

## BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council  
December 16, 2002

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Mayor Higgins

Present: Councilmembers Glaser, Van Riper and Vogel were present on roll call.  
Councilmember Rosenblatt arrived immediately after roll call.

Absent: Councilmembers Denbeaux and Howley

Also Present: Borough Administrator/CFO Gene Vinci, Borough Attorney Menelaos W. Toskos, Clerk Darlene R. Schnure, and Councilmembers-Elect Paul Camella and Lynda Heinemann.

Meeting opened at 7:05 p.m.

Purpose of Meeting: Personnel  
Contract Negotiations  
Legal Issues

### DISCUSSION

1. Appointment of Borough Officials - Reorganization Meeting - Administrator Vinci advised that he added tenure dates to the list of sub-code officials. Mr. Vogel thinks it is unfair that some employees are not being told whether they will be re-appointed. Mayor Higgins reported that she was given a list of some professional appointments for the coming year. Mr. Glaser gave no response when asked by Mr. Vogel whether the Administrator and Clerk are to be re-appointed.

2. Faccuito Property - Borough Attorney Toskos advised that Stu Sanders, attorney for Mr. Faccuito, provided a list of items wanted. Most items were agreed to. However, the Council did not agree with allowing Mr. Faccuito access to his property via the park land. It was also suggested that the requested ban on parking or vehicle traffic be only granted for 2 years. The Borough would agree to assume all costs for the subdivision of Mr. Faccuito's property. The Council did not feel that Mr. Faccuito should be reimbursed for all legal expenses associated with the sale of his property, since this has been taken into account in the high price being offered by the Borough for the purchase. The Borough will not agree in writing to Mr. Faccuito's request for assurance that he will not be caused to install, nor will the town install, a sidewalk along his remaining property on Werimus Road. However, as a practical matter, this would be the case. It was also agreed that Mr. Toskos would continue as the attorney for the Borough on this project in 2003.

3. Revaluation - Mayor Higgins advised that the Mayor and Council received a letter from Tax Assessor Robert Campora concerning completion of the revaluation. Administrator Vinci felt that the letter from resident Frank Ryan was very derogatory and should not be read in Open Session. He advised that Mr. Rubinstein should respond to the letter. Attorney Toskos advised that there were delays in all 7 towns in the County which needed reassessment. The County has agreed to extensions of 1 month, to January 27, 2003. Mailings to residents started to go out

today. Borough Attorney Toskos is to call County Tax Administrator Robert Layton and request that he respond to Mr. Ryan's letter. The revaluation did not start until May 1, 2002 because the maps were not returned by the State until that time.

4. Tennis Refund - Mr. Rosenblatt advised that he received 2 vouchers for refunds. Since the Borough received no funds from the program, Mr. Howley should be asked to refund the money. Because Mr. Howley had stated that 1 extra person signed up for the program for which he was not paid, it was suggested that the Borough should only ask for reimbursement of 1 refund. Mr. Glaser advised that the refunds pertain to the summer camp. Mr. Rosenblatt stated that the refunds pertained to the clinic. Mr. Rosenblatt will move in Public Session that any money paid to the tennis pro should not be refunded by the Borough but by him. Administrator Vinci and Jay Esposito are to call Mr. Howley in order to resolve this issue. Mayor Higgins believes that the Borough should have a contract for tennis lessons since the Borough pays \$300 per month.

5. Employment Contract for Police Captain Michael Arnone - Police Commissioner Vogel advised that when an officer leaves the PBA, the Borough has a contract with them because they are considered management. Captain Arnone's contract will be the same as Chief Jannicelli's except that there would be no terminal leave, since he is not entitled to this. A motion to approve the contract will be made in Public Session. The contract will memorialize what Captain Arnone received in the PBA contract. He previously received overtime, however, now he will receive comp time. Attorney Toskos is to research the issue of whether, by statute, there should be a 5% pay differential between the Chief's pay and that of the next highest officer.

6. Tri-Boro Negotiations - Administrator Vinci advised that a second fact-finding meeting was held today. The two sides are still very far apart. One complication is that the supervisor is on the Park Ridge payroll and the dispatchers are on the Montvale payroll. Their salaries are based on the 1998 Agreement and are still higher than those in other area towns. Mr. Vinci advised that the option of having another town take over this service for the Borough is being considered. Mr. Van Riper stated that some towns have their police handling this function and they have higher pay. He feels that the Borough should work toward fixing the present set-up. He believes that there should be 1 more dispatcher. This will be considered. Mr. Vinci advised that the next meeting is scheduled for January 8, 2003 in Montvale.

7. Contract Negotiations with Mr. and Mrs. Joseph Concerning Emergency Generator - Attorney Toskos advised that Mr. and Mrs. Joseph sent a letter to the Borough stating their conditions for allowing the installation of an emergency generator in the proposed acquisition area. The Mayor and Council agreed to most conditions, with some question as to "dark green paint", "mature" planting and "totally obscure". It was agreed that the request by the homeowners for payment by the Borough of all legal fees incurred to complete the contract would be capped at not to exceed \$250.

8. Agreement with Dennis Oury, Esq., as Attorney to Charter Study Commission - Administrator Vinci feels that the Borough needs an Agreement with Mr. Oury. The Clerk

advised that a Resolution authorizing such an agreement has been added as an Addendum to this evening's Consent Agenda.

Meeting closed at 8:02 p.m.

Respectfully submitted,

Darlène R. Schnure  
Borough Clerk

## BOROUGH OF WOODCLIFF LAKE

### Minutes of Special Closed Session Meeting of the Mayor and Council December 2, 2002

Mayor Higgins

Present: Councilmembers Glaser, Howley, Van Riper and Vogel were present on roll call.

Absent: Councilmembers Denbeaux and Rosenblatt

Also Present: Borough Administrator/CFO Gene Vinci, Attorney Donna Tamayne substituting for Borough Attorney Menelaos W. Toskos, Clerk Darlene R. Schnure, and Councilmembers-Elect Paul Camella and Lynda Heinemann.

Meeting opened at 7:12 p.m.

Purpose of Meeting: Contract Amendment  
Personnel  
Legal Issues

#### DISCUSSION

1. Tice Senior/Community Center – Countryside Gardens Landscaping, Inc. Contract – Administrator Vinci advised that a pre-construction meeting will be held tomorrow at 10:00 a.m. The planting cannot be done until Spring. The present contract calls for a lump sum payment at the end of the job. It is not realistic to have some of the work done in the Fall and have the contractor wait until Spring for payment. Payment should be made up to the percent of completion. Work should be started now with installation of the fence for security and aesthetic purposes. The Council agreed in principle to the change in payment structure. Mr. Van Riper suggested making the first payment the lesser of the two and trying for a 1/3 – 2/3 split. This will be formalized by Resolution at the December 16, 2002 meeting.

2. Appointment of Borough Officials – Reorganization Meeting – Mayor Higgins advised that campaign literature stated that employees did not have to fear losing their jobs. Administrator Vinci advised that the Resolution passed at the 2002 Reorganization Meeting lists many employees who are not required to be re-appointed by Statute. It is to be looked into as to whether the 3 sub-code officials have tenure. Mayor Higgins requested that Attorney Tamayne research whether persons who served in the military and those who are exempt firemen get to keep their positions. Mayor Higgins questioned whether Mr. Kanwisher was already advised that he would be the 2003 Risk Manager, since he has already written policies for 2003. Mr. Glaser responded that he was not advised of this. Administrator Vinci advised that he will distribute the resume of Joan Meyers for the next meeting, as he would like to have a Tax Collector 1 day per week who works during office hours instead of evenings. He also advised it has been the practice that the current Risk Manager writes certain policies for the next year during the current year, even if he will not be keeping the position for the next year.

3. Tennis Refund – This was tabled until the Closed Session meeting of December 16<sup>th</sup>.

4. Charter Study Commission - Mr. Vogel advised that the Commission held their first meeting on November 27<sup>th</sup>. They requested that \$20,000 in legal fees and up to \$5,000 in mailing costs for information to the public be encumbered. They have made arrangements with Dennis Oury, Esq., whose office is in Hackensack, to provide legal services in connection with the Charter Study. The Clerk advised that a Resolution authorizing the Borough Attorney to provide legal services arising from the suit filed by Mr. Howley in connection with the Charter Study Commission election will be added to this evening's Consent Agenda.

5. Parks Ordinance - Administrator Vinci reported that a resident felt that his daughters, who play on a Saddle River team which he coaches, were being denied access to the Borough fields. Attorney Tamayne advised that the Borough can give preference to town-sponsored teams, but cannot deny access to teams from other towns if the fields are available. The Borough can require that they have an umbrella policy. It was reported that the resident in question was a former Woodcliff Lake coach and that he never turned in his key for the lights after he was removed from coaching for the Borough. Mr. Vinci is to send the resident a letter requesting that he return the key since he no longer coaches for the town program.

6. Kevin O'Brien Complaint - Mr. Vinci advised that the Borough is still waiting for the Government Records Council to set up mediation.

Meeting closed at 8:00 p.m.

Respectfully submitted,

Darlene R. Schnure  
Borough Clerk

## BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council  
November 18, 2002

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Mayor Higgins  
Present: Councilmembers Glaser, Howley, and Van Riper were present on roll call.  
Councilmember Denbeaux arrived at 7:25 p.m. and Councilmember Rosenblatt arrived at 7:53 p.m.  
Absent: Councilmember Vogel  
Also Present: Borough Administrator/CFO Gene Vinci, Borough Attorney Menelaos W. Toskos, Clerk Darlene R. Schnure, and Councilmembers-Elect Paul Camella and Lynda Heinemann.

