

**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL MEETING
MINUTES
JUNE 7, 2010**

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 2, 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

Roll Call was taken by the substituting Secretary. Councilmembers Bader, Camella, Glaser, Hoffman, Howley and Rosenblatt were present. Attorney Madaio, Administrator Sandve, and substituting Secretary Kathy Rizza were also present. Mayor LaPaglia arrived late after attending the Pascack Valley Regional High School Board Meeting.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance led by Council President Paul Camella.

PRESENTATION OF FIRE DEPARTMENT SCHOLARSHIPS

Woodcliff Lake Fire Chief Robert Kuehlke and Deputy Chief Jared Shapiro presented Fire Department Scholarships to four (4) Woodcliff Lake High School Seniors. All were congratulated by the members of the Council.

APPOINTMENTS (done by Council President in place of the Mayor)

Paul Camella, Council President, appointed Herb Kuehlke as **Emergency Management Coordinator** to fill an unexpired position in the Borough of Woodcliff Lake effective July 1, 2010 for a term ending 12/31/11.

RESOLVED, that this appointment is confirmed:

ROLL CALL:

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

Discussion –

Mr. Rosenblatt objected to the order of the roll call taken. He stated that he may legally challenge the new procedure implemented at this meeting. Voting change was decided at a recent Finance Committee Meeting. Mr. Bader asked if the voting procedure is in the Mayor and Council By-Laws. He was told no.

Mr. Rosenblatt was unaware of the retirement of Mr. Joseph Higgins and asked to see the retirement letter that was submitted. Note: There was a typographical error on the letter that was typed by Kathy Rizza at the request of Mrs. Josephine Higgins for her husband—the date of the letter said June 10th, instead of June 1st, but Mayor LaPaglia had initialed the letter on June 3rd when he saw the signed letter by Mr. Joseph Higgins. The letter had been held until this meeting at the request of Mr. Higgins' Attorney.

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Paul Camella, Council President, appointed Lt. Lyle Garcia as **Deputy Emergency Management Coordinator** to fill an unexpired position in the Borough of Woodcliff Lake effective July 1, 2010 for a term ending 12-31-11. No extra compensation will be given for this position.

RESOLVED, that this appointment is confirmed:

ROLL CALL:

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

APPROVAL OF MINUTES

RESOLVED, that the minutes of a **regular Meeting of the Mayor and Council on May 17, 2010**, are approved and are ready for release to the public.

ROLL CALL:

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

INTRODUCTION OF ORDINANCE

Be it Resolved, that the Ordinance entitled “**Capital Ordinance of the Borough of Woodcliff Lake**, in the County of Bergen, New Jersey, Authorizing the making of various public improvements and acquisitions in, by and for the Borough, appropriating therefore the sum of \$597,900 and providing that such sum so appropriated shall be raised from Capital Surplus of the Borough.”

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 21st day of June, 2010 at 8:00 pm, 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 all persons interested be given an opportunity to be heard concerning 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.

ROLL CALL:

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

Administrator Sandve stated that this Ordinance does not increase the debt service of the Borough.

MAYOR' REPORT: no report at this meeting.

ADMINISTRATOR'S REPORT:

Pascack Valley Cooperative Paving Program 2010 - The bids have been received on the project. There is a resolution on the consent agenda authorizing the Borough's participation in the program. The low bidder was DLS Contracting, Inc. of Nutley, NJ. It is anticipated that a majority of the length of Glen Road will be resurfaced with the budgeted funds. The estimate for the Glen Road portion came in at approximately \$200,000.00.

Mr. Bader requested a copy of the bid spreadsheet. Mrs. Howley stated that she has received a request for the construction of a half basketball court at the pool. She asked if possibly this could be done with any extra macadam. Administrator Sandve will talk to the contractor and to Mr. Sachs of Boswell Engineering.

2009 NJDOT Trust Fund – Pascack Valley Cooperative - The bids have been received on this project. There is a resolution on the consent agenda authorizing the Borough's participation in the program. The lowest bidder was Owl Contracting, Inc. of Kenil, NJ. This project will complete the remainder of Brookview Drive under the first cooperative NJDOT project in the State.

Mr. Bader requested a copy of the bid spreadsheet. He also reminded the Administrator that Blueberry Drive should be considered for 2011 paving, and that there is a sinkhole on Hunter Ridge.

