

**BOROUGH OF HASBROUCK HEIGHTS**

**RESOLUTION NO.: 30**

**DATED: January 25, 2022**

WHEREAS, the State of New Jersey Department of the Treasury Division of Contract Compliance and EEO in Public Contracts Regulations for awarding of public contracts P.L. 1975, C. 127 (N.J.A.C. 17:27) requires a Public Agency to designate an officer or employee to serve as a Public Agency Compliance Officer (P.A.C.O.); and

WHEREAS, the P.A.C.O. is the liaison official for matters concerning P.L. 1975, C. 127 (N.J.A.C. 17:27) and should have the authority to recommend the appropriate corrections to the Agency's contracting procedures;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Hasbrouck Heights hereby appoints the Borough Clerk as the Public Agency Compliance Officer and does hereby submit a certified copy of this resolution to said Affirmative Action office to show evidence of said compliance.



Ron Kistner  
Commissioner of Finance

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	PRESENT	ABSENT
Kistner			✓				
Bing			✓				
Ciocia		✓	✓				
Sickels	✓		✓				
Meli			✓				
Hillmann			✓				

**BOROUGH OF HASBROUCK HEIGHTS**

**RESOLUTION NO. 31**

**Dated: January 25, 2022**

**AUTHORIZING A PROFESSIONAL CONTRACT  
WITH JOSEPH J. ROTOLO, ESQ. PURSUANT TO N.J.S.A  
40A:11-1 ET SEQ. AND 19:44A-20.5 ET SEQ.**

**WHEREAS**, on January 5, 2022, the Land Use Board of the Borough of Hasbrouck Heights has duly appointed JOSEPH J. ROTOLO, ESQ. of 50 Summit Avenue, Hackensack New Jersey, to serve as its attorney for the year 2022, and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of a contract for such professional services without competitive bidding, and

**WHEREAS**, the Chief Financial Officer of this Borough, pursuant to N.J.S.A. 19:44A-20.5, has determined and certified in writing that the consideration paid under this contract may or will exceed \$17,500.00 during the year, and

**WHEREAS**, the aforementioned appointee has been notified of the requirement to complete and file a Business Entity Disclosure Certification as required by N.J.S.A. 19:44A-20.8 and further notified that the contract will prohibit the making of any reportable contributions to a political or candidate committee in the Borough of Hasbrouck Heights through the term of the contract, and

**WHEREAS**, the said appointees has attested to the filing of a "Business Entity Disclosure Certification" with the Borough Clerk that he has not made a contribution that is reportable to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16 in the year preceding the award of this contract that would affect his eligibility to perform this contract.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Hasbrouck Heights, County of Bergen and State of New Jersey, as follows:

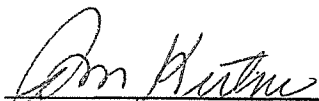
1. The Mayor and Borough Clerk be and are hereby authorized and directed to execute an agreement with the aforesaid to perform his professional services on behalf of the Borough according to applicable laws, ordinances and the rules regulating the professional services and further in accordance with the more specific terms and conditions hitherto established in consideration of the payment of the standard rate for the same.

2. This contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40:A11-5(1)(a) of the Local Public Contracts Law for the following reasons:

a. Services rendered by an attorney are performed by persons authorized by law to practice a recognized profession; this practice is regulated by law and the services performed or rendered require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction.

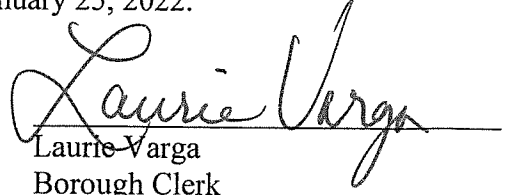
3. This contract shall be on file in the office of the Borough Clerk together with the duly executed "Business Entity Disclosure Certification" form and shall be open for inspection by the public during the regular business hours of that office.

4. A notice of this action shall be printed once in The Record.

  
\_\_\_\_\_  
Ron Kistner  
Commissioner of Finance

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	PRESENT	ABSENT
Kistner			✓				
Bing			✓				
Ciocia		✓	✓				
Sickels	✓		✓				
Meli			✓				
Hillmann			✓				

I, LAURIE VARGA, Borough Clerk of the Borough of Hasbrouck Heights, County of Bergen, State of New Jersey, do hereby certify that the foregoing Resolution is a certified copy of Resolution No. 31 adopted by the Governing Body on January 25, 2022.