Meeting opened at 7:10 p.m. -no quorum  
Waited until 7:11 p.m. when quorum was present

Purpose of Meeting: Personnel  
Labor Negotiations  
Contract Negotiations  
Litigation

### DISCUSSION

1. Personnel / Hiring of Administrative Assistant - Administrator Vinci advised that Kara De Pascale has been hired as Administrative Assistant/Receptionist starting December 2, 2002 at a salary of \$28,000. Mr. Glaser felt that Ms. Pascale's salary should only be \$25,000 since she only has 1 year experience. He stated that the bottom of the salary ranges should be lowered. Mayor Higgins is to ask the Wage and Salary Committee to review this for future hires.

2. Forensic Audit Exit Conference - Mr. Vinci advised that this is scheduled for November 26<sup>th</sup> at 10:00 a.m. The Finance Committee has been notified.

3. Residential Lease /Westervelt - Lydecker House - Administrator Vinci reported that the tenants have a closing date in January, 2003, and will be moving out. Mayor Higgins believes that this would be a good place to house the Parks and Recreation Department and WCL TV.

4. PBA Grievance - Administrator Vinci advised that this will be filed. The PBA feels that a surviving spouse of a retired member not only should receive health benefits, but that these should be paid for by the Borough. Mr. Vinci reported that he sent the widow a letter advising that she can continue the health benefits at her expense.

5. Hearing for Former Employee (Ahrens) - Mr. Vinci advised that she was terminated for official misconduct. He advised that she was not eligible due to violation of the ethics code and official misconduct and did not meet the 10-day turn-around time.

6. Complaint from Kevin O'Brien – Mr. Vinci advised that Mr. O'Brien asked for information on United Water. He later claimed that he did not receive everything. He did not fill out a request for the e-mails which he felt were not given to him. In addition, Mr. O'Brien asked for cell phone bills from Mr. Vinci and Mr. Saluzzi and felt he was denied access to the months paid for by Mr. Vinci. This has been turned over to the Borough Attorney. Attorney Toskos advised that Mr. O'Brien has also filed an appeal with the Government Records Council. Mr. Toskos spoke with the Deputy Attorney General who advised that as long as the Borough is acting in good faith, there should not be a problem. The Government Records Council will attempt to set up mediation. This cannot be discussed with Mr. O'Brien at the public Mayor and Council meeting since he has filed an appeal.

7. Open Space Acquisition – Mayor Higgins advised that the law requires the Borough to get 2 appraisals. Andrew Donovan's appraisal came in at \$1,900,000. The land in question is 3.8 acres. Administrator Vinci reported that the property is assessed at \$542,000. Mayor Higgins suggested using Helmsteter and Mc Nerney for the 2 appraisals, since the Borough used them to appraise the Westervelt-Lydecker House. Administrator Vinci advised that the Borough would apply for the next round of Green Acres and Open Space grants next Spring. A Bond Ordinance needs to be passed after the new Council is seated. The 5% down payment would come from the Open Space Fund. Mr. Vinci asked for a commitment from the Council to go forward. All present supported the idea.

8. Easement – Glen and Spring Valley Roads – Mayor Higgins advised that the Josephs sent a letter outlining what they want in exchange for the easement. Administrator Vinci advised that the cost of emergency generators is in the Capital Budgets from previous years. The Borough is going forward with this. Attorney Toskos advised that a metes and bounds description is needed.

9. Well Installation – Mr. Vinci reported that there was a letter from Park Ridge Water. The Werimus Road site is the best solution for the well, causing removal of the fewest trees. A temporary access road must be built to make a determination as to whether this will be a viable well. Terms of the Borough's contract with Park Ridge Water require the Borough to make sites available for future wells. Mayor Higgins feels that the Borough should buy the "Delta Piece" between Brookview Drive and Pinecrest. The Council agreed to the testing of the Werimus Road site. The Mayor advised that the Borough needs a total of 2 wells in the next 20 years. Mr. Vinci requested that a motion be made for a well on Werimus Road at the Public Session.

10. Parks Ordinance – Borough Attorney Toskos advised that the proposed Ordinance does not preclude the Borough from using its ballfields.

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Meeting closed at 7:55 p.m.

Respectfully submitted,

Darlene R. Schnure  
Borough Clerk

## BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council  
November 6, 2002

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Mayor Higgins  
Present: Councilmembers Glaser, Howley, Van Riper and Vogel were present on roll call.  
Councilmember Rosenblatt arrived at 7:48 p.m.  
Absent: Councilmember Denbeaux  
Also Present: Borough Administrator/CFO Gene Vinci, Attorney Donna Tamayne, substituting for Borough Attorney Menelaos W. Toskos, Clerk Darlene R. Schnure, and Councilmembers-Elect Paul Camella and Lynda Heinemann.

Meeting opened at 7:06 p.m.

Purpose of Meeting: Contract Negotiations  
Personnel  
Legal

### DISCUSSION

1. Faccuito Property– Administrator Vinci advised that the acquisition will be funded by grants from Green Acres and Open Space. Mr. Faccuito's attorney contacted Borough Attorney Toskos. They wish to sell the Borough approximately 2/3 acre for \$292,000. They will not accept \$275,000 which was counter-offered. Mr. Vinci felt that as long as the Borough receives the funding, which should total \$292,500, the acquisition should proceed at the \$292,000 asking price. A Phase I preliminary assessment would be needed and a Subdivision would have to be filed with the Planning Board. An informal poll was taken and all present favored going forward at the asking price. It was agreed to approve this at the Public Meeting.

2. Personnel / Professional Retainers – Mr. Vinci advised that there was a retainer in Boswell Engineering's Borough Engineer contract last year. Current Borough Engineer Tom Skrable put in vouchers, however, the Borough will not pay him since he did not have a retainer in his contract. Mayor Higgins believes that the retainer may be in the Salary Ordinance. Administrator Vinci advised that the Planning Board Attorney has a retainer in his contract. Council President Vogel felt that Mr. Skrable should be paid for his time at meetings if he did not charge for them, since the purpose of a retainer is to cover attendance at meetings. Mr. Vinci wants to ascertain that all professional contracts are on file. He also stated that the Salary Ordinance shows a \$1,500 retainer for the Borough Engineer, however, there is \$8,000 set aside in the 2002 Budget.

3. Personnel / Administrative Assistant Position - A committee consisting of Mayor Higgins, Administrator Gene Vince, Diane Mautz and Sandra Rider received 80 resumes and narrowed them to 12 possibilities. They met with 10 candidates and now have 3 finalists for the position. A decision will be made next week. Administrator Vinci advised that the salary range is \$29,000 - \$30,000 and he would like to broaden the scope of responsibility to include Fire Department

Secretary. He would also like to see the position include DPW work.

4. Senior Center Landscaping – Mr. Vinci advised that a contract was sent to the low bidder to be signed and returned to the Borough. However, there is a need for someone to supervise the work. Michael Hakim's proposal was for 4 – 8 weeks, at a cost of \$4,300 for 4 weeks or \$6,400 for 8 weeks. Mayor Higgins would like to see the work completed in 4 weeks. It was agreed that Mr. Hakim would be asked to modify his proposal to include a fee not to exceed \$4,300.

5. Kinsey / Pool Restoration - Administrator Vinci advised that he expects the total cost to be approximately \$1,600,000. Kinsey would receive 4%, approximately \$65,000. Mayor Higgins stated that many residents were not happy with LAN Associates. Mr. Vinci advised that Page 1 of the Kinsey proposal itemizes the 5 points which constitute the scope of the work. Mr. Vogel stated that he has not heard the Council state their preference as to what should be done concerning the Old Mill Pool. Mr. Glaser stated that the Borough will not be able to maintain grandfathering. Mayor Higgins reported that DPW Supervisor Barboni stated that the pool cannot be opened for another season as is. A pre-fabricated system was discussed. The Mayor felt that the Council must decide whether to have Ward and Kinsey come in to go over their concepts. Administrator Vinci stated that both firms should give a presentation before the committee. Mayor Higgins felt that the Council should first decide if they want to continue having a pool and, if so, what type they want. Ms. Howley advised that a specification sheet can be drawn up. The Mayor will consult a realtor to ascertain how much a Borough pool adds to the value of homes. There was discussion of the fact that a \$2,000,000 project would cost the average assessed home approximately \$33/year.

6. Paying of Medical Coverage Premiums for Surviving Spouse of Retired Police Member – Administrator Vinci reported that, under the current PBA contract, when a member dies, there is no provision for medical coverage for the surviving spouse. The Borough can put them in the plan, but they should pay the premiums. The cost to the surviving spouse would be \$4,000 - \$5,000. Mr. Vinci will meet with representatives of the PBA tomorrow.

7. Ordinance to delete "residents only" from Parks Ordinance – Attorney Donna Tamayne advised that this needs to be listed on the November 18, 2002 Mayor and Council Agenda for introduction, in order to prevent the Borough being included in a possible lawsuit. Mayor Higgins felt that the DPW should start to remove all signs which say "residents only."

8. Request by Resident to see E-Mails in Borough Computers – Administrator Vinci advised that a resident visited Borough Hall and requested to see the list of e-mails in certain Borough computers. Mr. Vinci reported that the State advised that the Borough is not required to allow a

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resident access to the computers. The resident must file a written request to see particular e-mails relating to a specific subject.

