

7:30 p.m.

BOROUGH OF WOODCLIFF LAKE

**SPECIAL MAYOR AND COUNCIL MEETING
MINUTES**

December 19, 2005

CALL TO ORDER.

In accordance with the Open Public Meetings Law, P. L. 1975, C. 231, notice of this rescheduled meeting has been posted, and two newspapers, The Record and The Ridgewood News, have been notified.

ROLL CALL.

Mayor LaPaglia was present. Council members Bader, Camella, Glaser, Heinemann and Singer were present on roll call. Mrs. Howley was absent.

Resolution to Authorize Entering into Executive Closed Session

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake are desirous of discussing the following:

Personnel Issue, OPRA Request

WHEREAS, the said discussion(s) fall within the provisions of Section 7 (b) (4), (7) and (8) of the Open Public Meetings Act and;

WHEREAS, the Mayor and Council deem it desirable to exclude the public from that portion of the meeting in which the aforesaid matters are to be discussed which portion of the meeting is anticipated to last approximately 30 minutes.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, that the public be excluded from the portion of the meeting in which the aforesaid matters are to be discussed and;

BE IT FURTHER RESOLVED, that it is not possible, as yet, to fix the time when or the circumstances under which the discussion(s) conducted in closed session can be disclosed to the public.

ROLL CALL:

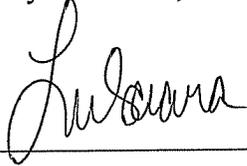
Introduce:	Mr. Bader
Second:	Mrs. Heinemann
Ayes:	Mr. Bader, Mr. Camella, Mr. Glaser, Mrs. Heinemann, Mr. Singer
Nays:	None
Abstain:	None
Absent:	Mrs. Howley

Motion to re-open the meeting to the public was made by Mr. Glaser, seconded by Mr. Singer and approved unanimously by voice call vote.

PUBLIC FORUM.

Hearing no comments from the public, a motion to adjourn was made by Mr. Glaser, seconded by Mr. Camella and approved unanimously by voice call vote. The time is 8:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lori Sciara", written over a horizontal line.

Lori Sciara

BOROUGH OF WOODCLIFF LAKE

MINUTES

**Mayor and Council
Executive Closed Session
December 19, 2005**

CONFIDENTIAL

DISCUSSION.

Personnel Issues

1. Chief of Police Contract

Mr. DeVito, Mr. DiMino and Council member-elect Shapiro were also present.

Mayor LaPaglia reiterated the need for closed session discussion to remain confidential. Personnel issues will be discussed tonight. Recently municipalities have been subject to lawsuits from employees claiming harassment, disparagement etc. because of inappropriate discussions and comments.

Mr. DeVito stated the procedure he would be discussing this evening.

1. quick chronology of events since the last report
2. a hand out of two proposals (one proposal from the Mayor, one proposal from the Negotiating Committee) to address the "comp time" issue for the Chief will be discussed
3. the Mayor and the Negotiating Committee would each present their reasons for the support of their proposal
4. questions/comments would be taken from council members
5. recommend a straw vote on either one of the proposals

Mayor LaPaglia gave a brief synopsis of these contract negotiations to Mr. Shapiro. Mr. DeVito stated that at the last meeting, there was a consensus of the council on all items of the Chief's contract except the provision for "comp time". The old contract stated that the Chief's work week consisted of 40 hours. Any hours in excess of 40 hours were considered "comp time" on a one for one basis. All agreed that emergent matters should be considered comp time. After much discussion, it was still unclear what could be considered "routine" work vs. "non-routine work". Mayor LaPaglia drafted new language for the comp time issue in the Chief's contract. His draft proposed that any hours worked in excess of 40 hours for routine managerial responsibilities or attending meetings related to routine managerial and/or ceremonial events would not be eligible for comp time. Special events or emergent matters would be eligible for comp time and no more than 40 hours can be carried over to the following year. This proposal was given to the Police Committee for their review. They voiced their concerns and comments. The Negotiating Committee then came back with their own proposal and submitted it to the Mayor and the Police Committee. The Negotiating Committee proposed that the Chief will not be eligible for comp time for any hours worked over 40 in a week for routine managerial and other job related activities. The Chief shall be entitled to compensatory time off for non-routine hours worked. The determination of whether any activity is routine or non-routine shall be at the discretion of the Chief. Comp time shall not exceed 40 hours each calendar year. The Chief will submit a semi-annual report of

non-routine hours worked and related hours taken to the Police Committee. Mayor LaPaglia stated that this is not a personal issue. The Chief is a municipal department head who represents the Borough. There are two main principles at hand:

1. **Accountability** – as a department head, the Chief should not be the sole determinant of his hours. To let the Chief determine his own time is an abdication of the Council's responsibility. He has put in for comp time that is somewhat questionable. Under the existing contract, this questionable comp time is permissible. The Chief attends the Halloween Parade, Woodcliff Lake Day and the Tree Lighting usually with his children. This should not be comp time.
2. **Equity** – as a department head the Chief is expected to attend some evening meetings as part of his job. No other department head receives comp time. The Mayor reiterated that this is not a personal issue. It is an issue of principle and he prides himself on being fair to everyone.

