

**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL MEETING
MINUTES
MAY 3, 2010**

CALL TO ORDER

This meeting, in accordance with the Open Public Meetings Law, P.L. 1975, C. 231, was announced at the Reorganization Meeting held on January 2, 2010 in the Municipal Building. Notice of this meeting has been posted, and two newspapers, The Record and The Ridgewood News, have been notified.

ROLL CALL

Roll Call was taken by the substituting Secretary. Council members Bader, Camella, Glaser, Hoffman, Howley and Rosenblatt were present. Attorney Madaio, Administrator Sandve, and substituting Secretary Kathy Rizza were also present. Mayor LaPaglia explained to all present that Borough Clerk Sciara is temporarily out of work due to surgery.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance led by Mayor LaPaglia.

APPROVAL OF MINUTES

RESOLVED, that the minutes of a **special Meeting of the Mayor and Council on April 19, 2010** are approved as presented and are ready for release to the public.

ROLL CALL:

Introduce: Mr. Camella
Second: Mr. Bader
Ayes: Mr. Bader, Mr. Camella, Mr. Glaser, Mr. Hoffman, Mrs. Howley, Mr. Rosenblatt
Nays: None
Abstain: None
Absent: None

RESOLVED, that the minutes of an **executive closed session of the Mayor and Council on April 19, 2010** are approved as presented and are ready for release to the public.

ROLL CALL:

Introduce: Mr. Bader
Second: Mr. Camella
Ayes: Mr. Bader, Mr. Camella, Mr. Glaser, Mr. Hoffman, Mrs. Howley, Mr. Rosenblatt
Nays: None

Abstain: None
Absent: None

RESOLVED, that the minutes of a **regular Meeting of the Mayor and Council on April 19, 2010**, are approved **as amended** and are ready for release to the public.

ROLL CALL:

Introduce: Mr. Bader
Second: Mr. Camella
Ayes: Mr. Bader, Mr. Camella, Mr. Glaser, Mr. Hoffman, Mr. Rosenblatt
Nays: Mrs. Howley
Abstain: None
Absent: None

MAYOR' REPORT: no report at this meeting.

ADMINISTRATOR'S REPORT:

1. **JIF Safety Awards:** The Borough was awarded money for the annual safety incentive program. Gift cards were issued to each full time employee in recognition of the borough's safety performance. Mrs. Howley stated that Jay Esposito, Director of Parks and Recreation did not receive one. Mr. Esposito is responsible for over 35 employees and is responsible for the safety of several hundred people each summer and due to the fact that there have been no accidents in his department, Mrs. Howley feels that he too should have been awarded a gift card. Mayor LaPaglia explained that the award was given to full time employees only and that if a gift card were given to one part time employee, where would you draw the line. Mr. Bader asked the Administrator for a copy of the letter from The JIF. Administrator Sandve explained that the awards, a Bronze award and a Silver award, were given at a JIF Breakfast earlier this year. Mr. Rosenblatt stated that he would second a motion by Mrs. Howley to award Mr. Esposito with a gift card if any money is remaining. This motion was carried by all present as follows:

ROLL CALL:

Introduce: Mrs. Howley
Second: Mr. Rosenblatt
Ayes: Mr. Bader, Mr. Camella, Mr. Glaser, Mr. Hoffman, Mrs. Howley,
Mr. Rosenblatt
Nays: None
Abstain: None
Absent: None

2. **Procedure for Implementing New Borough Policies:** A memo from John Glaser regarding the contacting of a borough professional was discussed. Personnel Committee approval would be needed when a council member is requesting extensive time with a borough professional. Mr. Bader is not in agreement with this. Mr. Bader feels that if he needs to speak with a borough

professional he should be able to do so; generating an invoice would be a different situation. There is no conclusion on this matter as of yet. Mr. Camella spoke regarding a 30 day timeframe for a response from the Personnel Committee on any matter before it is brought before the Mayor and Council. Administrator Sandve stated that usually the Personnel Committee does act within a reasonable amount of time, but that the recent budget process may have hindered their response time.

