



**BOROUGH OF WOODCLIFF LAKE  
MAYOR AND COUNCIL MINUTES  
OCTOBER 3, 2017  
6:00 PM**

**CALL TO ORDER**

Notice of this meeting, in accordance with the "Open Public Meetings Law, 1975, C. "231", has been posted at the Borough Hall and two newspapers, The Record and The Ridgewood News, have been notified.

**ROLL CALL**

Mayor Carlos Rendo asked for a roll call. Council members Belgiovine, Gadaleta, Herrington and Panso were present. Borough Attorney Ron Dario was present, as well as Borough Administrator Tomas Padilla and Borough Clerk Debbie Dakin. Councilwoman Hayes and Councilman Piantino were absent.

**PLEDGE OF ALLEGIANCE**

All present recited the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Rendo asked for a Moment of Silence for the victims in Las Vegas. This was a senseless murder and we pray for the victims and their families. Mayor Rendo also asked for a Moment of Silence for the father of one of our police officers Matt Schanel.

**MAYOR'S REPORT**

Mayor Rendo stated that he is happy to report that the Borough of Woodcliff Lake won its litigation. He received nothing but congratulatory messages from everyone in Woodcliff Lake and this has been a bi-partisan effort where both Democrats and Republicans worked together for the betterment of Woodcliff Lake and saving our tax payers a significant amount of taxes and continuing the great relationship we have with BMW. Again, Mayor Rendo stated that he felt confident with this as he testified before the court when the Republicans took over as a Council. They wanted to get a fresh set of eyes on it, we changed some professionals and our professionals

came back with the same conclusion that it was a fair and equitable settlement. With every settlement, it is not the best, it is not the worst but it is great for our taxpayers. Now we can budget, we have finality and we could move forward. We do have to wait 45 days as the plaintiff could still file an appeal. After reading the decision, the Mayor feels confident that this will hold up on appeal.

Mayor Rendo stated that he would like to read a couple of segments of the opinion in which he read and dissected. "A key contention raised by plaintiff in this matter is that, in conducting its settlement negotiations and in adopting the Resolution, due diligence required defendant to commission an appraisal report for the subject property. Thus, plaintiff argues, that defendant's failure to procure a written appraisal report demonstrates that negotiation of the settlement and subsequent adoption of the Resolution was the result of the arbitrary, capricious, and unreasonable conduct of defendant's Council." This was the plaintiff's argument.

The judge writes "the lack of an appraisal report is not in and of itself prima facie evidence that the decision of a municipal body or agency, to entertain litigation settlement negotiations and/or reach a mutually satisfactory settlement, is arbitrary, capricious, or unreasonable." The Judge also states "Mayor Rendo credibly testified that defendant's Council were presented with a detailed exposure analysis from its special tax appeal counsel and experts in the tax appeal litigation. Mayor Rendo revealed that in private discussions between the defendant's Council and its experts, preparation of a written appraisal report was not recommended. Mayor Rendo further explained that the defendant's decision to pursue settlement was driven, in part, by the significant risk associated with continuing defense of the tax appeal litigation. In the judgment of Mayor Rendo, 'we made a business decision that why expose our residents to a \$12 million hit when we could settle the case at \$3.95 [million].' He legitimately feared that were BMW successful at trial, defendant would face certain bankruptcy. The sentiments were emphatically echoed during trial by Mr. Muhlstock, who noted his experience in the litigation of tax appeals of other corporate headquarter facilities in Bergen County. In Mr. Muhlstock's opinion, defendant would have suffered tremendously if we had gone to trial." The Judge also stated "moreover, plaintiff has offered no statutory or legal authority, in tax appeal matters, requiring municipal governing bodies to incur the added expense of an appraisal report prior to approving a settlement. When the experts charged with the responsibility of defending a municipality in litigation have provided reasonable and cogent advice, founded on sound legal principles, cautioning against obtaining an appraisal report, the decision not to obtain an appraisal report cannot said to be arbitrary, capricious, or unreasonable." "In the court's review of the record in this matter, does not support a finding that the seminal action here – defendant Council's adoption of the Resolution and settlement of the tax appeal litigation – was exercised capriciously, or indiscriminately, and without adequate support or authority. Stated differently, plaintiff has not demonstrated that defendant's Council lacked adequate information to make an informed decision, after due deliberation and consideration. The trial testimony of several key figures who played integral roles in the tax appeal litigation, negotiation of the settlement, and adoption of the Resolution afforded the court meaningful insight into the decision-making process that led to defendant's Council's action. All of these actions portray the defendant's Council as methodically weighing whether it could withstand a potentially disastrous outcome in

court, rather than as one rushing to judgment to offer a sweetheart deal to a large corporate taxpayer.”

