

## **BOROUGH OF HASBROUCK HEIGHTS**

### **MINUTES**

**April 26, 2005**

A Regular Meeting of the Mayor and Council of the Borough of Hasbrouck Heights was held on Tuesday, April 26, 2005 at 8:12 p.m. at Borough Hall, 320 Boulevard, Hasbrouck Heights, New Jersey.

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, 2005 and transmitted to The Observer, The Record and The Herald News on January 4, 2005.

**ROLL CALL:** Present: Mayor Ronald R. Jones, Councilwoman Carol J. Skiba, Councilman Leonard Introna, Councilman Thomas E. Meli, Councilman Ronald F. Kistner, Councilman Justin A. DiPisa, Councilman Andrew Link III

Absent: None

**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 presented by Reverend Katherine Ellison

**PRESENTATION:** The following women were presented "Women of Distinction" Awards by Councilman DiPisa: Rose Heck, Emma Herr, Dorothy McCarthy, Rose Mulle, Christine Rocha, Carol Skiba, Patricia Thomasey and Marlene Verrastro for their outstanding service and achievement. Councilman DiPisa said this will become an annual event. Mayor Jones added his congratulations. Engraved plaques and a bouquet of flowers were presented to each nominee.

### **COMMUNICATIONS:**

- 1) Denial Letter from Charles A. Richman, Asst. Commissioner of N.J. Dept. of Community Affairs of the Borough's Statewide Livable Communities Capital Improvement Program Application
- 2) Request from Coalition for Public Health and Safety to make any changes to Petition for rulemaking to be submitted to FAA by and behalf of the Coalition.

**COMMUNICATIONS (cont'd):**

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

**APPROVAL OF MINUTES:** (February 22, 2005, March 8, 2005)

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

**PETITIONS:** None

**BE IT RESOLVED** that the claims and accounts amounting to \$171,400.97 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 therefore.

Signed Andrew Link, III  
Commissioner of Finance

On a motion by Councilman DiPisa, seconded by Councilman Kistner, and unanimously carried, the foregoing Resolution was adopted.

**REPORTS:**

**FINANCE AND SOCIAL SERVICES:**

Under Finance, Councilman Link gave the Finance Report for the month of March. The current fund cash balance as of March 31, 2005 was \$1,420,887.22; on February 28 was \$3,861,527.39 which represents an decrease of \$2,440,640.17. The entire balance was invested and is earning 2.58%. Cash receipts for March totaled \$313,640.59 of which \$163,957 was for current taxes, \$28,610.018 was prior year taxes, \$11,500 was grants and state aid, and \$109,573.58 was miscellaneous revenues. Cash disbursements for March totaled \$2,754,280.76 of which \$1,379,290.16 was local school taxes, \$554,609.87 was salaries, \$200,054.82 was for debt service and \$620,325.91 was for other expenses. Under Social Services, he reported the Food Pantry was officially opened on April 25<sup>th</sup>, and opened on a regular basis every Monday from 9 to 11 a.m. to be manned by volunteers from the churches in Hasbrouck Heights.

**HEALTH AND PUBLIC FACILITIES:**

Under Health, Commissioner DiPisa reported on year-end statistics: 2004 - 91 marriages, 2005 - 272. Burial permits - from \$730 to \$3,370. Late fees for food  
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**HEALTH AND PUBLIC FACILITIES (cont'd):**

licenses renewed went from \$500 to \$2,000. Resident deaths remained about the same. Over 50% of deaths were 80 to 89. The number reason for fatalities was congestive heart failure, with coronary artery disease second, lung cancer third, colon cancer fourth, and ovarian cancer fifth. A full report is available in the Health Department. The number of calls for assistance or information from the Health Department went from 1,229 to 1,537. Total fees collected were from \$67,815 to \$79,146. The next health expo is scheduled for September 30. Under Public Facilities, four baby changers were installed in Borough Hall. Fencing was installed at the public safety building and planting of shrubs and trees will begin. The fire sprinkler system has been installed. The Community Awareness Access to All committee held an open house which was well received. He reported the DPW completed their 2004 Right to Know Survey and filed with the State. This survey informs public employees about chemical hazards in the workplace and helps emergency personnel to adequately plan for and respond to hazardous calls.

