

WORK SESSION MINUTES – September 10, 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: September 10, 2013

CAUCUS ROOM

IN ATTENDANCE:

Mayor Richard LaBarbiera
Paul Kaufman, Borough Attorney
Annemarie Krusznis, Borough Clerk

Council Members:

Amato
Bellinger
Lagana
Nazziola
Verile

1. Resolution No: 13-9-570 Notification of meetings as required by "The Open Public Meetings Act."

-Read by Municipal Clerk at 7:10 P.M.

-Present: Amato, Bellinger, Lagana, Nazziola, Verile

Absent: Warburton

Lights at Westbrook Middle School:

-Mayor provides background, relocate Football program to Westbrook while Petruska was renovated, temporary lights at Westbrook for football, Lights installed at Westbrook by Tackle Organization and soccer organization, payment due for lights at Westbrook, Tackle organization requesting that Paramus pays for the last three years for lights in amount of \$11,000 per year, roughly \$5,500 per year for Borough;

-Council discusses whether remaining costs for lights should be picked up by the Borough, soccer association will continue to pay half share;

-Mayor wants to ensure that this can be done legally, wants some sort of MOA with the Board of Education effecting that we can continue using the facility;

-Council is in agreement that the Borough should pick up costs;

2. BOROUGH CLERK'S REPORT:

- a. Letter received 8/26/13 requesting permission to hold a block party on Gerald Street On September 21, 2013. – Approved
- b. Letter received 9/5/13 requesting permission from Fr. McKenna Memorial Fund to hang a banner announcing an event at Van Saun Park on September 21, 2013. –Requests more information on where the banner is being hung

3. ADMINISTRATOR'S REPORT

-Outline and timeline on the AR James bus shelters

-Solar is with the Borough Engineer, Mr. Ten Kate

-Having a meeting on the 2014 Municipal Pool season regarding all the upgrades

-Ordinance for the 24th for two new titles

-Part-time building position to be advertised again

-Court placement still being advertised

-Borough Engineer has submitted a report on the status of all his projects, what was not on that report was the Soldier Hill Development Sidewalks. Borough Attorney Kaufman states that at this point he asks the Mayor and Council to add a resolution to go out to bid.

-Notices going out to departments about 2013 budget expenditures. Also spoke to dept. heads about capital ordinances and that those projects should be in motion before requesting 2014 capital projects

-Finance will begin the administrative reviews of the 2014 Budget

-Meeting with Union Presidents and the Health Officer about the Firing Range; In a brief overview, Mr. D'Arco states that there was a breach by the company that was cleaning the lead out and doing repairs to the Pistol Range. That breach caused lead dust to go through the bay area where the trucks are. There was a meeting with all dept. heads

regarding that area. The building was locked down and put the building under the control of the Police Chief, no one could get into the building. The Borough went through cleaning companies to sanitize. Notified PEOSH of the breach and a possible contamination of equipment and employees. We've been cleaning all the employees that work there and all were advised to get blood tests. We had a spontaneous meeting with a PEOSH representative who said that everything has been done by the book and reacted timely and appropriately and that there will be no violations issued to the Borough. The building is still locked down. The Shade Tree side has been cleared. No contamination on that side. Most of the tracking occurred from the floors in the garage throughout the building. Tests show that the results are diminishing. There will be meeting with the Union Presidents to go over this so that they can inform their staffs. EMS has been relocated to the PVAC building. There has been a draft memorandum of agreement prepared by the Borough Attorney to work out of that building. In that MOU is basic maintenance to be done such as cutting grass, snow removal, etc.

- Alarm ordinance is going to be held for tonight. We were not charging a registration fee even though there is a registration fee. Chief Ehrenberg would like more time to review the ordinance.

- Four PBA grievances for tonight have also been held.

- All departments are inspecting the Pool. They are making lists of everything that needs to be done both in Capital and pre-season in 2014 to avoid late repairs. Also asking the Pool Commission to give a complete list of any repairs of improvements to be made so that a plan can be formulated.

- There is a grant application being submitted by our company to the U.S. Soccer Federation.

- Senior Services survey has been completed. The intern will be compiling the results and submitting the report. There is a capital plan being formulated the DPW Supt. Guy Picone and Shade Tree Dir. Jay Sexton regarding improvements to the Senior Center.