3. **Policy – Recording Devices in Borough Hall** – Currently there is no policy regarding recording devices. Mr. Hoffman stated that he would make a motion against recording devices in Borough Hall and to have this inserted in the employee manual. He had submitted a draft policy at the last meeting and was told that the Personnel Committee did not want to implement the policy at that time. Administrator Sandve stated that a format needs to be done as far as inserting the policy into the personnel manual. Mr. Bader questioned the procedure. Mr. Sandve was instructed to submit a draft of this new policy for the April 17th Mayor and Council meeting. Mr. Rosenblatt asked if it would be on the consent agenda. He was told yes by Mr. Sandve, but that it could be pulled if necessary. Attorney Madaio suggested that the draft policy be presented before any vote is taken.
4. **Policy – Health Benefit Contribution** – The Personnel Committee recommends adopting the state regulation of 1.5% of each employee's salary. The state implementation date for this is May 21st. The borough will implement the policy on June 1st. This will not pertain to Captain Caron, but it will pertain to Chief Jannicelli.
5. **Purchase Order Procedures** - A memo from the Administrator dated April 29, 2010 was referred to during this discussion. Mr. Bader spoke regarding the proposed policy on this subject. He stated that he reviews each and every purchase order that he is sent. Mr. Bader went on to say that he just found duplicate purchase orders for \$270.00 to the same vendor, both of which were signed by all required to sign, and that if he did not see this, the vendor would have been paid twice. Mrs. Howley stated that she has seen purchase orders that have included tax. Mr. Bader referred to the Mayor and Council By-Laws, section 2 regarding certification and review on this subject. He additionally stated that he does not sign a purchase order unless it is first signed by the Administrator. Mr. Bader continued to say that this entire discussion is out of order as per Roberts Rules of Order. He stated that the discussion should be stricken from the record. The Administrator said that it is not a violation of the By-Laws to amend the By-Laws. Mr. Sandve stated that this issue came up because purchase orders were being lost and vendors were not getting paid, and that the auditors have asked why the Borough is issuing duplicate purchase orders. Mr. Rosenblatt stated that he has been saying for two years that he does not want purchase orders sent to his home. Mr. Camella recommended that this new policy be tested for 90 days. Mr. Sandve stated that each Councilmember

could be sent a listing of open purchase orders for their departments. Mr. Bader was questioned by Mr. Glaser as to the meaning of approving a purchase order. Mr. Bader responded that he looks at all purchase orders given to him for signature and he is very well versed in this procedure as he does this on an every day basis for his own company. Things that are happening in his department make sense to him because he is aware of all spending. Mr. Rosenblatt was also asked by Mr. Glaser as to whether or not he has confidence in his department head. Mr. Rosenblatt responded yes. Mrs. Howley stated that she likes to see all purchase orders for her department. Mr. Glaser expressed the importance of having faith in the department heads and the borough professionals. Mr. Camella stated that if he has a question on a certain purchase order he will inquire about it, and that he does have confidence in the department heads. He also stated that the borough purchasing procedures need to be discussed in the future. It was determined that a 90 day trial period for the new purchase order procedure will be implemented. Mr. Bader would like to see the By-Laws changed first. A roll call vote was taken on a 90 day trial period for the new (revised at this meeting) purchase order procedure as follows:

Purchase orders under \$250.00 will be processed with signatures from the Borough Administrator and the CFO and will remain in Borough Hall.
Purchase orders between \$250.00 and \$1,000.00 will be processed with signatures from the Borough Administrator, CFO and the Council Liaison (sent home).
Purchase orders over \$1,000.00 will be processed with signatures from the Borough Administrator, CFO, Council Liaison and the Finance Chairman (sent home).