BCUA – Solid Waste Contract - The BCUA has awarded the contract to Waste Management of NJ for a fee of \$70.27 per ton. This new rate is a reduction from the previous contract and will result in savings to the Borough. A resolution authorizing the execution of the contract is included on the consent agenda.

Bergen County Cooperative Agreement Natural Gas – The County obtained prices for natural gas service and has offered municipalities the opportunity to participate in the program. A resolution authorizing the Borough's participation is included on the consent agenda.

Leasing of Municipal Property – Borough Attorney Mark Madaio has prepared a draft house lease agreement for consideration by the Mayor and Council. Mr. Hoffman asked if the Freedman property is bonded. He was told yes. Administrator Sandve added that a portion of the funds are grants. Attorney Madaio stated that the Council must decide if they want to lease this property. Mr. Camella is against it because he feels the Borough has no control over who leases the property. Mr. Hoffman asked if it is possible to object to a bid. He was told by the Attorney that we are supposed to go with the most responsible bidder and that we really can't be that selective. The Attorney also stated that we can reject all bids. Mr. Bader stated that he reserves final judgment until he sees a final lease and that he defers to our Borough Attorney and Mr. Rosenblatt, who is an Attorney. He added that he is concerned with protecting the Borough. Mr. Camella stated there is no guarantee that we can get a person renting the house out when we want them out and that he would never rent to someone he doesn't know. Mr. Camella feels that the Council has an obligation to protect the neighborhood. Administrator Sandve asked that all comments on this subject be forwarded to him and he will place this item on the next agenda for continued discussion. Attorney Madaio will also work on the process for the next meeting of the Council.

SHBP – Employee Contributions - Effective with the June 15th pay date all municipal employees *other than those covered under the PBA contract* shall begin contributing 1.5% of their base salary toward the cost of their medical benefits in accordance with the new State Law.

Pool Well - The Administrator stated that the well at the Woodcliff Lake Pool has failed and needs to be repaired. This well has not been touched in over 30 years. It will cost

between \$10,000 and \$15,000 to repair, money of which is available. Currently there is an outstanding purchase order for this repair.

ENGINEER'S REPORT: (Elliot Sachs – Boswell Engineering)

Intersection Improvements at Woodcliff Avenue and Werimus Road - Boswell received comments from the County and incorporated them on the drawing and transmitted the drawing to the Borough Administrator on April 5, 2010. The Borough Administrator advised that he will be scheduling a meeting with the resident at the intersection of Werimus Road and Woodcliff Avenue to discuss possible driveway modification in order to accommodate this project.

Intersection Improvements at Kinderkamack Road and Prospect Avenue – The County Engineer's Office is still reviewing the concept plan based on the reduced traffic counts on record with the County to determine if dedicated left turn lanes are really required. Last discussion with the County is that they have performed another site visit and are in the process of drafting another concept plan.

2010 NJDOT Pascack Valley Cooperative Pricing System Road Paving – The design of this project is substantially complete with the exception of Oradell's portion. We are in the process of coordinating with the County with regard to County improvements within Oradell. Once we receive direction from the County, Boswell McClave Engineering (Boswell) will then submit the bid documents to the NJDOT for their review. The road that will be paved in Woodcliff Lake is Highview Avenue from Broadway to Kinderkamack Road.

Intersection Improvements to Chestnut Ridge Road and Saddle River Road (Bergen County Project) – Boswell has prepared the required final plans and specifications and submitted them to Bergen County on May 20, 2010. Boswell has requested a status update from the County as to the status for bidding the project. We await the County's response.

2010 Pascack Valley Municipal Road Paving Program - Boswell has submitted a proposal to the Borough on May 27, 2010 for construction inspection services. According to the summary bid tab, the apparent low bidder is DLS Contracting. The Borough will be paving a portion of Glen Road commencing at Pascack Road.

