

**BOROUGH OF RIVER EDGE  
MAYOR AND COUNCIL  
SPECIAL WORK SESSION MINUTES  
MONDAY, NOVEMBER 6, 2017**

**PRESENT:**

Mayor	Edward J. Mignone (arrived 6:12 pm)
Councilman	Vito Acquafredda
Councilman	Alphonse Bartelloni
Councilwoman	Ellen Busteed
Councilman	Dario Chinigo
Councilwoman	Mary Davis
Councilman	Thomas Papaleo

**ALSO PRESENT:**

Borough Attorney	Thomas Sarlo
Borough Administrator	Alan Negreann
Borough Deputy Clerk	Judy O'Connell

**ABSENT:**

None

Council President Papaleo called the meeting to order 6:00 PM by reading the Open Public Meetings Act.

**PROCLAMATION & AWARDS**

- ❖ Proclamation Declaring November 2017 as Pancreatic Cancer Awareness Month
- ❖ Recognition Award to Katherine Tevaras
- ❖ Certificate of Recognition for the Fire Department

**BOROUGH ADMINISTRATOR'S TOPICS**

1. **Budget Manual** – Mr. Negreann explained manuals were placed in front of the council and that is was first issued 27 years ago and hasn't been updated. This may be something you want to take a look at doing. He provided copies just so you might be familiar with some of the sections. If you go to the Table of Contents you will see it lays out a Budget Calendar, Hearing Schedule, it even talks about the notebooks we used over the years, there is a Section 400 which goes to advisory nature of the Citizen's Budget Committee. The manual has laid out the number of committee members, anywhere from 3 to 7. As you aware we will be appointing some Citizen Budget Committee members tonight and he thinks there is one vacancy which may want to be looked at in terms of filling or not. We put some of the procedures in here for them as well. In addition we have a chart of accounts because this documents is used not only for the elected officials, but for the departments themselves, so if a department is now to the process they can pick up this manual and develop a sense of what forms and accounts are necessary to be responded to for the budget preparation process. We also detailed the review process by the Mayor and Council because there are different forms that are submitted with regard to capital, revenue, salaries and wages, and they are all in for you to take a look at. This is information that comes into us during the preparation time. We also have a Section 900 which goes to the Summary Forms that we use, many of them you are familiar with, the Homeowner Effect by Tax Rate, the Tax Rate Information Form, the Calculation of the Reserve Fund, Collected Taxes, we provide you with a collection history, Revenue Projection History, Surplus History you are familiar with as well as Assessed Valuation.

All those schedules that you have seen over the years really are because of what was laid out several years ago in terms of our process.

2. **Citizens Budget Committee** – Mr. Negreann stated he has already touched on this topic.
3. **Long Term Financial Planning** – Mr. Negreann stated that this ties in to the manual to a certain degree. Some information was given out about this topic that is a Best Practice recommended by the Government Financial Officers Association that is nationwide. There is no statute or recommendation that mandates you do this type of planning and frankly he has to say over the years he has always been skeptical about it because your planning is only as good as the assumptions you make. What will be our collective bargaining agreement, where will assessments be, what will state aid be like in the following year, you have to literally make your best guess and that impacts the result you might have. But in going through a process with the rating agencies this past year he found that, and this is on pages 2 and 3, that they are very interested in seeing towns doing long term financial planning. In talking it over with them and expressing his reservations he came to the realization that what they are after is the exercise, is the self-examination that a municipality does of itself. They are not necessarily concerned that your results are perfect but they want you to be introspective and look to see if you have problems and if you do then prepare for that in any way that you may be able to. Frankly he can see the value in that and he thinks it is something that we should undertake. The rating agencies provide a degree of compliance with that anywhere from strong, standard, and vulnerable. If we accomplish this we would be in the strong category and it is something that they look at if you going to be a Triple-A Municipality. As you well know we are currently a Double-A+ stable community that has recently been affirmed with our last bond sale. If we were to improve in certain areas, this being one of them, then we might be evaluated to a Triple-A Municipality. Behind that document are financial trends which we have provided over the last several years and by showing you the past trend or history of a particular indicator we have also put a projection down. If you follow the trend, it might be a good trend, this is something you might want to continue or if it's something that is on a course which is not that favorable than there is certain things you need to so. So in a certain sense we have been doing some financial planning but not as long or extended as they would like to see it. Generally they would like to see anywhere between 3 to 5 years. In doing some of the research on this he has found that New York State has a multi-year financial planning document which we could use as a template, rather than reinventing the wheel we will take a closer look at this and work with our finance committee over the next months and see if this template will work for us. This will allow us to look at our historical trends, fiscal health of the municipality and come up with a fiscal improvement plan where we have certain concerns. The goal this year is really to work on this long term financial plan as a model document that will serve you well going into the future.

#### **WORK SESSION CONSENT AGENDA**

1. **Amend Contract with Costa Engineering for Fifth Avenue, Section 4 – Design & Inspect in the amount not to exceed \$1,000.00.**
2. **Amend Contract with Costa Engineering for the 2017 Riverside Road Resurfacing Program – Inspection in the amount not to exceed \$500.00**
3. **Award Contract to Costa Engineering for Professional Services Related to DEP Permits for Compost Facility in the amount not to exceed \$5,000.00**

**Motion by Councilman Bartelloni, second by Councilman Papaleo to approve.**

**FOR DISCUSSION**

1. **Swim Club Lease** – Mayor Mignone was asked by the President of the Board if the council would be amenable to modifying some of the lease agreement terms with the borough. The borough actually owns the property and we lease it to the Swim Club and we get some parking for the park in return, that's the general outline. There's no real dollars involved except they agree back when this was founded to the equivalent in property tax of the assessed value, not even the assessed value, it total about \$15,000 a year. They are asking to not pay the taxes but are willing to pay an equal amount of what they are paying for in the municipal portion and wanted to waive the rest. But in that case that would mean the sections they are not paying would be to the County and the schools, it would be like a mini pilot. They also wanted us to amend the rules so they could consider having residents from outside the borough become sponsored members of the club as well. Mayor Mignone told them he would bring it to the council, and bring it up for discussion. If there is a feeling that we want to pursue this we can refer it to Contracts or a Sub-committee, or however you want to do it or otherwise we will have to go back and decline. Councilman Bartelloni stated that he would have to recuse himself from any discussions since he was a Trustee on the Swim Club Board. Councilman Papaleo didn't follow exactly what they wanted. Mayor Mignone explained that the property should not be taxable because it is borough owned property, but apparently when they formed this agreement back in 1960's, the agreement was the Swim Club would pay the equivalent property tax as their lease/rent. Now they want to reduce it, looking to save some money, and they don't want to be paying as a property tax. They said they would be giving an equivalent amount of money to whatever the municipal portion of that is. If the tax is \$20,000 and we usually get 25%, they would want to pay the 25% and want us to waive the rest. They had mentioned a case something similar in Oradell and in speaking with Mr. Anzevino said unless the property is transferred back to us we really can't waive the taxes. Mayor Mignone said if there is an interest in working something out with them then we can explore a little further. Councilman Chinigo asked why. Mayor Mignone said they are looking to save operating costs. They are trying to reduce their costs and by having out of town residents join they are hoping to increase their membership. They seem to think this is not a long term decline and these measures will help them recoup and go back to growing. Councilman Chinigo said that when we get the taxes now we turn them over portions to the schools and county, is that what is happening, and we would have to pick up that portion or the school would go on a shortfall. Mayor Mignone said it gets paid as a regular tax. The balance if we waived it gets spread over the rest of the taxpayers in the borough, but if we said we wanted to reimburse that part, which he doesn't know if that is even legal, than we would have to pay that portion to the schools. Councilman Papaleo stated that he doesn't have any objection to the outside the borough issue but he doesn't know if he is comfortable with (inaudible) tax at this time. If they would like to come and present this, we lease the property to them, they pay the tax because of the lease. He doesn't think we can burden the residents with failing to pay the school or the county right now. Mayor Mignone said he also had some reservations and that is why he wanted to make sure he brought it up here first before we even bring them in if they want to come in. We assumed them under our insurance last year or the year before which was a helpful gesture. If there is an interest in pursuing it we certainly can have them come in. Councilman Chinigo asked how the outside people would affect the insurance, would that change in anyway. Mayor Mignone replied he didn't know, he didn't have the details. It was some kind of sponsorship, you had to have some kind of recommendation or be sponsored by

somebody in town to have membership. Councilwoman Busted asked why they would come to us and ask us for that approval to ask outside vendors to come in, is that in their Charter or By-Laws. Mayor Mignone replied no it's in the terms and conditions of their lease. It one of the conditions we imposed on them in the lease, along with no food and a whole host of those other rules. It looks like most of them were codified through the lease agreement and not by the swim club. Councilwoman Busted stated that she agreed with Councilman Papaleo, she wasn't incline to forgive or whatever it's called the property tax and extend it to the taxpayer. So many of our taxpayers already pay their membership dues to the Swim Club and she would not be inclined to move forward with it. Councilman Papaleo felt the Mayor made a great point with we already generously put them on our insurance and we helped them a lot with that. If they want to talk about terms of the lease outside membership or food or something like that he would have no problems with the Contracts Committee, he would recommend the Contracts Committee consider that. Councilwoman Busted wanted them to also know that they membership at a meeting has had ample opportunity to discuss the idea of outside members so we know what the membership feeling is before we move forward, she would want that information as well. Councilman Papaleo agreed with statement. Mayor Mignone said he didn't know how, if it was just the board that decided. Councilwoman Busted said that she would like to know that, Mayor Mignone felt that was fair enough. Mayor Mignone asked if a motion would be if the council would be willing to speak with them or prefer the Contracts Committee, and would not in favor of reducing the fee amount or the taxes. We are willing to entertain changes to other operational restrictions and subject to them providing records whether these actions were discussed by full membership. A motion was made.