The Negotiating Committee has recognized that there is some element of accountability in the Chief keeping his own time. However, he is a 27 year employee who has never been questioned about his time before. The Chief has explained all his comp hours to the Negotiating Committee. The Chief feels that if he leaves the office and has to come back, it is considered comp time. Last year the Chief took 56 comp hours. In 2004 he took 40 hours.

Mr. Camella and Mr. Bader stated that if the Chief were a new employee they would opt for the Mayor's proposal. They both agreed that if this were a new hire, they would choose the Mayor's proposal. However, the committees' proposal gives more latitude to a trusted employee. Mr. Bader stated that when the Chief submits his comp time report in six months, he will be very upset if routine managerial duties are listed for comp time eligibility.

Mr. Singer stated that when you manage the right kind of person, they will rise to your highest expectation. If you manage the wrong kind of person, they will sink to your lowest expectation. Mr. Singer stated that he would not wait six months for a review. He would ask for it quarterly. He agreed that if the Chief were a new hire, he would agree with the Mayor's proposal.

A straw poll was taken as to which proposal the Negotiating Committee would take back to the Chief.

Mr. Glaser	Mayor's proposal
Mr. Camella	Committee's proposal with a ¼ review
Mrs. Heinemann	Committee's proposal with a ¼ review
Mr. Bader	Committee's proposal with a ¼ review
Mr. Singer	Committee's proposal with a ¼ review

Mr. DeVito stated that neither proposal has ever been discussed with the Chief. They will bring the agreed upon proposal to the Chief and report back as soon as possible.

2. **OPRA Request**

Mr. Mann of Montvale has previously requested from the Clerk copies of all closed session minutes since 2001. The Clerk, Borough Administrator and Borough Attorney reviewed these minutes, redacted them as per the NJSA exemptions and released all minutes to Mr. Mann. Subsequently he filed a complaint with the Government Records

Council stating that the minutes were too heavily redacted. The Borough is still waiting on a decision of this complaint from the GRC.

On December 14, 2005, Mr. Mann filed another OPRA request for the release of any closed session minutes that referred to the agreement made between Jack Doyle and the Borough upon the end of his employment. It has always been thought that the agreement is confidential and cannot be released without a court order. It is the consensus of the Council to have the Clerk deny this request to let it be decided in the courts.

3. Administrator Annual Bonus

All evaluations were returned to Mr. Glaser. There is a contractual agreement to award Administrator Sandve an annual bonus of up to \$5,000.00. Mr. Glaser stated that Administrator Sandve received an overall numeric rating of between 2-3 on all evaluations with 3 being the highest. Mr. Glaser asked that the bonus to Administrator Sandve for the year 2005 be \$5,000.00. The Council was in full agreement. An authorizing resolution will be placed on tonight's Consent Agenda.

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4. It specifically states in the previous contract that the Chief works a 40 hour week. Any time over that should be compensated, or treated as comp time.
5. Comp time should be an independently negotiated item and should be tied to the employee manual.

Mr. Bader asked if DPW Superintendent gets comp time for snowplowing. Mayor LaPaglia stated that he does not, nor does the Borough Administrator or the Borough Clerk. Comp time for the Chief of Police seems to be an inequity issue. Mr. DeVito stated that the Chief has carried over 56.5 comp time hours from 2004. He earned 56.5 hours as of November 3, 2005. Administrator Sandve stated that "police evening emergency" matters should be compensated. However, OEM meetings, Tri-Boro meetings, Council Budget meetings, Opening Day Baseball, etc. are not considered "emergent" matters. Mr. DeVito stated that the Negotiating Committee did not attempt to clarify "what is comp time" and recommends to the Council to leave the clause as is. Administrator Sandve stated that to comply with the employee manual, only 40 hours of comp time may be accrued for comp time purposes.

A straw poll was taken of the council members present. All were in agreement to this proposed revised contract except for the issue of comp time. The Mayor asked the Borough Attorney to state that if sick days were ever negotiated back into the Chief's contract, a reduction of salary should also be done. The Mayor asked that new wording be inserted to the existing wording, "The Chief shall not be entitled to any additional compensation for any hours worked in excess of forty (40) hours in a week, but may bank these hours as compensatory time, receiving one hour back for each hour banked". A complete set of these contract negotiations will be given to the Administrator for the Borough's file once mutually agreed upon by the Mayor and Council and the Chief.

Attorney Madaio discussed the complaint from the County Sanitarian re: a possible rabid dog in the Borough. The dog was bit by a rabid skunk. Attorney Madaio reported he spoke with experts who stated that this dog has a 50% chance of contracting rabies. The owner was to quarantine the dog to cage in the basement in his home. The dog has been seen outside which is clearly in violation of the summons. Attorney Madaio was authorized by the Mayor and Council to take this complaint to court to protect the interest of the neighbors and the Borough.

Attorney Madaio reported that he has met with the Administrator and the Mayor re: outstanding Skrable Engineering invoices from 2004 and prior years. Attorney Madaio stated there are three (3) classes of invoices: (1) invoices that are covered by escrow funds and are clearly due; (2) escrow account funds that have not been replenished or the developer is gone; and (3) invoices for direct work for the Borough that was authorized by a prior administration. Mayor LaPaglia emphatically stated that he wants to clear up these outstanding invoices by the end of the current year (2005). There will be recommendation by the Administrator and Attorney at the next Mayor and Council meeting.

