

**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL MINUTES**

October 18, 2010

8:00 p.m.

CALL TO ORDER.

This meeting, in accordance with the Open Public Meetings Law, P. L. 1975, C. 231, was announced at the Reorganization Meeting held on January 4, 2010 in the Municipal Building. Notice of this meeting has been posted, and two newspapers, The Record and The Ridgewood News, have been notified.

ROLL CALL.

Mayor LaPaglia was present. Council members Bader, Baum, Camella, Glaser and Rosenblatt were present on roll call. Council member Hoffman was absent. Attorney Madaio, Administrator Sandve and Borough Clerk Sciara were also present.

PLEDGE OF ALLEGIANCE.

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

APPOINTMENTS.

(Mayor) I appoint Matthew Buesser to the Woodcliff Lake Junior Volunteer Fire Department.

RESOLVED, that the following appointments are confirmed.

ROLL CALL:

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

APPROVAL OF MINUTES.

RESOLVED, that the Minutes of a **Meeting of the Mayor and Council on September 20, 2010** copies of which have been received by all Councilpersons, are hereby approved as presented.

THESE MINUTES WERE PULLED UNTIL THE 11/03/10 MEETING

RESOLVED, that the Minutes of a **Meeting of the Mayor and Council on October 4, 2010** copies of which have been received by all Councilpersons, are hereby approved as presented.

THESE MINUTES WERE PULLED

RELEASE OF EXECUTIVE CLOSED SESSION MINUTES

The Governing Body has the right to meet in closed session to discuss specific items as enumerated in NJSA 10:4-12. Pursuant to NJSA 10:4-14, minutes are to be maintained and made available to the public to the extent that making such matters public does not endanger the public interest or personal privacy as defined in NJSA 10:4-7. In general, items discussed in closed session are releasable to the public 1) upon completion of litigation and expiration of all appeal periods; 2) upon completion of collective bargaining or other contract negotiations; and 3) upon review and sign off from the Borough Attorney.

Item #10-01	1/20/10	Topic: Release of Closed Session Minutes	yes	1/20/10
Item #10-02	1/20/10	Topic: Borough Administrator Contract Renewal	yes	1/20/10
Item #10-03	1/20/10	Topic: PBA Grievance	yes	10/18/10
Item #10-04	1/20/10	Topic: Chief Jannicelli/Captain Caron Employment Contracts	yes	10/18/10
Item #10-05	2/11/10	Topic: Pascack Valley Regional High School District Equity	yes	10/18/10
Item #10-06	3/25/010	Topic: PBA Contract Proposal	no	
Item #10-07	4/19/10	Topic: Amendment to Captain Caron's Contract	yes	10/18/10
Item #10-08	6/7/10	Topic: Howley Indemnification	yes	10/18/10

is (are) hereby approved for release to the public.

DATE

Mark D. Madaio, Esq.
Borough Attorney

Lori Sciara, RMC/CMC

Ed Sandve, Borough Administrator

Mr. Rosenblatt stated that these minutes should be released. The Borough Clerk does a fine job in maintaining records and he stressed that these minutes have already been approved. Mr. Rosenblatt stated that it does not matter what the minutes say, it has already happened and they are already approved and signed off on by the Borough Attorney, Borough Clerk and the Borough Administrator.

A straw poll was conducted. Mr. Camella agreed with Mr. Rosenblatt to release the closed session minutes. Mr. Bader stated that he would be prepared to sign off on the release of the minutes if he could take five (5) minutes to re-read them. Mr. Glaser stated he would like to re-read the minutes for release. Mr. Baum abstained from the straw poll vote as he was not on the Council at the time of the meetings. The vote is 2-2 to release closed session minutes tonight. Mayor LaPaglia stated he would like to re-read the minutes and voted in the negative to release the minutes. These minutes have been pulled from the agenda and will be voted on at the next

meeting of November 3, 2010.