**Motion by Councilman Papaleo, second by Councilman Chinigo to approve.**

**All in favor 5**

**Abstain - Bartelloni**

#### **FOR YOUR INFORMATION**

- 1. River Edge Board of Education – Snow Removal Agreement** – Mr. Sarlo explained that he has been speaking with the Board's attorney and we are at an impasse and he needs some direction. It is not a legal impasse, it's more of an insurance impasse, our Risk Consultant and their Risk Consultant have different opinions. Their consultant feel there should be a mutual indemnification clause, we indemnify them for any work that is done and they indemnify us if there is negligence on their part. He guesses it's a mutual indemnification that in most of your agreements that you had with the Board that is how you have done it. Our Risk Consultant feels that because the borough is doing the work for free the BOE should indemnify for any work that is being done. Its snow removal so there is a heighten risk of liability any time that is snow removal when kids or people are walking on it. He is at a little bit of an impasse, they haven't really budged and he doesn't know if we should get somebody from each side along with the Risk Consultants. There were some other put a memorandum of understanding when you snow plow it notifications, that is pretty much all in agreement between himself and them, so that would just be incorporated into the body of it. He just wants to try and push it along because obviously we are getting into snow season. Mayor Mignone stated that his discussions with them before it got to Mr. Sarlo was essentially to follow the recommendations of our Risk Consultant and as we are really getting no quote unquote no benefit from providing this service he doesn't know why we have to indemnify them as well. Plus we have already been named in a lawsuit over snowplowing. He thought we had given them ample consideration even to continue doing this. At least that was

how he left it with them. They asked him to ask the Borough Attorney, who gave his answer. Mayor Mignone asked Mr. Sarlo if he was correct in saying that the Risk Consultant wasn't going to change his opinion and Mr. Sarlo replied that Ezio is pretty firm on that. Mayor Mignone said that we are going to be on record that we would be going against the recommendation of our Risk Consultant and didn't see how we would do that. Councilman Papaleo said we won't be plowing because we don't have an agreement. Mayor Mignone and Mr. Sarlo agreed with that statement. Mayor Mignone said they would then have to accept the terms as they are because that is the agreement we approved. Councilman Chinigo didn't hear this last part. Mayor Mignone stated if they refused to accept that condition then we do not plow for them this winter because the original approval we gave the school included those terms. Councilman Chinigo asked if we were changing the terms or if they were changing the terms. Mayor Mignone and Mr. Sarlo replied they are changing the terms. Mayor Mignone went on to say that this has been a long standing handshake agreement between the DPW and schools for a number of years. And over the years DPW had felt they have been relied on more and more to more and more in a quicker amount of time. Since we are still trying to work out a master Interlocal with them we decided to try and put this issue in because they are very concerned about what is going to happen in the winter. He doesn't have all the details but he knows Mr. Negreann can verify, we were named in a lawsuit that was based on somebody who fell. The School Board's Attorney represented that they didn't do any of the work, it was the borough. To have the attorney say that's not a good agreement if that's the way we are going to treat it, they need the service and we certainly want to provide it to them because it's all our tax money. They are not actually going to get anybody through an RFP, so they are in a tight spot. He doesn't know how we as a governing body now go over the objections of our Risk Consultant and God forbid something happens we went against his recommendations. Unless there no legal liability there and he can't image there isn't and they are so intent on wanting us to do this. Councilman Bartelloni felt no good deed goes unpunished and there is where we seem to be currently and we need to avoid that. Mayor Mignone thinks they are in a similar positon, their attorney... Councilman Bartelloni explained that we did it for free and then we got sued. Mayor Mignone stated that basically between Mr. Negreann and John Lynch we set the terms of when we are going to plow, how we are going to plow, the priorities and the notification procedures, all that stuff identified in the existing agreement that the Board has not ratified yet. Councilwoman Busted asked if they were to reimburse us for our services how would that change the indemnification impasse. Mr. Negreann said that it was his understanding it would because as he understood it since there is no quid-pro-quo here it is totally on us that there is no benefit to us and that would change the situation. If it was more of a shared service agreement and other services were included than yes you might want to consider a mutual indemnification. He thinks that would change the perspective but since this stands alone and because there is no quid-pro-quo in the agreement itself it's totally on us that we are looking for protection should there be a slip and fall. In speaking with our Risk Consultant if there was an auto situation where our plow hit an automobile it would come under our policy, not under their policy. He wasn't sure we would have to speak with our Risk Consultant as to whether you could even divide up the negligent areas insurance wise. Frankly if we were going to come on their property and use their property without any sort of compensation or quid-pro-quo then he would expect them to ask us for the same type of insurance and hold harmless that we are asking now. Councilwoman Busted said just a follow-up she respects what the Risk Consultant says and she wouldn't go against it but she wants to make sure we aren't pulling the rug out from underneath a member of our community without them giving an ample time to figure out what they are going to do.

There perhaps an opportunity to do a short term memorandum of agreement with them to get compensated for services for this season as opposed to having to walk away all together, just a thought. She didn't know if that was explored, it possibly may have been. Mayor Mignone stated it hasn't been and it has been prospered that way. The idea was to try and come up with equal consideration on both sides so you didn't have the borough paying x-number of dollars to do this and the board paying y-number of dollars to do that. As an interim that is a perfectly good solution. We would have to ask John Lynch to estimate what the rate would be that use for the county or the condominiums. Councilman Chinigo stated that he was concerned that if snowed in the next week what would happen. Mayor Mignone replied that it's not like they are incapable of plowing, they have machinery, they may not have enough manpower or equivalent manpower, and he thinks for heavier snows their equipment may not be adequate. He thinks the agreement started at 4 inches of snow and he asked them to modify it because John wanted to go a little higher to 5 inches and they did agree to go a higher amount, they think they can handle one small but he thinks we can pursue what Councilwoman Busted suggested. We'll ask Mr. Lynch to give us the cost and then maybe Mr. Negreann could interface with their Business Administrator and see if that is something they want to consider. Mr. Sarlo said in the interim he will also talk to the attorney and say he spoke with the Mayor and Council and state this is our position and if they feel that way hopefully they will see it and sign it. A motion was made.

**Motion by Councilman Chinigo, second by Councilwoman Davis to approve.**

**All in favor 6-0**

#### **UNFINISHED BUSINESS**

- **Borough of River Edge Senior/Community Center** – Councilman Bartelloni stated that meet with the constitute groups, he met with the Library last week and that went very well. Councilman Chinigo has been really good with getting additional information with groups that use the Library right now and breaking it down into Library sponsored programs and what are community sponsored programs. It is quite amazing the amount of groups that actually use the Library and their meeting bases that they have right now. Their main concern was parking, to make sure that was ample parking. The architect was with me and I did ask if he could look and see if there was any feasible way of adding additional parking. Councilman Bartelloni also met with Shade Tree as well and is meeting with them again on Wednesday to go over some concerns they had just from with their initial meeting. Some of the concerns were the removal of the arboretum and what would be done with that, particularly he thinks there are three trees that have plaques that people have paid to have the tree dedicated to someone. The removal of that and also there was talk regarding the canopy and replacing that and how we can go about replacing that. As he said Wednesday we are meeting with them again to go over that. He meet with SCORE today and presented it to them. They also seemed to like the drawing and the illustrations. Their concern was a strove, they did not just want a prep kitchen, and they wanted a cook in kitchen. He guesses the food that they prepare, they cook some of it on sight particularly hot dogs which was a very big deal and sometimes beans. They want to be able to cook that on-sight and they also asked about parking. Whether or not we thought the parking was adequate and also given that seniors would be one of the main clientele of the facility whether of the four handicap spots were sufficient, perhaps there might need to be a couple more. That was one of their concerns as well. He believes he is meeting with the Recreation Commission this Thursday. He did reach out to the Cultural Center but hasn't hear back and this would be the last group. For the most part it has been received well and he is just trying to deal with the little