  
Laurie Varga  
Borough Clerk

**BOROUGH OF HASBROUCK HEIGHTS**

**RESOLUTION NO. 32**

**Dated: January 25, 2022**

**AUTHORIZING A PROFESSIONAL CONTRACT  
WITH BOSWELL ENGINEERING,  
PURSUANT TO N.J.S.A40A:11-1 ET SEQ. AND 19:44A-20.5 ET SEQ.**

**WHEREAS**, on January 5, 2022, the Land Use Board of the Borough of Hasbrouck Heights has duly appointed Boswell Engineering, 330 Phillips Avenue, South Hackensack New Jersey, to serve as its engineer for the year 2022, and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of a contract for such professional services without competitive bidding, and

**WHEREAS**, the Chief Financial Officer of this Borough, pursuant to N.J.S.A. 19:44A-20.5, has determined and certified in writing that the consideration paid under this contract may or will exceed \$17,500.00 during the year, and

**WHEREAS**, the aforementioned appointee has been notified of the requirement to complete and file a Business Entity Disclosure Certification as required by N.J.S.A. 19:44A-20.8 and further notified that the contract will prohibit the making of any reportable contributions to a political or candidate committee in the Borough of Hasbrouck Heights through the term of the contract, and

**WHEREAS**, the said appointee has attested to the filing of a "Business Entity Disclosure Certification" with the Borough Clerk that he has not made a contribution that is reportable to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16 in the year preceding the award of this contract that would affect his eligibility to perform this contract.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Hasbrouck Heights, County of Bergen and State of New Jersey, as follows:

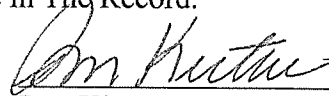
1. The Mayor and Borough Clerk be and are hereby authorized and directed to execute an agreement with the aforesaid to perform his professional services on behalf of the Borough according to applicable laws, ordinances and the rules regulating the professional services and further in accordance with the more specific terms and conditions hitherto established in consideration of the payment of the standard rate for the same.

2. This contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40:A11-5(1)(a) of the Local Public Contracts Law for the following reasons:

a. Services rendered by an engineer are performed by persons authorized by law to practice a recognized profession; this practice is regulated by law and the services performed or rendered require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction.

3. This contract shall be on file in the office of the Borough Clerk together with the duly executed "Business Entity Disclosure Certification" form and shall be open for inspection by the public during the regular business hours of that office.

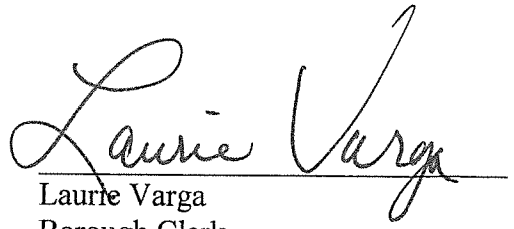
4. A notice of this action shall be printed once in The Record.



Ron Kistner  
Finance Commissioner

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	PRESENT	ABSENT
Kistner			✓				
Bing			✓				
Giocia		✓	✓				
Sickeis	✓		✓				
Meli			✓				
Hilimann			✓				

I, LAURIE VARGA, Borough Clerk of the Borough of Hasbrouck Heights, County of Bergen, State of New Jersey, do hereby certify that the foregoing Resolution is a certified copy of Resolution No. 32 adopted by the Governing Body on January 25, 2022.