**POLICE AND RECREATION:** Under Police, Commissioner Kistner commended Chief Colaneri and Lt. Archer who have spent numerous hours meeting with various members of the B.C. Engineering Dept. as well as Port Authority representatives observing traffic problems with Williams Avenue and the Boulevard. He commended Lt. Archer and his department with regard to the traffic counter which has produced informative reports. The bike marathon will be held May 27 thru May 28. On Thursday, May 26, the Municipal Alliance will be sponsoring a concert at the Gary Depken Field. Due to the efforts of Deputy Chief Kroncke and John and Linda Brandle, the police baseball card program will resume. Under Recreation, summertime concerts will be held on the third Thursday in June, July and August from 6:30 to 8:30 p.m. in Woodland Park. Refreshments will be provided by the Municipal Alliance for a nominal fee. Camp Out in the Park will be held July 15 thru July 16. Plans for the Haunted Hayride in Woodland Park have begun. Grant monies have been received for basketball courts and Woodland Park projects.

**FIRE AND PARKS:** Under Parks, Commissioner Meli reported cleanup of all parks has begun. The prisoners painted the gazebo on Terrace Avenue. They will return in June to help out with other park projects. The boy scouts will be painting the pavilion and picnic tables in Woodland Park for their project. In the middle of May, in conjunction with the Boulevard planting, the Garden Club will plant some new flowers in the parks. A town wide garage sale on May 21, sponsored by the Mayor's Celebrations Committee, has had its first sign up with over 40 reservations. A town hall meeting will be held on May 23 with the topic being the Free Public Library. Under Fire, the department responded to 140 calls, 52 fire and 88 EMS, as well as numerous events occurring throughout town for which he commended them. Thermal Imaging Cameras are being received through a grant with one available on every piece of apparatus. A FEMA grant was applied in the amount of \$167,000 for air packs. He read letters of

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**FIRE AND PARKS (cont'd):**

endorsement for this grant from Senator Lautenberg and has letters from Senator Rothman and Senator Corzine.

**SANITATION:** Under Sanitation, Commissioner Introna reported the borough received \$6,623 from B.C. Municipal Recycling Assistance Program. The Annual Recycle Tonnage Grant Report was submitted. The DPW started cleaning catch basins and will continue until all are done. The borough's state required Stormwater Management Plans were submitted as well as the Quarterly Report for Operations and Maintenance activities on the municipal collection system which was submitted to the Bergen County Sewer Authority. Specifications are being prepared for a new roll-off truck and new front-end loader.

**STREETS AND TRANSPORTATION:** Under Streets and Transportation, Commissioner Skiba reported that if anyone wants to have a tree planted in front of their home can call the DPW. Pothole repair is ongoing. The three unpaved streets, Veterans Place, dead end of Ravine and Roosevelt in Woodland Park have had stone added and were graded to remove potholes. The 2005 Clean Communities Entitlement from the State in the amount of \$9,562 has been received and will go toward new equipment. A new stainless steel salt spreader has been purchased. An ordinance is on for second reading for a new tree truck which, if approved, will replace the old one, which needs complete refurbishing. She was advised that PSE&G is blowing tree debris into the stormwater drains, and she will arrange to inform them.

**REPORT OF MAYOR:**

**APPOINTMENTS:** None

**TERMINATIONS:** Albert Saulnier from Fire Department

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

**NEW BUSINESS:**

**CONSENT AGENDA:** None

**RESOLUTIONS:** 75. Authorizing Inclusion in the Bergen County Community Development Program

76. Authorizing Award of Radio Maintenance Contract

77. Authorizing Participation in the N.J. State Health Benefits Program Act of the State of New Jersey for Domestic Partnership Coverage

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**RESOLUTIONS (cont'd):**

77. Authorizing Summer Concerts in Woodland Park

77. Authorizing Consent to Submission by ADPP Enterprises to NJDEP for Treatment Works Approval

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

**ORDINANCE(S) ON INTRODUCTION:**

**ORDINANCE NO. 2087:**

**BE IT RESOLVED** that an Ordinance entitled: **"AN ORDINANCE TO APPROPRIATE THE SUM OF \$125,000.00 TO PROVIDE FOR THE ACQUISITION OF A NEW FRONT END LOADER FOR THE USE OF THE DEPARTMENT OF PUBLIC WORKS OF THE BOROUGH OF HASBROUCK HEIGHTS AND FURTHER 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 \$117,500.00"** 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 10, 2005.

**BE IT RESOLVED** that an Ordinance entitled: **"AN ORDINANCE TO APPROPRIATE THE SUM OF \$125,000.00 TO PROVIDE FOR THE ACQUISITION OF A NEW ROLLOFF TRUCK FOR THE USE OF THE DEPARTMENT OF PUBLIC WORKS OF THE BOROUGH OF HASBROUCK HEIGHTS AND FURTHER 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 \$117,500.00"** 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 10, 2005.