concerns. Also SCORE has an issue, he guesses they have storage at the Temple for items and they want to make sure they have adequate storage at the center. Councilman Acquafredda mentioned that there are a few tweaks that need to be done to the floorplan itself which he has discussed with the Mayor. Let's go through this round of public information to the various committees and then be in the position to schedule a public showing. Mayor Mignone said then have Mr. Negreann update us again on where we stand financially. As he has said at the beginning we need to have a very good handle at the costs are going to be because we don't have much room for error in terms of a facility that's been designed and the money we have to spend. After the Recreation Commission and the Cultural Center...Councilman Acquafredda added Shade Tree...Councilman Bartelloni said Shade Tree on Wednesday meeting with them a second time and then Recreation Commission this Thursday, and then the Cultural Center, that is pretty much the core groups that we were focusing on. Mayor Mignone said that if we have those finished say by Thanksgiving we could have the architect here by the meeting on the 4<sup>th</sup> or the 19<sup>th</sup>. But he thinks we need to be prepared to answer the questions we have been asked, so of which we still have ourselves particularly regarding cost, parking, the impact to trees, and the rest of that side of memorial. Based on the feedback so far he thinks everything is addressable, everybody sees the benefits here are going to be able to, most of them are negative most of are mitigating by the positives and he thinks actually everybody is pretty excited that is coming to fruition. Councilman Bartelloni said overall the reception has been very very positive. Members of the Library Board said they are anxious to start programming it. It's been going well.

- **Shade Tree Commission** – Mr. Sarlo had no updates.

Councilwoman Busted asked about the Community Block Grant Application and that Mayor Mignone reported that we will not be able to get senior programming dollars through CDBG because of the new ways they are structuring. However she did talk with Rob Esposito the Director of Community Development for the County and he suggested that rather than discarding those programming dollars all together if we could look for ways to specifically enhance them or change them in certain ways those dollars may still be available. She was wondering if we could take a look at those programming costs and what we got money for in the past and perhaps tweak it a little, he felt it may be worthwhile to pursue that. Her question is have we moved forward with any kind of application and if not...Mayor Mignone said well no the applications are due he believes the first week in December. Mr. Negreann stated that we have undertaken a contract with Costa Engineering for these two applications. He has to prepare engineering estimates for phase 4 on Oxford and Rutgers and the elimination of the Oxford Circle. Councilwoman Busted said that we also talked about how we probably would not get money for senior programming through those block grants any more but maybe we could... Mayor Mignone said he didn't have the numbers in front of him but he thinks the biggest bulk we got was...Mr. Negreann said it was \$1,800 and there was a resolution on tonight for it. Mayor Mignone continued by saying we received \$32,000 this year toward the bus driver and dispatcher, we got \$65,000 fully funded our continued ADA improvements and he thinks the seniors was \$1,800. The services portion of the CDBG pot is a small percentage of the overall and as it was mentioned this is coming from HUD in Washington, these rules have always been the rules but there had been some latitude and some judgement on the county levels. Now the criteria levels is if it's something funded through your operating budget you can't ask for the money, you can't supplement it. If you hadn't asked for it before, you can ask for it the first year but if you want to continue the service and you need to pay for becomes ineligible in the future. So more

people are going to try and push the project towards brick and mortar ones it will be more money set aside for infrastructure projects. The disadvantage we have is we only have a very small area eligible for CDBG construction projects and that is down by Oxford and Rutgers. It is one of those situations where we are not going to get the full benefit any more. Councilwoman Busted said if we could look at what we got the \$1,800 for last year and see if there is a way we could tweak it and reapply and see if we can still get that money. It's worthwhile to do so whether we include a wellness part to the program or something, \$1,800 is \$1,800 that goes towards programming towards our seniors. If we can pursue it we should. Mayor Mignone said that is \$1,800 that we don't have to be in the operating budget. He asked Mr. Negreann if there was a copy of last year's application. Mr. Negreann said typically we have done bus trips, food service, entertain with an instructor, so we would have to look for something other than those activities. Wellness might be one of them, but he would be happy to accept other suggestions. We are only allowed two, so you will need to make a choice as to which one you won't do. Mayor Mignone said he didn't think the funding would be there to cover both of those any way. There is always room to negotiate when it gets to the committee level on the various projects. The Mayor asked Mr. Negreann to provide the council with that information so they could made a decision by the next meeting.

## **NEW BUSINESS**

Nothing

## **FOR DISCUSSION**

2. **Ordinance to Repeal Chapter 79 "Board of Recreation Commissions" and Replace it in its Entirety with Chapter 79 "Department of Recreation and Cultural Affairs"**  
– Mr. Sarlo explained that when he received the agenda he didn't see this on and usually he goes over his notes and tasks given to him are completed before the next meeting and he didn't see this listed but however when he went back and looked over his notes and saw that he was tasked with preparing but unclear as to preparing a memo or an ordinance or repealing. There was not much other direction that was given to him other than the comments that were given at the public meeting so what he did for you was to complete his task was to prepare to draft ordinance for the council to work off of. The first part only abolishing the Recreation Commission obviously is easy is set by statute. Creating the second part what he was again incorporate any of the comments that were given, he combed through a lot of ordinances and picked and choose I wanted to get you something that you can at least work off of. I usually get it to you ahead of time but I didn't see it on the agenda but I did see on my notes. I was in Tennessee from Thursday to Sunday and I was actually working on it down there and wanted to get you something when I got back. Mayor Mignone stated that Mr. Sarlo was tasked with drafting an ordinance on behalf of the council and we will begin the discussion on it now. Obviously because of the timing of this everybody is suspicious or concerned why do we look like we are doing this and it really was a confluence of two events, Bobbi's unexpected retirement and as you hear it we are nearing completion for breaking ground with our community center. He is hoping it will be habitable by 2019 but we certainly have to get programming in place through the course of 2018. Under the current borough ordinance his question to Mr. Sarlo several weeks ago, but stepping back the State statute that allows towns to create commissions is very specific in terms of how you create a commission, who is on a commission, how you appoint the commission, what powers do they have. One of the powers is essentially you interrupt as being absolute, it says the Board of Recreation Commissioners shall have full control over lands, playgrounds, and recreation places acquired or leased under sections 40-12:1 to 40:12-9 you may adopt

rules and regulations, you may appoint the Director, you may suggest or recommend new officers or employees for that department. The other thing which he doesn't know if he would be in favor which he read in the State statute which isn't in our ordinance the custodians, supervisors and assistants appointed by the board while on duty and for the purpose of preserving order and the observance of the rules, regulations and bylaws of the board, have all the power and authority of the police officers of the respective municipalities in which they are severally appointed. They have absolute power and the issue becomes where is the generic term recreation going in the borough. He said the last time, if people don't want to believe him you will have to make up your minds that he said Bobbi is a fantastic job for 24 years and this wouldn't be under consideration if she were still here. He thinks the commission has done a fantastic job too, they have done everything they were asked to in terms of putting on programs and all the time they do put in. It's not about individuals, it's not about a title, it's not about "a commissioner", it's a testament to Bobbi because trying to figure out all her duties was not simply and the duties of the director are not specified in the ordinance, either in the State statute or our own. To him it's more of a question of process versus individuals and his feeling originally is that the definition of recreation will be expanded tremendously. Recreation will not just be sports and some of the events we have now, it will expand into the programming of the community center which can be any kind of you name it, it can be there, art, music, movies, lectures, classes, sports clinic, the list is endless. Ultimately the direction and the accountability for constructing and operating this building he feels should be under the general direction of Mayor and Council through a recreation director who will be appointed as a bona-fide department head, there is no statute or we have no ordinance that creates a department of recreation. This will create it as its own department, it will be under the offices of the Office of the Borough Administrator which it's commonly construct. The new committee would have many of the same powers, responsibilities, and duties that it has now, except you would not have absolute control. Absolute control has led to some issues he believes over the years, he thinks there has been some things that were handled a certain way for so long no one remembers how and why we do the things we do. For instance, the relationship between the commission and the CAC can be very murky at times, where sometimes it looks like the CAC is taking the lead on things and other times it looks like the commission is doing the same. The CAC is set-up through by-laws, but the by-laws, putting it mildly, are not in compliance with the Open Public Meetings Act or the Open Public Records Act or even standard practices if the other two don't apply. The composition of the CAC is the councilmember, or youth sports organizations, and representatives of the commission who shall service as non-voting liaison. The director is not part of the CAC and he isn't say she shouldn't be or she didn't have a right to be there, but by the by-laws she is not an appointed member of the CAC. The Board of Trustees are made up of every league, and again in concept he thinks this works generally well, you do want to have your input obviously into some of the issues you do have to address. But the powers, they have the authority to enforce the rules regulating the use of recreation facilities, they ensure scheduling set by the commissions adhere to, and they make recommendations to the commission as to said usage. They may impose sanctions on any member including suspension, revocation of a member's right to use the facilities. He thinks that a lot of authority for a group that is neither appointed or elected where in theory he isn't saying in practice, if Regal has some sort of violation CAC has the power to say they can't use any River Edge fields, that is what this says. Mayor Mignone continued reading the by-laws by saying the CAC may call special meetings for any purpose, and the meeting may be held upon two days' notice if given by telephone or by person, or upon ten days' notice if given by mail. The notice specify the time, place, and date of the meeting, however, the notice of meeting need not

be given to any Trustee, who signs a waiver of notice whether before the meeting or after the meeting who attends the meeting without protesting the lack of notice prior to the conclusion of the meeting. Neither the business transacted nor the purpose of any regular meeting of the Board need be specified in the notice or waiver of notice of such meeting.

