

WORK SESSION MINUTES – July 9, 2013

All decisions made at a work session are subject to finalization at a regular meeting of the Mayor and Council.

WORK SESSION MINUTES

DATE: July 9, 2013

CAUCUS ROOM

IN ATTENDANCE:

Mayor Richard LaBarbiera
Justin Santagata, Borough Attorney
Joseph O. D'Arco, Borough Administrator
Annemarie Krusznis, Borough Clerk

Council Members:

Amato
Bellinger
Lagana
Nazziola
Verile
Warburton

1. Resolution No: 13-7-458 Notification of meetings as required by "The Open Public Meetings Act."

-Read by Municipal Clerk at 7:45 P.M.

Roll Call

Present: Councilman Amato, Councilwoman Bellinger, Councilman Lagana, Councilwoman Warburton

Absent: Councilman Nazziola

Councilman Verile arrived late

2. BOROUGH CLERK'S REPORT:

- a. Letter received from Stew Leonards requesting permission to hold an outdoor event on Saturday July 27, 2013 from 11am to 7 pm. –Mayor states to forward it to Police
- b. Letter received 7/9/13 from Mr. Thomas Mitchell to oppose the Historic Overlay Zoning Ordinance change. –Acknowledged

3. ADMINISTRATOR'S REPORT:

- E-mailed bus shelter designs. AR James Media is in full gear. Notified NJDOT to remove their bus shelters. Planning to have all shelters in place by September or October
- Borough Engineer Pete Ten Kate has engineering report regarding solar project.
- Mr. Ten Kate has indicated that the police roof has already started. Mayor inquires about the basement, Mr. D'Arco says they are draining the water and the cost is approximately \$50,000 and will be submitted to the insurance company.
- The Borough is recovering approximately \$1.6 million dollars through FEMA reimbursement which covers 75% of what was claimed. Our JIFF is addressing the other 25% not covered. Great job by OEM for all their work.
- Fire department roof replacement will start on July 29th. Library roof replacement will start after Labor Day as per the Library's request
- Road is being paved at the Midland Avenue traffic signal.
- Generator bids will be received on July 16th. Mayor wishes to speak about this.
- Golf Course clubhouse set for November.
- Final meeting for Solar Panels at the Pool, including shaded solar stations
- Part-Time general pistol range maintainer position posted.
- E-tickets are being expanded.
- Tree sidewalk project to be budgeted for next year.
- Quality of Life training started today.

4. BOROUGH ATTORNEY'S REPORT:

5. MAYOR'S REPORT:

- Thanks everyone involved with the 4th of July festivities. Commends OEM, Police, and Fire with making the decisions that were in the best interests of the residents and the people in attendance regarding the fireworks and the inclement weather. Recreation is off to a great start. Had some electrical problems but worked through it. Was driving through town today, seeing new automated garbage truck, new police cars, new rescue monument. Received a call from a resident thanking the Mayor and Council for extending discounts to veterans and also for the good work that Sam Casiello is doing in the Veterans Affairs Office.
- Questioning the collection of money from PSE&G. Mr. Santagata is aware and is for closed.
- Wants to know the status of court collection. Administrator D'Arco says that it is in motion and is awarded. Mr. Santagata explains that they are waiting for the contract and it needs to be submitted to the AOC for approval.
- Wants to know about the status of the elevator. Mr. Santagata says that it is on for closed.

6. COUNCIL MEMBERS REPORTS

Councilman Amato

- Shade Tree has submitted a Grant application to the U.S. Forest Service for \$20,000. Crews have assisted at the Senior Center in preparing the location for the Human Services vegetation garden.

Councilwoman Bellinger

- New Coaching Ordinance for Recreation tonight. Originally came up at the end of last year. When the Rec. Commission looked at it, the way it was originally intended was not the language that got written. This is the proposal to change it and the Rec. Commission is on board with it. It allows for anyone to put in to be considered, regardless of whether the position is open or not. The Sports association along with the Rec. Commission has the final say. Sue Regan from Recreation had asked for the potential to have a \$5.00 per hour increase for the four playground supervisors for this year. She states that there is money in the budget for the increase. Many supervisors that were with Recreation for a number of years that were making a higher salary did not return. Wants to transfer monies to cover increase.
- Mayor explains that the season has already started and cites other departments such as the Pool as an example. If they want to do this next year, make sure that there are steps in place to cover those costs. Administrator D'Arco states that there are budget processes in place for advanced planning.
- Specific Coaching ban for closed session.
- Environmental Commission would like to know if they can get someone to sponsor a banner for advertisement for the Farmer's Market. Administrator D'Arco states that the request came in to hang a banner on Farview Avenue and the Mayor and Council have to approve the banner.
- Mayor asks where we are at with the Concussion issue.
- Mrs. Bellinger states that in order for it to be done with the Doctor who would oversee it, the doctor would need parents to attend a meeting where they are given the information and then they would go home and administer the test.
- Mayor states that playing Recreation is a privilege, not a right. Mayor sees no reason why this should not be imposed.
- Mrs. Bellinger states that it will be a record keeping and accountability issue. Suggests parents take a concussion course online.
- Mayor states that this is a progressive issue and will not happen overnight. The Mayor and Council is looking to the Rec. Commission for recommendations, thinks idea is good.
- Mrs. Bellinger states that a resident has purchased a home that is being renovated, went to register child for kindergarten and cannot register because they have no other bill to prove that they live in town. Thinks it is a Board of Ed. Issue.
- Mayor requests information and will look into.