OLD BUSINESS:

Goals and Objectives: Administrator Sandve distributed his spreadsheet on the Goals and Objectives of the Council. This list was read to all present by the Administrator. Mr. Rosenblatt stated that he has been working on #7 – Field maintenance and improvements. He arranged for the new backstop at Rinzler Field and railroad tie work that was done. He stated that Mrs. Howley, who is also a Council representative on this goal, has done nothing. Mrs. Howley stated that she did not ask to be put on this goal and asked at this meeting to be taken off. Mr. Camella stated that he assigned the

Councilmembers to the goals. Mr. Rosenblatt stated that he would like to be added to #1 – PBA contract finalization. Mr. Camella informed him that he would not be able to attend the meetings as a Police Commissioner. Mr. Rosenblatt stated that he will talk to the Mayor. Mr. Bader stated that he would like the Mayor's input on this subject.

A motion to table voting on the goals and objectives was made by Mrs. Howley, seconded by Mr. Rosenblatt, and *not carried* by roll call vote as follows:

ROLL CALL:

Introduce: Mrs. Howley

Second: Mr. Rosenblatt

Ayes: Mr. Hoffman, Mr. Rosenblatt, Mrs. Howley

Nays: Mr. Bader, Mr. Camella, Mr. Glaser

Abstain: None

Absent: None

3-3 tie – The Mayor arrived at the meeting after this vote had been taken – too late to give his opinion.

A motion to table voting on the goals and objectives for this meeting and to discuss at the next meeting with comments by all, was made by Mr. Glaser, seconded by Mr. Camella, and *carried* by roll call vote as follows:

ROLL CALL:

Introduce: Mr. Glaser

Second: Mr. Camella

Ayes: Mr. Bader, Mrs. Howley, Mr. Rosenblatt, Mr. Camella, Mr. Glaser

Nays: Mr. Hoffman

Abstain: None

Absent: None

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At this time in the meeting a cake was served in honor of Council President Paul Camella's birthday.

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NEW BUSINESS:

Lightning Detection System – discussion on operation of system: Administrator Sandve stated that he has been in contact with Jay Esposito, Director of Parks and Recreation, on this topic. The present system is not working properly. The siren is working, but the all clear signal is not sounding off. A report is being prepared and will be done in a couple of weeks. A company named Thorguard has submitted information on a new system at a price of \$15,000.00 to \$17,000.00. Mrs. Howley asked that since the system is not working properly, should we take down the signs notifying people that we have a system in place. Attorney Madaio stated no, that the system does alert people

to get off the fields at least. Mrs. Howley also stated that since the all clear signal is not sounding, coaches call Jay Esposito to see if he has gotten the all clear signal on his computer or cell phone. Mr. Camella stated that an answer on this is needed within two weeks. Mr. Hoffman added that the Montvale strobes do not go off and the umpires at the games say that this is the normal situation, and they resume play. Administrator Sandve will check on this with the DPW Superintendent. Mrs. Howley said that the system at the Atkins Glen Park behind her house also does not work.

Additional discussion: The Tri-Borough Mayor and Council meetings will continue. Mr. Bader will obtain the dates of these meetings. The minutes from the last meeting between Park Ridge and Montvale will be re-distributed. Mr. Bader commented that these meetings are a good idea.

The meeting was opened to the public on a motion from Mr. Glaser, seconded by Mr. Bader, and carried by all.

Josephine Higgins – 10 Pond Road – Spoke regarding the appointment of Lyle Garcia as Deputy OEM Coordinator. Mrs. Higgins stated that he is fantastic. She also stated that the Borough should rent purchased buildings for income purposes. Mrs. Higgins mentioned that in the past all Borough wells have been checked. Mrs. Higgins asked all Council members to stop the arguments. Stated that the town should have purchased the Alfonsus College property in the past for 1.1 million dollars.

Kevin O'Brien – 227 Pascack Road - Asked why the Goals and Objectives list for 2010 was not completed in February. Mr. Camella accepted responsibility for this. Mr. O'Brien asked what happened to the 2009 Goals and Objectives. Administrator Sandve stated that a report was given at the end of the year. Mr. O'Brien stated that he knows two residents in town who are getting divorced and would like to stay in town. He was thinking of the Freedman property that may be for rent. Attorney Madaio stated that this would be discriminatory. Mr. O'Brien spoke regarding the current OPRA litigation, stating that it was not him who impleaded Mrs. Howley, it was the Special Counsel. He asked the Council if they will pay her indemnification. Mr. O'Brien spoke regarding the wells in town and the higher levels that are proposed.

Time being 9:20 p.m. Mr. Rosenblatt left the room, returned at 9:23 p.m.