Action without meeting: the Board of Trustees may act without a meeting if prior or subsequent to the action each Trustee consents to such action in writing. Mayor Mignone said those really aren't rules and again it's the authority given as to what the statute or what our ordinances say. He felt there should have been some clarification because, again people will take this personally and it's not meant to be this way, when you have a commission member who is also on the CAC there can be some divergent interest to say you are advocating for your particular league or may be the Recreation Commission wants to take a different approach. We saw this go on with the AED issue, he knows and remember and would recognize that it did take some time because of the legal standing was kind of fuzzy. If you go through the minutes and look at the reports it was the commission actually saying to the members of the CAC if you will do this we will go along or if you don't want to do this then we won't. Essentially that was the way it went. He thinks there has been issues with the borough not having, he should say the commission not really having that direct line of communication nor opportunity to interact either with the Borough Attorney, Borough Administrator, or the Borough Engineer for that matter. We have had several construction projects since he has been here where the scope has been dubious, the money has been allocated but not sufficient and we wind up spending a lot more money or there were major "unforeseen conditions" that vastly affected the price of our project, most notably the lights at KBG. Where it started out at \$245,000 and after they realized the soils by the river would be soft and wet they sent proposals to modify the foundation design at a cost of \$250,000-\$260,000 almost doubling the project. When he asked if they did it an alternative analysis he was told basically that was the recommendation they came up with and there are no alternatives. He knew that wasn't the case and at his prodding and Councilman Acquafredda's prodding the consultant finally got his own engineer and miraculously that \$260,000 came to \$60,000. How that happened he doesn't know but had it not been for the oversight of Mayor and Council it is likely that we would have paid much for that project then we need to do. We saw the something with the Bogert Rd Park, many times members of the commission has said publicly it is the orphan park, no one wants to take responsibility for it, and nobody wants to really control it. Rec said they would give it to Beautification, Shade Tree said they didn't want it, Rec said they didn't want it, but under the ordinance and the State statute the commission has no choice, it's under their control. In fact, they should have formally given approval to actually put the tree farm in. On that one if we remember the Phase I project was proposed and we were told it would cost \$90,000, we had \$104,000 in Bergen County Open Space funds and when bids came in, they were \$200,000, and obviously we rejected the first bid. The consultant recommended that we wait until the winter when contractors were less busy, contrary to that advice presumably with the commission's approval we rebid it right away. They modified the scope in the hope it would come in under cost, and it did. What did they take out removal of the fence, removal of the asphalt, landscaping and then afterwards they tried to reinstate some of those things by change orders when they didn't award it in the first place. So it's a matter of process and he sees this new committee being more of a model like what we have with the Library Board, we have the same Rec Commissioners who are on there representing whatever interests, skills, and talents that they bring. We should also include the Library Director, probably somebody from the schools, somebody representing the Senior Citizen community because they all have interests in programming at the community center. That is really it in a nutshell. If there was a way

to modify the language of the existing ordinance to release some of that authority we certainly would consider it. Mr. Sarlo says we cannot, if you are a commission those are your powers and we cannot take them away, we can't modify them. The choices are remain status quo or let's try this new model and see how it works. He doesn't understand and maybe he is sure some of the members will give some of their opinions and he thinks this is a greater opportunity for them because it is going to open up some many more avenues to different kinds of events and certainly we want those voices and expertise part of that discussion. Some of the powers that would be retained by the committee, they would still have soul control over the trust fund, soul control over the allocations for Open Space, soul control over what they prioritize in terms of grant applications. There are some other clauses that Mr. Sarlo put in where the Director can't act without the advice and consent of the committee, so there is a little bit of a check and balance there also. Mayor Mignone thinks it's a great opportunity and also it's something that is not intended for people to feel like they are being slightly because it's not. It says in the statute that all nine commissioners have the right to be appointed to the board if they so wish. That is it in a nutshell. Councilwoman Davis said maybe she is being native but to her the whole thing has come up because of the community center and Bobbi resigning. She thinks that the community center would bring a great deal of liability to the commission and she for one would be happy to not have that liability. She doesn't understand why, and she said this to Councilman Papaleo and the Mayor, she does not understand as to what the issue is as to why the commissioners would not want to be on the committee doing almost the same thing if they have the passion for that. She would not want to ever be on a committee just because of a change to its name. She thinks she would feel better not having that liability, this is a huge thing that we are taking on with this community center and it's going to have a lot of facets that have to be... Mayor Mignone said that along the same lines he knows that Bobbi embraced the role and enjoyed a lot of it, but she isn't intended to be construction project manager either and dealing with consultants and having to worry about punch lists and thing like that. He would think that was something the Director would not want to do and not worry about maintenance of a big building and thing like that but at the end of the day that's what the ordinance dictates and what we would need to comply with. It is interesting because he read through a lot of ordinance himself, about 50 of them throughout the county, and they were quasi alphabetical and he did try and get a cross section of different places. Out of 40 there were different versions of they considered a commission, none of which are apparently legal. We have one town that creates the commission in accords with N.J.S.A. 40:12-1, that's the statute but what it does is remove the power in the clause that talks about having control over the lands. By laws and statute the commission would still have that authority and asked Mr. Sarlo to confirm, which he did. There is another one where they say the board shall have full control but the Mayor and Council lists what they can have control over, again not really in accordance with the statute. There is another that decides that anywhere there is a "shall" they replaced it with "may", where the board may control all parks. These are called commissions, some did cite the statute, some did not but used the language of the statute, and there were only two that actually cites and codifies the statute as it's written. What is the creation of a commission is discretionary, the Mayor in his/her discretion shall appoint the members and the alternate members of the Board of Recreation Commissioners, there is neither here nor there, that is an operational issue again. But again the ordinance and statue are what they are, the legislator has had ample time to modify the language if they had wanted and there have been modifications as recently as 2011 and they didn't change any of those major clauses and conversely on the borough's end our original ordinance said that the commission may select the director but the Mayor

and Council enacted a standalone ordinance to make sure the commission had that authorize solely and we would not take that away. Again he thinks being the body with the ultimate responsibility the Mayor and Council should have the major role in identifying and appointing the Recreation Director. There are vastly more towns that so much of the model that is being proposed here, a lot of them do throw in terms either like "cultural or arts" or expanding what the definition is. When people think recreation they thinks sports and they should. Most people who partake of these programs are the kids and they are sports activities. This isn't inconsistent or out-of-line, but he thinks we have to make sure that it is going to be expanded and that all different kinds of stakeholders will have their seat at the table. The way it is proposed is the only way we can do consistent with the statute. Councilman Papaleo said it was his that there is no requirement by law that the community center be placed under the rec's control. Mr. Sarlo agreed that statement. Councilman Papaleo continued by saying that the argument, in his way of seeing it, we need to do this so quickly, so immediately is because of rec. center doesn't seem to hold water for him. It is not required by law that we put the community center under rec. The community center he thinks is a great plan and Councilman Acquafredda, the Mayor, and Councilman Bartelloni along with the architects and engineer have done a great job with that. We still have to find some additional funding for it and hopefully there is more than enough a good chance we will be able to break ground in the spring or early summer, but it's not going to be open, at least until he sees 9-12 months and he doesn't see that there is an urgency in regard to the community center. He, as the general policy, he doesn't think as the council should assume more and more power. He thinks it much better to maintain the commission, he thinks empowering the members of the commission, especially since they are appointed by this body, specifically the Mayor, he thinks there is a limited term, and they have done a phenomenal job. No one has come to this council and said "oh my God the Rec. is doing a terrible job. In face he see the exact opposite, he hears over and over through residents that they think Rec. is doing a great job. He doesn't think there has been a case made that the Rec. is incompetent because they are not or ineffective because they are not, he thinks the exact opposite is true, they are effective and competent and he doesn't see the justification for, and he thinks there should be, to take an action as significant as this and he thinks there needs to be a need meaningful and strong justification. He would be opposed to it. In addition to this he thinks that with the replacement it is his understanding that the commission is open to working with the council, even though they would make the appointment he believes the council would have to ratify it, asking Mr. Sarlo. Mr. Sarlo stated that currently it their appointment. Councilman Papaleo asked if the council ratified it, Mr. Sarlo replied just salary. Councilman Papaleo said it was a stand-alone ordinance that we created. Mr. Sarlo replied it's by State statute. Councilman Papaleo said it's by State statue so we cannot do that. But it was his understanding that they are willing to work with the council on that and if they were to choose an improper or an ineffective or inappropriate we could at that time decommission. So again he doesn't see the need for this ordinance. His final point is that he hasn't even read it and it's already up for a first reading. He got it tonight as he walked in. Whatever reason that occurred and actually he would like to make a point, whatever it is he doesn't think they vote on something that council has not yet time to examine. He doesn't think they say "oh well we'll do it now and then we can debate for the next meeting", that isn't the way it goes. His 5<sup>th</sup> point is that the commission as well as the residents should have some say before we have our first reading. He thinks we have an obligation, a duty to allow the public to weigh in on such a significate change and the organization of our recreation dept/commission/committee. He also thinks we should hear well from the commission and then we should think on that. So he thinks