7:00 p.m.

BOROUGH OF WOODCLIFF LAKE

**SPECIAL MAYOR AND COUNCIL MEETING
MINUTES**

December 5, 2005

CALL TO ORDER.

In accordance with the Open Public Meetings Law, P. L. 1975, C. 231, notice of this rescheduled meeting has been posted, and two newspapers, The Record and The Ridgewood News, have been notified.

ROLL CALL.

Mayor LaPaglia was present. Council members Bader, Glaser, Heinemann, Howley and Singer were present. Councilman Camella was absent. Also present were Administrator Sandve, Attorney Madaio, Clerk Sciara and Negotiating Committee Member Tony DeVito.

Resolution to Authorize Entering into Executive Closed Session

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake are desirous of discussing the following:

Contract Negotiation

WHEREAS, the said discussion(s) fall within the provisions of Section 7 (b) (4), (7) and (8) of the Open Public Meetings Act and;

WHEREAS, the Mayor and Council deem it desirable to exclude the public from that portion of the meeting in which the aforesaid matters are to be discussed which portion of the meeting is anticipated to last approximately 60 minutes.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, that the public be excluded from the portion of the meeting in which the aforesaid matters are to be discussed and;

BE IT FURTHER RESOLVED, that it is not possible, as yet, to fix the time when or the circumstances under which the discussion(s) conducted in closed session can be disclosed to the public.

ROLL CALL:

Introduce: Mr. Bader
Second: Mr. Singer
Ayes: Mr. Bader, Mr. Glaser, Mrs. Heinemann, Mrs. Howley, Mr. Signer
Nays: None
Abstain: None
Absent: Mr. Camella

Motion to return to open session was made by Mr. Bader, seconded by Mrs. Howley and approved unanimously by voice call vote. The time is 8:14 p.m.

Hearing no comments from the public, a motion to adjourn was made by Mr. Glaser, seconded by Mrs. Howley and approved unanimously by voice call vote. The time is 8:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "L. Sciara", written above a horizontal line.

Lori Sciara, Borough Clerk

BOROUGH OF WOODCLIFF LAKE
MINUTES
Mayor and Council
Executive Closed Session
December 5, 2005

CONFIDENTIAL

DISCUSSION.

1. Personnel Contract Negotiation

Mr. DeVito explained the current status of contract negotiations with Police Chief Jannicelli. The Negotiating Committee met with the Chief twice, once to present the committee's proposal and again to hear the Chief's counter proposal. After the second meeting, the committee met with the Mayor and the Police Committee to discuss the exchange of ideas. The committee's offer of a starting salary of \$126,000 for the year 2005 was countered by the Chief with a \$700.00 increase. The committee agreed that this was a fair salary amount (\$126,700) since the average salary of the Chiefs of Police in surrounding towns is reported to be \$127,853...

Chief Jannicelli is entitled to 12 sick days per year as are all Borough employees. The Chief proposed to waive his future sick days in exchange for 6 days eligible for reimbursement for the year 2005 be rolled into his base pay for 2005 and beyond. Going forward, should the Chief become ill, he will draw on the accumulated sick time in his bank. The committees counter proposed 3 days to be added into his base pay. Both sides agreed subject to Mayor and Council approval. Mr. DeVito distributed charts to all present showing the calculations of the current contract vs. the proposed contract with revisions. The cost of rolling 3 sick days including the additional contributions to the State pension will be \$26,847.00 if the contract remained the same until the Chief's retirement at the mandatory age of 65 years of age. This is a saving of \$6,407.00 vs. the 6 days roll in requested by the Chief.

Chief Jannicelli will have completed his 29th year of employment making him eligible for 2% increase in longevity in the beginning of his 30th year. Longevity is a benefit given to all Borough employees and the Chief should be no different.

With respect to all other fringe benefits, the Chief agreed to eliminate all ties to the PBA contract.

One item of major discussion was of compensatory (comp) time for the Chief. No other municipal department head receives comp time. Management is expected to do what is necessary to get the job done. The Chief is concerned that his job is very visible and he does not want to be criticized for being out of uniform, i.e., at the Old Mill Pool and at public events. By saying he was on comp time, it would alleviate any problems. There were several matters discussed on the comp time issue:

1. Comp time is given in lieu of overtime. There is no out of pocket cost to the Borough.
2. Mr. DeVito stated, "if it ain't broke, don't fix it". Comp time for the Chief has not been an issue before.
3. There have been no complaints to his absence and he is not taking advantage of this privilege.

BOROUGH OF WOODCLIFF LAKE

**Executive Closed Session
MAYOR AND COUNCIL**

November 21, 2005

CONFIDENTIAL

ROLL CALL. (10:14 p.m.)

Mayor LaPaglia was present. Council members Bader, Camella, Glaser, Heinemann, and Howley were present. Mr. Singer was absent. Administrator Sandve, Attorney Madaio, and Clerk Sciara were also present.