**BE IT RESOLVED** that an Ordinance entitled: **"AN ORDINANCE TO APPROPRIATE THE SUM OF \$85,000.00 TO PROVIDE FOR THE ACQUISITION OF TWO NEW 4 WHEEL DRIVE VEHICLES FOR THE USE OF THE FIRE DEPARTMENT AND FIRE PREVENTION BUREAU OF THE BOROUGH OF HASBROUCK HEIGHTS AND**  
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**ORDINANCE(S) ON INTRODUCTION (cont'd):**

**ORDINANCE NO. 2089 (cont'd):**

**FURTHER 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 \$80,000.00"** 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 10, 2005.

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

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

Mayor Jones opened the public hearing on Ordinance No. 2082, Ordinance No. 2083, Ordinance No. 2084, Ordinance No. 20857. There being no one wishing to speak on these ordinances, the public hearing was closed.

Christian Semenez, 415 Jefferson Avenue, questioned the Resolution on the convenience store, dispersing into Ottawa Avenue.

**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, BY ORDINANCE NO. 1985 ADOPTED ON NOVEMBER 26, 2002 AND BY ORDINANCE NO. 2038 ADOPTED ON APRIL 27, 2004,) IN ORDER TO INCREASE THE TOTAL AMOUNT APPROPRIATED TO \$11,311,645.63 BY APPLYING THE**

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

**ORDINANCE NO. 2082 (cont'd):**

**PROCEEDS OF AN ADDITIONAL BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT IN THE SUM OF \$40,000.00 FOR AN ELEVATOR IN THE PUBLIC SAFETY BUILDING AND BY APPLYING ADDITIONAL INSURANCE PROCEEDS IN THE SUM OF \$37,509.63”** 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.

**BE IT RESOLVED** that an Ordinance entitled: **“AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN NEW GEAR AND EQUIPMENT FOR THE USE OF THE FIRE DEPARTMENT AND THE POLICE DEPARTMENT OF THE BOROUGH OF HASBROUCK HEIGHTS AND TO APPROPRIATE THE TOTAL SUM OF \$45,000.00 PROVIDED BY A GRANT FROM THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY FOR A STATEWIDE LOCAL DOMESTIC PREPAREDNESS EQUIPMENT GRANT AWARD”**” 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.

**BE IT RESOLVED** that an Ordinance entitled: **“AN ORDINANCE AUTHORIZING CERTAIN IMPROVEMENTS TO WOODLAND PARK IN THE BOROUGH OF HASBROUCK HEIGHTS AND TO APPROPRIATE THE TOTAL SUM OF \$40,000.00 PROVIDED BY A GRANT FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION ”** 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.

**BE IT RESOLVED** that an Ordinance entitled: **“AN ORDINANCE AUTHORIZING THE ACQUISITION OF NEW LAP TOP COMPUTERS FOR THE USE OF THE HASBROUCK HEIGHTS FREE PUBLIC LIBRARY AND TO APPROPRIATE THE TOTAL SUM OF \$16,000.00 PROVIDED BY A GRANT FROM THE NEW JERSEY”** 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

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

**ORDINANCE NO. 2085 (cont'd):**

Observer, a newspaper circulating and published in the Borough of Hasbrouck Heights.

Councilman Introna questioned Ordinance No. 2085 and laptop computers and recommended desk top for durability and less possibility of being stolen. He was advised that these laptops would not be taken off the premises, that each rental would be documented, and reimbursement be collected if a problem arose.

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

**REPORT FROM CELLULAR TELECOMMUNICATIONS EXPERT BRUCE A. EISENSTEIN, Ph.d., P.E.**

Mayor Jones invited Dr. Bruce Eisenstein to give his expert report (copy attached) on cellular telecommunications. The Mayor requested that only the council ask questions. He invited Borough Attorney Ralph W. Chandless Jr. to be a part of the proceedings. Dr. Eisenstein introduced himself and said he was a professor of electrical and computer engineering at Drexel University for over 30 years. He teaches telecommunications, cell phones, wireless communications. He introduced his colleague Dr. Leon Harabian who had done a lot of work on the report under Dr. Eisenstein's supervision. He also a professor at Drexel. He noted his is also working with the borough's Zoning (Planning) Board on applications that come before them. He has a Bachelor's, Master's, and Ph.D. in electrical engineering, all his research work has been in the area of signals and communication. He has worked with over 70 municipalities in New Jersey and has worked with municipalities for over 10 years. After referring to his report and giving a summary of his answers, he noted that radio waves don't ever stop, they emanate and keep going forever. To try to say there is some physical presence to the radio waves is just a misconception of the physics of the way these things work. They are just all over the place. He gave an example that there is as much radio waves from a cell antenna as there is from a neighboring wireless network in a school or library or from a radio station. The level of the signal is the same, that a cellular phone system is a two way system, the antenna system is sending a signal out, but the hand held unit is sending a signal back. He continued that they had reviewed the borough's cell tower ordinance and pointed out several areas that could be challenged (referred to report).