this is ill-advised at this time and he guesses the only reason he could only vote no if he was inclined to vote yes because he doesn't know what's in it and he doesn't know if anyone on the council has had the time to anything more than a cursory reading of it. He doesn't think that is how local government should work. Mayor Mignone thank Councilman Papaleo and followed by saying he didn't want to get into an argument with him but his attitude was very different when there was a different person sitting in the Mayor's chair, 7-Eleven and other issues come to mind when ordinances showed up the night of the meeting already on for adoption or for first reading. Let's not go there. Councilman Papaleo replied that he didn't think that was a few argument and the Mayor was saying we should basically do it because...Mayor Mignone stated no what he was saying is that a majority of this council authorized...Councilman Papaleo asked if the Mayor agreed with that proceed when it occurred, Mayor Mignone replied no he didn't not but...Councilman Papaleo asked why would agree with it when it occurs here. Mayor Mignone stated Councilman Papaleo's argument isn't even done properly. Councilman Papaleo apologized. Mayor Mignone stated we came to the work session and the Mayor said we should have an ordinance, let's have an ordinance, there was one ready, and we were voted to introduce it. This happened several times and (inaudible) but there were a number of issues. But anyway it's neither here nor there. He went to the merits of Councilman Papaleo's argument, under Councilman Papaleo's believes the council shouldn't have any jurisdiction or oversight for major infrastructure projects. Councilman Papaleo stated he never said that and it was implied either. Mayor Mignone said that was the power of the commission, so by saying you want them to stay that way...Councilman Papaleo asked what infrastructure project the Mayor was referring to. Mayor Mignone said he was talking about the park improvements, tennis courts...Councilman Papaleo interjected that had been going on for the past 24 years and the council has been happy with it and so has the residents of River Edge. He felt that the Mayor was making a rather extreme argument about something where you have been on this council for over ten years and he knows the Mayor had some issues which commends him for always standing up for his issues. He knows with Cherry Blossom he knows what they are but in general he thinks the commission has done a phenomenal job. Mayor Mignone say so in that model we would have two department heads, somebody who would control rec. programs and somebody else who would do the community center. To say that the recreation commissions don't program community centers is a misstatement. Almost every rec. center, at least the ones in Bergen County are under the direct supervision and part of the rec. dept. We don't even have a rec. dept. right now. From the first day we came up with this project we always thought that the nice new office would be Bobbi's, which was the way it was always envisioned. That would be the center of rec. for the town, she was going to be there because rec. would in charge of overall programming and administering the center. The commissioners are appointed and again he isn't taking issue with anybody. He never said that they were not effective, he did not say they were not competent, he is talking about we need to change the process. The way the process works in terms of ordinances is we always list things for a first reading and then you have time to review the proposed ordinance, and then there is a public hearing. The public hearing gives people ample opportunity to weigh in and make comments. Again if you want to say we shouldn't be taking power, it's not about power, it's about responsibility, accountability, and the Mayor and Council should have it. Mayor Mignone thinks that the rec. folks should focus on what they do best and that is come up with rec. programs and (inaudible) programs and handle that. He thinks it's an issue of semantics calling something which shall have almost the same scope of authority it has now but they are called a committee. He gets the sense that there is something like demeaning or demoting or something because it's not a commission. We have an

Environmental Commission where they didn't have quorum for a year. If we go by your model maybe Beautification should not be a committee, maybe they should be a commission and more people would want to work on it. Let's just act on the merits, it's not a radical idea, it's not an uncommon idea, it is a very common construct in local government. Councilwoman Busted wanted to set the record straight and if she is incorrect someone else correct her but the Mayor's statement that this body always talked about rec. running the community center she doesn't think we all agreed to that. That may have been in concept but she just wants to be on the record that was not an understanding that this body was behind until this time we see this. She say that the Mayor isn't trying to slight any commissioners however you're discuss here as the liaison having worked with this commissioners for two years she offended by the way he spoke about the work they have done and she know that he thinks that they have done a wonderful job but you criticizing a great deal of their effects and she thinks that was...Mayor Mignone stated he doesn't think he was and don't lobe generality at him, tell him specifically what she did not like. If it has to do with the construction project he stands behind that, he said that publicly many times. Councilwoman Busted said there were several things that he said that were not constructive and she thought were belittling and she just needs to say that. Mayor Mignone stated that if that was the interpretation he apologizes...Councilwoman Busted said what she would like to bring to this governing body's attention is that we are seeing this ordinance for the first time and she opened it up at 5°clock this afternoon. When she went to report to the commission two weeks ago at their meeting she reported that a legal assignment had been given to Mr. Sarlo by the council to draft an ordinance to decommission the commission and create a committee. Not 12 page of information that she was unaware of and if she had been able to report to the commission and had a better dialog with them we could have talked about a lot of these things and possibly gotten more information from them. She felt that, Mr. Mayor, out of respect for them he and the sub-committee should have gone to them well before we gotten to this point to bring this to them. We gave the sub-committee, this governing plenty of time and opportunity, willingly to come up with a plan for this community center. Now the commission and us were given maybe an hour to comment on this ordinance. She also believes that the commission is a reasonable group of people that are residents who are willing to work with this Mayor and Council and if this Mayor and Council was not happy or didn't feel they doing what we or everybody wanted them to do the responsibility is on us to make sure we communicate that to them. So given the opportunity and given that type of working relationship she is confident the commission will deal what this Mayor and Council wants and she thinks they have been incredibility responsive to the needs and wants of the recreation needs of this community. For that reason and to echo many of what Councilman Papaleo's comments were she is not prepared to move this forward. Mayor Mignone stated there is a little dichotomy or contrast here about what you are suggesting that we should have brought the rec. commission in earlier but Councilman Papaleo said the rec. commission should have no involvement at all, so you need to decide what model you want. Councilman Papaleo asked no involvement in what, the Mayor replied the community center, they should operate separately. Councilwoman Busted said they should have been brought in long before when the whole community center project was being scoped out and the sub-committee was meeting and we were talking about programming space, the rec. commission should have been part of that conversation nearly on. Mayor Mignone stated that they were surveyed and the former Mayor had done all that pre-work. Councilwoman Busted stated she didn't want to talk about what the former Mayor did, we are here now. Mayor Mignone stated that was when the process started, when we took it over we did not reinvent the wheel, we proceeded from where we were. The