  
Laurie Varga  
Borough Clerk

**BOROUGH OF HASBROUCK HEIGHTS**  
**RESOLUTION NO. 33**  
**Dated: January 25, 2022**

**AUTHORIZING A PROFESSIONAL CONTRACT  
WITH GREGORY ASSOCIATES LLC  
PURSUANT TO N.J.S.A40A:11-1 ET SEQ. AND 19:44A-20.5 ET SEQ.**

**WHEREAS**, on January 5, 2022, the Land Use Board of the Borough of Hasbrouck Heights has duly appointed Gregory Associates , LLC, of Fort Lee, New Jersey, to serve as planner on for the year 2022, and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of a contract for such professional services without competitive bidding, and

**WHEREAS**, the Chief Financial Officer of this Borough, pursuant to N.J.S.A. 19:44A-20.5, has determined and certified in writing that the consideration paid under this contract may or will exceed \$17,500.00 during the year, and

**WHEREAS**, the aforementioned appointee has been notified of the requirement to complete and file a Business Entity Disclosure Certification as required by N.J.S.A. 19:44A-20.8 and further notified that the contract will prohibit the making of any reportable contributions to a political or candidate committee in the Borough of Hasbrouck Heights through the term of the contract, and

**WHEREAS**, the said appointee has attested to the filing of a “Business Entity Disclosure Certification” with the Borough Clerk that he has not made a contribution that is reportable to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16 in the year preceding the award of this contract that would affect his eligibility to perform this contract.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Hasbrouck Heights, County of Bergen and State of New Jersey, as follows:

1. The Mayor and Borough Clerk be and are hereby authorized and directed to execute an agreement with the aforesaid to perform professional services on behalf of the Borough according to applicable laws, ordinances and the rules regulating the professional services and further in accordance with the more specific terms and conditions hitherto established in



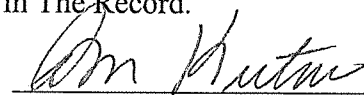
consideration of the payment of the standard rate for the same.

2. This contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40:A11-5(1)(a) of the Local Public Contracts Law for the following reasons:

a. Services rendered by an engineer are performed by persons authorized by law to practice a recognized profession; this practice is regulated by law and the services performed or rendered require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction.

3. This contract shall be on file in the office of the Borough Clerk together with the duly executed "Business Entity Disclosure Certification" form and shall be open for inspection by the public during the regular business hours of that office.

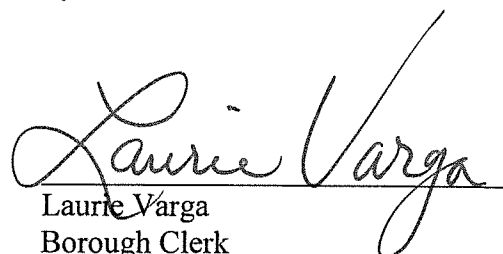
4. A notice of this action shall be printed once in The Record.



Ron Kistner  
Finance Commissioner

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	PRESENT	ABSENT
Kistner			✓				
Bing			✓				
Ciocia		✓	✓				
Sickeis	✓		✓				
Meli			✓				
Hillmann			✓				

I, LAURIE VARGA, Borough Clerk of the Borough of Hasbrouck Heights, County of Bergen, State of New Jersey, do hereby certify that the foregoing Resolution is a certified copy of Resolution No. 33 adopted by the Governing Body on January 25, 2022.



Laurie Varga  
Borough Clerk

**BOROUGH OF HASBROUCK HEIGHTS**


**RESOLUTION NO.: 34**

**DATED: January 25, 2022**

WHEREAS, compliance with N.J.S.A. 26: 8-13 requires that the local Registrar be appointed every three years by municipal resolution; and

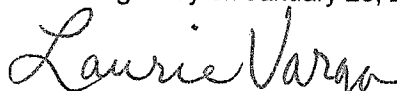
WHEREAS, the Borough has determined that re-appointing Laura French, for the position of Registrar is in the best interest of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hasbrouck Heights, County of Bergen, State of New Jersey, that Laura French be appointed to the position of Registrar, effective 11/1/21 – 10/31/24.