Meeting closed at 8:00 p.m.

Respectfully submitted,

Darlene R. Schnure  
Borough Clerk

\*\*\*\*\*BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council  
October 21, 2002

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Present: Mayor Higgins  
Councilmembers Glaser, Howley and Vogel were present on roll call.  
Councilmember Denbeaux arrived at 7:25 p.m., Councilmember Rosenblatt arrived at 7:45 p.m. and Councilmember Van Riper arrived at 7:10 p.m.  
Absent: None  
Also Present: Borough Administrator/CFO Gene Vinci, Borough Attorney Menelaos W. Toskos, and Clerk Darlene R. Schnure

Meeting opened at 7:04 p.m.

Purpose of Meeting: Contract Negotiations  
Legal  
Personnel

DISCUSSION

1. Faccuito Property– Administrator Vinci reported that he spoke with Mr. Faccuito's representative. Mr. Faccuito will not compromise on his asking price of \$292,000. The Borough had offered \$250,000. The Council must make a decision. Grants total \$296,500 (\$150,000 from the County and \$146,500 from Green Acres). Mr. Vinci recommended proceeding with the purchase. Borough Attorney Toskos advised that the Borough can condemn the property if Mr. Faccuito does not agree with the appraisal. The average of the appraisals was \$292,500 based on approximately 1 acre. Mr. Glaser suggested offering \$275,000. It was agreed that Attorney Toskos would call them back and make a counter-offer. He first needs to know the variance required. The Council agreed to proceed with Mr. Faccuito's price if he refuses the counter-offer.

2. Tri-Borough Dispatch – Mr. Van Riper gave an update. He feels that another employee should be added in the coming year. He is not totally opposed to the 4-2 work schedule and feels that the present salaries are low. Administrator Vinci advised that the two sides are still far apart. Other issues, such as a regional 9-1-1 are being considered. The charge would be based on population. It will not save money. Mr. Vinci also reported that the dispatchers want to be at a \$50,000 salary at the end of the 8-year contract, which would be retroactive to 1999 and end in 2006. Other towns' dispatch salaries are approximately \$28,000-\$30,000. The next step is a fact-finding hearing, which is tentatively set for December 11<sup>th</sup> at 9:00 a.m. At the hearing, the Mediator will offer a verdict which is not binding. There is no binding arbitration. The Executive Committee will meet October 28<sup>th</sup> to discuss strategy.

3. Potential Litigation- Mayor Higgins advised that the last time such an issue arose, 16 towns were sued for ADA compliance. She asked Attorney Toskos if signs by the Borough's parks can be changed to say "by permit only". Mr. Toskos advised that the issue at hand relates to regular parks, not to tennis courts, swimming pools, etc., which can become over-crowded. Mr. Toskos will call Haledon, the attorney for Montvale and the woman who sent the letter to ask for her

10/21/02

suggestions for an Ordinance. Mayor Higgins advised that if any land was purchased with County funds, it must be open to all.

4. Personnel – Role of Council Liaison - Mayor Higgins reported that she received a letter concerning this from Steve Rothstein. The Mayor does not feel that a Councilperson should be collecting money. Ms. Howley stated that this topic does not belong in Closed Session. This will be continued in Public Session at the next Mayor and Council meeting.

5. Personnel - Retirement of Bette Anne Thomas - Mayor Higgins reported that Ms. Thomas will retire as of October 31, 2002. All are invited to a party for her at 2:00 p.m. on October 30<sup>th</sup>. Administrator Vinci advised that he would like to upgrade the position to Administrative Assistant / Receptionist. Ms. Thomas worked 25 hours/week. Mr. Vinci would like to increase the hours for the position to 35 hours/week. He suggested lowering the hours of another part-time employee.

Meeting closed at 8:00 p.m.

Respectfully submitted,

Darlene R. Schnure  
Borough Clerk

## BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council  
October 7, 2002

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Present: Councilmembers Glaser, Howley, Rosenblatt and Vogel were present on roll call. Councilmembers Denbeaux and Van Riper arrived at 7:36 p.m.  
Absent: Mayor Higgins,  
Also Present: Borough Administrator/CFO Gene Vinci, Attorney Donna Tamayne substituting for Borough Attorney Menelaos W. Toskos, and Clerk Darlene R. Schnure

Meeting opened at 7:35 p.m.

Purpose of Meeting: Contract Negotiations  
Legal  
Personnel

### DISCUSSION

1. Faccuito Property— Administrator Vinci reported that he met with David Schenkel, a representative of Mr. Faccuito. They are asking \$292,500 for the 2/3 acre which the Borough wishes to purchase. The lot may not be buildable and may require a variance. The Borough has offered \$250,000. The offer will be presented to Mr. Faccuito.

2. Goldfaden Contract — Attorney Donna Tamayne advised that Borough Attorney Toskos is waiting for Mr. Goldfaden to draft the amendment to the Agreement.

3. Tri-Borough Dispatch — Administrator Vinci advised that the two sides have been in mediation but are still far apart. The third fact-finding meeting will take place tomorrow. The three governing bodies have not been apprised of all that has been done. There have been no official lists as to what the positions of the two sides are on the issues. Mr. Vogel reported that some of the points of contention are salary, medical coverage, longevity, number of dispatchers, breaks, etc. It was decided that this will be discussed again at the Closed Session meeting of October 21, 2002, with Mr. Van Riper giving an update to the Mayor and Council.

4. Forensic Audit — Administrator Vinci reported that he spoke with the auditors today. They are reviewing the job and plan to have a report ready in the next week or two. There will be a meeting with the Finance Committee.

5. Revaluation — The Mayor and Council received a memo from Tax Assessor Robert Campora. Mr. Glaser expressed concern that the revaluation was not completed by approximately October 1, 2002, since time is needed for meetings with residents disagree with their new assessments. Results are due to be sent to the County by January 1, 2003. Based on Mr. Campora's memo, the majority of those present were not concerned with the revaluation being completed on time.

10/7/02

6. Morpurgo Contract for the DPW Building/Salt Bin - Mr. Vinci advised that the contract has been revised to \$21,900. A Resolution authorizing the Mayor to sign is on the Consent Agenda of this evening's Public Session.

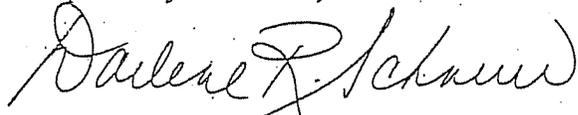
7. Hakim Associates Proposal - Bids for the landscaping at the Senior/Community Center are being reviewed by Borough Attorney Toskos. Mr. Hakim has submitted a proposal for review of the bidding and construction phases of the project, at a cost not to exceed \$11,500. This will be decided at the October 21<sup>st</sup> Mayor and Council meeting.

8. Westervelt-Lydecker Property - Administrator Vinci advised that the underground tank is to be removed. If contamination is found, it will be the responsibility of the Driscolls. A temporary above-ground tank will be installed. There will be a future conversion to gas.

9. Personnel: Police Lieutenant Michael Arnone - Mr. Vogel advised that Chief Jannicelli recommends promoting Lieutenant Arnone to Captain. Many of his assignments, such as terrorism taskforce and internal affairs, are handled by persons with the rank of Captain in other Police Departments. If promoted, Mr. Arnone would leave the PBA and go on a 5-2 work schedule. He will no longer receive overtime but will get holiday pay. As Captain, his 2002 salary level would be \$102,732, which is a difference of \$258 / pay period. There was no disagreement to this request among those present. If the Council agrees, the Ordinance will have to be changed. The Councilmembers are to call Administrator Vinci with their decisions.

Meeting closed at 8:03 p.m.

Respectfully submitted,



Darlene R. Schnure  
Borough Clerk

## BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council  
September 30, 2002

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Present: Councilmembers Glaser, Rosenblatt, Van Riper and Vogel were present on roll call.  
Councilmember Denbeaux arrived at 7:25 p.m.  
Absent: Mayor Higgins, Councilmember Howley  
Also Present: Borough Administrator/CFO Gene Vinci, Borough Attorney Menelaos W. Toskos, and Clerk Darlene R. Schnure

Meeting opened at 7:05 p.m.

Purpose of Meeting: Legal  
Personnel  
Contract Negotiations

### DISCUSSION

1. Goldfaden Contract - Borough Attorney Toskos advised that the Goldfadens wish to modify the Agreement to release them so that they can't be brought in as third party defendants if anyone sues the Borough in connection with their property. Mr. Toskos advised that if this is agreed to, language should be added which confines the release only to matters related to this particular work. The Council was generally in favor of adding the release to the Agreement. It will be voted on at the October 7, 2002 Mayor and Council meeting.

2. Faccuito Contract - Administrator Vinci reported that, after several meetings with him, Mr. Faccuito agreed to sell approximately 2/3 acre to the Borough instead of the originally discussed 1 acre, as he wishes to have more buffer. Attorney Toskos advised that he spoke with Mr. Sanders, the attorney for Mr. Faccuito. They are asking for \$292,500, which is the average of the appraisals based on 1 acre of his land. The Borough will receive a total of \$296,250 funding from Bergen County Open Space and Green Acres. It was decided that the Council is willing to pay the appraised price, but only for the actual square footage. The full asking price will only be paid if it is found to be a buildable lot. This will be negotiated.