- Remaining items are for Closed Sessions

The Mayor asks Guy Picone when the next automated garbage truck for the west side of town will be coming in. Guy says it should be here early next week. The containers will be coming in the first week of October and will be distributed October 21st and the entire west side of town will be covered. Another truck is on order which will come in next spring. The will complete from Paramus north and then heading south to Midland Avenue. By Fall 2014 the entire town should be completed. The Mayor asks how the new police cars are working out. Guy says the police love them and they are holding up very well and are getting better gas mileage. A second automated leaf vacuum will be coming in shortly as well. One will be on the north end of town and one on the south end.

4. BOROUGH ATTORNEY'S REPORT:

- Mr. Kaufman met with Jim Delia from Wells and Jaworski. He then followed that meeting up with a telephone conversation with Kevin Funabashi, Deputy County Counsel. The issue involves a subdivision from the 1960's, Dartmouth Court. In Van Saun Park when they did the subdivision, a sewer was installed within the park. For whatever reason, no easement was ever conveyed to Paramus. Mr. Delia's client came into the subdivision on two lots, went before the County and is now faced with a situation where he cannot hook into the sewer lines. Another connection has to be made and an easement conveyed. Since this sewer was installed, Green Acres was enacted and Van Saun Park is subject to Green Acres. In order to get the easement and install the sewer, we have to make an application to Green Acres for retroactive approval. The applicant has agreed to pay for the costs. We will need a survey from the Borough Engineer and the applicant will post an escrow. There is to be two houses built, they'd like to start construction on one of them with the express understanding that no CO's get issued until such time as all the sewers are installed and all the easements are in place. The applicant bears the entire risk. The Mayor asks if the subdivision has already been approved. Mr. Kaufman responds yes, the subdivision was approved a year ago. Mr. Verile asks if Green Acres rejects, would we be held liable. Mr. Kaufman says no. The sewers have already been in place. A presentation has to be made to Green Acres explaining how this occurred and why there is no easement. The Mayor asks if a license has been granted, does that exempt from Green Acres. Mr. Kaufman says no, it has to be an easement. The real issue is the installation of sewers onto a park that is encumbered by Green Acres. The license is between the County and the Borough and has nothing to do with Green Acres. They have to approve the installation of sewers because it's a displacement of land that was Green Acres encumbered. Mr. Amato asks if there is any foreseeable situation where Green Acres would not grant this application. Mr. Kaufman states

that anything is possible. Mr. Verile asks if this is a six month process. Mr. Kaufman states that it could be a six month process or it could be longer. Council agrees as long as there is zero responsibility and zero cost incurred.

5. MAYOR'S REPORT:

-All for closed session.

-At last meeting a vacancy on the Pool Commission was discussed. There was the resignation of Micheline Attieh, who was an alternate. Her term expires at the end of 2013.

To the unexpired term, The Mayor would like to appoint Mrs. Kohar Boyadjian.

Motion: Councilman Amato Second: Councilman Lagana

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

6. COUNCIL MEMBERS REPORTS

Councilman Amato

-Shade Tree Commission meeting for tonight. Mr. D'Arco says there was a major meeting with PSE&G relative to the new wires and bigger poles. The meeting was attended by PSE&G representatives, Mr. D'Arco, Jay Sexton, and Shade Tree Comm. Chair Bill Comery. The Borough came out of the meeting in a positive fashion and all concerns were addressed. PSE&G has agreed to replace the trees that may have to come down. The Mayor states that the impact in Paramus is very minimal.

Councilwoman Bellinger

Environmental Commission:

-They still need a replacement for the Environmental Commission. They have a name but the Mayor and Council still need to discuss. They also have two thousand dollars left in their budget that they have allotted for scholarships. They would like to use that money for another bag contest. Mr. D'Arco says it is possible.

Senior Center:

-Survey results already mentioned

Recreation:

-They are having a difficult time getting volunteer coaches. They are in need of inline skating instructors. They cancelled PE for Tots because of no coach. The Mayor says that all of these programs have been dependent upon volunteer coaches. Parents do not have the same time and energy to volunteer and it is becoming a problem. Mrs. Bellinger says that we might have to consider at least having one paid instructor to oversee volunteers to keep these programs going. She can talk to the Rec. Commission at the next meeting to see if that's a route that they want to consider.