Mayor LaPaglia stated that he spoke with Mr. DeVito in regards to the Chief of Police Contract. Mr. DeVito and Mr. DiMino, they were very surprised when the Chief came back with "additional demands". The Negotiating Committee is presently evaluating these additional items and will report back to the Mayor and Council sometime next week.

Mayor LaPaglia requested that Mr. Glaser and Mrs. Howley prepare evaluation summary sheets to be used by all council members in order to ascertain what yearly bonus amount will be given to Administrator Sandve for 2005. This will be discussed at the December 19, 2005 meeting.

Motion to return to open session was made by Mr. Bader, seconded by Mrs. Howley and approved unanimously by voice call vote. The time is 10:14 p.m.

Respectfully submitted,



Lori Sciara, Borough Clerk

BOROUGH OF WOODCLIFF LAKE

**Executive Closed Session
MAYOR AND COUNCIL**

November 9, 2005

CONFIDENTIAL

ROLL CALL. (10:35 p.m.)

Mayor LaPaglia was present. Council members Bader, Camella, Glaser, Heinemann, Howley and Singer were present. Administrator Sandve, Attorney Madaio, Council member elect Shapiro and Clerk Sciara were also present.

Mayor LaPaglia stressed to all in attendance the importance of confidentiality of Closed Session discussions.

Mr. DeVito and Mr. DiMino, members of the Negotiating Committee reported to the Mayor and Council their findings after intensive research on the Police Chief Contract. Data was obtained from various sources and several towns. There were two main areas of consideration – parity of his salary as compared to his counterparts in other municipalities and the attempt to remove ties to the Chief's Contract to the PBA Contract without diminishing any benefits to the Chief. The break in the tie to the PBA was to consider the Chief a part of Borough management, the same as the Administrator, Clerk and DPW Superintendent. It was noted that the chief has been a 30-year employee of the Borough and by all accounts is "the Chief's Chief".

Copies of the specific items contained in the proposed contract were given to all members. These copies were given back to the Negotiating Committee after the meeting. Mr. DeVito stated that it was difficult to ascertain a pattern with the salaries of other Police Chiefs in the area. Neither years in the position, population nor town size seemed to matter in this very subject matter. The committee averaged the salaries of other Chiefs and found that the Woodcliff Lake Chief of Polices salary was a bit lower than his counterpart. The committee recommended a one time parity raise to bring him a bit above the median salary. The committee also recommended a 3.5% raise for each of the five years of the contract. The starting salary for the first year of the contract would be \$126,000.00.

Mayor LaPaglia stated that there is no obligation to give the Chief of Police a contract. A straw poll was taken to authorize the committee to propose this contract to the Chief.

BOROUGH OF WOODCLIFF LAKE

CONFIDENTIAL

**Executive Closed Session
MAYOR AND COUNCIL**

October 17, 2005

ROLL CALL. (9:40 p.m.)

Mayor LaPaglia was present. Council Members Bader, Camella, Glaser, Heinemann, Howley and Singer were present. Administrator Sandve, Attorney Madaio and Clerk Sciara were also present.

Administrator Sandve reported on the Old Mill Pool Construction. The contractor claimed over \$200,000 in extras which the Borough did not agree with. Administrator Sandve and the contractor met without attorneys present to discuss what the real claims for extras were on this project. The contractor resubmitted a request for \$70,000 in extra work which the Borough still did not agree with. Administrator Sandve and the contractor have been tweaking a number that is close to \$48,000 for extras such as the electrical upgrade, lawn drainage and extra caulking around the pool. Administrator Sandve stated that the total change order to the project is \$65,000, which represents a 3.87% of the total project.

One of the issues discussed was liquidated damages and Boswell Engineering fees. The contractor was charged \$63,750 in liquidated damages for work stoppage during the months of August – December 2004. There was an agreement that if the contractor resumed work in the Spring of 2005 and the pool opened by Memorial Day, no further liquidated damages would be charged. Boswell Engineering states that their excess engineering fees due to the contractor delay is \$86,000. Less liquidated damages, there is an outstanding balance of \$23,000 to the Engineer. Administrator Sandve will discuss these excess charges with Mr. Sachs.

Mayor LaPaglia asked what the final cost of the pool actually was. Administrator Sandve stated that the pool was originally bid at \$1,687,000. Including the new change order, the total cost of the pool is \$1,753,209.

The pool will be covered sometime later this week or early into next week.

Mr. Madaio reported that PSE&G will be removing the poles from Woodland Road. There could be possible litigation as PSE&G wants the Borough to pay for the removal of the poles.

Mr. Madaio reported that the fence restriction at 15 Bliss Court was included on the owner's deed. Mr. Saluzzi and Mr. Madaio are working on getting the fence moved.

Mr. Madaio reported that he has received correspondence re: the contribution by the owner of the Tice Mall for improvement at the intersection of Harriet Way and County Road.

Motion to adjourn to open session was made by Mr. Bader, seconded by Mrs. Heinemann and approved unanimously by voice call vote. The time is 10:00 p.m.

Respectfully submitted,

Lori Sciara
Borough Clerk

CONFIDENTIAL

BOROUGH OF WOODCLIFF LAKE

MINUTES

**Mayor and Council
Executive Closed Session**

October 6, 2005

DISCUSSION.