3. Morpurgo Contract for the DPW Building/Salt Bin - Mr. Vinci advised that a contract was never signed with Mr. Morpurgo for the \$21,500 fee for this project. Due to delays, the engineer wants an increased fee. Therefore, Mr. Morpurgo now wants \$800 more. The Borough has paid Mr. Morpurgo approximately \$8,700 so far. It was agreed that the Borough would meet Mr. Morpurgo half-way with an additional \$400. This is not negotiable.

4. LAN Contract - Administrator Vinci advised that he sent a letter terminating the contract.

5. Cablevision – This will be carried over again.

6. Long Pond Estates – Administrator Vinci advised that bond money is being held by the Borough. There are no easements to allow access to the dam, as temporary easements prepared by former Borough Attorney Randall were never executed. Construction Official Saluzzi will call the contractor and ask him to restore the dam to its original condition. Mr. Vinci will call the homeowners, Mr. and Mrs. Hatae and Mrs. Baresi, to determine whether they will allow access.

7. United Water Issue (Kevin O'Brien) – Attorney Toskos advised that Mr. O'Brien can comment at the Public Session but the Council cannot speak on this due to the fact that it is before the Court.

8. Police Matron – Administrator Vinci distributed a letter with the particulars of Nancy Flower's hire.

Meeting closed at 7:55 p.m.

Respectfully submitted,



Darlene R. Schnure  
Borough Clerk

## BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council  
September 3, 2002

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Present: Mayor Higgins  
Councilmembers Denbeaux, Glaser, Rosenblatt and Vogel were present on roll call.  
Councilmember Van Riper arrived at 7:36 p.m.  
Absent: Councilmember Howley  
Also Present: Borough Administrator/CFO Gene Vinci, Attorney Donna Tamayne, substituting for Borough Attorney Menelaos W. Toskos, and Clerk Darlene R. Schnure

Meeting opened at 7:34 p.m.

Purpose of Meeting: Proposed Real Estate Acquisition  
Personnel

### DISCUSSION

1. Condemnation of Property - Mayor Higgins advised that Former Borough Engineer Chris Nash will attend the Public Session to go over changes in the flood control plans. Discussion was held with Mr. Catherwood on selling some of his property for a well site, which would be placed behind his house. The Borough would have to buy the site. The Mayor feels that the Borough should also buy an area to retain water. Mr. Vogel advised that any condemnation would be mainly for the culvert. The Borough would need just enough land for an easement to get to the well. Mayor Higgins advised that the Borough would get two appraisals and Mr. Catherwood would get one. The average of the prices would be what the Borough would pay. The fact that Mr. Catherwood was holding up the filing of plans for the Woodcliff Avenue Culvert project since he had not yet signed consent forms was discussed. The Mayor also stated that, in response to a question from Ms. Heinemann at the 12/17/01 Mayor and Council Meeting, Mr. Nash advised that the project would be completed by Summer, 2002. Administrator Vinci stated that he met with Mr. Catherwood and Berge Tombalakian of Boswell Engineering. Mr. Catherwood verbally agreed to sign the consent form, however, the consent form needs to be revised by the attorney to reflect changes that Mr. Catherwood requested. A written consent is needed to process the DEP application. It was decided to let Administrator Vinci handle this with Mr. Catherwood.

Closed Session Confidentiality - Mayor Higgins advised that all present for Closed Sessions received copies of the Confidentiality Letter which they had signed from Borough Attorney Toskos. However, members of the Fire Department were aware of material which had been discussed at the last Closed Session concerning Personnel. Attorney Donna Tamayne stated that she would research what recourse the Council has to investigate, prosecute and possibly remove the person or persons who are divulging confidential information. Mr. Glaser stated that he was

9/3/02

never given the information he requested on the Personnel issue. Ms. Tamayne will discuss the confidentiality problem with the Labor Attorney. She will also research whether Administrator Vinci can relate to Mr. Glaser the circumstances surrounding the termination in question. Mr. Vogel wants no information given out until the source of the original leak is discovered. Mr. Glaser asked that his question be considered as a "stand-alone" question with no conditions attached.

Meeting closed at 8:05 p.m. Mayor and Council began Public Session.

Closed Session continued at 10:22 p.m.

Discussion of \$11,500 Settlement of Litigation Fee Which Mayor Pulled from Bill List - Mayor Higgins advised that this involved Weinstein v. Borough of Woodcliff Lake, which evolved from Glemby v. Weinstein and Weinstein v. Raymond Brothers. Mr. Weinstein changed the terrain of his property, which resulted in flooding damage to Mr. Glemby's yard. The Mayor does not feel that the Borough should have to pay the deductible for legal fees, since in depositions, Raymond Brothers Landscaping stated that they were given permission to do the work without a permit by three former Councilmembers, Mr. Di Mino, Mr. Princiotta and Mr. Spirig. There was discussion that the Statute of Limitations had run out. Mr. Rosenblatt felt that this should have been dealt with at the time of the original suit. Therefore, the Borough should pay.

Personnel - Mayor Higgins advised that both former employees in question had filed for Unemployment Insurance. Administrator Vinci stated that he was asked to process the claims. The reason for the Police Matron's dismissal was given as conduct unbecoming an employee. However, Mr. Vinci further stated that he was advised by Jody Campbell, the attorney substituting for Labor Attorney Steven Harz, to leave the reason blank for termination of the Secretary to the Administrator. Attorney Donna Tamayne advised the the grounds for termination can be amended at any time. She further stated that, in case of any future lawsuit, the lack of a reason given for the termination could be used as an admission that the former employee did nothing wrong. Administrator Vinci will speak with the Labor Attorney tomorrow.

Meeting closed at 10:35 p.m. Mayor and Council returned to Public Session for the purpose of adjourning the meeting.

Respectfully submitted,



Darlene R. Schnure  
Borough Clerk

## BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council  
August 19, 2002

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Present: Mayor Higgins  
Councilmembers Denbeaux, Glaser, Howley and Vogel were present on roll call.  
Councilmember Van Riper arrived at 7:02 p.m.  
Councilmember Denbeaux left meeting at 7:40 p.m.  
Absent: Councilmember Rosenblatt  
Also Present: Borough Administrator/CFO Gene Vinci, Borough Attorney  
Memelaos W. Toskos and Clerk Darlene R. Schnure

Meeting opened at 6:10 p.m.

Purpose of Meeting: Contract Negotiations  
Personnel  
Property Acquisition

### DISCUSSION

1. LAN Associates - Mayor Higgins advised that she did not feel comfortable with LAN's approach at the public meeting. She felt they were not going in the right direction. Administrator Vinci stated that the contract with LAN was for \$35,500 - with \$23,000 for LAN and \$12,500 for sub-contractor Miceli Kulik. The Mayor asked Administrator Vinci whether LAN had fulfilled their contractual agreement. Mr. Vinci advised that the only item not completed is the final report. If LAN is paid \$11,325, they would be paid for all work done so far. Miceli Kulik would still be owed \$3,125. Attorney Toskos advised that the contract could be terminated on 10-days notice. Mr. Glaser indicated that he would like to receive the Table of Contents from the Final Report. However, the contract does not state that the Borough can keep all the documents. Mr. Vinci stated that he already told LAN Associates not to perform any more work. It was suggested that perhaps the balance of the money owed to Miceli Kulik could be used to have them do work on the Driscoll Property. Mayor Higgins suggested that LAN's work could be given to another firm to aid in drawing specifications. Mr. Vogel indicated that he would move in Public Session to put LAN Associates on hold, in order to confirm Mr. Vinci's conversation with LAN. It was decided that Administrator Vinci would send LAN Associates a letter advising them to do no more work for the Borough until further notice. Mayor Higgins advised that she had been in contact with Ward Engineering concerning the Old Mill project.

2. Goldfaden Contract - Borough Attorney Toskos advised that he had spoken today with the Goldfadens. They had previously agreed to accept a payment of \$4,750; however, they now want to receive an extra \$1,320. Mr. Vogel stated that the Council already agreed to pay \$4,750. Mayor Higgins advised that Borough Engineer Skrable felt that what was being proposed in the original plans was not enough. The Council is not willing to pay the extra money. Attorney

Toskos was asked to contact the Goldfadens and tell them that the Council will not agree to pay them the extra money because the Budget for this year has already been completed. They can either accept what was originally agreed to or wait until next year to see whether the new Council will approve the increase.

3. Employee Discharges - Police Commissioner Vogel advised that Nancy Ahrens, Police Matron/Receptionist, was discharged due to the recommendation of Police Chief Jannicelli that Ms. Ahrens be terminated. Based on material found in the computer used at headquarters by Ms. Ahrens which seemed to indicate that documents were being falsified, Chief Jannicelli no longer wished to have Ms. Ahrens responsible for Police records. This matter has been turned over to the County Prosecutor's office. The discharge of Cristina Monteagudo, Secretary to the Administrator/Administrative Assistant, was previously discussed.

4. Property Acquisition - Well Site (Catherwood) - Berge Tombalakian, of Boswell Engineering, will discuss this at tonight's Public Session. Mayor Higgins advised that the Borough needs 2 new well sites in the next 17 years. She further noted that Mr. Catherwood's property is one of the best potential sites for placement of a well. It was decided to let a future Council decide this issue, since the wells are not needed for 17 years.