Nick Letizia – 74 Heritage Court - Mr. Letizia stated that a tree limb was taken down about four (4) months ago and he would like someone to come take it away. Mr. Rosenblatt will contact Mr. Barboni. He again spoke regarding his formal request on the property maintenance issue on the house behind his. Administrator Sandve informed him that there is a resolution on the consent agenda tonight regarding this.

The meeting was closed to the public on a motion from Mr. Bader, seconded by Mr. Hoffman, and carried by all.

CONSENT AGENDA DISCUSSION:

Ms. Howley spoke to items 13 and 14 on the Consent Agenda, both items relating to property maintenance. Last fall there was a residence on Glen Road that had been cleaned up and is now back in bad shape again. Administrator Sandve will talk to Nick Saluzzi on this matter.

Regarding item 11, By-Laws revision, Mrs. Howley would rather that the Mayor and Council waive the By-Laws for the trial period for streamlining the purchase order procedure. Mr. Camella stated that we could always change the By-Laws back if the proposed procedure is not working. Mrs. Howley made a motion to waive the By-Laws instead of changing them, seconded by Mr. Hoffman, and *not carried* by roll call vote as follows:

ROLL CALL:

Introduce: Mrs. Howley
Second: Mr. Hoffman
Ayes: Mr. Camella, Mr. Hoffman, Mrs. Howley
Nays: Mr. Bader, Mr. Glaser, Mr. Rosenblatt, Mayor LaPaglia
Abstain: None
Absent: None

A motion to approve item 11 on the consent agenda, authorizing a revision to the By-Laws of the Mayor and Council, was made by Mr. Bader, seconded by Mr. Camella, and *carried* by roll call vote as follows:

ROLL CALL:

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

Regarding item 12, the revision to the Personnel Manual, Mr. Bader stated that he would like parody regarding this issue. He would like it to state 3 days, 2 nights for all attendees of the NJ State League of Municipalities Conference. Mr. Bader thinks that all attendees should stay at the same hotel. Mr. Camella stated that if anyone stays at a higher priced hotel, they should pay the difference between that hotel and the one that everyone else is staying at. Mr. Bader also feels that all exceptions should be brought in front of the Mayor and Council. This resolution on the consent agenda will be pulled and re-written for placement on the next agenda. Mr. Glaser will speak with the Administrator regarding this subject.

CONSENT AGENDA VOTE – MINUS ITEMS 11 AND 12

A motion to approve the consent agenda, minus items 11 (By-Law revisions, voted on separately) and 12 (revisions to Personnel Manual, pulled), was made by Mr. Bader, seconded by Mrs. Howley and *carried* by roll call vote as follows:

ROLL CALL:

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

Resolution to Authorize Entering into Executive Closed Session

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss the indemnification of Mrs. Howley relating to a current lawsuit; and

WHEREAS, this session is anticipated to last approximately 15 minutes; and

WHEREAS, these minutes will be kept and once the matter involving the confidentiality of the aforementioned no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE, BE IT RESOLVED, that the public be excluded from this portion of the meeting.

ROLL CALL:

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

Discussion:

Mr. Rosenblatt requested that the Council not take action at this meeting. Mr. Rosenblatt proceeded to read a prepared statement regarding the indemnification of Mrs. Howley both to the audience and the Council. Mr. Camella stated several times that the reading of such statement is totally improper. Mrs. Howley walked out of the meeting at 9:45 p.m., Mr. Bader left the council chambers at 9:46 p.m., and Mr. Camella left the room at 9:50 p.m. Mr. Glaser also exited the chambers at approximately 9:50 p.m. Attorney Madaio stated that there is no longer a quorum at 9:52 p.m. Mr. Rosenblatt left the chambers after his statement was made. Mr. Rosenblatt stated that he will not be attending the closed session meeting due to the disrespect that he has been shown at this meeting. All members returned to the council chambers, except Mr. Rosenblatt. There was again a quorum at 9:56 p.m. Mr. Bader publicly apologized to the audience for the action of the council members.

Closed session began at 10:00 p.m. and ended at 10:20 p.m.

The regular meeting of the Mayor and Council was adjourned on a motion from Mr. Bader.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read 'Kathleen S. Rizza'.

Kathleen S. Rizza, Substituting Secretary