  
Michael Sickels  
Council President

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	PRESENT	ABSENT
Kistner			✓				
Bing			✓				
Ciocia		✓	✓				
Sickels	✓		✓				
Meli			✓				
Hillmann			✓				

I, LAURIE VARGA, Borough Clerk of the Borough of Hasbrouck Heights, County of Bergen, State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of Resolution No. 34 adopted by the Governing Body on January 25, 2022

  
Laurie Varga, Borough Clerk

**BOROUGH OF HASBROUCK HEIGHTS**

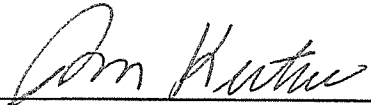
**RESOLUTION NO.: 35**

**DATED: January 25, 2022**

**WHEREAS**, the Tax Collector has notified the Clerk that as per N.J.S.A.54:4-3.30 as amended, the following taxes are to be refunded for 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarter, of the year 2021 for the following property, the reason being that they are 100% Tax Exempt Disabled Veterans status effective April 12, 2021:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Location</u>	<u>Amount</u>
146	28	Bells, Anthony	1 LaSalle Ave.	
			2 <sup>nd</sup> Qtr.(Pro rated)	\$2,031.90
			3 <sup>rd</sup> Qtr.	\$2,502.85
			4 <sup>th</sup> Qtr.	<u>\$2,509.71</u>
				\$7,044.46

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Collector is hereby authorized to refund said taxes.

  
\_\_\_\_\_  
Ron Kistner  
Commissioner of Finance

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	PRESENT	ABSENT
Kistner			✓				
Bing			✓				
Ciocia		✓	✓				
Sickels	✓		✓				
Meli			✓				
Hillmann			✓				

## BOROUGH OF HASBROUCK HEIGHTS

### RESOLUTION NO.: 36

DATED: January 25, 2022

#### A RESOLUTION TO AUTHORIZE THE RETURN OF PERFORMANCE BOND AND DEVELOPER ESCROW BALANCES

**WHEREAS**, Three Buildings, LLC posted an initial Developer's Escrow payment of \$2,500 on March 24, 2011, a secondary Developer's Escrow payment of \$77,150 on July 15, 2013 and a \$50,000 Performance Bond on July 15, 2013; and,

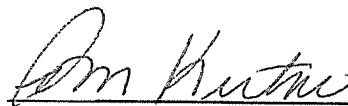
**WHEREAS**, on December 9, 2021, Boswell Engineering notified the Construction & Zoning Officer for the Borough in writing that Three Buildings, LLC had met all the conditions required for the release of the remaining balances of the above noted deposits (including any accrued interest as applicable), as well granted its approval to issue a Final Certificate of Occupancy; and,

**WHEREAS**, the Chief Financial Officer has confirmed the availability of these funds in the amounts and accounts noted below,

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Hasbrouck Heights, County of Bergen, State of New Jersey as follows:

The Finance Department is hereby directed to refund the following remaining amounts from the applicable bank accounts and indicated ledger accounts:

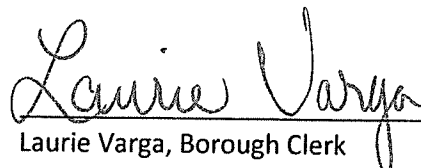
- Performance Bond - \$50,119.85 – Ledger account #307.470
- Initial Escrow Deposit - \$1,403.25 – Ledger account #307.413
- Secondary Escrow Deposit - \$39,099.91 – Ledger account #307.469



Ron Kistner  
Commissioner of Finance

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	PRESENT	ABSENT
Kistner			✓				
Bing			✓				
Ciocia		✓	✓				
Sickeis	✓		✓				
Mell			✓				
Hillmann			✓				

Adopted this 25<sup>th</sup> day of January, 2022, certified as a true copy of an original.



Laurie Varga, Borough Clerk

**BOROUGH OF HASBROUCK HEIGHTS  
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION NO. 37**

**DATED: January 25, 2022**

**RESOLUTION AUTHORIZING A CONTRACT WITH PHOENIX ADVISORS TO  
PROVIDE DISCLOSURES REQUIRED BY THE SECURITIES AND EXCHANGE  
COMMISSION IN CONNECTION WITH THE BOND ISSUANCES OF THE  
BOROUGH**

**WHEREAS**, the Borough becomes subject to the requirements of Continuing Disclosure Agreements ("CDAs") as the result of one or more of its bond issuances to provide specific financial and other information and notices, within specified timeframes, to the marketplace in a manner prescribed by the regulators of the underwriter that purchased said bond issues; and

**WHEREAS**, Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") governs the many aspects of continuing disclosure; and