Police:

-Contract negotiations for Closed Session

Councilman Lagana

-Contract negotiations for Closed Session

Councilman Nazziola

-Nothing to report

Councilman Verile

-Nothing to report

Councilman Warburton

N/A

7. RESOLUTION No. 13-9- 571 closing the Meeting of the Mayor and Council to the public.
Matters permitted by law
- a. Bizik litigation
 - b. Pea litigation
 - c. Ward Litigation
 - d. MIC litigation
 - e. Police Negotiations

Motion to go into Closed Session at 8:09 P.M.

Motion: Councilman Lagana Second: Councilman Amato

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

Nays: None

Motion back into Open Session at 8:48 P.M.

Motion: Councilman Lagana Second: Councilwoman Bellinger

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

Nays: None

There is a discussion about Ordinance 13-31 regarding parking and the possibility of making the street a one-way. The Mayor says that the residents strongly oppose one-way traffic. A lot of the teachers at Ridge Ranch have no choice but to park on the street. The parking lot for the teachers is too small. The Board of Ed. should be able to open up the play area to be able to allow parking.

8. ORDINANCES:

Ordinance for Introduction:

Ordinance 13-30: AN ORDINANCE UPDATING JOB DESCRIPTIONS FOR COMPUTER DESK TOP SUPPORT SPECIALIST AND SECRETERIAL STENOGRAPHY

Motion to approve Ordinance 13-30

Motion: Councilman Lagana Second: Councilman Amato

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

Nays: None

Ordinance 13-31: ORDINANCE AMENDING PARAMUS CODE § 419-59 (Parking)

Motion to approve Ordinance 13-31

Motion: Councilwoman Bellinger Second: Councilman Lagana

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

Nays: None

Ordinance 13-32: ORDINANCE UPDATING SALARY ORDINANCE FOR TEAMSTERS TITLES

Motion to approve Ordinance 13-32

Motion: Councilman Lagana Second: Councilman Verile

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

Nays: None

Ordinance on Final:

Ordinance 13-20: ORDINANCE AMENDING CHAPTER 429 OF THE PARAMUS CODE

Motion to approve Ordinance 13-20

Motion: Councilman Lagana Second: Councilwoman Bellinger

Open to the Public for Comment

-No Public Comment

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

Nays: None

9. 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.

Joe Payoczkowski

-Agrees with the needs of the Board of Education for field enhancement

Mayor answers that Westbrook is a practice field

-Commends Board of Education staff for the appearance of the grounds, Commends Guy Picone for the job he does.

A CONSENT AGENDA WILL BE ADOPTED FOR ITEM NUMBERS 10 and 11

10. RESOLUTIONS:

Resolution 13-9- 572: AUTHORIZING PAYMENT OF BILLS

Resolution 13-9-573: A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN RECREATION EQUIPMENT

Resolution 13-9- 574: A RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO SIGN A CONTRACT WITH THE MONEY ACCESS COMPANY FOR AN ATM MACHINE

Resolution 13-9- 575: A RESOLUTION AUTHORIZING THE BOROUGH CLERK TO ADVERTISE BIDS FOR REPLACEMENT FENCING AT THE GOLF COURSE

Resolution 13-9-576: RESOLUTION RATIFYING THE TREASURER TO PAY BOND PRINCIPAL AND INTEREST DUE September 3, 2013 FOR BONDS OF 2003

Resolution 13-9- 577 : RESOLUTION RATIFYING THE TREASURER TO PAY BOND PRINCIPAL AND INTEREST DUE SEPTEMBER 3, 2013 FOR BONDS OF 2003

Resolution 13-9-578: A RESOLUTION AUTHORIZING THE REFUND OF PROFESSIONAL SERVICES ESCROW IN THE AMOUNT OF \$4,093.75 TO MANGIAMO PIZZA & RESTAURANT FOR BLOCK 5107 LOT 3 AS RECOMMENDED BY THE PLANNING BOARD

Resolution 13-9-579: A RESOLUTION AUTHORIZING COMMERCIAL TAX APPEAL ATTORNEY TO SETTLE 2009-2013 TAX APPEALS CAPTIONED - The Emil Buehler Trust v. BOROUGH OF PARAMUS Block 3102 Lot 4 317 and 299 Route 17 South, Paramus, NJ