ROLL CALL:

Mr. Bader:	No
Mr. Camella:	Yes
Mr. Glaser:	Yes
Mr. Hoffman:	Yes
Mrs. Howley:	No
Mr. Rosenblatt:	Yes

Mr. Rosenblatt asked the Mayor if he is in support of this policy. The Mayor responded yes. Mr. Bader inquired as to whether the By-Laws would be amended first. He was told yes by Administrator Sandve. The By-Laws will be revised at the next meeting. This was found to be acceptable by all.

- Furloughs:** Attorney Madaio stated that any discussion regarding furloughs, layoffs, and reduction in force, none of which have an impact on the budget, will be set aside for the foreseeable future until other issues at Borough Hall are resolved. Administrator Sandve stated that he has been told by the Labor Attorney that it is fine to close Borough Hall and furlough Borough Hall staff, but if it is done on a rotating basis, Police and DPW must be considered.

ENGINEER'S REPORT:

1. **Intersection Improvements at Woodcliff Avenue and Werimus Road** – Mr. Sandve will reach out to the resident involved in this.
2. **Intersection Improvements at Kinderkamack Road and Prospect Avenue** – Mr. Sachs contacted the County – they have not gotten back to him as of yet.
3. **2010 NJDOT Pascack Valley Cooperative Pricing System for Road Paving Program** – Mr. Sachs reported that the design has commenced, submittal to the NJDOT will be at the end of May 2010. Additional input from Administrator Sandve is needed.
4. **Intersection Improvements to Chestnut Ridge Road and Saddle River Road (Bergen County)** - Mr. Sachs stated that the final copy has been submitted to the County. We are now waiting for review of the funding issue.

Mr. Rosenblatt asked Mr. Sachs if he was present when the residents of Shaw Road came to a meeting to discuss a flooding issue. Mr. Bader stated that this is being worked on and will be re-visited in June when the water table goes down. Mrs. Howley asked about the plans for Saddle River Road and Chestnut Ridge Road. These will be sent to the Administrator.

--

Mayor LaPaglia stated that he has received communication from the VFW and the American Legion regarding Mayor and Council participation in the Memorial Day parade. He has copied all present on this correspondence. Affirmative responses will be given to both organizations.

The Mayor also reminded the Council that a decision should be made regarding the 2010 Goals and Objectives of the Mayor and Council.

Mayor LaPaglia also spoke regarding his recent proposed appointment of Gerald Salerno as Public Defender. He has distributed Mr. Salerno's resume to all and will have this put on the next agenda.

OLD BUSINESS:

Investigation into Council leak of confidential information – Attorney Madaio recommended that this not be discussed at this time. No investigation is to be performed until all other issues are resolved. Mr. Rosenblatt stated that he should have been called in advance if this was not going to be discussed at this meeting. Mr. Rosenblatt went on, against the advice of the Borough Attorney, to state that a Personnel Committee meeting had been held with the Administrator, the Mayor, Mr. Camella and Mr. Glaser in attendance. The employee presumed to be laid off was mentioned and leaked, which resulted in a phone call being made to an Attorney who subsequently wrote a letter to the Borough. Mr. Rosenblatt stated that this was a violation of a closed committee meeting. Mr. Bader stated that Mr. Rosenblatt

should not be going against the advice of our Borough Attorney at this time and that we are unable to respond, and that this is an Oath of Office violation.

NEW BUSINESS:

Investigation of Council Violation of Open Public Meetings Act - An April 29th memo from the Administrator regarding the possibility of an employee lay-off detailing the four (4) votes in favor was discussed. Attorney Madaio stated that he will follow his own advice and not comment on this at this time. An investigation will be called for in the future. Mr. Rosenblatt stated that all council members should be as outraged as he is. Mr. Hoffman asked Mr. Rosenblatt how he found out about the letter.