In the end, this was the right thing for Woodcliff Lake. We hope this brings finality. We could now budget and pay and our taxpayers could finally receive relief. Mayor Rendo thanked the entire Council and with a special mention to former Mayor Goldsmith for fighting for this and the prior Council of 2013 and the Council of 2014 and so on for keeping their eye on the ball and making sure that the taxpayers of Woodcliff Lake are protected.

Mayor Rendo asked if anyone would like to make a statement on this. Councilwoman Gadaleta stated that she was very happy, relieved but also confident that this would be the results. She could proudly say that she was part of the Council that voted yes for this and again, it was completely bipartisan. They used the information that was given to them by the professionals dedicated by the Republicans and also by the Democrats, and they all made a reasonable, intelligent decision. She is so glad that the court saw that as such and it definitely has proved in our favor. Ms. Gadaleta also thanked former Mayor Goldsmith. She knew that he had put his heart and soul into this agreement and definitely thinks it is something that the town will see as a positive thing. It will not cost the taxpayers any additional money because we have been planning for this for years and she definitely thinks it is a step in the right direction. Thank you to everyone that did vote yes and supported this decision.

Mayor Rendo stated that 3 of them were on that Council when this decision came down and they voted for that Resolution. Mayor Rendo and Councilman Belgiovine were in the minority and they looked at that backwards and forwards, they looked at the cost estimators, they looked at all the information that was provided, they looked at what the square footage was and many other items and made a very careful decision to enter into a global settlement to resolve tax appeals from 2006 to 2013. The settlement includes no interest payments and is spread out over 4 years which allows us to budget accordingly, BMW has been excellent in working with us to allow us to pay that tax appeal back. Mayor Rendo stated that he hopes to have BMW here for the next 100 years. They are great corporate sponsors for our schools, our community and for the Pascack Valley. Mayor Rendo thanked the entire team of professionals who worked on this matter.

### **PUBLIC COMMENT**

MOTION to open to the public was made by Councilwoman Gadaleta, seconded by Councilman Belgiovine and unanimously approved.

Josephine Higgins, Woodcliff Lake, thanked Councilman Belgiovine. Mr. Belgiovine went up to Ms. Higgins during the anniversary party at the church and asked if the Ambulance Corps. Would like to sell water at the Oktoberfest for a fund raiser for the Ambulance Corps. Ms. Higgins stated that the Ambulance Corps has been crazy with opening of Wegmans and the ambulances are going to be at different ball games during the weekend. They are not going to be able to do it but she thanked Councilman Belgiovine for the offer and she appreciated it. Ms. Higgins stated

that she was as happy as the Mayor when she picked up her newspaper today. It made her morning. Ms. Higgins asked if there is any way our lawyers could try and get back some legal fee costs and monies that we had to lay out. Mayor Rendo stated that part of the opinion was that the Judge dismissed our counter-claim against the plaintiff.

Jennifer Albanese, Woodcliff Lake, and has been a resident of this town for 44 years and absolutely loves this community. Ms. Albanese stated that her parents still live here and she is raising her 2 children here. Ms. Albanese stated that she is here tonight to speak on behalf of her husband Craig who could not be here. Craig was approached at their home yesterday by Councilwoman Angela Hayes with reference to a sign on their lawn supporting Councilman Thomas Panso. Councilwoman Hayes referenced a conversation that she had with Superintendent Barbalet concerning their support for Councilman Panso. Specifically, on Councilman Panso's vision for the Broadway Corridor. Being that she has 2 children in the School District, Ms. Albanese felt it was completely inappropriate of her to use Mrs. Barbalet's name and felt that she was trying to intimidate them to take down their sign or change their support of Councilman Panso. Mrs. Albanese stated that she has always supported Mr. Panso and will continually to do so as long as he remains on the Council. Mrs. Albanese stated that three years ago, she supported and had a sign on her lawn for Rendo, Hayes and Herrington. It wasn't a problem for Mrs. Hayes then when she got her vote. Mrs. Albanese stated that she had a sign on her lawn every year, and it is only an issue this year because Mrs. Hayes opposes Mr. Panso. Mrs. Hayes is very well aware of the fact that the Albanese's support the Republican ticket and always will. Furthermore, after having had a meeting with Superintendent Barbalet, Ms. Barbalet has denied that she ever had a conversation with Mrs. Hayes regarding the sign or of their support of Mr. Panso. This raises even more concern. Mrs. Albanese stated that it is her feeling that this kind of outrageous behavior by a sitting Councilwoman is deplorable and has no place on Woodcliff Lake Council and Mrs. Hayes should be ashamed of herself.