**WHEREAS**, Phoenix Advisors, being duly registered as a Municipal Advisor with the Securities and Exchange Commission (the "SEC") and the Municipal Securities Rulemaking Board (the "MSRB"), provides professional municipal advisory services and has heretofore been appointed by the Borough to be its Independent Registered Municipal Advisor ("IRMA") and to offer such municipal advisory services; and

**WHEREAS**, the Borough, upon the advice of its Chief Financial Officer, seeks to once again contract with Phoenix Advisors to provide such services; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for such purposes;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council, Borough of Hasbrouck Heights, Bergen County, New Jersey, based upon the forgoing, there is hereby authorized a contract with Phoenix Advisors to provide the said services in consideration of the following:

Disclosure Agent Service:

\$1,150 - base fee (for up to three (3) outstanding issues), plus \$100 for each additional outstanding obligation, if filings are required.

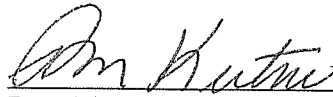
Setup Charge:

\$450 but is discounted to \$200 if Phoenix Advisors serves as Municipal Advisor.

New Event Filing Rule:

An amendment made to the Rule, effective February 27, 2019, increases the number of Events, to be recorded on EMMA. Phoenix Advisors will charge \$250 for each Event filing made under the Rule's new Events. Phoenix Advisors will waive this fee if engaged as Municipal Advisor on a transaction that involves such Event filing.  
All fees are invoiced annually.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and is hereby authorized and directed to execute the said contract for same in the form approved by the Borough Attorney; and



Ron Kistner  
Commissioner of Finance

It is hereby certified that the above is true and exact copy of Resolution No. 37 adopted by the Mayor and Council of the Borough of Hasbrouck Heights at a regular meeting held on January 25, 2022.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Laurie Varga, Borough Clerk

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	PRESENT	ABSENT
Kistner			✓				
bing			✓				
Ciocia		✓	✓				
Sickels	✓		✓				
Mell			✓				
Hillmann			✓				

**BOROUGH OF HASBROUCK HEIGHTS**

**RESOLUTION NO.: 38**

**DATED: January 25, 2022**

**BE IT RESOLVED** that the Borough Treasurer be and is hereby authorized and directed to make the following 2021 Budget Reserve transfers:

Borough of Hasbrouck Heights

Budget Reserve Transfer - January 2022

**General Appropriations**

**Operations - "Within CAPS"**

	FROM	TO	Account
Legal Services & Costs - O/E	\$ 15,000.00	\$ -	107.257
Legal Services & Costs - O/E	\$ 5,000.00	\$ -	107.258
Group Insurance For Employees	\$ 10,000.00	\$ -	117.270
Engineering Services & Costs - O/E	\$ -	\$ 15,000.00	110.204
Road Repairs & Maintenance - S&W	\$ -	\$ 3,400.00	127.103
Road Repairs & Maintenance - S&W	\$ -	\$ 3,000.00	127.105
Street Cleaning - O/E	\$ -	\$ 1,500.00	128.204
Garbage & Trash Removal - O/E	\$ -	\$ 2,000.00	129.204
Gasoline	\$ -	\$ 5,000.00	150.204
Class III Police Officers - S&W	\$ -	\$ 100.00	178.117
	<u>\$ 30,000.00</u>	<u>\$ 30,000.00</u>	

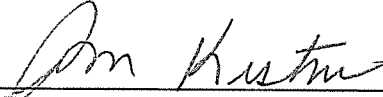
  
Ron Kistner, Commissioner of Finance

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	PRESENT	ABSENT
Kistner			✓				
Bing			✓				
Ciocia		✓	✓				
Sickels	✓		✓				
Meli			✓				
Hillmann			✓				

**BOROUGH OF HASBROUCK HEIGHTS**  
**RESOLUTION NO.: 39**  
**DATED: January 25, 2022**

WHEREAS, in the Borough of Hasbrouck Heights, County of Bergen, New Jersey, an application is required to be submitted and annual licensing fee is required to be paid by commercial enterprises in the business of selling certain motor vehicles; and WHEREAS, the following applications were received, the fee has been paid, and pending approval by the Police Department, Fire Prevention and Building Department; NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hasbrouck Heights, County of Bergen, hereby approves the licenses of the following to operate for the period of March 1, 2022 through February 28, 2023