Temporary Borough Clerk support - As stated earlier, Borough Clerk Sciara will be out 6-8 weeks due to surgery. Mr. Glaser wrote a letter recommending that Administrator Sandve take over the duties of Clerk on a temporary basis for a stipend of \$350.00 per week. Mr. Bader feels that Mr. Sandve should do it as part of his normal job. Mr. Bader feels that Mr. Sandve should step up to the additional responsibilities. Mr. Sandve stated that he would not do the job without compensation. Mr. Bader feels that the Council would be setting the wrong tone by compensating the Administrator. The Mayor stated that the last time the Clerk was out, Mr. Sandve did it without compensation. The Mayor feels that compensation is only fair and so does the Personnel Committee. Mr. Bader asked how the substituting Secretary will be compensated. Mr. Rosenblatt asked if Kathy Rizza will be coming to all the Mayor and Council meeting that the Clerk will be missing. He was told yes. Kathy Rizza will be attending the Mayor and Council meetings and doing the minutes for compensatory time. Mr. Sandve will be doing the daily duties of the Clerk. Mr. Rosenblatt asked if Mr. Sandve has ever been designated as the Deputy Borough Clerk. Mr. Sandve responded that yes, he was, in his first year with the Borough, but not since.

A roll call vote was taken on the issuance of a \$350.00 weekly stipend for the Administrator to perform the duties of the Clerk in the Clerk's absence as follows:

Introduce:	Mr. Glaser
Second:	Mr. Camella
Ayes:	Mr. Glaser, Mr. Camella, Mr. Hoffman
Nays:	Mr. Bader, Mrs. Howley
Abstain:	Mr. Rosenblatt
Absent:	None

Hovnanian Age Restricted Housing – Mr. Glaser explained the Hovnanian Age Restricted Housing situation to the Council. Hovnanian had come before the Planning Board with diminimus changes to the site plan which were approved by the Board. When the applicants went to the Montvale Planning Board they were turned down, at which time they asked the Borough of Woodcliff Lake to rescind their

approval. They have agreed to put up one unit in Woodcliff Lake at the beginning of the project which will be completed by September. They are looking for an exception to our noise ordinance so that they can work up until 11:00 p.m. on six (6) days of the week. They will not be working on Sundays. Mr. Glaser stated that this seems like a reasonable request since there are no residential dwellings in the immediate area. He went on to explain that our noise ordinance states that the Construction Code Official can give an exception to this ordinance with the consent of the Mayor and Council. A motion was made by Mr. Glaser to grant this exception for the Hovnanian Age Restricted Housing project on Chestnut Ridge Road which is to be completed by September of 2010. This motion was seconded by Mr. Camella. Mr. Bader asked that the Construction Code Official monitor any and all complaints from the neighbors.

Introduce: Mr. Glaser
Second: Mr. Camella
Ayes: Mr. Bader, Mr. Camella, Mr. Glaser, Mr. Hoffman, Mrs. Howley,
Mr. Rosenblatt
Nays: None
Abstain: None
Absent: None

Mrs. Howley questioned why only one (1) in Woodcliff Lake and two (2) in Montvale and then back to Woodcliff Lake for two (2) more. This information was not known at this time.

Rental of Freedman Home – Mr. Rosenblatt stated that Ed Sandve had sent out an e-mail regarding the possibility of renting the Freedman home for \$1,300.00 per month. Mr. Sandve was looking for an e-mail response from all recipients. Mrs. Howley is in agreement, along with Mr. Rosenblatt. Mr. Bader does not want to be a landlord. Mrs. Howley thought that the rental price may be too low and requested that this be researched. Attorney Madaio stated that if the Council is interested in renting the home it will be looked into by himself and the Administrator. A discussion was held regarding tenant removal when the Borough no longer wants to rent the residence. A use and occupancy agreement not to exceed twelve(12) months will be researched, along with the possibility of public notification, and the possible obligation to adhere to the Local Public Contracts Law.

PUBLIC FORUM: A motion to go into public session was made by Mr. Rosenblatt, seconded by Mr. Camella, and carried by all present.