PUBLIC HEARING:
Ordinance No. 10-07

- A. Clerk offers Proof of Publication.
- B. Ordinance is read by title only

“An Ordinance Authorizing an Emergency Appropriation Under N.J.S. 40A:4-53 for Preparation and Execution of a Complete Program of Revaluation of Real Property for the Use of the Local Assessor”

BE IT ORDAINED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, that pursuant to N.J.S. 40A:4-53 (Ch. 48, P.L. 1956 as amended by Ch. 144, P.L. 1965 and Ch. 38, P.L. 1969) the sum of One Hundred Ninety One Thousand Six Hundred Forty Five Thousand (\$191,645.00) Dollars is hereby appropriated for the use of the local assessor, and shall be deemed a special emergency appropriation as defined and proved for in N.J.S. 40A:4-55.

The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S. 40A:4-55)

- C. The Mayor explained that this public hearing is to provide the legal mechanism to fund the contract for the revaluation. 1/5 of the contract price will be funded in 2011 with the rest of the contract price being funded over the remaining four years.

Motion to open the meeting to the public was made by Mr. Camella, second by Mr. Glaser and approved unanimously by voice call vote.

Gerry Meisel, 105 Brookview Drive stated that the Borough received bids from two relatively equal companies in experience. By awarding the contract to the highest bidder, this Council is spending an extra \$23,000. Mayor LaPaglia agreed. Mr. Meisel stated that it appeared to him that this Council had always intended to award the revaluation contract to the higher bidder.

Diana DiGirolamo, 19 Wright Street North asked what criteria was used for choosing the higher priced company. Mayor LaPaglia stated that only two companies responded to the request for proposal (RFP). He continued that our Tax Assessor and Borough Attorney work actively on tax appeals and strongly recommended Appraisal Systems, Inc. Appraisal Systems, Inc. have also been preparing our added assessments for the past six (6) years. Montvale, Park Ridge and Franklin Lakes have also contracted with this company to perform their revaluations. Mr. Rosenblatt asked if Appraisal Systems, Inc. were the high bidders in the other towns also. Mayor LaPaglia stated he did not know.

Jeff Goldsmith, Woodcliff Lake asked if it were now a matter of policy to accept bids from larger firms. Mr. Goldsmith asked if Attorney Madaio reviewed the bid proposals. Attorney Madaio stated that both bids were in order. There are only two major revaluation companies in New Jersey. Although many request for proposals were sent out only the two companies responded.

Gary Newman, 18 Winding Way asked if the Council looked at the tax appeal success of each company. Mr. Newman was told the tax appeal success rate of each company was investigated.

Bernie Kettler, Glen Road stated that the Council should have used leverage to lower the proposal of Appraisal System, Inc. Mayor LaPaglia stated that due to the postponement of the revaluation three (3) times, the price of the proposals did go down from the first bid price to the price agreed upon.

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

D. Adoption.

**Be it Resolved, that the Ordinance entitled
“An Ordinance Authorizing an Emergency Appropriation Under N.J.S. 40A:4-53 for
Preparation and Execution of a Complete Program of Revaluation of Real Property for the
Use of the Local Assessor”**

introduced at a Regular Meeting of the Mayor and Council held on October 4, 2010 and published in the form presented to and read at this Meeting, shall be appended to the Minutes of this Meeting, and made part of this Resolution and shall be passed on second and final reading, and the Borough Clerk is authorized to advertise the same according to law.

ROLL CALL:

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

Mr. Bader stated that this ordinance is the final step in the revaluation process. The decision as to what company is hired has already been done. For the record, Mr. Bader voted for the lower priced revaluation company as did Mr. Rosenblatt.

Mr. Baum stated that he had abstained when the vote was taken to hire one of the two firms at a previous meeting since he was not on the council at that time. That vote having been taken, Mr. Baum stated he would vote yes to this Ordinance.

STANDING COMMITTEES. (CAPITALS indicate committee chair).

**PLANNING BOARD, EDUCATION (High School), ADMINISTRATION/FINANCE
PUBLIC INFORMATION, NEWSLETTER, ORDINANCES, LIBRARY, SENIOR
CITIZEN'S PROGRAM**

Mr. Glaser reported that the Planning Board has concluded discussion of the Phase I data collection on the rehabilitation of the Broadway Corridor. The Planning Board has discussed this issue and deemed that it is a worthy project and that they will be going forward with Phase II of this project. Items such as lot size, occupancy and usage were discussed. The Planning Board did raise questions as to what the tangible benefits to Woodcliff Lake will be if the project were to proceed.