Councilman Lagana

- Contract negotiations for Closed session

Councilman Nazziola

- N/A

Councilman Verile

-Kickoff for the Cultural Arts, 1000 people, Valley Hospital donated \$15,000, Berkeley College donated \$10,000. Next Tuesday Berkeley is donating \$5,000 to the book club. Greater Chamber of Commerce swore in new officers. Planning Board has a meeting of the 18th. Zoning Board has two dockets to hear this week. Paramus Patch wrote wonderful articles about the 4th of July festivities.

Councilman Warburton

-Mrs. Warburton states that she had a few complaints about the Pool this weekend. One was a snowbird discount. She states that she is not for it but those people feel that paying Paramus taxes should entitle them to Paramus rates for the Pool.

-Mayor states that this is a slippery slope. There are many examples of this, such as owning a business or rental.

-She also brings up that we should look into getting a credit card service at the Pool. Says that many residents do not carry checks and thinks that revenues will increase. The new concession stand has a credit card service and wants to know why the Pool itself doesn't have it.

-Administrator D'Arco explains that the process took a little bit longer than usual. States that there are other departments are online and that the Pool is next.

7. Matters for Discussion:

a. Proposed Ordinance: Coaching Appointments

8. ORDINANCES:

A. Ordinances for Introduction:

Ordinance 13-25: AN ORDINANCE AMENDING PARAMUS CODE § 419-56
(Essex, Short Way, Sherwood, Lockwood, Sycamore)

-Short Way pulled from Ordinance

-Mayor working with Sgt. Pepe to address the concerns of the residents of Short Way

-Sam Casiello suggests the widening of Short Way, Mayor says it will be looked into, immediate concerns have been addressed

Motion to Approve Ordinance 13-25 as amended

Motion: Councilman Lagana Second: Councilwoman Bellinger

Yeas: Councilman Amato, Councilwoman Bellinger, Councilman Lagana, Councilman Verile, Councilwoman Warburton

Nays: None

Absent: Councilman Nazziola

-Mayor points out the some of those changes were as a result of concerns identified at Ridge Ranch.

Ordinance 13-26: AN ORDINANCE ADDING PROPERTIES TO HISTORIC OVERLAY ZONING

-Held

-Borough Attorney explains that the introduction will be carried to the August 20th council meeting. There will be a public hearing on August 1st at the Historic Commission meeting at the Life Safety Building at 7:00 P.M., there will be a public notice of that meeting. No further individual notices will be sent out.

-Mayor advises that action may not be taken on the 20th. Explains that ordinance will be sent back to Planning Board and Historic Commission to evaluate the historical value of the properties identified.

-Member of the public questions where the Life Safety Building is, Mayor gives directions. Asks if a discussion about the ordinance could proceed tonight. Mayor says yes.

B. Ordinance for Final Reading:

ORDINANCE 13-21: AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Motion to Approve Ordinance 13-21

Motion: Councilman Lagana Second: Councilwoman Warburton

Mayor opens to public for comment
-No Public Comment

Yeas: Councilman Amato, Councilwoman Bellinger, Councilman Lagana, Councilman Verile, Councilwoman Warburton
Nays: None
Absent: Councilman Nazziola

ORDINANCE 13-22 - AN ORDINANCE AMENDING PARAMUS CODE § CHAPTER 27-2 TO INDEMNIFY THE MUNICIPAL PROSECUTOR

Motion to Approve Ordinance 13-22

Motion: Councilman Lagana Second: Councilman Amato

Mayor opens to public for comment
-No Public Comment

Yeas: Councilman Amato, Councilwoman Bellinger, Councilman Lagana, Councilman Verile, Councilwoman Warburton
Nays: None
Absent: Councilman Nazziola

8. RESOLUTION No. 13-7-459 closing the Meeting of the Mayor and Council to the public.
Matters permitted by law

- a. Jones – Litigation settlement
- b. Patio.com
- c. Elevator Subcode Responsibility Hearing
- d. Cell tower
- e. PEA unfair labor practice charge – litigation
- f. Shade Tree – potential litigation
- g. Soldier Hill Development - Litigation

Motion to go into Closed Session at 8:49 P.M.

