSION:**

Mayor Heck asked for a motion to recess for Work Session which was made by Councilman DiPisa, seconded by Councilman Gonzalez and unanimously carried.

**ADJOURN:**

There being no further business to be conducted by the Mayor and Council, the meeting was adjourned at 9:57 p.m. on a motion by Councilman Semencz, seconded by Councilman Gonzalez, 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 March 12, 2013.

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Rose Marie Sees  
Borough Clerk