Mayor Rendo asked Mrs. Albanese if she is saying that Mrs. Hayes approached your husband and indicated that Mrs. Barbalet was upset with Mr. Panso's sign? Mrs. Albanese replied yes. Mayor Rendo asked if it was stated that she wanted that sign down. Mrs. Albanese replied that she wanted the sign down, she didn't like the size of it and she wanted to be sure that they understood Mr. Panso's stance on the issues, specifically the Broadway Corridor. Mayor Rendo asked Mrs. Albanese if Mrs. Barbalet denied the allegations. Mrs. Albanese responded wholeheartedly. Mayor Rendo stated that this is not appropriate. Mrs. Albanese stated that Mrs. Barbalet wanted to confront Mrs. Hayes today and she asked her to wait because she wanted to come to the Mayor and Council meeting first.

Mayor Rendo stated to Mrs. Albanese that she should not feel intimidated, nor should she feel harassed – she has her first amendment right to put on her property whatever team she wants. She has done it in the past when they ran. Mayor Rendo stated that he thinks it is completely inappropriate that Councilwoman Hayes approached them and speak on someone else's behalf. You have two kids in the school and hopefully they will not feel intimidated in school or harassed because of this and they shouldn't because you spoke to Mrs. Barbalet and she denied it. This is concerning of a Council person to do that. You don't threaten anybody, whether you are

Democrat, Republican or Independent and he doesn't know what we could do about it. Council President Panso replied that he knows what we could do about it. He believes we should have Mr. Dario open an ethics investigation based on what Mrs. Albanese has told us. This is purely voter intimidation. Council President Panso stated that the last time he looked this believes that's is illegal. He thinks that we need to notify the Board of Education of what is going on and the fact that she is using the Superintendent's name. We all know Mrs. Barbalet. Anyone that has kids in the school. She has been here for 20 years or so as a principal and as a superintendent. He has never known her to be political in any way. Mayor Rendo stated that he has been on this Council since 2014 and if he could count on his hands maybe two times that he has spoken to Mrs. Barbalet and that would be a lot. Mayor Rendo stated that he believes that politics should be left out of the school system. We see that at the State level and it is disgraceful. We should be very cautious when including any type of political activity in the school system. School is to teach children and it is unacceptable to involve the Superintendent in politics.

Councilwoman Herrington stated that she had a question for Mrs. Albanese. When you said that she specifically told you to take the sign down, what verbatim was said? Mrs. Albanese replied that she told my husband that she had a conversation and Mrs. Barbalet advised her that she didn't the size, and she thinks her exact words were what is the story of the Albanese's and their parents' sign. Councilwoman Herrington stated that that doesn't mean you were being told to take it down, that just means the question was asked. Mrs. Albanese stated that Councilwoman Hayes was trying to intimidate her husband and she mentioned other things such as her neighbor having a sign for Gross/Singleton. She skirted around about what a great guy Brian Singleton is and such a family man. Councilwoman Herrington stated that she wasn't saying there are lots of candidates out there. Councilwoman Herrington stated that Mrs. Barbelet didn't directly say to you she didn't like the sign. Mrs. Albanese replied that when she met with Mrs. Barbalet this morning, Mrs. Barbalet was appalled that her name was even brought into this. She actually said that she didn't even see my sign because she doesn't travel this way on her way to work. She saw it once last week. Mayor Rendo stated that Mrs. Barbalet is not like that. Councilwoman Herrington replied that no she is not. That is why she finds it shocking. Councilwoman Herrington stated to Mrs. Albanese that she felt intimidated, was asked to remove the sign or you felt like you were being asked to remove the sign, Mrs. Hayes didn't say anything specifically to you to say you are to remove the sign. She might have said are you aware of how people voted on different issues. Mrs. Albanese said she didn't say anything about taking the sign down but said you might want to only keep it up for a week or two; whereas we normally keep them up until the election.

Council President Panso asked Ms. Albanese if her husband felt intimidated by this conversation by Councilwoman Hayes. Ms. Albanese replied yes he did. Council President Panso asked if she thought it was coming from Councilwoman Hayes or did you think it was coming from the Superintendent? Ms. Albanese replied that she thought it was coming from Mrs. Hayes. Council President Panso asked that after your conversation with the Superintendent you were satisfied that it was coming purely from Mrs. Hayes. Ms. Albanese replied absolutely.