1. Personnel Contracts

The Mayor stated that he will appoint Tony DeVito and Andre DeMino to a newly formed Contract Negotiating Committee. The contracts between the Borough and the Chief of Police and the Captain expired on 12/31/04. Both officers asked that their contracts be negotiated after the PBA settled their contract. The contract between the Borough and the PBA expired on December 31, 2004 and a new five-year contract was signed in August, 2005.

Mr. DeVito addressed the Council. He stated that the Mayor had asked him to serve on this committee and he agreed. He continued that he had preliminary meetings with council members, the Police Committee and the Chief of Police. The Contract Negotiating Committee has been obtaining and analyzing data. No conclusions can be made at this time since all the data is not in. Mr. DeVito stated that he has no preconceived notions but the belief that a fair contract is warranted for a 27 year employee. Mr. DeVito stated that there are two main concerns over this issue:

- Parity.

The Committee is analyzing salaries of the Chief and Captain in neighboring towns.

- References to the PBA Contract in the current contracts.

It is the general consensus of the Council that there must be some attempt in removing all references connecting the new contract to the PBA. Benefits will not be reduced by this action.

Mr. DeVito stated that the Committee is looking into a possible incentive program. Yearly raises will not be automatic – they must be earned. There will be mutually agreed upon criteria and an annual review will be done by the Mayor and the Police Committee. Mr. DeVito asked that no individual conversations occur between the Council and the Chief until after the negotiations are completed. Mr. Bader asked if the Committee's recommendation can be presented to the Council by November 14, 2005 in order to be approved at the November 21, 2005 meeting. This target timetable was established.

2. Interlocal Tax Assessor Agreement

Administrator Sandve stated that this type of agreement was brought up in 2004 by the Tax Assessor. It would establish an Inter-Local Tax Agreement with the Boroughs of Westwood and New Milford. Mr. Glaser and Mrs. Howley questioned the numbers on the agreement. Administrator Sandve explained the breakdown, stating it will cost the Borough approximately \$24,000 per year. Mrs. Potash has agreed to work one day per week plus two nights a month to accommodate residents. It was the consensus of the Council to vote on the approval of this agreement at tonight's meeting. Attorney Madaio will draft the resolution.

BOROUGH OF WOODCLIFF LAKE

MINUTES

Mayor and Council
Executive Closed Session
September 6, 2005

DISCUSSION.

PBA Retroactive Pay

Mayor LaPaglia stated that the key points of the executed PBA Contracted were attached to the copy of the contract. This is a 5 year contract.

Discussion began on the police retroactive pay. This retroactive pay does not apply to private duty detail. The Prosecutor's Office has previously stated that private duty is not considered active duty. Therefore, the retroactive increase for 2005 will not be processed with any adjustment for extra duty.

The Chief collects fees from PSE&G, Verizon etc. in order to pay officers their regular overtime rate for special duty. This special duty fund is approximately \$10,000 in the hole. Mr. Madaio has spoken with the auditor and Labor Counsel and both agree that this retroactive pay for special duty is "not a valid municipal expense." Labor Counsel advised that special duty is exempt from contractual agreements and the Fair Labor Standard Act. "Special Duty" is voluntary. It is done when the officer is off duty. However, on August 31, 2005, the state enacted a statute that states specifically when an officer is considered on duty. Mr. Madaio continued that an extra 10% is added to the fee for administrative costs. When the ordinance for special duty is drafted, this fee will be increased to the maximum 15%. Administrative costs cannot be used for salaries.

It was the consensus of the Mayor and Council to contact PSE&G and explain that the PBA contract has been settled and that there is an approximate \$10,000.00 deficit due to the increase of base salaries in the year 2005. Administrator Sandve and Chief Jannicelli will make contact with the utility companies to discuss this situation.

Fence at 15 Bliss Court

The owners at 15 Bliss Court applied properly to the Building Department for a fence permit. This permit was approved by Mr. Saluzzi. Mayor LaPaglia had in his possession a copy of Resolution 99-____ of the Borough of Woodcliff Lake Planning Board that stated...***"The applicant will grant a 10 foot wide easement for a landscaped berm running the length of Woodcliff Avenue across Lots 17.0, 17.06, 17.07 and 17.08. By deed covenant the applicant and future homeowners will be required to maintain the landscaping. In addition the lot owners will not be allowed to fence in the 10 foot landscaped area and will be limited to a fence on the north side of the easement, to wit: the side which is closest to the future dwellings."***

In light of this Resolution, Mr. Madaio was authorized to convey to the owners of 15 Bliss Court that they have 30 days to move the fence. Mr. Madaio was also instructed to contact the other affected

Bliss Court homeowners to advise them of this fence restriction. This verbiage should be contained in each separate deed.

Tax Appeal – 100 Overlook Drive

The Chabad at 100 Overlook Drive had filed a tax appeal on the basis of a parsonage exemption. They have withdrawn this appeal as it could not be settled, since this is not a parsonage. Mr. Madaio explained that they could file for a “House of Worship” status in the future. Mayor LaPaglia stated that the Chabad had requested permission to hold their services at the Tice Senior Center. Mr. Singer stated that there had been a ruling by the Attorney General stating that it was illegal to allow religious groups to worship in public buildings.