Resolution 13-9- 580: A RESOLUTION AUTHORIZING THE RELEASE OF ENGINEERING ESCROW IN THE AMOUNT OF \$211.75 FOR 95 GREENBRIAR ROAD BLOCK 6007, LOT 12 TO BUILD TO PLEASE AS RECOMMENDED BY THE BOROUGH ENGINEER. (PAES-2219)

Resolution 13-9-581: A RESOLUTION AUTHORIZING THE RELEASE OF ENGINEERING ESCROW IN THE AMOUNT OF \$294.00 AND CASH PERFORMANCE BOND IN THE AMOUNT OF \$1,000.00 FOR BLOCK 5910, LOT 11 TO BUILD TO PLEASE AS RECOMMENDED BY THE BOROUGH ENGINEER. (PAES-2207)

Resolution 13-9-582: A RESOLUTION AUTHORIZING THE RELEASE OF ENGINEERING ESCROW IN THE AMOUNT OF \$478.24 FOR BLOCK 7315 LOT 17 TO BUILD TO PLEASE AS RECOMMENDED BY THE BOROUGH ENGINEER. (PAES-2236)

Resolution 13-9- 583: A RESOLUTION AUTHORIZING THE REFUND OF A DEMOLITION BOND IN THE AMOUNT OF \$3,000.00 AS REQUIRED BY CHAPTER 211 TO BUILD TO PLEASE FOR BLOCK 6007 – LOT 12 LOCATED AT 95 GREENBRIAR ROAD

Resolution 13-9-584: A RESOLUTION AUTHORIZING THE REFUND OF CASH ESCROW IN THE AMOUNT OF \$2,500.00 TO JOAN HAYS FOR BLOCK 6701 LOTS 10 FOR STREET OPENING AS PERMITTED BY PARAMUS BOROUGH CODE 383-11

Resolution 13-9-585: A RESOLUTION AUTHORIZING REIMBURSEMENT \$170.00 FOR OVERPAYMENT OF STREET OPENING PERMIT TO JOAN HAYS, FOR 681 PARAMUS ROAD BLOCK 6701 LOT 7

Resolution 13-9-586: RESOLUTION APPROVING SUBMISSION OF A GRANT APPLICATION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO SIGN A CONTRACT WITH NJ DEPARTMENT OF TRANSPORTATION FOR THE CENTURY ROAD PROJECT

Resolution 13-9-587: A RESOLUTION AUTHORIZING THE PERSONNEL CHANGE FOR BRIAN GLEASON

Resolution 13-9-588: A RESOLUTION AUTHORIZING THE RESIGNATION OF CHRISOTPHER KALMAN FROM THE POSITION OF P/T MAINTENANCE FOR THE PARAMUS POOL

Resolution 13-9-589: A RESOLUTION AUTHORIZING THE RESIGNATION OF MATTHEW HERBERT FROM THE POSITION OF P/T TELECOMMUNICATOR 3 FOR THE PARAMUS POLICE DEPARTMENT

Resolution 13-9-590: A RESOLUTION AUTHORIZING THE AWARD OF THE STANDBY GENERATOR AT THE BOROUGH HALL BUILDING IN THE AMOUNT OF \$168,717.00 TO ENVIROCON, LLC.

Resolution 13-9-591: A RESOLUTION AUTHORIZING THE AWARD OF THE STANDBY GENERATORS AT VARIOUS FIREHOUSES BID IN THE AMOUNT OF \$192,169.00 TO ENVIROCON, LLC.

Resolution 13-9-592: A Resolution to authorize the Borough Clerk to advertise for bids for the Soldier Hill Sidewalks – Added

11. APPLICATIONS

Raffles

Good Samaritan Hospital Foundation

RL-3066

Motion to Approve Consent Agenda Items 10 and 11

Motion: Councilman Lagana Second: Councilwoman Bellinger

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

Nays: None

Resolution added after Closed Session:

Resolution 13-9-593: Authorizing PEA and MIC Litigation

Motion: Councilwoman Bellinger Second: Councilman Lagana

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

Nays: None

12. ADJOURNMENT at 8:58 PM

Motion

Second

Councilman Lagana Councilwoman Bellinger

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

Respectfully submitted

Annemarie Krusznis, RMC
Borough Clerk