Councilwoman Herrington stated that she had one more question. Is your family and the Hayes'

family friendly? Ms. Albanese replied that they have kids of similar ages. Friendly as far as putting a sign on her lawn. Councilwoman Herrington asked if they could car pool with each other or that kind of friendly. Ms. Albanese replied that in a pinch if it were an emergency, but that would be because they live in the same community just as if she could call Councilwoman Jacquie Gadaleta to pick up her son or daughter. Councilwoman Herrington stated that it wasn't a conversation then of open dialogue and sharing of opinions. You felt that it was intimidating as opposed to just two people having an open dialogue. Mrs. Albanese replied correct.

Mr. Dario asked Mrs. Albanese if he could have her husband's contact information.

Councilwoman Gadaleta stated to Mrs. Albanese that she is so sorry that she and her family went through that and the only thing that she is a little hesitant about is unfortunately Mrs. Hayes is not here to even discuss this situation or to say that maybe it's a miscommunication or misinterpreted. Councilwoman Gadaleta asked Mr. Dario what he would suggest. Mrs. Gadaleta doesn't know if they should have an investigation or maybe just a conversation with the Councilwoman. Mr. Dario replied that he will speak to Mr. Albanese, speak to the Councilwoman and speak to Mrs. Barbalet and we could talk about it at the next meeting.

Mayor Rendo stated that we should modify the motion to advise our Counsel to speak to the parties involved. Councilwoman Gadaleta agreed. Mr. Dario stated that he would bring back his findings to the next meeting.

MOTION to have Mr. Dario interview all the parties involved, including Mr. Albanese, Mrs. Barbalet and Councilwoman Hayes was made by Council President Panso, seconded by Councilwoman Gadaleta and approved by Councilman Belgiovine, Councilwoman Gadaleta, Councilwoman Herrington and Council President Panso.

MOTION to close to the public was made by Councilwoman Gadaleta, seconded by Councilman Belgiovine and unanimously approved.

### **RESOLUTION**

Resolution No. 17-182                      Resolution Authorizing the Sale of Alcoholic Beverages during the Oktoberfest Celebration

MOTION to approve Resolution No. 17-182 was made by Councilman Belgiovine and seconded by Council President Panso.

Councilwoman Herrington stated that she knows there has been a lot of chaos and change going around this event and trying to put it all together so she appreciates everybody having the meeting tonight to make sure we are doing all the right stuff. Is there a difference for a risk factor if you have a street event versus one on an actual park or ballfield to the Borough? Mr. Dario replied that he didn't think so. Mrs. Herrington asked if he didn't believe so or we know that there is not. Mr. Dario replied that he doesn't think so. He spoke with Frank Covelli on it and they went over a number of different things and he didn't mention a risk factor. Mr. Dario stated

that in his past experience in dealing with street fairs is that he does not think there is a different but he would be happy to confirm with Mr. Covelli. Councilwoman Herrington stated that she emailed Mr. Covelli as well to kind of understand what the insurance was. Does the vendor have us listed as an additional insured on their insurance policy? Mr. Dario replied yes. Councilwoman Herrington asked what the dollar amount was of that additional insured policy. Administrator Padilla replied that he has the information in his office. It is whatever the requirement is by the JIF. Mr. Covelli emailed us today saying that they met the criteria and it is approved. Councilwoman Herrington asked if Barrel and Brew are paying a fee to come to this. Councilman Belgiovine replied that they paid a fee to the State, not to Woodcliff Lake. Councilwoman Herrington asked if you have to pay for a beer at the event. Mr. Belgiovine replied that it is a cash bar. Mr. Belgiovine's understanding from the State is that it is an extension of their liquor permit, it is a Catering License. Administrator Padilla stated that it is as if you were going into his bar but instead he has an off-site for the day. There was a process that he had to go through with the ABC and that has been approved. The insurance is required by JIF and that has been approved. Mr. Belgiovine replied that when our firemen couldn't do it, we reached out to Park Ridge to ask how they were doing it and this is how they were doing it. Councilwoman Herrington asked if Barrel and Brew were making a donation to our town with the proceeds or are they putting it in their pocket and making a profit on this event. Council President Panso stated that the original idea was to use the Fire Department's Not for Profit license, the same that they used for the wet down at Tice's Center. Due to scheduling conflicts, they were unable to do that on October 7<sup>th</sup>. This was the only other alternative. That original plan was to be a fund raiser for the fire department. Councilwoman Herrington stated that they are going to make money on it and they are not willing to take that money and donate it back to buy playground equipment for the school or buy playground equipment or something. Councilman Belgiovine replied that he does not know what kind of revenue you think they are going to be generating. Councilwoman Herrington asked if we have ever done this in the past where we had alcohol on our ballfields. Councilman Belgiovine replied not since he has been here. Mayor Rendo stated that he believes back in the 70s at the Old Mill. Mrs. Higgins stated that they used to have beer on Woodcliff Lake Day in the 80s. Councilman Belgiovine stated that this is going to be on Rinzler Field so the entire area is going to be contained by the fence.

