



**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL MINUTES
September 25, 2013**

CALL TO ORDER

This is a special meeting of the Mayor and Council and the notice requirements provided in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given 48 hours in advance of this meeting by publication in The Record and Ridgewood News, filed with the Clerk's Office of the Borough of Woodcliff Lake, and posted in the Borough Hall on September 20, 2013.

ROLL CALL

Mayor Jeffrey R. Goldsmith asked for a roll call. Council members Abene, Bader, Bloom and Rosenblatt were present. Councilwoman Bae arrived at 8:40 a.m. Council member Gadaleta was absent. Borough Attorney Paul Kaufman was present as well as Interim Administrator Thomas Richards and Acting Borough Clerk Debbie Dakin.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance led by Dave Antoine.

NEW BUSINESS

The Mayor spoke about a request from Police Chief Anthony Jannicelli to attend the League of Municipalities in Atlantic City in November. Borough Policy states that you are permitted to attend one seminar per year. The Chief attended the Police Chief's Convention this year and is requesting to attend the League in November. The Mayor stated that Chief should approach Police Commissioners. Councilman Bader commented that he believes the Borough Administrator could make that decision. Councilman Rosenblatt stated that he would like Chief Jannicelli to go through the chain of command and speak to his Police Commissioners and they will make a recommendation at the next Mayor and Council meeting.

Mayor Jeffrey Goldsmith received a letter and invitation from the CEO of BMW to attend, with a guest, to the United Nations Association of New York's 2013 Humanitarian Awards Dinner at the Essex House. Mayor Goldsmith notified Borough attorney who advised him to bring it before the Council. This would be at no cost to the Municipality.

MOTION was made by Councilman Bloom and second by Councilman Bader and unanimously approved by voice call vote.

Resolution Authorizing the Mayor to Enter an Inter-Local Services Agreement with the Borough of Paramus for the Use of the Borough of Paramus Tax Assessor – this item was pulled from the Agenda

Councilman Bader asked who prepared the Resolution. Paul Kaufman replied that Eric Bernstein, Esq. prepared the Resolution on behalf of the Borough of Woodcliff Lake. Councilman Bader had some comments with respect to the Agreement. He asked that this was just an overview of the Agreement – not an in depth review of the whole Agreement. He is not an attorney, but is an accountant.

- How many hours is the Tax Assessor working?
- What happens if the Tax Assessor works more than 10 hours per week? How is this being addressed?
- Paragraph 3 should read “annual” compensation
- It states in the Contract that Woodcliff Lake needs to provide the Assessor with secretarial services, who is going to fill that position?
- What happens if he takes off for vacation or if a holiday falls on the day he is to work? Does he make up that day with another day?
- Tax Assessor is making 1/3 more than previous tax assessor -- \$50,000 plus benefits

Mayor Goldsmith said that there are no benefits being provided. Councilman Bader stated that that is not what the Agreement reads.

- Is the \$15,000 a payroll check or a stipend? Is he getting a 1099 at the end of the year?
- How is he “deemed only a Paramus employee” if he is getting a Woodcliff Lake paycheck
- Woodcliff Lake shall reimburse Paramus, pro rata, for any taxes required to be paid by Paramus related to the Tax Assessor’s employment – if he is only an employee of Paramus, how is this done?
- Woodcliff Lake shall indemnify and hold Paramus harmless from any claims arising out of Woodcliff Lake’s prior inter-local services agreement with Westwood – what happens if it doesn’t go in our favor? Will we be forced to pay for both tax assessors?
- Councilman Bader reached out to Paramus and he is getting \$118,000 from Paramus

Councilman Bader stated that this should be corrected before we vote on it. Councilman Bader also asked for a copy of the Agreement between Westwood and Woodcliff Lake and he never received it. Mr. Kaufman stated that he received an e-mail from Administrator Richards asking him to send it to Jeff. Mr. Kaufman assumed it was for Mayor Jeff Goldsmith and sent it to him. The e-mail did not state which Jeff, so Paul Kaufman will send it to Councilman Bader when he gets back to the office.

Mayor Goldsmith stated for the record that Mr. Anzevino complies a weekly report of the work that he does. Mayor Goldsmith has been asking for this report since he became Mayor and never received one in the past. Also, he only receives positive feedback from residents regarding Mr. Anzevino.

Resolution Authorizing the Borough Attorney to Defend Third Party Complaint Filed Against the Borough of Woodcliff Lake by Diana DiGirolamo

WHEREAS, the Borough of Woodcliff has been served with a Third Party Complaint in the matter captioned George Catherwood and Eileen Catherwood v. Diana DiGirolamo and Diana DiGirolamo v. Borough of Woodcliff Lake in the Superior Court of New Jersey bearing Docket No. BER-L-2017-13 (the “Litigation”); and

WHEREAS, in the complaint, George Catherwood and Eileen Catherwood ("Catherwood") allege Diana DiGirolamo ("DiGirolamo") unlawfully trespassed upon their property in the course of her maintenance and cleaning of a swale and/or water drainage system causing physical property damage to and diminution in value of Catherwood's property. In response thereto, DiGirolamo has filed a third party complaint against the Borough of Woodcliff Lake which seeks indemnification from the Borough of Woodcliff Lake for any liability and damages which may be deemed attributable to DiGirolamo in the Catherwood complaint; and

WHEREAS, the claim was previously submitted to the Joint Insurance Fund ("JIF") which denied coverage; and

WHEREAS, the Borough believes it is in the best interests of the Borough to defend the Litigation.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Woodcliff Lake that the Borough Attorney, Paul Kaufman, Esq., be and the same is hereby authorized and directed to defend the Litigation and otherwise protect the Borough's interests therein.