Lodgeworks/Sierra Suites

Will be discussed at a later date.

Motion to return to public session was made by Mr. Camella, seconded by Mr. Bader and approved unanimously by voice call vote.

BOROUGH OF WOODCLIFF LAKE
MINTUES
Mayor and Council
Executive Closed Session
June 20, 2005

DISCUSSION.

Legal and Contractual

1. Contractual – PBA

The status of the PBA Contract was given by Administrator Sandve to the Mayor and Council. Administrator Sandve stated that approximately 10 days ago, the PBA came to him to reopen discussions on their contract before the scheduled arbitration meeting for next week.

In December, the PBA took a rank and file vote on the first proposed contract and it was an 8-8 tie. Administrator Sandve stated that he was assured by the PBA that the contract being proposed tonight will be approved should the Mayor and Council agree.

Several items of concern were discussed. Salary increases would be 3.5% in 2005, 3.5% in 2006, 3.5% in 2007, 3.75% in 2008 and 3.75% in 2009. The clothing allowance would increase from \$800.00 in 2005 and \$900.00 in 2006, 2007, 2008 and 2009. The Higher Education Incentive Program will now require an officer to have 15 years of service prior to qualifying for any Higher Education Incentive. Current officers will receive (5) \$200.00 payments applied to the base pay. No additional incentive payments will be made after January 1, 2009. Holiday pay will now be included in base pay, eliminating holiday pay from the contract and making it part of the base pay in the salary scale. Other leave would be limited to two (2) personal days per year and one (1) additional sick days would be added, bringing the total of sick leave to (13) days annually. The PBA has requested that the contract be revised to require a simple majority for approval rather than the existing 2/3 membership. Administrator Sandve commented that there have been 35 PBA arbitration hearings in NJ and all have arbitrated for 4% or higher. After discussion of "how much is this really going to cost", it was the consensus of the Council to accept this current proposal and to authorize Administrator Sandve to take this final offer to the PBA.

RECONVENED at 10:40 p.m.

Pascack Road Development

Previously discussed during the open session

Francis X. Ryan

Mr. Ryan filed an appeal to the Appellate Division of a previous decision. He failed to file the brief on time. He was denied the appeal. Mr. Ryan again asked for permission to file a brief citing attorney problems. The Appellate Division decided to allow Mr. Ryan to file a brief. The Borough's brief is due at the end of July. This is the same tax appeal waged by Mr. Ryan for several years.

The Rink (ARHO)

Mr. Mann from Montvale had challenged both Woodcliff Lake and Montvale on their ordinances for the rezoning on The Rink Property. His attorney made an appeal to consolidate our case with Montvale's. Mr. Madaio opposed this as the challenge to Montvale includes COAH components. He stated to the Judge that Woodcliff Lake has lived up to all of their COAH obligations. The Judge agreed. The Judge also agreed with Mr. Madaio that each Ordinance will stand on their own. There are four counts against Woodcliff Lake, one of which is procedural deficiencies. Mr. Madaio stated that none of the counts have any merits and the lawyers for Hovanian are wholeheartedly behind the Ordinance. However, at the last meeting with the Judge, it was agreed that if there is even an allegation of procedural deficiencies, it would be prudent for the Borough to readopt a clean ordinance on this rezoning issue.

Mr. Madaio stressed that the re-adoption of this ordinance should not allow new issues to creep in.

Motion to reopen the meeting to the public was made by Mr. Bader, seconded by Mrs. Heinemann and approved unanimously by voice call vote.

Hearing no comment from the public, a meeting to adjourn was made by Mr. Bader, seconded by Mrs. Heinemann and approved unanimously by voice call vote. The time is 10:50 p.m.

Respectfully submitted,

Lori Sciara, Borough Clerk

BOROUGH OF WOODCLIFF LAKE

MINUTES

**Mayor and Council
Executive Closed Session**

June 6, 2005

DISCUSSION.

Potential Litigation

1. 209-215 Pascack Road

Mr. Kevin O'Brien recently submitted a letter to the Administrator, setting forth the issues/problems he perceived at the Pascack Road development site. He cited several ordinances in this letter. On May 25, 2005 the Administrator replied to Mr. O'Brien, documenting the position the Borough has taken on his issues. On May 31, 2005, Mr. O'Brien sent a letter citing new complaints on this development.

The original owner, WM Realty had transferred rights to another company Powder Hill, LLC. Mayor LaPaglia had asked the Planning Board attorney to advise if there was sufficient proof in the affidavit from the developer that there were no violations and that the Borough Engineer had attested to the same. The Mayor also stated that the approved subdivision map filed with the County Clerk has an error. The map provides for frontage on Ellis Court for blocks Lots 104,105 and 106. These frontages should be along Pascack Road.

Mr. Madaio commented that WM Realty did not put the Borough on notice when the transfer took place between themselves and Powder Hill, LLC. The assignment was sent after the closing took place. The Borough does not have an affidavit in its possession stating that there are no uncured violations. Mr. Madaio wants to be sure that the public realizes that the Borough is displaying a high level of scrutiny on this project.