5. Tax Collector Reappointment - Administrator Vinci explained that Alice Lee was appointed to a 4-year term in January, 1998, ending December 31, 2001. However, Ms. Lee resigned in July, 1998. She returned to work in the Borough in September, 1998 and was appointed to a 4-year term ending September 7, 2002. This was an error, as technically, the appointment should expire December 31, 2002. Ms. Lee comes in after hours, which means that the Deputy Tax Collector must stay late to work with her. Mr. Vinci advised that he has spoken with Joan Meyer who retired as Tax Collector in Montvale after working there for 17 years. She is willing to work 1 day/week during office hours. She would receive \$10,000 annually. Ms. Meyer could be appointed until December 31, 2002. She could then be appointed for a 4-year term in January, 2003. She would step down if Lois Frezza receives her certification. Mr. Vinci will speak to Alice Lee to determine whether she would like to leave in September. If she leaves, Mr. Vinci recommends appointing Joan Meyer until December 31, 2002 at a salary of \$10,000.

6. Tax Assessor Appointment - Administrator Vinci advised that Tax Assessor Robert Campora works for three towns: Woodcliff Lake, Montvale and Park Ridge. His term of office is on a fiscal year basis, July 1 - June 30. On July 6, 1993, Mr. Campora was appointed for a 4-year term ending July 5, 1997. He should have had a 1-year appointment to June 30, 1994, and then have been appointed to a 4-year term ending June 30, 1998. He was never reappointed in 1997, but was given tenure. He was never reappointed in Park Ridge or Montvale either. Mr. Vinci has asked the Division of Taxation how to resolve this. Mr. Campora currently has no term as he was never reappointed. The position was originally created by a tri-borough Ordinance. Borough Attorney Toskos suggested giving Mr. Campora a retroactive appointment, but will research this issue.

7. Negotiations: (1) Faccuito Property – Borough Administrator Vinci advised that he visited Mr. Faccuito several times. Mr. Faccuito's property consists of 1½ acres. He was never shown where the 1 acre is that the Borough will acquire. He wants a buffer from the pond, therefore he does not wish to sell the whole acre. The average appraisal is for \$292,000, based on 1 acre. It must be determined whether purchasing a smaller amount of the property will involve changing the grants. The State and County will be contacted. Mr. Vogel suggested a restrictive covenant, which would stipulate that 1 acre be purchased, while leaving a buffer zone, with nothing to be done with that part of the property during the remainder of Mr. Faccuito's lifetime.

(2) Joseph – Pumping Station/Emergency Generator – Mr. Vinci explained that in order to install a new generator, the Borough must buy approximately 500 sq. ft. of Mr. Joseph's property. The Borough would plant trees for a buffer and tie into Mr. Joseph's sprinkler system to irrigate the trees in lieu of a cash payment or lowering his taxes. Mr. Joseph is considering this. Mr. Vinci asked engineer Chris Nash to visit the property with DPW Supervisor Ed Barboni and stake out exactly what the Borough needs.

8. Forensic Audit – Councilman Vogel Advised that the auditors still await information from the State Benefits department to see whether the former employees used the health benefits and, therefore, knew that they had them. Former Treasurer Sal Altavilla refused to meet with the auditors. He will be advised that he must meet with them or charges may be filed. A follow-up interview with former Administrator Jack Doyle is needed. Mr. Altavilla will be given until the end of August (two weeks) to decide whether to meet with the auditors. Ms. Howley requested Administrator Vinci to call Mr. Altavilla and advise him that the auditors will call. This will be discussed further at the next Closed Session meeting.

9. Cleaning Service Contract – Administrator Vinci advised that the current contract ends September 1, 2002. He spoke to Rick of Rick's Cleaning Service. The Borough currently pays \$1400/month. It would be cheaper to cut back to a 3-day/week schedule. Mr. Vince said that quotes would have to be requested, but the contract would still be under the \$17,500 bid threshold. Mr. Vogel asked whether Paul Melcon can come in later and stay late 2 days/per week or come in earlier on those days to do the cleaning, as he was hired to clean the Senior Center, etc., not to work for Ed Barboni. Administrator Vinci and Councilman Van Riper will make a recommendation on this.

10. Cablevision Franchise – Administrator Vinci advised that the Committee met. Cablevision says that the things requested by the Borough violate Office of Cable Television regulations. A meeting is scheduled for August 21<sup>st</sup> at 6:30 p.m. The Committee needs to meet with Borough Attorney Toskos before the meeting with Cablevision.

Councilmember Marcia Denbeaux left the meeting at 7:40 p.m.

11. Morpurgo Letter – The Morpurgo bid for the DPW Addition/Salt Bin was accepted for \$21,500. Administrator Vinci stated that the original proposal included a fee for Omdex, Inc., Consulting Engineers for \$7,500 for plumbing and electrical design work. This fee has been

raised in the ensuing year to \$11,500. Mr. Morpurgo wants to pass the increase on to the Borough. Mr. Vogel felt that Borough Engineer Skrable should be asked to review the project to see what the price should be. Borough Attorney Toskos advised that the Borough can probably tell Mr. Morpurgo that the extra fee is his responsibility. However, he will research this for the next meeting.

12. Trees by the Garden State Parkway (Catherwood) - Administrator Vinci advised that 120 trees were planted there. Some trees have died. The Borough only had a 1-year maintenance agreement. The Parkway has not asked for replacement of the trees. Mr. Catherwood wants to see the trees replaced. He will be told to call the Parkway Authority.

Meeting closed at 7:52 p.m.

Respectfully submitted,



Darlene R. Schnure  
Borough Clerk

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council  
August 5, 2002

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Present: Mayor Higgins  
Councilmembers Glaser, Howley, Van Riper and Vogel were present on roll call.  
Absent: Councilmembers Denbeaux and Rosenblatt  
Also Present: Borough Administrator/CFO Gene Vinci, Clerk Darlene R. Schnure  
and Borough Attorney Menelaos W. Toskos

Meeting opened at 8:50 a.m.

Purpose of Meeting: Personnel

DISCUSSION

1. Secretary to the Administrator/Administrative Assistant – Council President Jon Vogel advised that Cristina Monteagudo's employment has been terminated and she is no longer employed by the Borough. There were problems with her inability to get along with other employees. Administrator/CFO Vinci stated that Ms. Monteagudo was advised that the working environment was very tense and that it was in the best interest of the Borough that she be terminated, effective August 1, 2002. Mr. Vinci further indicated that Ms. Monteagudo was an at-will employee who could be terminated at any time without cause. Mayor Higgins stated that, at the time of Ms. Monteagudo's hiring, she made several requests that the former Borough Administrator do a background investigation of her, which he refused to carry out. The Mayor also advised that Ms. Monteagudo had given false information on her resume.

Meeting closed at 8:55 a.m. Mayor and Council returned to Public Session in order to adjourn the meeting.

Respectfully submitted,



Darlene R. Schnure  
Borough Clerk

## BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council  
July 15, 2002

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Present: Mayor Higgins  
Councilmembers Glaser, Howley, Rosenblatt, Van Riper and Vogel were present on roll call.  
Councilmember Denbeaux arrived at 7:55 p.m.  
Also Present: Borough Administrator/CFO Gene Vinci and Clerk Darlene R. Schnure  
Special Counsel Bruce Whitaker was present only for the Cell Tower Presentation.  
Borough Attorney Menelaos W. Toskos arrived at 7:50 p.m. after the Cell Tower Presentation by Special Counsel Bruce Whitaker was concluded.

Meeting opened at 7:05 p.m.

Purpose of Meeting: Potential Litigation  
Property Lease Negotiations  
Personnel

### DISCUSSION

1. Cell Tower Status Report by Bruce Whitaker – Special Counsel Whitaker advised that the decision rendered by the Board of Adjustment was well thought out. Evolving Case Law and the Telecommunications Act were used correctly. The TCA grounds mandate approval because there is a significant gap in coverage and there is no other available site. This over-rules other considerations. The Board of Adjustment agreed with the Borough's experts on value, site suitability and aesthetics, but because of the gap in coverage, the cell tower has to go somewhere and this is the only area where it can be placed. Therefore, the Board approved bulk and use variances. However, the Board denied the Site Plan. The Applicant will come back with a revised Site Plan based on the Borough Engineer's requests. After the revised Site Plan is approved, filed and published, the Borough has 45 days to appeal. Special Counsel Whitaker listed 5 options available for the Borough:

- (1) Do nothing and let the approval go ahead
- (2) Appeal after the approval
- (3) Go with a 2-pole scenario
- (4) Relocate the tower onto Borough property as opposed to United Water property
- (5) During an Appeal, attempt to settle location of access to the site.

The latter 3 options could be resolved during Appeal as a settlement. There is very narrow emergency access to the United Water site. More than 75 trees would be lost and a retaining wall would be needed. Widening the access would hurt more trees. There would be fewer trees damaged if access could be obtained through the adjoining Borough property.

Mr. Whitaker advised that an appeal would not be successful. The phone companies would then ask for attorney fees. The Board Resolution shows that 7-9 houses would have a detriment to their value with the tower located on United Water property. Moving the tower to Borough property would give the Borough rent and reduce tax appeal exposure. Mr. Whitaker stated that the phone companies would get the same coverage on the Borough property. He feels that the Borough should do something now, as appeals are making case law in the phone companies' favor. No variance would be needed if the tower were located on Borough property and the Ordinance states that Borough property is where it should go. Mr. Glaser would like a comparison of the pros and cons of the two properties. Administrator Vinci will have Borough Engineer Tom Skrable look at the property.

At this time, Special Counsel Whitaker left the meeting and Borough Attorney Menelaos W. Toskos arrived.