Motion: Councilman Lagana Second: Councilwoman Bellinger

Yeas: Councilman Amato, Councilwoman Bellinger, Councilman Lagana, Councilman Verile, Councilwoman Warburton
Nays: None
Absent: Councilman Nazziola

Back into Open Session at 9:31 P.M.

-Mr. Santagata explains the basis of Judge Carver's ruling with respect to the Elevator Subcode Responsibility Hearing and to have a meaningful deliberation on the record about the responsibility of EIC.

-Mayor is concerned with going beyond the rules already established. EIC is in good standing with the DCA. Their licenses are not suspended. They have worked for the Borough in the past. Understands that previous charges were corrected. Process was appropriate. Recommends that the Council continues with the award to EIC.

-Councilman Lagana says that based upon the evidence submitted in the testimony that EIC was the lowest bidder and that they have established that they are a responsible bidder which is the standard to award the contract.

-Councilman Amato agrees with the reasons already set forth., they are the lowest responsible bidder and should be awarded the contract.

-Councilman Verile's only concern is with what EIC was cited for but that doesn't seem as if that will affect the work that has to get done.

-Councilwoman Bellinger agrees that they have met all the requirements to win the bid and there is no justifiable reason why they should be removed.

-Councilwoman Warburton also agrees. Cannot have everyone challenge every low bid that comes in.

-Mayor says that we cannot have frivolous complaints in an effort to disqualify low bidders. It would be different if their licenses were suspended or if DCA said that they were not allowed to do business in the state.

Motion to Declare EIC as a Responsible Bidder and to Affirm the Award

Motion: Councilman Lagana Second: Councilman Amato

Yeas: Councilman Amato, Councilwoman Bellinger, Councilman Lagana, Councilman Verile, Councilwoman Warburton

Nays: None

Absent: Councilman Nazziola

9. RESOLUTIONS:

Resolution 13-7-460: AUTHORIZING PAYMENT OF BILLS

Resolution 13-7- 461: Award of Contract for Pascack Valley Cooperative Pricing System (#107-PVCPS)
2013 Road Paving Program

Resolution 13-7- 462 : A RESOLUTION AUTHORIZING COMMERCIAL TAX APPEAL ATTORNEY TO SETTLE 2008-2013 TAX APPEALS CAPTIONED DAVID & SUZANNE RAKER FAMILY TRUST (2007-2009) AND CREDIT SHELTER TRUST BY CITI GROUP (2010-2013) v. BOROUGH OF PARAMUS

Resolutuion 13-7-463 : A RESOLUTION AMENDING RESOLUTION 13-6-453 APPROVING SETTLEMENT IN
WILLIAM JONES V. PARAMUS

Resolution 13-7-464 : A RESOLUTION AUTHORIZING REFUND OF PERMIT FEE IN THE AMOUNT OF \$30.00 FOR A DRIVEWAY PERMIT TO FRANK MACCHIONE CONSTRUCTION, INC.

Resolution 13-7- 465: A RESOLUTION AUTHORIZING REFUND OF PERMIT FEE IN THE AMOUNT OF \$52.00 FOR A BUILDING PERMIT TO NEBBIA BROTHERS, INC.

Resolution 13-7-466: A RESOLUTION AUTHORIZING THE APPOINTMENT OF SEASONAL EMPLOYEES TO STAFF VARIOUS POSITIONS FOR THE PARAMUS MUNICIPAL POOL 2013 SEASON

Resolution 13-7-467 : A RESOLUTION AUTHORIZING THE APPOINTMENT OF SEASONAL EMPLOYEES TO SUMMER CAMP FOR THE PARAMUS RECREATION DEPARTMENT 2013 SUMMER SEASON

Resolution 13-7-468: A RESOLUTION RATIFYING THE OPENING A CHECKING ACCOUNT AT VALLEY NATIONAL BANK ENTITLED "BOROUGH OF PARAMUS PAYROLL ACCOUNT (2013)"

Resolution 13-7-469: A RESOLUTION AUTHORIZING USE OF MAINTENANCE BOND FOR SIDEWALK CONDITIONS RELATED TO SOLDIER HILL DEVELOPERS, INC. AND SOLDIER HILL ESTATES