Mr. O'Brien provided Administrator Sandve with a copy of a potential lawsuit. The suit is very scattered with no particular claim. Mr. Madaio stated that most of Mr. O'Brien's concerns appear to be under the jurisdiction of the DEP and the Department of Labor, not the Borough's. Asbestos contamination is a Department of Labor issue. The Phase I study of this development detected asbestos on the furnace. The asbestos was being properly removed under a tarp. The only permit required by the Borough was a permit for the removal of the boiler and the asbestos. During the demolition, the contractor noticed asbestos in some floor tiles and in some parts of the siding. The contractor voluntarily stopped work and asked for an investigation. The Construction Code Official immediately issued a stop work order. No other agency issued a stop work order.

The new survey ordered sampled over 110 soil samples to detect if there is more asbestos present. If asbestos is found in these samples a way to remediate will be the next step. Mr. Madaio stated that because two houses were being removed there was no requirement on asbestos removal. Because of the commercial aspect of the site (the greenhouse) is where the Phase I survey was found not to be complete.

Mr. Madaio commented that the developer had intended to put a crusher on the site in order to use the crushed materials for roadbeds. The crushing itself is an acceptable way to recycle materials; however, a DEP permit is required. This crushing is noisy and a constant spray of water must be maintained to eliminate dust. The Construction Code Official has spoken with the developer and the developer has

agreed to purchase crushed stone instead of crushing on site.

Mr. Madaio summed up the issue by stating that he recommends that the Borough not accept assignment until all issues are resolved.

Motion to return into open public session was made by Mr. Camella, seconded by Mr. Glaser and approved unanimously by voice call vote.

BOROUGH OF WOODCLIFF LAKE

AGENDA

**Mayor and Council
Executive Closed Session
April 18, 2005**

DISCUSSION.

Legal and Contractual

1. Contractual – Development of Job Descriptions
2. Union Negotiations

Contractual – Development of Job Descriptions

The Borough authorized the preparation of job descriptions for all Borough positions last year. During the interviews of the employees, additional job titles were discovered. Currently several employees hold 2 or more specific job titles.

It is necessary for the council to increase the original resolution to increase payment to allow for the development of the extra job descriptions. Although the positions are currently held by one employee, it may not be the case in the future.

The authorizing resolution to increase payment for this project will be included on tonight's consent agenda.

Union Negotiations

Mr. Bader updated the Council on the Tri-Boro settlement. The settlement was contingent on the dropping of all litigation against Montvale, Park Ridge and Woodcliff Lake by April 5, 2005. There is a hearing tomorrow in regards to this settlement and it was reported that Mr. Strasser would be attending this hearing. It is the consensus of the three municipalities that should Mr. Strasser attend the hearing, the settlement contract will be considered null and void. Woodcliff Lake Labor Attorney Danser has advised Mr. Strasser of this decision. It was stressed that Mr. Strasser would be risking his client's contract should he attend the hearing.

Motion to reopen the meeting to the public was made by Mr. Bader, seconded by Mrs. Heinemann and approved unanimously by voice call vote. The time is 7:50 p.m.

Respectfully submitted,

Lori Sciara, Borough Clerk

BOROUGH OF WOODCLIFF LAKE

Minutes

Mayor and Council

Executive Closed Session

March 21, 2005

CALL TO ORDER.

In accordance with the "Open Public Meetings Law, P.L. 1975, C.231, notice of this Special Meeting has been posted and two newspapers, The Record and The Ridgewood News, have been notified.

ROLL CALL.

Mayor Joseph T. LaPaglia arrived at 7:10. Councilmembers Bader, Camella, Glaser, Heinemann, Howley and Singer were present. Also present were Borough Attorney Madaio, Borough Administrator Sandve and Borough Clerk Sciara.

Minutes of this meeting will be kept separately until the time when or the circumstances under which the discussion conducted in closed session can be disclosed to the public.

DISCUSSION.

Legal and Contractual

TRI BORO DISPATCH

Mr. Bader stated that at the last meeting of the Tri Boro Dispatch Commissioners, Park Ridge and Montvale both voted to accept the Fact Finders Report issued by the Public Employment Regulation Commission (PERC) of January 2004. Mr. Bader deferred his vote as he did not have the authorization of the Mayor and Council for a vote. The Commissioners had unanimously agreed to accept the Fact Finders Report and submit it to the Tri Boro Dispatchers for their comments. Mr. Bader stated that he was not very confident Tri Boro Dispatch would accept the recommendations of PERC. Should the recommendations be accepted, it will affect the 2005 budget by approximately \$13,000 more than the previous year. There are enough funds in a reserve account to pay for the retroactive pay. The Commissioners have also agreed they will try to cap retroactive pay.

The main issues of these negotiations are:

1. retirement benefits after 25 years. Montvale currently does not offer this benefit at retirement. Park Ridge and Woodcliff Lake do.
2. longevity
3. accumulation of sick time
4. binding arbitration of grievances

Mr. Bader stressed that the three towns are in full agreement and will package themselves as a team should they have to seek dispatch services elsewhere. Mr. Bader also stressed that there is a contingency plan in place should the negotiations go poorly. It was also noted that even if the dispatchers approve this contract, the Tri Boro must start negotiation again for a new contract. Mr. Singer stated that he would like Tri Boro dispatch to remain the same if possible as the dispatchers

know the residents.