Westervelt-Lydecker House – Tenant Lease / Rear of Property – Attorney Toskos advised that, under New Jersey Eviction Law, if property is being permanently retired from the market, tenants must be given one or two-year notice. The lease for the current tenants in the rear cottage on the Westervelt-Lydecker property expired 6/30/02. It was decided that Administrator Vinci will call the tenants to find out their intentions. He will advise the Mayor and Council and Borough Attorney if he receives a negative response. Then, Attorney Toskos would send a formal letter with one-year notice.

Money Due to Bill Howley from Tennis Clinic – At this time, Councilwoman Joanne Howley left the meeting due to a conflict of interest. Councilwoman Denbeax arrived. Borough Attorney Toskos stated that he was concerned with the process. Running the Tennis Clinic should be bid out under the Public Contracts Law. Mr. Vogel stated that a brochure was made up with only the approval of Councilwoman Howley and her husband. Mr. Rosenblatt felt that there are three issues: a bad system, unauthorized mailing and how to allocate the money. Ms. Denbeaux advised that there was no mention of the mailing at the Pool and Tennis meeting. She felt that the issue now is payment of the copying charge. Administrator Vinci stated that Bill Howley pays the instructors and the Borough collected his money. Mr. Rosenblatt stated that if he sees proof of what Mr. Howley has spent, and if he made less than \$300, then he would agree to pay him. Administrator Vinci was to ask Mr. Howley for a letter showing what he paid, along with cancelled checks, and what his profit was.

Closed Session adjourned at 8:10 p.m. Mayor and Council entered the Public Meeting.  
Closed Session resumed at 10:40 p.m.

Marjo Court Settlement – Borough Attorney Toskos provided an update. He advised that Mr. and Mrs. Scheps have declined to sign the Agreement. He has re-drafted the Agreement without their inclusion and sent copies to the Goldfadens and Fernands. It was agreed that a motion

would be passed authorizing the Borough to enter an Agreement with the Goldfadens and Fernands for the Marjo Court Settlement when the Mayor and Council returns to Public Session.

Comp Time vs. Paid Vacation for Employees – Mayor Higgins advised that she would rather give comp time than pay. She also stated that she would like to install a time clock for all employees except supervisors. Mr. Rosenblatt would like to investigate what other towns do regarding this matter. Administrator Vinci advised that usually unionized towns have time clocks. Few others do. He thinks it affects employee morale. Mr. Glaser felt that supervisors should make sure employee time cards are accurate. The Council made no decision at this time.

Meeting closed at 11:10 p.m. Mayor and Council returned to Public Session.

Respectfully submitted,

Darlene R. Schnure  
Borough Clerk

## BOROUGH OF WOODCLIFF LAKE

### Minutes of Special Closed Session Meeting of the Mayor and Council June 17, 2002

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Present: Mayor Higgins  
Councilmembers Denbeaux, Glaser, Howley, Rosenblatt, Van Riper and Vogel  
were present on roll call.

Absent: Acting Borough Attorney Menelaos W. Toskos  
Also Present: Attorney Donna Tamayne, Borough Administrator/CFO Gene  
Vinci, Clerk Darlene R. Schnure

Meeting opened at 11:05 p.m.

Purpose of Meeting: Personnel

#### DISCUSSION

1. DPW Superintendent – Holiday Pay – All 13 holidays are folded into the base rate so it becomes pensionable. Mr. Barboni gets 6 extra days pay in one lump sum. Mr. Vogel stated that, in the past, Mr. Barboni was paid for 6 days in lieu of worked holidays and call-outs whether he worked holidays or not. This has been effective since 1987, but there is no contract covering the arrangement. He has been paid whether or not there was documentation that he actually worked those days. Mr. Vogel advised that the police contract calls for them to get extra holidays if the Mayor and Council gives them to any other Borough employees. Mayor Higgins does not think that this should be rolled into Mr. Barboni's pension. Attorney Tamayne had discussed this with Acting Borough Attorney Toskos. He advised that the Employee Manual would have to be corrected. Mr. Van Riper would call the days comp time rather than vacation. Attorney Tamayne advised that Mr. Barboni may argue that the Borough is taking away what he was already receiving. There is a question of whether the extra time given to him started before or after the Police contract. Also, Ms. Tamayne noted that the Manual stated "in lieu of" not "in addition to". Mr. Barboni should have to show that he worked during the six extra days. There was discussion of as an alternative giving him a little extra payment for his other positions as Fire Inspector and Sub-Code Official. This was not agreed to. Administrator Vince stated that the Council needs to decide whether the present practice is right or wrong or clarify that Mr. Barboni will be paid if the days worked are documented. Ms. Howley felt that nothing should be done which will trigger the Police contract. The attorney will research the issue and it was tabled for further discussion at the next meeting.

Tennis Flyer Issue – Mr. Rosenblatt questioned reimbursing flyers that had not been approved by Parks and Recreation or the Council. Administrator Vinci felt that the Borough should pay minus the cost of printing and mailing the flyer, since some parts are not for the clinic. Mr. Rosenblatt suggested, because this had been going on for so many years, splitting the \$800 cost

this year and from now on having Mr. Howley pay for the cost of the flyer. He further stated that, if this is not resolved by the next meeting, a vote should be taken in public.

Meeting closed at 12:00 a.m.

Respectfully submitted,

Darlene R. Schnure  
Borough Clerk

## BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council  
June 3, 2002

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Present: Mayor Higgins  
Councilmembers Denbeaux, Howley, Rosenblatt, Van Riper and Vogel were present on roll call.

Absent: Councilmember Glaser

Also Present: Acting Borough Attorney Menelaos W. Toskos, Borough Administrator/CFO Gene Vinci, Clerk Darlene R. Schnure

Meeting opened at 10:00 p.m.

Purpose of Meeting: Proposed Real Estate Acquisition  
Personnel

### DISCUSSION

1. Proposed Acquisition of Real Estate – 400 Chestnut Ridge Road – Mayor Higgins advised that the Borough discussed over the years with Mack-Cali, who owns 400 Chestnut Ridge Road, the possibility of building a road which would connect Sprout South and Timeplex. Cars would be able to exit at the A&P driveway or Timeplex. Council President Vogel stated that a meeting was held in 2001 with all the property owners. All agreed to the road except Mack-Cali, because they wanted money. Mr. Vogel believes that Mack-Cali should be given one last chance and, if no agreement is reached, the Borough should move to condemn the needed land. Mr. Rosenblatt stated that he would also like to meet with Mack-Cali. Mr. Vogel suggested a special assessment on Sunrise, Kindercare, Mack-Cali and Sprout South. Administrator Vinci is to set up a meeting before the June 17<sup>th</sup> Mayor and Council meeting.

Personnel – Two Borough Hall Vacancies – Administrator Vinci advised that Board of Adjustment Secretary Maureen Donahue has retired and Assistant Tax Collector Concetta Graci will be leaving. Tax Collector Alice Lee also does not want to stay. He plans to advertise for a full-time Tax Collector who is certified and has at least three-years experience. The position will be listed with the League of Municipalities, advertised and posted internally. The Borough is currently between tax collection periods. It was suggested that possibly Ms. Graci or Ms. Lee could help out on a part-time basis until a replacement is found.

Administrator Vinci advised that the Zoning Board of Adjustment Secretary worked 18 hours/week. Planning Board Secretary Mary Verducci would also like to also take on the Zoning Secretary job at a higher salary. The Borough would realize a \$13,000 savings because Ms. Verducci would be working fewer hours than when two persons held the positions. Ms. Verducci would be paid on a salary basis of \$23,400 per year (based on 15 hours/week). She receives no benefits. She will work three days/week, four hours/day.

6/3/02

Borough Clerk Position – Administrator Vinci briefly discussed a memo from the Clerk relating to this year's Salary Ordinance.

Borough Attorney Position – Council President Vogel stated that the Council should not appoint a replacement for Mr. Molinelli without interviewing others who are interested in the position. He advised that he has no problem with Mr. Toskos; however, Planning Board Attorney Kevin Funabashi and another attorney are also interested in the Borough Attorney position. He would like to see all three resumes. Mr. Vogel felt that the Council should not by-pass someone already working for the Borough. Mr. Vogel requested that the Council members contact Administrator Vinci before the next Mayor and Council meeting to express their feelings on this issue. He suggested appointing Mr. Funabashi as Borough Attorney for the rest of 2002 and asking Mr. Toskos if he would consider taking the Planning Board Attorney position, if Planning Board Chairman Ken Glemby agrees. It was decided that the Council would express their wishes in writing to Administrator Vinci by the Wednesday prior to the next meeting.

Meeting closed at 10:50 p.m. Mayor and Council returned to Public Session to adjourn the Meeting.

Respectfully submitted,



Darlene R. Schnure  
Borough Clerk

## BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council  
May 20, 2002

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Present: Mayor Higgins  
Councilmembers Denbeaux, Glaser, Howley, Rosenblatt, Van Riper and Vogel  
were present on roll call.

Absent: None

Also Present: Borough Attorney Menelaos W. Toskos, Borough  
Administrator/CFO Gene Vinci, Clerk Darlene R. Schnure

Meeting opened at 10:25 p.m.

Purpose of Meeting: Personnel

Borough Attorney Toskos distributed a Memorandum to the Mayor and Council, Administrator and Clerk concerning the confidential nature of Executive Sessions, which all were asked to sign. Mayor and Council, Administrator and Clerk signed the Memorandum.