ROLL CALL:

Introduce: Mrs. Abene
Second: Mr. Bader
Ayes: Mrs. Abene, Mrs. Bae, Mr. Bader, Mr. Bloom
Nays: None
Abstain: Mr. Rosenblatt
Absent: Mrs. Gadaleta

Resolution Appointing Joyce M. Larena as Temporary Part-Time Clerk

WHEREAS, on August 5, 2013, the Borough of Woodcliff Lake Administrator and Acting Borough Clerk, Wolfgang Albrecht, was charged with violating N.J.S.A. 2C:21-4A; and

WHEREAS, through Counsel, Wolfgang Albrecht requested a 60-day leave of absence to "concentrate on his defense"; and

WHEREAS, following discussions with Counsel, Wolfgang Albrecht submitted a memorandum dated August 8, 2013 requesting the leave of absence; and

WHEREAS, the Woodcliff Lake Governing Body accepted the leave of absence; and

WHEREAS, the Borough of Woodcliff Lake is in need of a Borough Clerk at this time; and

WHEREAS, in response to the Borough's advertisement for a part-time temporary Borough Clerk, the Borough received and reviewed numerous resumes and has determined that Joyce M. Larena has over seven years' experience as a municipal clerk, is available on a part-time basis, and is the most qualified candidate with the background sufficient to perform the duties of Borough Clerk on a part-time and temporary basis;

NOW THEREFORE BE IT RESOLVED that the Woodcliff Lake Governing Body appoints Joyce M. Larena to serve at the will of the Borough of Woodcliff Lake as Temporary Borough Clerk on a part time basis at a daily rate of Two-Hundred Seventy Five Dollars (\$275.00) and without any fringe benefits such as health benefits, sick leave or paid vacation time and no more than 3 days per week; and

FURTHER RESOLVED that Joyce M. Larena shall serve as Temporary Borough Clerk until such time as the Governing Body has determined otherwise.

ROLL CALL:

Introduce: Mrs. Abene
Second: Mr. Rosenblatt
Ayes: Mrs. Abene, Mrs. Bae, Mr. Bader, Mr. Bloom, Mr. Rosenblatt
Nays: None
Abstain: None
Absent: Mrs. Gadaleta

PUBLIC FORUM

Motion to open the meeting to the public was made by Mr. Bader, second by Mrs. Abene and approved unanimously by voice call vote.

Joseph LaPaglia, Woodcliff Lake, stated that it seems pretty obvious that we are appointing a part time tax assessor at a rate that without benefits is approximately \$1,000 per day, but we were able to find a part time temporary Borough Clerk at a rate of \$275 per day, based on 7 hours per day. Therefore, the part time tax assessor is making 60% per than a Borough Clerk. He stated that he is sure he is well qualified, but it is still a lot of money.

Mayor Goldsmith stated that it is supposed to read \$50,000 net, not gross. That is a \$10,000 savings over our prior inter-local agreement.

Joseph LaPaglia stated that was because our previous tax assessor was working more hours and that this is a very expensive proposition.

Lisa Yakomin, Woodcliff Lake, stated that she knows Mayor Goldsmith is a stickler, but to be aware that the invitation to the United Nations Association of New York's 2013 Humanitarian Awards dinner might be a conflict of interest. The organization might not be charging you, but there might be a fee for others and it cannot exceed \$250.00

Carlos Rendo, Woodcliff Lake, commented on the Mayor's invitation to the United Nations Association of New York's 2013 Humanitarian Awards Dinner at the Essex House. Mr. Rendo just stated to the Mayor to be careful of what you say because at some point it could be held against you since we are in negotiations with BMW for a tax appeal.

Motion to close the meeting to the public was made by Mr. Bader, second by Mrs. Bae, and approved unanimously by voice call vote.

CONSENT AGENDA

The Consent Agenda was approved as presented.

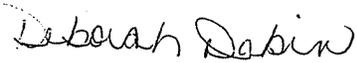
ROLL CALL:

Introduce: Mr. Rosenblatt
Second: Mrs. Abene
Ayes: Mrs. Abene, Mrs. Bae, Mr. Bader, Mr. Bloom, Mr. Rosenblatt
Nays: None
Abstain: None
Absent: Mrs. Gadaleta

ADJOURNMENT

Meeting was adjourned at 9:10 a.m.

Respectfully submitted,



Deborah Dakin
Deputy Borough Clerk