Gerald Meisel – 105 Brookview Dr. – Inquired as to the paving of Brookview Dr. Mr. Meisel was told that the bid is in the newspaper, and that bids will be received on May 25th. Brookview Dr. will be paved in the summer. Mr. Meisel also stated that a 5% tax increase will not be received favorably by the residents. Something needs to be done, such as; furloughs, lay-offs, and/or reduction in force. The Mayor stated that unfortunately the taxpayers suffer due to exogenous forces.

Kevin O'Brien – 227 Pascaek Road – Asked what very important matters need to be dealt with in Borough Hall? Attorney Madaio stated that he could not comment at this time due to attorney-client privilege. He also questioned the proposed tape recording policy at Borough Hall – does that include the taping of meetings? He was told by Attorney Madaio that taping of town meetings is not what this proposed policy relates to.

Nick Letezia – 34 Heritage Court - Stated that his wife came to Borough Hall to make a complaint against 93 Woodcliff Avenue for a property maintenance issue. He is also concerned with the possibility of mosquitoes in the summer months.

Gary Newman – 18 Winding Way – Offered his advice on the rental of the Freedman home. Stated that the Borough could rent the home for 18 months with a termination date given at the beginning of the contract. Regarding the Hovnianian noise ordinance issue, Mr. Newman asked that the Borough consider traffic restriction. Mr. Newman asked Attorney Madaio about his tax appeal resolution. Attorney Madaio stated that he has received answers and has forwarded them to Barbara Potash, the Borough Tax Assessor, and Robert McNerney. A trial date should be set soon.

Paul Piantino, 1 Bonnie Lane, and Mike Tsonakis of the Baseball Association distributed pictures of safety, water, and grading issues at the various ball fields in town. It was stated that there will be a large baseball tournament in town during Memorial Day weekend and they would like some of the outstanding critical issues dealt with. Mr. Barboni of the DPW will be contacted and asked to work with Mr. Molinelli on these issues. Volunteers from Baseball would be willing to help with the work needed to get these fields in shape. Mr. Sandve stated that he has met with Mr. Barboni to put together a capital plan for borough fields. School fields were also discussed. The Borough has an interlocal agreement to maintain these fields. This agreement will be reviewed by the Borough Administrator. The Borough Baseball Association will have a meeting and will invite Mr. Sandve and Mr. Rosenblatt to discuss working together on various projects over the coming years.

The meeting was closed to the public on a motion from Mr. Glaser, seconded by Mr. Camella, and carried by all present.

CONSENT AGENDA DISCUSSION:

Mr. Bader would like to see the agreement with the County on item #6 – Resolution for Municipalities Wishing to Enter into Agreement with County of Bergen for Emergency Services Notification System. Administrator Sandve will provide this to Mr. Bader.

Mr. Bader inquired about an item on the bill list to the IRS for an arbitrage payment. This was explained by the Mayor as being a refund owed by the Borough to the federal government for an old bond sale where investment interest was earned on the

proceeds prior to being spent. It is a penalty to prevent municipalities from raising cash from tax free bonds and using the money to earn investment income.

Mrs. Howley made two (2) changes to the 2010 Old Mill Pool/Tennis Membership Rates. Family Pool – non-resident with child care is \$875.00, not \$850.00 and Family Pool and Tennis non-resident is \$800.00, not \$850.00. Mr. Rosenblatt confirmed that guest passes are not given without a membership and that guest passes are not transferable. Mrs. Howley stated that any resident can go to the gate without a membership and pay for a daily pass to the pool. Mrs. Howley also stated that a camp fee resolution will be on the next agenda.

CONSENT AGENDA VOTE:

The consent agenda was approved, as amended, as follows:

Introduce:	Mr. Bader
Second:	Mrs. Howley
Ayes:	Mr. Bader, Mr. Camella, Mr. Glaser, Mr. Hoffman, Mrs. Howley, Mr. Rosenblatt
Nays:	None
Abstain:	None
Absent:	None

ADJOURNMENT:

The meeting was adjourned on a motion from Mr. Bader, seconded by Mrs. Howley, and carried by all present.

Respectfully submitted,



Kathleen S. Rizza,
Substituting Secretary