Councilwoman Herrington stated that there is an overtime expenditure for this. Do we have this money somewhere in the budget? Administrator Padilla replied that it will be coming from overtime budget. Councilwoman Herrington stated that they have used a lot of there already and are they going to be compensated separately for that somewhere else. Council President Panso stated that it would be allocated for Woodcliff Lake Day. Councilwoman Herrington stated that she spoke with Chief Jannicelli and he indicated that there were some issues when they did this in the 70s and there was some concern about doing this. She is sure that he has verbalized that with you guys along the way but if not he mentioned that as well and she wants to be sure that it is on the record. Is there any risk to damage to the field or things like that? Councilman Belgiovine stated that they have already gone through this with the Parks Director and will maintain everybody at the perimeter of the field so that the interior clay field doesn't get damaged. Councilwoman Herrington replied that we put a lot of money into that recently. Councilman Belgiovine stated that it lays out nicely on the field.

Councilwoman Herrington asked how many people we anticipate. Councilman Belgiovine replied that this is the first time we are doing this and we had to throw a number out there so we are anticipating around 150-200 people. Councilwoman Herrington stated that we having \$5,000 worth of fireworks for 150 people. Councilwoman Herrington asked if we are limiting this to only residents of Woodcliff Lake. Councilman Belgiovine replied that this is no different than any other event that we've had in Woodcliff Lake and we normally don't get many outsiders coming in. Administrator Padilla replied that there will be residents from town that bring their families and friends over and some of our employees will be attending. Council President Panso stated that there are 5 or 6 different Oktoberfest events going on that day as well. Mayor Rendo stated that we are not the first town in New Jersey to do this. He has been to many festivals in the last month that all had a beer truck or alcohol. Mayor Rendo stated that we are trying to think of things outside the box to give our residents something new and exciting.

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Belgiovine	X		X			
Gadaleta			X			
Hayes						X
Herrington				X		
Piantino						X
Panso		X	X			
Mayor Rendo			X			

**RESOLUTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES DURING  
THE OKTOBERFEST CELEBRATION**

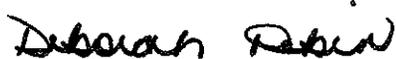
**RESOLUTION NO. 17-182  
OCTOBER 3, 2017**

**WHEREAS**, at its August 14, 2017 meeting, the Mayor and Council identified the benefits to permit the sale of alcoholic beverages during the celebrations of Oktoberfest in the Borough of Woodcliff Lake.

**NOW THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Woodcliff Lake grants its assent to allow the sale of alcoholic beverages during the Oktoberfest celebration providing that all necessary permits are in place.

**CERTIFICATION**

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of October 3, 2017.



**DEBORAH DAKIN, RMC, CMR  
BOROUGH CLERK**

Councilwoman Gadaleta stated that last night she attended the Pascack Valley Coalition meeting. The first one of the season. There are 2 events coming up that she is bringing forth to the Mayor and Council. These will be put on our website. There will be an event at the Woodcliff Lake Middle School on Wednesday, October 11 from 7:00 PM – 8:30 PM – Parenting in the Digital Age.

The other event is the Mark Samitt 5K Run that will take place on Sunday, October 29, 2017 at 9:00 AM at the Temple Beth Or in Washington Township, New Jersey.

**ADJOURNMENT**

MOTION to adjourn was made by Councilwoman Gadaleta, seconded by Councilman Belgiovine and unanimously approved by voice call vote.

Meeting was adjourned at 6:50 PM.

Respectfully submitted,



**Deborah Dakin, RMC, CMR  
Borough Clerk**



# BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor  
Tomas J. Padilla, Borough Administrator

201-391-4977  
Fax 201-391-8830

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Belgiovine	X		X			
Gadaleta			X			
Hayes						X
Herrington				X		
Piantino						X
Panso		X	X			
Mayor Rendo						

## RESOLUTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES DURING THE OKTOBERFEST CELEBRATION

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**DEBORAH DAKIN, RMC, CMR  
BOROUGH CLERK**