It was the consensus of the Council to authorize Mr. Bader to vote in the affirmative along with Park Ridge and Montvale to accept the Fact Finder Report issued by PERC.

Mr. Bader commented that there will be a hearing before the Board of Commissioners for disciplinary action against a Tri Boro Dispatch employee.

POLICE NEGOTIATIONS

Mr. Sandve reported on the status of the police negotiations. Both sides have agreed to arbitration and Mr. Rick Danser will be representing the Borough.

Mr. Glaser stated that he feels a raise should be given to the Mayor and Council equal to that of the Borough employees (3 ½%). Mr. Bader suggested that an automatic raise of some amount be given to the Council, i.e., ½ of what the Borough employees receive.

Motion to exit closed session was made by Mrs. Howley, seconded by Mr. Camella and approved unanimously by voice call vote.

Respectfully submitted,



Lori Sciara, Borough Clerk

BOROUGH OF WOODCLIFF LAKE
MINUTES
SPECIAL MEETING
MAYOR AND COUNCIL

January 10, 2005

CALL TO ORDER.

In accordance with the "Open Public Meetings Law, P.L. 1975, C.231, notice of this Special Meeting has been posted and two newspapers, The Record and The Ridgewood News, have been notified.

ROLL CALL.

Mayor Joseph T. LaPaglia was present. Councilmembers Bader, Camella, Glaser, Heinemann, Howley and Singer were present. Also present were Borough Attorney Madaio, Borough Administrator Sandve and Borough Clerk Sciara.

A Resolution to enter into Closed Session was introduced by Mrs. Heinemann, seconded by Mr. Camella. The time is 7:31 p.m.

ROLL CALL:

Introduced:	Mrs. Heinemann
Second:	Mr. Camella
Ayes:	Mr. Bader, Mr. Camella, Mr. Glaser, Mrs. Heinemann, Mrs. Howley, Mr. Singer
Nays:	None
Abstain:	None
Absent:	None

Minutes of this meeting will be kept separately until the time when or the circumstances under which the discussion conducted in closed session can be disclosed to the public.

Motion to exit closed session was made by Mrs. Howley, seconded by Mr. Camella and approved unanimously by voice call vote.

Motion to open the meeting to the public was made by Mrs. Heinemann, seconded by Mr. Camella and approved unanimously by voice call vote.

Motion to adjourn was made by Mr. Glaser, seconded by Mr. Camella and approved unanimously by voice call vote. The time is 8:05.

Respectfully submitted,

Lori Sciara, Borough Clerk

BOROUGH OF WOODCLIFF LAKE
MINUTES
Executive Closed Session
MAYOR AND COUNCIL

January 10, 2005

DISCUSSION.

Legal and Contractual – Preservation of Litigant's Rights

The Borough of Montvale had previously approved several uses for the land referred to as The Rink. One of these approved uses was for a golf driving range. Mack-Cali and Woodcliff Lake jointly sued the Borough of Montvale to challenge this usage. During the course of litigation, it appeared that an age restricted housing development would be the preferred usage for this property. All parties agreed to put litigation on hold by signing an Agreement to Preserve Litigant's Rights. This agreement provides a yearly notification to notify the Borough that the Senior Housing Project has been approved and gives Mack-Cali and the Borough 30 days to re-file their actions challenging the driving range ordinance.

All councilmembers agreed to resign this Agreement to Preserve Litigant's Rights. An authorizing resolution will be on tonight's Consent Agenda.

Administrator Sandve and Mr. Glaser reported that Police negotiations are underway and both sides hope an agreement can be reached in the near future.

Mayor La Paglia asked Borough Attorney Madaio to provide a list of all open litigation. Mr. Madaio stated that there is no litigation pending, except for tax appeals such as Mack-Cali, Woodcliff Lake Manor, Kindercare. Mr. Madaio will provide a written list to the Council.

Motion to exit closed session was made by Mrs. Howley, seconded by Mr. Camella and approved unanimously by voice call vote.

Motion to open the meeting to the public was made by Mrs. Heinemann, seconded by Mr. Camella and approved unanimously by voice call vote.

Motion to adjourn was made by Mr. Glaser, seconded by Mr. Camella and approved unanimously by voice call vote. The time is 8:05.

Respectfully submitted,

Lori Sciara, Borough Clerk

Jan. 10, 2005

BOROUGH OF WOODCLIFF LAKE

R E S O L U T I O N

WHEREAS, the Mayor and Council desire to discuss legal
and contractual issues
with the Borough Attorney; and

WHEREAS, the said discussion falls within the provisions of Section 7 (b) (4), (7) and (8) of the Open Public Meetings Act; and

WHEREAS, the Mayor and Council deem it desirable to exclude the public from the meeting or that portion of the meeting in which the aforesaid matters are to be discussed;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, that the public be excluded from the meeting or portion of the meeting in which the aforesaid matters are to be discussed; and

BE IT FURTHER RESOLVED, that it is not possible, as yet, to fix the time when or the circumstances under which the discussion conducted in closed session can be disclosed to the public.

OFFERED BY COUNCILMAN: Mrs. Heinemann

SECONDED BY COUNCILMAN: Mr. Camella

ADOPTED: _____