previous Mayor had his meetings and his survey all on his own. Councilwoman Busted asked if Mayor Mignone was happy to just move that forward and use that. Mayor Mignone replied we were going to use that anyway and there was no reason to dispute what the former Mayor said. He told us the groups and Councilman Acquafredda was there, when it was just the three of us, and that was the scope of it. Councilwoman Busted said we are all going to have a difference of opinion. Mayor Mignone said that he respects that but he doesn't appreciate it being said that he is trying to belittle anybody and if he did that it's unintentional and he doesn't know what he said. If somebody wants to tell him, fine he will apologize directly for it. That is not what he said, he was talking about construction projects, he is talking about no clear lines of authority with regards to maintaining and operating or even improvements. Councilwoman Busted felt Mayor Mignone had a lot to say about the relationship with the CAC and those things and she took it in a negative way, perhaps she was the only who took it in a negative way and if it was it was her feeling and her opinion and she isn't going to put that on anyone else. Mayor Mignone stated again he wasn't criticizing the CAC, the ordinance allows for it. The difference is you have by-laws which are laughable literally. That is what he was referring to and he didn't say anything about the CAC. He did say there was mixed jurisdiction and mix priorities back and forth and he thinks that became they had a very (inaudible), there is nothing wrong with that. But the point is that if you have a commissioner who is also a representative of the CAC, he isn't saying somebody wouldn't be fair and partial, but you are looking at sometimes some issues two different ways and there is no doubt about it. That is what he is talking about and he keeps coming back to it, it a matter of process and a matter of procedure and a matter of authority. Mayor Mignone said that they and there is no way to modify the existing ordinance to meet the objectives that he thinks we need to make. Councilwoman Busted said that we do disagree on that. Councilman Chinigo said he would be brief and he echoes what Councilman Papaleo and Councilwoman Busted said. He thinks it's a bad idea, it feels rushed and he would much rather have an opportunity to hear from the commission fully after he has had an opportunity to really digest this new statute. He read through it cursory overview and he would like more time to think about everything and sees no reason why we are rushing through this right now. He understands that we are coming up with the new community center but again he is in concurrent with Councilman Papaleo that center may not necessarily need to be run by and under the auspicious of Recreation. Again if that is ultimately how we choose, we should have a greater conversation about this and what is going to change the way that this town and its rec. program are run in the future. He thinks the commission up today has done a fabulous job and he thinks overwhelmingly the people in this town are behind this commission and this Mayor and Council should be as well. We should go back to the drawing board and rethink what we are doing here before we take action that will alienate some very important people in this community who give of themselves. Mr. Sarlo wanted to clarify the ordinance by saying there are two parts to it and that is how you have to approach it. The first part is are you willing to abolish the commission and establish the rec. dept. and the advisory committee. As you say Councilman he was tasked with preparing the ordinance to abolish it and creating it, that was it. There really was no other specifics. The second part is for him as an attorney, is let me get you something as in depth as he possible can so you can chew it up, make changes to it. He agrees you don't get to part two, you don't have the ability, and part two is establishing the advisory committee and their roles and responsibilities. You don't get through that unless you get through part one. By saying we don't have enough time or anyone saying you don't have enough time to, he 100% agrees with everyone. You don't have the time to go through the in-depth thing that I gave you regarding the actual committee. But he wanted to get this to you to foster this

conversation, in his time here and he has seen it, drag over a lengthy meetings and sometimes we see it in the litigation going on now our procedural aspects have fallen off. He wants to keep it moving forward and that is the reason why it is a very in-depth thing. The first part is, you get part two talking about it unless you are willing to move forward on part one. Councilman Papaleo said it isn't written as two ordinances it is written as one. Mr. Sarlo replied you have to read it as one ordinance, but what he is saying is to get to part two and the in-depths of it, we don't get to that part until unless the Mayor and Council is willing to move forward with that. The nuts and bolts he doesn't want to say are irrelevant but minutia of the ordinance, the overall of the ordinance is are you willing to change the organization, change the structure of it. If you are willing to do that then we can get into the minutia, what he is trying to get at is he doesn't want to get into a discussion of the minutia of it if the Mayor and Council is not willing to move forward. That is what he is just trying to get at. Councilman Papaleo said is the way the law works if we move it today and then there is discussion of minutia then the next discussion of minutia would be the day we would be having a second reading and approving it. Which means if there was things we needed to change we would then have to table it anyway and have it rewritten and then it would have to come back. Or is he mistaken. Mr. Sarlo stated he was suggesting whether you move it or that is the preference of the Mayor and Council, you can always list it a first ordinance the substance of this is abolishing the rec. commission and creating an advisory committee. If at the second ordinance you wish to change some of details of it you certainly can and adopt it at that time because that's not going to be substantial changes. If you decide to go from 9 to 7 or from one to two years the substance of it is changing the structure. That is just what he is trying to get at. That is your overall discussion tonight and whether you want to have a second discussion before that's your preference. He just wanted to break it into two, you don't get to part two unless get to part one. Councilman Papaleo wanted to know if any changes to part two wouldn't sufficiently change to ordinance in your opinion. Mr. Sarlo replied it may but we are not there yet. Mayor Mignone said if so he suggested waiting to get to that part. Mayor Mignone wanted to follow up on a few things such as we have a work session prior to the next meeting so if anything came up and warranted a retooling or whatever we certainly will not be able to hold a public hearing that night. There is a matter of time, in seven weeks Bobbi is leaving and retiring. We need to have a direction on the type and skills and experience the next Director is going to have. They are one in the same so either if we don't find someone who has community center and a rec background then who do you go with. You get somebody who is purely rec and he is sure whoever can do rec is perfectly competent to program thinks like a community center but the Borough should have a person who has the greatest skill set in both those things. He doesn't think we are trying to split thing in half here. There is a fundamental direction the council has to decide about the community center, is it going to be under rec in any form or is it completely separate. He disagreed with that it's not included because it talks about physical facilities indoor and outdoor gyms and things of that like so he doesn't see much of a difference between a community center that may hold a place where you practice golf swings or something, why that wouldn't be considered a recreation facility at some point. Councilman Chinigo said that we could exempt directly couldn't we. Councilman Acquafredda replied no, and Councilman Chinigo asked why not. Councilman Bartelloni asked him if not under rec, then who is it under he guesses that is the next logical question. Councilman Chinigo said we need to create a new community center dept., a cultural and community center dept. that will be in charge. He just wanted to say this and point it out that Bobbi has done an amazing job over these past years and for all those years. He thinks that we will be going to replace Bobbi and possibly the rec. commission with one person to do that entire job, he doesn't see that

being tenable. He thinks there are issues that need to be really flushed out and he doesn't know if they really had the discussions on them that we need to do which shy he is saying that it feels rushed. Although he understands there is some urgency and he isn't disputing that he just doesn't know if there is such a sense of urgency that we have to do it by January 1<sup>st</sup>. He doesn't know what we lose if we take an extra month or two to really flush these issues out. Mayor Mignone said that no one is going to be hired that is the issue right now. Who has the authority, right now the commission does. Councilman Chinigo said God forbid something happened to Bobbi tonight what would happen. Councilman Papaleo mentioned something about shared services. Councilman Chinigo stated again if something happened to Bobbi tonight on the way home after this meeting we should be in the same situation, so if something had to happen maybe we would something short term to bridge the gap while we flushed these issues out. Mayor Mignone said that again there seems to be a fundamental position several of you are taking that does not want to link the community center to rec. If that is your decision the point is mute because what do you see as negative coming from a commission to a committee where all the aspects of how the leagues operate, how all the rec. programs operate, and how all the events operate right now. All the policy procedures they can implement, they have the same level of authority that they have today. They are losing or we are retaking certain authorities which would be hiring the director and the overall responsibility of improvements in terms of construction on the parks. That is really the crux of the difference between the commission and a committee. Again you have to make this decision in how you think this goes and he would never be in support of creating a rec. dept. and then a community center dept. and having two department heads or having multiple people. We know that this facility will require us to hire people, no doubt about it and again we need to have at least conceptual how this will be organized. Rec. is not even a dept. right now so again he doesn't see the negatives in terms of what we are asking for the council to have responsibility and accountability for. Councilman Davis just wanted to go on record that she resents the fact that Councilman Papaleo and Councilwoman Busted have made this personal. This has nothing to do with Bobbi or the members of the commission. She is personal friends with several of them and they have done a wonderful job and now it's getting as though if you happen to think it should be separated you are against the people and the job that they have done. She wants to go on the record saying that is not true and they have done a wonderful job and she thought naively that they would move to the committee end and continue to do that job. Councilman Papaleo replied to Councilwoman Davis by say he didn't say that. He did not do that, he said they did a great job and didn't way that the Mayor in cued their reputation at all. He made an argument based on that there was no at this time meaningful reason to remove them if they had been incompetent or this or that, then to change them absolutely. That is the argument he made, he did not make it. He disagrees with Councilwoman Davis and by saying you just made it personal with me. Mayor Mignone said but you just said that Councilman Papaleo. You said that if it were a question of competence no one is saying it is a matter of competence. Councilwoman Davis said exactly and he just said it again, Mayor Mignone also said it was being said again. Councilman Papaleo stated he was saying justification in his mind of making an action of this significates would have to follow a criteria that they were incompetent someway. Councilwoman Davis said that was his interpretation, to which other members agreed. Councilman Papaleo said that was what he said. This is how he would see it if he was going to vote for it. Mayor Mignone said again he wasn't hearing the major changes we are talking about how those are negative. Councilman Papaleo said that the Mayor keeps saying it only does a very little, he hasn't even read it and he doesn't know. He said the Mayor may be right and asked him if in the past had he not convince him to