NAME OF BUSINESS	ADDRESS	SUITE	PARKING SPACE #s
Auto Dynasty Group, LLC	92 Railroad Ave	115	D77, D78, 49
A.W. Auto Truck Wholesalers	39 Industrial Ave		

  
\_\_\_\_\_  
Ron Kistner  
Commissioner of Finance

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	PRESENT	ABSENT
Kistner			✓				
Bing			✓				
Ciocia		✓	✓				
Sickels	✓		✓				
Mell			✓				
Hillmann			✓				



**BOROUGH OF HASBROUCK HEIGHTS**

**RESOLUTION NO.: 40**

**DATED: January 25, 2022**

WHEREAS, an application has been filed by the following for license to conduct a Raffle or Bingo as set forth below, and has paid the required fee; and

WHEREAS, the application complies with the requirements of the Legalized Games of Chance Control Commission, and the attached Findings and Determination indicates that the rules and regulations of the Commission will be complied with,

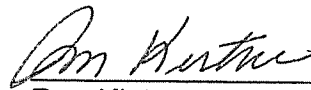
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hasbrouck Heights that a Raffle or Bingo license(s) be granted to the organization indicated below for the purpose of conducting the game(s) on the stated date and in the manner provided for in said application:

**ORGANIZATION**  
**VFW Post #4591**  
**Hasbrouck Heights**

**TYPE**  
**Merchandise**  
**Raffle**

**DATE**  
**3/17/22**

**NO.**  
**1645**



Ron Kistner  
Commissioner of Finance

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	PRESENT	ABSENT
Kistner			✓				
Bing			✓				
Giocia		✓	✓				
Sickeis	✓				✓		
Mell			✓				
Hillmann			✓				

**BOROUGH OF HASBROUCK HEIGHTS**

**RESOLUTION NO.: 4/**

**Authorizing Executive Session**

**Date:** January 25, 2022

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting, and

WHEREAS, the Mayor and Council of the Borough of Hasbrouck Heights has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public,  
and

WHEREAS, the regular meeting of this committee will reconvene,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hasbrouck Heights will go into closed session for the following reason as outlined in N.J.S.A. 10:4-12:

\_\_\_\_\_ Any matter which, by express provision of Federal Law or State Statute or Rule of Court shall be rendered confidential.

\_\_\_\_\_ Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

\_\_\_\_\_ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy.

\_\_\_\_\_ Any collective bargaining agreement.

\_\_\_\_\_ Any matter involving the purchase, lease, sale or acquisition of real property with public funds.

\_\_\_\_\_ Any tactics and techniques utilized in protecting safety and property of the public.

☒ Any pending or anticipated litigation or contract negotiation.

\_\_\_\_\_ Any matter involving the employment, appointment, termination of employment, disciplinary action unless individual requests a public meeting.

\_\_\_\_\_ Any deliberations of a public body occurring after a public hearing that may result in the imposition of a special civic penalty.

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, the minutes can be made public.



Ron Kistner, Finance Commissioner

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	PRESENT	ABSENT
Kistner			✓				
Bing	✓		✓				
Ciocia			✓				
Sickels		✓	✓				
Meli			✓				
Hillmann			✓				

**BOROUGH OF HASBROUCK HEIGHTS**

**RESOLUTION NO. 42**

**Dated: January 25, 2022**

**RESOLUTION TO PAY RETIRED CHIEF MICHAEL J. COLANERI ACCRUED VACATION TIME AND THE EQUIVALENT OF ONE MONTH OF HIS SALARY IN TERMINAL LEAVE - DENIED**

**WHEREAS**, the Chief Michal J. Colaneri (“Colaneri”) retired on or about July 1, 2021 from the Borough of Hasbrouck Heights (the “Borough”); and

**WHEREAS**, no contract governs Colaneri’s employment with the Borough; and

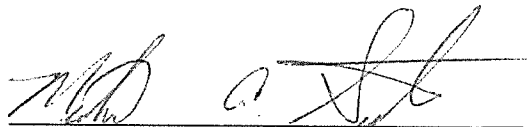
**WHEREAS**, the Borough Employee Manual does not govern the Chief of Police position; and