Resolution 13-7-470: A RESOLUTION AUTHORIZING BOROUGH ATTORNEY TO PROSECUTE MUNICIPAL SUMMONS AGAINST PSE&G IF NECESSARY

Resolution 13-7-471: A RESOLUTION PROVIDING BACKGROUND FOR SITES ADDED TO HISTORIC OVERLAY ZONING PURSUANT TO N.J.S.A. 40:55D-65.1 -PULLED

Resolution 13-7-472: A RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY TO TAKE ALL APPROPRIATE ACTION TO PRESERVE THE STATUS QUO OF THE CELL TOWER LOCATED AT 590 VALLEY HEALTH PLAZA

Motion to Approve Consent Agenda Item 9

Motion: Councilman Lagana Second: Councilman Verile

Yeas: Councilman Amato, Councilwoman Bellinger, Councilman Lagana, Councilman Verile, Councilwoman Warburton

Nays: None

Absent: Councilman Nazziola

10. PUBLIC COMMENTS: Citizens are welcome to address the Mayor and Council on any governmental item of concern to them, whether or not it is scheduled on the agenda above. Comments will be made at the public portion of tonight's Public Meeting in the Council Chambers.

Rosie Veron of Assyrian Orthodox Church - [REDACTED]

-Spoke to a gentleman named Matt, went to County to see Historical Counsel, church is not old, no golden dome anymore and has a lot of work to be done inside, does not feel that the church is historical and wishes to be removed, doesn't feel that it is right. Church was built in 1968 and is not that old.

-Mayor appreciates her comments and suggests that she should attend the meeting on Aug. 1st. to address her concerns, in the meantime, they will wait to hear back from the Planning Board and the Historical Commission on the historical significance of the properties, explains that the Ordinance is mirrored after the County list.

Bruce Rosenberg From the Law Firm of Winne, Banta, Heterington, Basralian, and Kahn representing George Washington Memorial Cemetery

-Understands that they are on the list and that it is based upon the County designation, for the record they will be objecting at the August 1st meeting, the Cemetery is from 1939 and that based upon the language of the Ordinance, they feel that it will put restrictions on the operations of the Cemetery going forward.

-Mayor says that they appreciate his comments at that they strongly urge him to attend the August 1st meeting. Once again says that the list was provided to the Borough from the County.

Matthew and Kathy King

-Raises concerns about their neighborhood, the surrounding businesses, especially Paramus Ford, have interfered with their Quality of Life for years. The two biggest issues are lighting and car horns. Those cars seem to be parked in the back of the lot and there are alarms going off all day long. Understands that there will be a buffer being put in place and that is great news. There is a strip at the end of Ferndale Rd. that has been deteriorating over the years to the point that he can tell you the traffic on Rt. 17. Recent storms have affected it. They did plant some buffer trees but they all died.

-Mayor asks if we could check what kind of site plan approvals those properties have. They are going to get the lot and blocks to see what the site plans have obligated them to provide and maintain.

-Also raises the issue of Semi Trucks that stand behind La Quinta Inn idling until the police are called. There used to be signs there that stated "No Idling" and requests that something be done about that.

-Mayor says it is an enforcement issue. Administrator D'Arco states that the Quality of Life officers will be inspecting the rears of all businesses with respect to the conditions of their back yards.

-Mr. King presents a neighborhood petition with the signatures of residents who also object to the Quality of Life issues stated above.

-Mayor indicates that the Borough has had numerous conversations with Paramus Ford throughout the years. Asks if there has been any sign of cooperation.

-Mr. King states that they did make some lighting adjustments, there has been little improvement though. Thanks the Mayor and Council for hearing his concerns.

-Mayor says the issues are inexcusable.

-Mrs. King states that the car alarm issue should be a simple fix.

-Mayor agrees and states that they will try their best to address their concerns.

Sam Casiello

-Wants to touch briefly on the Ordinance for fees, explains that some of the verbiage with regards to the Veteran's fees have been changed, wants to make sure that everyone is on the same page.

-Mayor states that they have mirrored some of the verbiage that the Federal Government uses and as long as they are not dishonorably discharged.

-Wants to know how the money comes from FEMA, is it in increments or one lump sum. Administrator D'Arco says they do not know.

11. ADJOURNMENT 9:37 PM

Motion: Councilman Lagana Second: Councilwoman Bellinger

Yeas: Councilman Amato, Councilwoman Bellinger, Councilman Lagana, Councilman Verile, Councilwoman Warburton

Nays: None

Absent: Councilman Nazziola

Respectfully submitted

Annemarie Krusznis, RMC
Borough Clerk