change his position and his vote. Councilman Papaleo said the Mayor has and has not sometimes convince the Mayor, to which the Mayor replied yes and he said that publicly. He understand what Mr. Sarlo is saying that these are not, he believes they probably will not be substantial changes but he thinks especially since we just added a meeting in November that it can't hurt to just wait, listen to the commission, listen to the public and then make some decisions. He isn't asking for a lot, he isn't saying January, he is simply saying he thinks this is an ill-considered idea for tonight. That is what he is saying. Mayor Mignone said that he heard arguments that it's no good for tonight, he's heard arguments that it's not good...Councilman Papaleo said in general he was heard saying privately and publicly that the doesn't see justification with this, but if you want to convince him otherwise why not have the debate. Mayor Mignone said he gave most of the merit and technical base points that he laid out, he must have mentioned 20 different reasons why he thinks this would be a benefit and if that's not enough to convince you that's your prerogative. But again he does not like making it personal and there are people on that commission that he considers friends. She has reappointed everybody whose come up for reappointment. He never asked to replace anybody and he had no desire to replace anybody, to make it personal is unfair. If it's particularly against him personally he would find that upsetting because that is not how he operates and he has been doing everything he could from this chair to work with the council collectively, to work with all the borough groups collectively, and not try and make this partisan. How something like this becomes a partisan issue is beyond him because it is not...Councilman Acquafredda said that he recognizes not to concentrate on the individuals but on the whole, which is the point that Councilman Papaleo and Councilwoman Busted are missing. We haven't criticized anybody here the only first name he has heard was Bobbi McDonald because of her service to this community. You guys over and over choose to mix and match to your likings. We are not ready to send them off to gallows quite the contrary this is our opportunity to streamline the entire process, this is our opportunity to make right of the ordinance that started in 1972 under the wrong auspicious. Yes the community center guess who it belongs to, the rec. commission. The community center is a rec. committee function, it has to be almost by definition and who runs it, are we going to hire someone else to run a little 5,000 sq. ft. community center. The point he is trying to make is simple we are looking at the trees and missing the forest here. We are not doing this to screw anybody least of all ourselves, they are ones who put us here and we are ones who put them there. What are we arguing about, political non-political, come on do me a favor let's do something right for River Edge, lets continue to do something right for River Edge. That's all he is going to say, so yeah he wholeheartedly support this motion and he wishes we would have done it 2-3 months ago when it first came to mind. That's all, he's done, thank you. Councilman Chinigo asked what was the practical effect of the wrongly worded ordinance that the Mayor cited to early. Is there any practical effect. Mayor Mignone replied essentially the power is still vested in the body whether it says it in our ordinance or not and our ordinance says it so there is a difference there. Mayor Mignone asked if any of the council has read the existing rec. commission ordinance. Councilman Chinigo stated that he read it and has only looked through the new ordinance but hasn't given it its proper time which is why he doesn't want to vote on it tonight. He also wanted to hear from the rec. commission before any vote is rendered. But what he is asking is he guesses, the Mayor was citing a number of ordinances that were wrongly worded when looked at the statute and he is wondering what the practical effect of that because the Mayor spent some time on it and he was just wondering what consideration he needs to give to that part of your argument in deciding this ultimate issue, why it's important, he isn't seeing it. Mayor Mignone stated that what he is saying is even though the council

may think they took authority away from a commission they really can't, so they will always have the authority. So when there's been suggestions here that we can modify the ordinance in certain ways his point is we can't. Councilman Chinigo said our ordinance in the way it stands isn't in league with statute, isn't perfectly in league right. Isn't that what you said earlier or did I miss it. Mr. Sarlo replied it could be cleaned up a little bit, it was drafted though in 1972 but when you create the commission you ordinance should mirror the statute, and the powers should mirror the statute. You can not put in your ordinance less powers than the statute provides. If that is the case his opinion would be they would still have the powers that revert to them or that which is vested to them in the State statute. You can by ordinance give them additional powers if the State statute says they need to do A, B, and C and they can not do A, B, and C, like go out and buy land and bond for, that a government function. But if you wish to give them an additional power that the State doesn't, you certainly can do that. Councilman Chinigo thinks he got part of the answer. Mayor Mignone asked if the council had any further comments, all replied no expect Councilwoman Busted. She wanted to add that we are facing Bobbi leaving the borough in a few short weeks but she doesn't want the impression to be out there that there haven't been conversations in the Personnel Sub-Committee about how to deal with that in a short term basis. She doesn't want to people to think that they have not been thinking about that and suggest that we have to move this now because we are going to be left with a gaping hole because we have discussed continuity measures in the event that we are not prepared to replace, to hire a new full time director. She just wants that one the record so that people are clear that we recognize that we are going to have a large void but we are making sure there will be continuity in programming. Mayor Mignone mentioned that it did affect the type of candidates who may be interested in coming here or the kind of job description we are going to prepare. That's why it's a fundamental choice, is the rec. dept. going to create one to oversee the community center, as we have been saying back and forth, or not. If it is you need to do so under auspicious of the way it has been described, if not we keep the status-quo. That is way it isn't being rushed, it is timely and because right now we are in limbo because Personnel Sub-committee can not make any forward motion and the commission can call for an emergency meeting to do something. At this point nothing gets done. Councilman Bartelloni asked if the commission has done in terms of looking to replace Bobbi, as the ordinance stands it's under their jurisdiction. Have they done anything, have they engaged any headhunter, or moved the process along on their own. Councilwoman Busted replied that they have known about this for about a week now that we are having this conversation about the forming of this. Councilman Bartelloni stated Bobbi gave notice around River Edge Day so he was just curious if they have done anything , it's not a criticism he is just simply asking if they have been moving the process forward on their own. Councilwoman Busted said that she wasn't going to speak for them, they are here. Councilman Chinigo said that he wasn't going to answer but he would say this if Councilwoman Busted didn't mind, how are they really going to do that if they don't know the scope of the work which is goes to your argument as well and he understands that. Mayor Mignone replied that they should be going with what the scope is now. (simultaneous talking) Councilman Bartelloni said it was not a criticism he was just trying to figure if they had done anything. Mayor Mignone asked if there was any further on this or any other new business. Seeing none he moved on.

#### **OPEN PUBLIC HEARING**

Motion by Councilwoman Busted, seconded by Councilman Bartelloni.

All in favor 6-0

Carol Rebosio, 201 Wayne Ave. – he started by saying he is currently a member of the commission and he is very proud of the work that they have done during his time on the commission over the last three years and what he witnessed as a resident the 20 years before that. One of the reasons he believes they operate so well as a commission is because there is no political bias on the commission, which is great because we are doing what we believe is in the best interest of the residents of River Edge without consideration as to how their decisions impact one political party or another. Honestly he doesn't even know who on the commission is a Democrat or Republican and frankly he doesn't care because it is totally irrelevant to how they operate and how we make decisions on the commission. Everything that he has heard from watching the video from the October 17<sup>th</sup> meeting of the Mayor and Council suggested that the reasons why the Mayor wants to change from a commission to a committee is all about political control. We see the fact that we are beholden to any political party in our decision process as a good thing but apparently that is not seen as a good thing by the Mayor and some councilmembers. Some of the suggestions as reasons to change it to a committee such as the Mayor and Council should have input as to who the new director should be or frustration with the lack of input the Mayor and Council has on certain projects in his opinion are misleading narratives. Under existing ordinance #1103 as it relates to the hiring of a new director it says the Board of Recreation Commissioners shall select and employ, subject to the advice and consent of the governing body a Recreation Director. So the Mayor and Council would not only have input but would need to consent to anyone selected and the commission would welcome and certainly request input before making any final recommendations to the Mayor and Council for final approval. With regards to the Mayor and Council having a lack of input on certain projects that's just not true as we consider all input before making any decisions particularly the input from the Mayor and Council. The real reason isn't about input it's about political control and having the ability to make decisions based on the will of 3 or 4 people aligned to a particular political party versus the will of what's in the best interest of all the residents in River Edge. We respectfully request that you leave in place the commission structure as is which has functioned very well and very successfully for over 45 years doing what's in the best interest of all the residents of River Edge and just not what is in the best interest of one political party or the other.