The Fall newsletter is at the printers and will be delivered to the residents by the end of this week.

Mr. Glaser, Mr. Madaio, Josephine Higgins, Senior Association President and Attorney Madaio met to discuss the expansion of activities for the senior association. The bridge group has a membership of 60-80 people. Questions were raised as to how this large sub-group should function within the senior association. Questions as to yearly dues and out of town memberships were also discussed. The by-laws for the association are being reviewed and changes will be made in the coming year.

LIBRARY, FIRE

Mr. Camella reported that he had attended a meeting with the Upper Saddle River Library Board. Upper Saddle River is now offering members a program, BEAT (Bergen e Audio Team). Many book titles are now offered via the internet to be downloaded onto your home computer.

**PUBLIC SAFETY/POLICE/OEM/TRIBORO, BUILDING & GROUNDS/BUILDING
DEPARTMENT**

Mr. Bader reported that the Borough and Northwest Bergen Dispatch have begun initial discussions for a new contract. Mr. Bader stated that all parties are aware of budget constraints facing municipalities in 2011.

Discussions have been held as to pistol range usage for the Woodcliff Lake Police Department. Administrator Sandve stated that the fee to use the Park Ridge pistol range has increased significantly due to the withdrawal of Montvale from the inter-local agreement.

Interviews for a new police officer are on-going and a new officer will be hired by the end of the year.

Mr. Bader stated that at the Tri-Borough Shared Services Committee meeting, a council representative from each town presented their constituents issues for future discussion. There were no surprise topics and 5-6 topics were replications from each town.

SHADE TREE COMMITTEE, CO-CHAIRMAN PARK AND RECREATION

Mayor LaPaglia reported that he recently met with Herb Kuehlke, OEM Coordinator and representatives from PSE&G in regard to the mitigation of power outages.

DPW & ROADS/SEWERS & SANITATION/ECOLOGY, CO-CHAIRMAN PARK AND RECREATION

Mr. Rosenblatt reported that David Antoine the newly appointed acting DPW superintendent, is doing a great job.

The Halloween Parade/Costume contest will be held on Friday, October 22, 2010 at 6:30 at Lockwood Field. The rain date will be Friday, October 29, 2010.

OLD BUSINESS.

None

NEW BUSINESS.

Mr. Rosenblatt stated that several municipalities in the State have adopted a "no wireless" policy while council members are on the dais. Mr. Baum agreed with the suggestion but questioned what would happen should an emergency arise. Mayor LaPaglia asked Attorney Madaio to research resolutions from other municipalities on this issue.

Introduction Ordinance No. 10-08

**Be it Resolved, that the Ordinance entitled
"An Ordinance Amending and Supplementing §380-14B(5) of the Revised General Code of
the Borough of Woodcliff Lake"**

heretofore introduced, does now pass on first reading, and that said Ordinance be further considered for final passage at a meeting to be held on the 3rd day of November at 8:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place as all persons interested be given an opportunity to be heard concerning said Ordinance, and that the Borough Clerk is hereby authorized and directed to publish said Ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said Ordinance be further considered for final passage.

Due to concerns with the current draft of this ordinance, Mayor LaPaglia and Planning Board representative John Glaser asked for this matter to be deferred to the next Mayor and Council meeting.

PUBLIC FORUM.

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

Kevin O'Brien, 227 Pascack Road Mr. O'Brien stated that he is not campaigning for any political party and is a registered independent. Mr. O'Brien asked the Mayor for his reason to delay the release of closed session minutes. Mayor LaPaglia stated he wanted to review the minutes again before their release. Mr. O'Brien asked why Park Ridge was taking lead and copper samples of the water. Administrator Sandve answered that water providers must take sample tests on recipients of their water every two years. Mr. O'Brien asked why the former Freedman House has not been rented yet. Attorney Madaio and Administrator Sandve stated that all paperwork is in order and that the property can be rented by January 2011. Mr. O'Brien asked the status of the 2010 goals and objectives. He stated that reporting is long overdue. Mr. O'Brien asked the status of what Mayor LaPaglia referred to as the "witch hunt" into the hours worked by the borough clerk during her extended sick leave. Mayor LaPaglia answered that the council is no longer pursuing this issue. No other explanation was given. Mr. O'Brien stated that he took offense to the comments that were made about him at the October 4, 2010 meeting by Mr. Camella. Mr. O'Brien stated that it was not until his 18th letter to the editor that he even mentioned a political party. Mr. O'Brien stated that he has been in a legal suit with the Borough over the reservoir, the asbestos on Pascack Road, Planning Board e-mails and the current suit over OPRA/e-mail issues. Mr. O'Brien commented that the Borough has spent over \$20,000 in legal fees over the OPRA issue. Forensic analysis of the requested computers would have cost less than \$4,000. Mr. O'Brien continued that the documents Mr. Camella submitted for the record were not "originals." Attorney Madaio stated that anyone can enter into the public record. However a different generation of a document is still considered a public record.