### DISCUSSION

1. Health Benefits Review – Mayor Higgins advised that three proposals were received for the review.

Ferraioli, Wielkocz, Cerullo & Cuva, P.A.  
Pompton Lakes, NJ

Donohue, Gironda & Doria  
Bayonne, NJ

Rosenfarb Winters, LLC  
Roseland, NJ

Council President Vogel stated that, while the fees charged by Rosenfarb Winters were higher than those of the other two firms, and while he would like to save money, he felt that Rosenfarb is one of the best firms. Mr. Vogel also advised that no former employees were offered COBRA and bank records were not reconciled in 2001. Mayor Higgins stated that payrolls were not reconciled. Councilman Rosenblatt feels that the Borough needs an independent auditor. Administrator Vinci advised that hiring Rosenfarb would cost approximately \$13,000 if a senior partner were used. Councilman Glaser favored retaining a more reasonably priced firm and then using the more expensive one if problems are found. Councilwoman Denbeaux stated that Rosenfarb would do a wider range of work than the other firms. Administrator Vince feels that Rosenfarb performs a greater scope of work and that this is their expertise. The fee can be capped. He also advised that retirees were never provided monthly updates on their status.

5/20/02

Mr. Vinci also stated that the study would take approximately four to five weeks. A straw poll was taken and it was decided that a vote would be taken when the Council returned to Open Session to hire Rosenfarb at a cost not to exceed \$10,000.

Fire Department Issues - Councilman Van Riper advised that he was kept out of the Fire House; however, he has documents showing that he is an active member and has passed the physical. Councilpersons Rosenblatt and Vogel stated that the problem involving Councilman Van Riper's visit to the Fire house is a Fire Department issue, not a Council issue. Ms. Denbeaux feels that there should be a middle ground. She also stated that it is not just a Fire Department issue because Mr. Van Riper is a Councilman. Mr. Rosenblatt felt that the meeting held with the Fire Department opened a line of communication. Mr. Vogel asked that a meeting be held with the same people to keep up cordial relations with the Fire Department.

Meeting closed at 11:00 p.m. Mayor and Council returned to Public Session.

Respectfully submitted,



Darlene R. Schnure  
Borough Clerk

## BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council  
May 6, 2002

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Present: Mayor Higgins  
Councilmembers Denbeaux, Glaser, Howley, Rosenblatt, Van Riper and Vogel  
were present on roll call.

Absent: None

Also Present: Borough Attorney John Molinelli, Borough Administrator/CFO  
Gene Vinci, Clerk Darlene R. Schnure

Meeting opened at 11:10 p.m.

Purpose of Meeting: Personnel

### DISCUSSION

1. Medical Insurance - Council President Vogel advised that four former employees of the Borough have had health and dental benefits premiums paid on their behalf to the State Health Benefits Program after they left the Borough's employment. The premiums paid totaled \$20,000. Payment has now been stopped for those employees. Councilman Rosenblatt feels that the Council has a fiduciary duty to reveal this to the public. Attorney Molinelli advised that this can be made public based on the statement that will appear in the Audit. Administrator/CFO Vinci reported that the State Benefits representative advised that it was the Borough's responsibility to remove the names of the former employees and the Borough cannot recoup the money retroactively. The Borough will only be able to recover premiums for which there was double coverage. Mayor Higgins advised that bills were not attached to the vouchers. It was decided that a forensic auditor should be hired. Administrator Vinci was to request solicitations from three auditors. Mr. Vinci further related that there is no record in the files of COBRA letters being sent to employees when they left the Borough's employment. Borough Attorney Molinelli advised that, after the forensic audit, the Borough is entitled to restitution from the former employees if it is found that they used the policy after leaving their positions with the Borough.

2. Hiring of Building and Grounds Custodian - Councilman Glaser questioned the applicant's relevant experience and stated that he considered the proposed salary of \$28,000 to be too high. Administrator Vinci advised that Mr. Melcon is currently employed part-time by the Department of Public Works at a rate of \$10.35/hour. Mayor Higgins stated that Mr. Melcon is recommended for the position by DPW Superintendent Ed Barboni. Councilmember Howley stated that cleaning of the field house bathroom should be added to the job description. It was decided to hire Paul Melcon for a three-month probationary period. This would be voted on when the Council returned to Public Session.

5/6/02

3. Fire House Incident – Council President Vogel advised that there is no written response yet from the Fire Chief concerning the incident involving Councilman Van Riper. He stated that this involves a Council decision, not a Fire Department decision, and the Fire Chief should be suspended if he does not respond in writing by May 15<sup>th</sup>. Borough Attorney Molinelli advised that this is a Council matter, not an internal Fire Department matter, and he urged the Council to take action. Administrator Vinci stated that he had asked the Chief to provide him with written comments on the incident. Mayor Higgins stated that she had asked for documentation on the Fire Department's concerns pertaining to Mr. Van Riper's health. It was agreed that Administrator Vinci will send Chief Scheidle a letter requesting a response by May 15, 2002.

Meeting closed at 11:45 p.m. Mayor and Council returned to Public Session.

Respectfully submitted,



Darlene R. Schnure  
Borough Clerk

## BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council  
April 15, 2002

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Present: Mayor Higgins  
Councilmembers Denbeaux, Glaser, Howley, Rosenblatt, Van Riper and Vogel  
were present on roll call.

Absent: None

Also Present: Borough Attorney John Molinelli, Borough Administrator/CFO  
Gene Vinci, Clerk Darlene R. Schnure

Meeting opened at 9:15 p.m.

Purpose of Meeting: Litigation, Potential Litigation, Personnel, Purchase of Real Property, and  
Negotiations

### DISCUSSION

1. Tax Appeals – Status – Mayor Higgins advised that there are four appeals, two commercial and two that are residential. The Borough has set aside \$350,000 this year to cover the appeals. Borough Attorney Molinelli considers this amount to be adequate. He believes that both commercial appeals will settle.

2. Staffing of Old Mill Pool – Administrator Vinci advised that Parks and Recreation Assistant Director Jay Esposito spoke with him concerning the need for lead time in hiring lifeguards for the Old Mill Pool. Mayor Higgins reported that they are looking into busing people to the Graydon Pool in Ridgewood if the Old Mill Pool is not opened. The lifeguards would be used at other times as camp counselors. Mr. Vinci further advised that there is \$32,000 in the Budget for the pool and over \$30,000 for pool supplies. Councilmember Howley suggested that an estimate be obtained for replacing the pool liner and caulking as temporary measures that would enable the pool to open this season. Attorney Molinelli advised that Borough Engineer Skrable should contact the DEP to disclose the leak in the pool and ask for their decision on whether it can be opened. It was agreed that Administrator Vinci would contact Mr. Skrable to request that he ask the DEP for a written opinion. Councilman Rosenblatt suggested that a public meeting be held next week on the pool issue.

3. By-Laws and Personnel Manual – Role of Finance/Personnel Committee – Council President Vogel stated that he sent a memo to Mr. Glaser with reference to the fact that no sections of the By-Laws or Personnel Manual were violated and received no response. Ms. Denbeaux requested that Council members send any comments on the By-Laws and Personnel Manual to Administrator Vinci as soon as possible.

4. Driscoll Property Closing - The Closing will be held on May 15, 2002, only if the Phase I Environmental Study is completed. The tenants would remain until June 30, 2002. Borough Attorney Molinelli advised that a clause in the contract requires that the back of the property be cleaned up. Administrator Vinci will call Attorney Thomas Randall to have a letter sent to the owners requesting that the cleaning be done.

5. Easement for Wright Street - Former Borough Attorney Thomas Randall is handling this issue. Attorney Molinelli advised that the easement is a temporary construction easement to clean up the Musquapsink Brook and that he considers the changes reasonable.

6. Improper Borough Mailings - Mr. Vogel stated that the Mayor and Council were to review mailings before they are sent to the residents. He disputed the approval of the Tennis mailing by the Pool and Tennis Committee and asked whether the Mayor and Council saw the mailing. Parks and Recreation Commissioner Rosenblatt advised that the mailing was not approved by either himself or Ms. Denbeaux or by Jay Esposito or Jeff Schneider. Mayor Higgins stated that the flyers were sent out this way for years with no complaints. Ms. Howley stated that the Pool and Tennis Committee discussed the pool and tennis rates at their February meeting and decided that they would stay the same and approved the flyer. Ms. Howley read a letter from former Parks and Recreation Director Gerry Lockwood explaining how the discount rate came into effect in 1999 and has continued since then. Mr. Rosenblatt questioned why the Borough should pay for the mailing when it does not receive any of the income. Mr. Vogel requested repayment for the printing and mailing costs of the Tennis flyer. There was also discussion of the payment of \$300/month to TTP Enterprises. It was stated that money would not be released to TTP until after a public vote on the printing and mailing of the flyer. This will be discussed at the May 20, 2002 Public Mayor and Council meeting.

7. Memo from Joseph Higgins, Jr., of the Salary and Wage Committee - Mayor Higgins stated that a chart showing additional money to be paid to certain Borough Hall employees was circulated by former Administrator/CFO John Doyle. She further advised that her husband, a member of the Salary and Wage Committee responded because the chart was not authorized by the Committee. Councilman Glaser felt that a committee chair should not send a memo to the staff. Administrator Vinci stated that the Committee spoke about the possibility of additional money for those employees with additional duties. The memo from Mr. Higgins was sent because many employees had seen Mr. Doyle's chart and were upset. Mr. Glaser will write up a policy on this issue and provide it to Ms. Denbeaux. The Council will review.