**WHEREAS**, the Fair Labor Standards Act (the “FLSA”) 29 U.S.C. §201, et. seq. precludes local municipalities from paying overtime to department heads under the FLSA absent an ordinance which provides for such payments – the Borough has no such ordinance; and

**WHEREAS**, N.J.S.A. 40A:9-10.3 caps payment of accrued sick and vacation time earned after 2007 at \$15,000.00; notwithstanding, based on the COVID-19 Pandemic and the personnel shortages occasioned by the pandemic, Colaneri’s accrued vacation of 40 days (10 in 2020 and 30 in 2021) totaling \$31,788.61 will be paid to him notwithstanding the statutory cap based on the advice of the Borough Attorney; and

**WHEREAS**, the Borough has over the years from time-to-time issued retirement payments to certain department heads and high-ranking employees on a discretionary basis and often before any mandatory retirement age was reached but is under no obligation contractually or legally to do so – these retirement payments are completely discretionary and subject to the pleasure of the Borough Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Council (Mayor recused) of the Borough of Hasbrouck Heights, County of Bergen, State of New Jersey, to pay former Borough Police Chief Michael J. Colaneri forty (40) accrued and unused vacation days from 2020 and 2021 (during the COVID-19 Pandemic) in the amount of \$31,788.61 and one (1) month of his 2021 annual salary as retirement pay with all usual and customary payroll deductions assessed against these payments. DENIED.

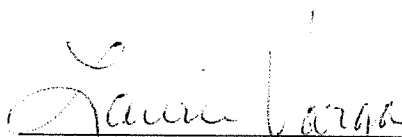
  
 Michael Sickles, Council President

Motion by: Councilman Bing  
 Second by: Councilwoman Ciocia

Roll Call:

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	PRESENT	ABSENT
Meli				✓			
Sickles				✓			
Ciocia		✓	✓				
Kistner				✓			
Bing	✓		✓				
Hillmann				✓			

I hereby certify that the foregoing Resolution was finally adopted by the Borough Council at a meeting held on January 25, 2022, and approved by the Council President on the same date.

  
 Laurie Varga, Borough Clerk

**BOROUGH OF HASBROUCK HEIGHTS**

**RESOLUTION NO. 43**

**Dated: January 25, 2022**

**RESOLUTION TO PAY RETIRED CHIEF MICHAEL J. COLANERI ACCRUED VACATION TIME AND THE EQUIVALENT OF ONE MONTH OF HIS SALARY IN TERMINAL LEAVE - DENIED**

**WHEREAS**, the Chief Michal J. Colaneri (“Colaneri”) reached mandatory retirement age on or about July 1, 2021 and based on this retired from the Borough of Hasbrouck Heights (the “Borough”) on or about that date; and

**WHEREAS**, no contract governs Colaneri’s employment with the Borough; and

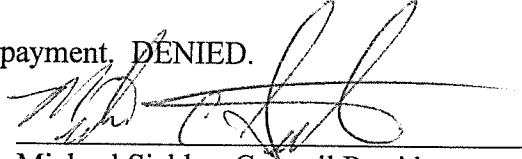
**WHEREAS**, the Borough Employee Manual does not govern the Chief of Police position; and

**WHEREAS**, the Fair Labor Standards Act (the “FLSA”) 29 U.S.C. §201, et. seq. precludes local municipalities from paying overtime to department heads under the FLSA absent an ordinance which provides for such payments – the Borough has not such ordinance; and

**WHEREAS**, N.J.S.A. 40A:9-10.3 caps payment of accrued sick and vacation time earned after 2007 at \$15,000.00; notwithstanding, based on the COVID-19 Pandemic and the personnel shortages occasioned by the pandemic, Colaneri’s purported accrued vacation of 40 days (10 in 2020 and 30 in 2021) totaling \$31,788.61 will be paid to him notwithstanding the statutory cap based on the advice of the Borough Attorney; and