Josephine Higgins, 10 Pond Road asked why the closed session minutes were not included in Friday's packet. Mrs. Higgins was told that the Mayor and Council have already received copies of the closed session minutes and that they are already approved. She stated that the Council could take 5 minutes to review them and take the vote tonight.

Mrs. Higgins regretfully informed the Council of the passing of Harriet Mauro. Mrs. Mauro has been a long time resident of Woodcliff Lake. She and her husband Peter were very active in the senior association.

Administrator Sandve commented that he working with Andre DiMino to transfer pictures from VHS to CD digital format.

Diana DiGirolamo, 19 Wright Street North informed the Mayor and Council of a program presented by the Bergen County Sheriff's Office on "fraud and senior citizens". Mrs. DiGirolamo is working with Mrs. Higgins to secure a date for the program to be presented to Woodcliff Lake seniors.

Bernie Kettler, Glen Road presented the Mayor and Council with a check for \$100.00 to begin a fund for the rehabilitation of the train station. Mr. Kettler suggested that the Borough contact Rutgers's University for engineering advice which could be provided by students free of charge.

Gwen Levine, 65 Campbell Avenue has lived in Woodcliff Lake for 29 years. Mrs. Levine asked for clarification as to the release of the closed session minutes. Mrs. Levine stated that as a taxpayer, she feels that not one penny of her tax dollar should go to pay Mrs. Howley's legal fees. Mayor LaPaglia explained that Mrs. Howley withdrew her request for indemnification. Mr. Rosenblatt added that he made a motion to deny Mrs. Howley's request outright. No one on the Council made a second to his motion. Mrs. Howley's withdrawal was made with prejudice which means she can request indemnification right after the election. If Mr. Rosenblatt's motion was honored, this matter would have been concluded. Mayor LaPaglia stated that Mrs. Levine is not the only taxpayer who feels the same as she does. Many Republican council members were also against indemnification.

Joseph Langschultz, 20 Pascack Road stated he had no prior knowledge of the letter to the Editor written by Kevin O'Brien in the Pascack Press.

Alex Estaban, Woodcliff Lake asked for clarification on the Broadway Corridor project.

Jeff Goldsmith, Woodcliff Lake asked when council members receive their packets. He was told packets are delivered on the Friday night before the meeting. Mr. Goldsmith commented that if any council members had a questions of the Clerk, they could have called on Monday. Mr. Goldsmith stated that in light of what happened in Teaneck, NJ, he feels residents should not have to give their street address for the record. Mr. Goldsmith stated that this Mayor and Council should televise the meetings. Local students and WCL-TV could televise these meetings without substantial funding. Mr. Goldsmith suggested that the council members give a written monthly report as well as an oral report so that residents can follow more easily. Mr. Goldsmith reported that the welcome to Woodcliff Lake sign on Overlook is missing.

Alex Estaban, Woodcliff Lake stated that local sponsors could be solicited to donate signage to the Borough.