The borough attorney noted that the basic question before the council is are there any areas in Hasbrouck Heights that should be designated areas in which cellular facilities would be allowed as conditional uses. Dr. Eisenstein noted that in the case of a "d" variance, as long as the borough does not operate in a way so as to exclude the

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**REPORT OF DR. EISENSTEIN (cont'd):**

applicants from putting their sites where they claim are needed, that is the better procedure. He referred to the 1996 Telecommunications Act which states that no



municipality may consider the health effects of cellular phone sites so long as the provider testifies they are in compliance with FCC regulations.

Any questions from the council were requested to not refer to the Planning Board application currently pending.

One question asked of Dr. Eisenstein, is there a 20 year history that could provide some type of information that radio waves are absorbed by the body and could be cumulative. He noted that part of his experience has been in biomedical engineering, he has studied health effects, the question is is there a threshold or not. At enormous power it can cause enormous damage. The level that comes out of antennas is minuscule. He continued the best thinking in the field says that radiation is dangerous when it is of sufficient power that it causes thermal effects or the radiation is of a sufficient high frequency that it causes ionization effects. Regarding a 20 year projection, many cell towers operate at a frequency not very different from radio and TV stations. He has not seen any study that shows physical mechanism damage. When asked about children, relatively it would not be worse, he would worry more about a hand held phone. With new technology, wattage is lower.

Questioning continued on the ordinance, flight paths, use variances, considered as a public utility would they be deemed to be inherently beneficial, compensation to neighbors, approach paths from the airport, how is it known if they meet FAA requirements, if the Police/Fire Radio tower would be in the range of a cell tower. The borough attorney recommended that the matter be carried to the work session.

#### **MISCELLANEOUS FROM PUBLIC:**

Mayor Jones opened the meeting to the public.

Steven Koziol, owner of property at Terrace and Franklin Avenues, speaking for their tenants who park at Carrino's parking lot on Boulevard and Franklin, that they have no place else to park. The borough attorney recommended that the Zoning Committee who will be meeting on May 11 discuss this further. Mayor Jones asked for a stay in this matter until it could be discussed. Councilman Meli made a motion, Councilman DiPisa seconded, and it was unanimously carried. The borough attorney would advise Nicholas Melfi, Zoning officer, and Mr. Carrino.

Debra Cebula, 164 Franklin Avenue, asked that commuters parking in 2-hour zones be more strictly enforced.

Matthew Ahearn, attorney with Burns and Schaefer, 17 Hanover Road, Florham Park, asked to address some of the issues that Dr. Eisenstein raised with the ordinance. He was advised that a request had been made that discussion and questions be made by

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

the council only. He was granted a few moments, and continued that he wanted to clear up some of the references in Dr. Eisenstein's report, that an ordinance should regulate a specific use, and elaborated on the public utility verbiage.

The borough attorney, again referred this matter to work session, that the entire borough could be affected by the inference of this ordinance. Mayor Jones also questioned the compensation under public utilities.

Chris Semencz, 415 Jefferson Avenue, questioned Mr. Introna as to why he voted for the CAP increase.

Jorge Risquet, 257 Walter Avenue, questioned the fence behind the Public Safety Building, when would it be fixed. He was expecting a second tier, there was a large gap. This would be looked at. He questioned the speed counter on Walter Avenue, and he was advised to call the Traffic Bureau. He was requesting the ability to dump trash at the DPW yard again. He was advised to call the department.

Ann Marie Risquet, 257 Walter Avenue, brought up the matter of the fence again. She was also having a rodent problem. She was advised that the fence had been changed three times, that \$1,700 had been paid in change orders. The fence would be looked at again and fixed at the least cost to the taxpayers.

Jorge Risquet, 257 Walter Avenue, asked that the fence be tiered one more time.

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

**ADJOURN FOR CLOSED SESSION:**

**RESOLUTION:** 80. Personnel

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

There being no further business to be conducted by the Mayor and Council, the public portion of the meeting was adjourned at 11:14 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 Regular Meeting held on April 26, 2005.

Rose Marie Sees, RMC  
Borough Clerk