**WHEREAS**, the Borough has over the years from time-to-time issued retirement payments to certain department heads and high-ranking employees on a discretionary but is under no obligation with contractually or legally to do so – these retirement payments are completely discretionary and subject to the complete discretion of the Borough Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Council (Mayor recused) of the Borough of Hasbrouck Heights, County of Bergen, State of New Jersey, to pay former Borough Police Chief Michael J. Colaneri forty (40) accrued and unused vacation days from 2020 and 2021 (during the COVID-19 Pandemic) in the amount of \$31,788.61 and NO retirement pay with all usual and customary payroll deductions assessed against this payment. **DENIED.**

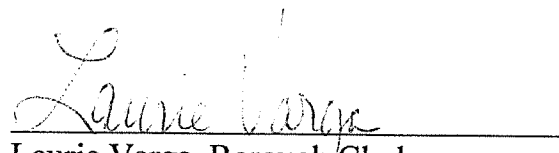
  
Michael Sickles, Council President

Motion by: Councilman Bing  
Second by: Councilwoman Ciocia

Roll Call:

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	PRESENT	ABSENT
Meli				✓			
Sickles			✓				
Ciocia		✓	✓				
Kistner				✓			
Bing	✓		✓				
Hillmann				✓			

I hereby certify that the foregoing Resolution was finally adopted by the Borough Council at a meeting held on January 25, 2022, and approved by the Council President on the same date.

  
Laurie Varga, Borough Clerk

**BOROUGH OF HASBROUCK HEIGHTS**

**RESOLUTION NO. 44**

**Dated: January 25, 2022**

**RESOLUTION TO PAY RETIRED CHIEF MICHAEL J. COLANERI ACCRUED VACATION TIME OF 40 DAYS FOR 2020 and 2021**

**WHEREAS**, the Chief Michal J. Colaneri (“Colaneri”) reached mandatory retirement age on or about July 1, 2021 and based on this retired from the Borough of Hasbrouck Heights (the “Borough”) on or about that date; and

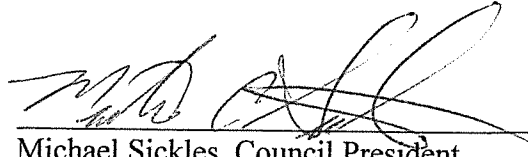
**WHEREAS**, no contract governs Colaneri’s employment with the Borough; and

**WHEREAS**, the Borough Employee Manual does not govern the Chief of Police position; and

**WHEREAS**, the Fair Labor Standards Act (the “FLSA”) 29 U.S.C. §201, et. seq. precludes local municipalities from paying overtime to department heads under the FLSA absent an ordinance which provides for such payments – the Borough has not such ordinance; and

**WHEREAS**, N.J.S.A. 40A:9-10.3 caps payment of accrued sick and vacation time earned after 2007 at \$15,000.00; notwithstanding, based on the COVID-19 Pandemic and the personnel shortages occasioned by the pandemic, Colaneri’s purported accrued vacation of 40 days (10 in 2020 and 30 in 2021) totaling \$31,788.61 will be paid to him notwithstanding the statutory cap based on the advice of the Borough Attorney; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council (Mayor recused) of the Borough of Hasbrouck Heights, County of Bergen, State of New Jersey, to pay former Borough Police Chief Michael J. Colaneri forty (40) accrued and unused vacation days from 2020 and 2021 (during the COVID-19 Pandemic) in the amount of \$31,788.61 with all usual and customary payroll deductions assessed against this payment.

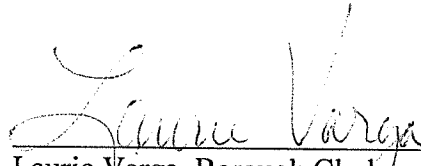
  
Michael Sickles, Council President

Motion by: Councilman Bing  
Second by: Councilwoman Ciocia

Roll Call:

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	PRESENT	ABSENT
Meli			✓				
Sickles			✓				
Ciocia		✓	✓				
Kistner			✓				
Bing	✓		✓				
Hillmann				✓			

I hereby certify that the foregoing Resolution was finally adopted by the Borough Council at a meeting held on January 25, 2022, and approved by the Council President on the same date.

  
Laurie Varga, Borough Clerk