Gerry Meisel, Woodcliff Lake stated that Senator Loretta Weinberg has drafted an ordinance on the use of wireless technology on the dais. Mr. Meisel asked, "When will Brookview Drive be paved?" He continued that he was told the delay was due to a snag in Rivervale. Mr. Meisel stated that Rivervale is holding up the school funding and now they are holding up the paving of his street. Mr. Meisel commented that he attended the September and October meetings and saw things come up that were not borough matters but witch hunt meetings. In September the Council were after the Borough Clerk and the Borough Administrator, no announcement, no warning, blindsiding them. Then on October 4, this Council then attacked Mr. Rosenblatt while he was on vacation. All council members, the Mayor and the press were notified in advance as to what Council President Camella would read into the record except for Mr. Rosenblatt. This is

in violation to the Open Public Meetings Act. Attorney Madaio stated that any item can be discussed at any time during a meeting. No advance notice is necessary. This attack on Mr. Rosenblatt was not Borough business, it was campaign business. Mr. Rosenblatt asked Attorney Madaio if he was aware of the political assassination that was going to take place at this meeting in advance. Attorney Madaio stated "absolutely not". Mr. Rosenblatt accepted his word. Mr. Meisel is most against the high tax increase this year. Mr. Meisel read from campaign literature sent by Republican candidates. "Why didn't you do that in 2010 and avoid a 5.3% increase". You are a year late and cost this town a lot of money in a recession.

Hearing no further comments from the public, a motion to close the meeting to the public was made by Mr. Rosenblatt, second by Mr. Camella and approved unanimously by voice call vote.

Mr. Rosenblatt asked for a public apology from Council President Paul Camella. Mr. Camella answered that he would like to give an apology but only if Mr. Rosenblatt would explain the e-mail from Mr. O'Brien to him. Mr. Rosenblatt stated that he has signed an affidavit stating that Mr. Rosenblatt read a letter into the record, which is attached to the end of these minutes and will become a permanent part of the record.

"I'm going to have the last word on this," LaPaglia said after Rosenblatt read his statement.

"The latest round of political bickering among Council members is disappointing and discouraging. Woodcliff Lake has serious matters facing it and we need the Council's undivided attention on solving the problems we have, and not creating additional political disputes. We are a relatively small community and we need to work together for the benefit of the town. It is my hope that we can stop the personal attacks."

CONSENT AGENDA DISCUSSION.

None

CONSENT AGENDA VOTE.

Motion to approve the Consent Agenda as presented was made by Mr. Glaser, second by Mr. Camella.

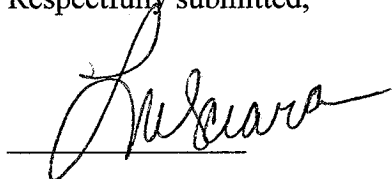
ROLL CALL:

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

ADJOURNMENT.

Motion to adjourn was made by Mr. Bader, second by Mr. Camella and approved unanimously by voice call vote. The time is 9:35 p.m.

Respectfully submitted,

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

Lori Sciara, RMC/CMC

Payroll.

(Consent Agenda - 1)

RESOLVED, that the following Payroll Disbursements made by the Treasurer since the last meeting are proper and hereby are ratified and approved:

Payroll released 10/15/10 \$183,476.23

Authority to Pay Claims.

(Consent Agenda - 2)

RESOLVED, that the following current claims against the Borough for materials and services have been considered and are proper and hereby are approved for payment:

Current Fund	\$ 24,134.86
Animal Control Fund	\$ 771.20
Open Space Trust Fund	\$ 400,000.00
General Capital	\$ 136,000.00

Resolution Authorizing the Flu/Pneumoccal Professional Agreement in Accordance with Health Insurance Portability and Accountability Act of 1996 (HIPPA) Between Borough of Woodcliff Lake and County of Bergen

(Consent Agenda - 3)

WHEREAS, this Agreement is made as of the date set forth between the Borough of Woodcliff Lake and the County of Bergen, Paramus NJ; and

NOW, THEREFORE, IT IS AGREED by and between the Borough of Woodcliff Lake and the County of Bergen to have the County of Bergen provide vaccines and will bill the Borough; and

WHEREAS, the County of Bergen Department of Health Services has submitted a proposal to perform such services for the 2010-2011 flu program at a sum of \$ 2,500.00 plus an additional charge per dosage; and

WHEREAS, the contract is a valid contract for Professional Services which may be awarded without competitive bidding in accordance with NJSA 40A:11(a) of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Woodcliff Lake that the Mayor and Borough Administrator are hereby authorized and directed to execute an agreement with the County of Bergen Department of Health Services for the 2010-2011 flu program.