8. Authorization of Negotiations with Garden State Parkway Authority concerning Exit 171 - Council President Vogel wishes to pursue allowing a right turn from Parkway Exit 171 at certain hours. Attorney Molinelli advised that the Parkway Authority has wanted this for years for Woodcliff Lake, Montvale and Saddle River. A motion would be made at the Public Session to approve asking the County what commitments they would give the Borough in exchange for the

4/15/02

Borough agreeing to allow right-hand turns.

9. Secondary Employment for Borough Employees - Police Chief Anthony Jannicelli sent a letter to the Mayor and Council requesting approval to hold other jobs. He would like to work 12 hours per month as a substitute teacher and coach at Pascack Hills High School. It was decided that this would be allowed for a three-month trial period. The situation would then be reviewed after three months to see whether any problems arose pertaining to Mr. Janicelli's ability to respond to situations involving his duties as Police Chief.

Meeting closed at 11:10 p.m.

Respectfully submitted,



Darlene R. Schnure  
Borough Clerk

## BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council  
APRIL 1, 2002

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Present: Councilmembers Denbeaux, Glaser, Howley were present on roll call.  
Councilmember Rosenblatt arrived approximately 7:15.

Absent: Councilmember Van Riper

Also Present: Mayor Josephine Higgins  
Administrator/CFO Gene Vinci  
Borough Attorney John Molinelli arrived at approximately 7:15  
Lori Sciara, Deputy Borough Clerk

Meeting opened at 7:05 p.m.

Purpose of Meeting: 1. Property Lease Negotiations  
2. Personnel  
3. Pending Settlement  
4. Tax Appeals

### DISCUSSION

1. Driscoll Property Lease - The Mayor advised that the Driscoll's are seeking a May 15, 2002 closing. This date leaves a possible two week gap between closing and the Driscoll's actual move. It was decided to close on the property when the Driscoll's move.

Cottage rental was discussed. The current lease is valid until July 1, 2002. Question was raised as to whether or not to continue renting as revenue to the Borough. All agreed this was not an option and it was decided to have the Driscoll's inform the tenants of the non-renewal of the lease.

Phase I Environmental Study was ordered by Tom Randall on March 28, 2002. This study was not required by Green Acres as a condition of the grant, so funding will not be affected. This study is for the protection of the Borough to be certain there is no exposure to potential contamination.

The Borough received the Green Acres Grant in the amount of \$532,008 on March 28, 2002. The Borough has 90 days from receipt of the grant to close on the property.

2. Appointment of Christina Monteagudo as Police Matron/Translator - Ms. Monteagudo has already assisted the Police Department on two separate occasions when a translator was not available. The matron duties would not interfere with Ms. Monteagudo's normal Borough Hall administrative duties except in an emergency. She would then be compensated at her normal overtime rate. Any overtime would be paid by the Police Department. Ms. Monteagudo will be the fourth matron on the list.

3. Marjo Court - An agreement with the conditions of settlement was drafted by the former Borough Attorney Tom Randall. Included was a Release and Hold Harmless which would be signed by the Goldfadens, the Scheps and the Fernands. The Scheps did not want to sign a Release and Hold Harmless to their neighbors. The Fernands would not sign unless they were given \$1,500. to do the repairs necessary on their property. The Goldfaden's previously submitted a bill for work to be done on their property totaling \$5,500. It was decided that Tom Randall would revise the agreement between all parties, releasing the Borough from any future repercussions, paying \$4,750. to the Goldfaden's and \$1,500. to the Fernands. John Molinelli suggested that the work on the properties should be done before payment from the Borough is issued.

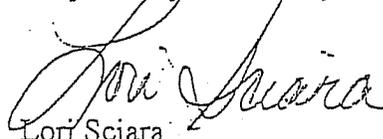
4. Tax Appeals - Tax appeals were received - two from residents and two appeals filed by Bruce Stavitsky on behalf of Mack-Cali for the buildings located at 400 Chestnut Ridge and 470 Chestnut Ridge Road. Jon Vogel commented that Assessor Bob Campora does not feel very good about either of these appeals, especially the 400 building. John Molinelli stated that normally if you win a tax appeal, the assessed valuation will be frozen for the next two years. However, this does not apply with a municipal wide revaluation which will be taking place within the Borough. The Mayor stated that \$350,000. has been set aside for tax appeals.

A Performance Bond partial reduction of guarantee money of \$176,400. was requested by Heller Woodcliff Lake LLC. After analyzing the escrow account, it was found that there was only \$247,644 cash on hand in the account. In order to retain the 70% or \$98,600, only \$149,044 could be returned, not the requested \$176,400. It was found that the Borough has been paying escrow balances from cash guarantee accounts. John Molinelli stated that (1) that cash guarantee balances should not be co-mingled with escrow funds and (2) the professionals who submit bills on behalf of a contractor must invoice the Borough with a copy to the developer. Mr. Molinelli drafted a resolution authorizing partial release of Performance Bond and Cash Bond to Heller Woodcliff Lake LLC.

Tom Skrable informed the Borough that the Escrow amount for Heller Woodliff Lake LLC should be increased by \$10,000. It was decided that Mr. Molinelli would inform Gail Price that after analyzing the Heller account, the requested release amount of \$176, 400. would be reduced to \$149,044. and an additional \$10,000. will be needed in the escrow account.

Meeting closed at 8:00 p.m.

Respectfully submitted,



Lori Sciarra  
Deputy Borough Clerk

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council  
February 4, 2002

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Present: Mayor Higgins  
Councilmembers Denbeaux, Glaser, Howley, Rosenblatt, Van Riper and Vogel  
were present on roll call.  
Also Present: Borough Attorney John Molinelli, Borough Administrator/CFO  
John T. Doyle

Meeting opened at 7:30 p.m.

Purpose of Meeting: 1. Personnel  
2. Personnel

DISCUSSION

1. Interview with Candidate for Borough Administrator/CFO -Cancelled.

2. Discussion of Deputy Borough Clerk Position - Mayor Higgins stated that Ms. Monteagudo was a 30-day hold-over, and that she advised Ms. Monteagudo that her employment would be discussed at this Closed Session meeting. 4/2/02

Borough Attorney Molinelli advised that, if the Mayor does not re-appoint within 30 days, the decision is made by the Council.

Mayor Higgins related the circumstances surrounding the hiring of Ms. Monteagudo. She also requested an evaluation of Ms. Monteagudo by the Clerk and the Administrator/CFO. The Clerk's Evaluation was circulated to the Council. Administrator Doyle declined to submit an Evaluation. There was a question of whether Ms. Monteagudo would remain as a Borough Employee, while no longer performing the duties of Deputy Borough Clerk. It was decided to postpone a decision until Attorney Molinelli had time to study the Resolution adopted July 10, 2001, which authorized appointment of Ms. Monteagudo as Deputy Borough Clerk/Administrative Assistant and Secretary to the Administrator/CFO.

Meeting closed at 8:00-p.m.

Respectfully submitted,



Darlene R. Schnure  
Borough Clerk

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council  
January 23, 2002

Present: Mayor Higgins  
Councilmembers Glaser, Howley, Rosenblatt, Van Riper and Vogel were present on roll call.  
Councilmember Marcia Denbeaux arrived at 7:15 p.m.

Also Present: Borough Attorney John Molinelli  
Donald Morrice, Esq., Attorney for Administrator/CFO John T. Doyle and Administrator/CFO John T. Doyle arrived at 7:40 p.m. after discussion of the proposed Agreement between Mr. Doyle and the Borough

Meeting opened at 7:00 p.m.

Purpose of Meeting: 1. Negotiations  
2. Personnel  
3. Personnel

DISCUSSION

1. Tri-Borough Dispatchers – Negotiation Update by Joel Scharff – Cancelled. Held

2. Personnel – ( Agreement between John T. Doyle and the Borough of Woodcliff Lake) –  
Borough Attorney Molinelli gave an update on his discussions with Donald Morrice, Esq., Attorney for John T. Doyle, on the Separation Package for Mr. Doyle. He would get accrued sick days and vacation days. In addition, Mr. Doyle has requested a referral letter. Mayor Higgins is providing a letter which states the length of Mr. Doyle's association with the Borough, his duties while employed, requirements for the position and some achievements which occurred during his employment as Administrator/CFO. By execution of the Agreement, Mr. Doyle will resign as both Administrator and CFO, effective February 15, 2002. He will receive compensation until December 31, 2002, at which time he will be able to retire with full benefits. The Agreement will be enforceable in Court. The Agreement will state that termination is on an amicable basis. Once the Agreement is signed, both parties cannot comment on it, except to say that it is amicable.

It was decided that the Council would move in Open Session to accept the Agreement with Mr. Doyle and authorize the Mayor to sign the Agreement.

At 7:40 p.m., Attorney Morrice and Administrator Doyle entered the Closed Session meeting. Both sides signed the Agreement. Mr. Doyle and Mr. Morrice then left the meeting.

3. Letter from Tim Ennis to Mayor and Council dated December 29, 2001 – Councilman Glaser questioned the circumstances resulting in the letter from Mr. Ennis, in which he resigned as Fire

1/23/02

Official for 2002. Mr. Van Riper stated that Mr. Ennis did not perform the job as well as his predecessors, and cited numerous violations at the new Tice's Corner Mall, such as padlocked doors. However, Mr. Van Riper advised that he would have recommended him for the position, as he thought that they settled their differences.

Meeting closed at 7:55 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Darlene R. Schnure". The signature is written in dark ink and is positioned above the printed name and title.

Darlene R. Schnure  
Borough Clerk