Mayor Mignone had a few questions for Mr. Rebosio. Mayor Mignone started by saying he doesn't have a political majority here, so to say it's political he really finds that a little insulting, particularly to the people on the commission who know him personally. Why would this come up from a political standpoint. He is an engineer by background and by training and he has said it a thousand times from this dais how he problem solves. He gathers information, analysis information, and look at alternatives. That is what he did in this case and the path he thinks we should be taking, is the way we have to go. It is not about you or any of the commissioners and he has said that time and time again, if we shouldn't have a say as to who is hiring the rec. director then who is to say we should be hiring the DPW director, who's to say why we should have a commission appoint police officers, that is a specious argument. There are very few towns have the governing body not appoint somebody. To your other point, State statute does not say by advice and consent, we added that in our ordinance. That is the only difference also. Mr. Rebosio said that the commission has never operated in a way that we are just going to do things without the input and the consent of the Mayor and Council, it's never operated that way. To try and push this ordinance through as quickly as you are proposing here he doesn't agree with either. If you look at the last sentence in the ordinance as proposed here, this ordinance shall take effect immediately upon passage. Mr. Sarlo stated that language is in every ordinance, that the standard. If it's moved and listed for a first reading tonight it gets passed, then it has to be published, you need to have a second meeting where you have a public hearing. It is then voted on and after that you have to publish it and it takes effect thereafter. The wording may say immediate there is still a publication, it's just a standard clause. Mr. Rebosio felt there wasn't sufficient time to have proper discussion and debate about it before it has even gone to a first

reading. Mayor Mignone said with all due respect sir the reason there is a time loss also this plays into the kind of person we are going to hire. If you don't want to give that point any consideration that is your prerogative, but it certainly is a valid and substantial consideration hiring a new director. If you think otherwise he appreciates that and we can disagree on that sir. But it's not political and he doesn't see why it would be political in any respect. The same people who are there now will be on the new committee, so where are the politics. He just doesn't understand the fundamental difference between a committee and a commission that upsets the commissioners. Mayor Mignone was asking truthful and honesty because he doesn't consider it anything lower or some other kind of demotion. We need to expand the scope of the rec. commission to include these other entities out of necessity. If you don't want to take his assurance that is perfectly fine. Mr. Rebosio said that the first point is he doesn't know if he agrees it necessarily has to be that the community center has to be under the recreation commission. There has been some points brought up that maybe it's separate and he heard contradictions in terms of it sounds from the Mayor's description it's an awesome major responsibility this community center. Councilman Acquafredda basically said that we are talking about a 5,000/6,500 sq. ft. building it's not that big a deal. So which is it, not a big deal or is it this awesome responsibility is so awesome that we have to change...Councilman Acquafredda stated that Mr. Rebosio was picking and choosing. He failed to recognize the impact of a 6,500 sq.ft. building will have on our community where we never had one. We are renting space from the Avodat Shalom where some of the functions for our seniors are taking place. Now you are taking the arguments and turning them fully your way without really understanding what is behind it. Mr. Rebosio said he was suggesting that it probably really is a pretty awesome responsibility to have, Councilman Acquafredda added it's a huge deal. Mr. Rebosio continued by saying consideration should be given to considering both options. Should there be somebody who is responsible for just the community center and somebody responsible for the recreation dept. He doesn't think that has been fully discussed or debated and it seems like you want to push this through to make it under one body. Maybe that is right answer, maybe it's not. From his perspective it doesn't seem like enough time and consideration has been given. Mayor Mignone said the fact of the matter is this council is not going to hire two different dept. heads. We do not have the money. We are heading into the budget with about \$500,000 over last year already and we haven't even finished. There are always going to be fiscal considerations, consolidation and rearrangement/reorganization is appropriate and again he is hearing why we shouldn't do it but he isn't hearing how it affects the operation, how it would affect the committee or commission doing the same thing except for those two things he said then you do now. Is that such an important part of a role that it should stay a commission and that is your position he could accept that. But he is saying that with all due respect the path he sees and how this has to change he thinks that is what has to be changed. We can agree to disagree and he appreciates Mr. Rebosio's comments.

Mr. Chris Lau, 407 Elm Ave. – He is here as a 50 year resident of River Edge. River Edge has been great and it's the best town he has ever been in and it's a pleasure to live here. It's been a pleasure with what they have done all along, there may have been a few faults here or there about the roads. First of all if we want to recreation the cultural center maybe that's not right. This is all on the fast track and it is very hard for him to adjust to something like that. But when he heard this, we are going to build a \$2-\$3 million cultural center or recreational center or whatever it is, he was taken aback. What is this going to do to the taxpayers, he can't afford the town now. He got thinking about it and he simmered down and he said maybe this is the opportunity because evidently you have been getting money here and there from various places and piling it up. The public doesn't know anything about this. A week ago we found out about this, who has interest in the town, he doesn't want to question everybody individually, but he wonders what is going on. If you had an interest in the town you would be out in the public

discussing it. Here is the burden of recreation you want to eliminate it tonight. We only found about a week ago. Our Borough CFO reported that he met with these different groups and no body met with recreation, our liaison came down and told us. If you have the best interest of River Edge you will this thing, it will simmer, and we'll discuss it. He talked about the apartments and something finally being done after 40 years. Being on the commission and sitting up here on the Mayor and Council for 9 years he was for the town and you have to let people know. You would be surprised to know how people go over to New Milford that a County center there. We put in Cherry Hill School, now we have to pay that. He agrees about not putting in two separate people and commends them on their thinking on this but it has to be considered. Why have two names, rec. and the cultural center. There are only 4 people in that little building. Why do you have recreation battling the cultural center. Mayor Mignone said there was no battle and no one was taking that away. Mr. Lau asking why temporarily take a person from within. Bobbi has taken everything and put it together on what is done in recreation. Why not take someone from recreation and let them run the department for a year. He felt there was an awful lot on CAC and if there wasn't some control on that you would have a donnybrook here because these people don't listen to you, they just go around you and you need rules. Mayor Mignone explained that they change rules without notifying you or even having a meeting and that is what the By-Laws say. He can't imagine that is how they operate but that is what they say, that is his point. Mr. Lau thought it should be changed and sometimes no body shows up, and no one tells you anything. We worked ten years on those lights. Thank you for listening.

Mr. Sarlo wanted to clarify that he doesn't get involved in the policy discussion, the only time he interjects is if he needs to clarify a procedural or a legal issue. So just to clarify one thing that Mr. Lau mentioned that the public does not have input on the ordinance, what happens is if the Mayor and Council decides to move this to the public for passage of a first reading under the law that is when it gets published and noticed to the public that there is going to be a second reading and then there is going to be a dedicated public hearing on the ordinance. So they don't have a public hearing before the ordinance is even moved to the public agenda.

Cindy Sherlock, 682 Bogert Rd. - She stated that she was on recreation for 20 yrs., and over 10 as chair. She just wanted to clarify what happened with Cherry Blossom Park which was purchased by Council and Recreation had nothing to do with it, and we did not want the project. In her own words, it was shoved down our throats to have to deal with. There were a lot things done behind our backs and we were handed a set of plans that we had to deal with it. After that we all know what happened. The CAC By-Laws were written by the Borough Attorney at the time and it was probably a two or three year project of us trying to put that together to be able to get the leagues to work together. Plus we were doing our maintenance fee from the leagues that they would have to do allowing each league to know where the money is, who contributed what, and then be able to work together. That was really what it started out to be. The By-Laws that were read were written by the Borough Attorney at the time. Mayor Mignone said they very well had been but again he was pointing out what they say. Also he has said this several times that he doesn't believe that is how they would act, and he knows that is how they don't act because he knows a lot of the people personally. That was his point, the larger point is, and he is guilty of it also, sometimes we don't read all the background, but when he comes to this dais he tries as hard as he can to do as much research as he can, as much thinking as he can, looking at as much materials as he can, before he formulates an opinion. That is the type of person he is, has been, and will continue to be. The comments Ms. Sherlock just made about the CAC, none of that changes under this. So in going back to where is the negative part. Ms. Sherlock stated that her issue is if it's not fixed why change it. If you are just going to add responsibility to the commission, to the director, then why are we even going through this, just under recreation just

put senior center or not. But to her she had seen it happen in Oradell where they went from a commission to a committee where Mayor and Council has taken control of that recreation. Have you seen those fields in Oradell, have you seen Hoffman Field, Grant Field. It's ridiculous the way they manage their d-pack field because the Mayor and Council took control of it. She doesn't know how that's going to be, you can sit here and say that's not the way you are going to run it but you leave and all news are here and guess what we have control of recreation. We don't like what they are doing and we are going to change it. Her feeling from being on recreation we've had projects and we have come to the council. She was on projects that we had when Mayor Watkins was here, three times we had to come back and ask for money for the Little League fields. She got to a point where we were not getting another dime, figure it out, and we had to figure it out. After that we would not come to the Mayor and Council with our plans until we had every T crossed and dot dotted. There are unexpected things and she is sure at the beginning with KBG we knew there was a soil issue with the sand being down in the water, there were going to be overruns and she doesn't know whatever happened after that. Cherry Blossom is its own little entity. But after those two projects we were right on target with everything. Mayor and Council we are very open in communicating with you and for you to come to us if you had a concern with something, the door is always open, come to a meeting. If you have a concern come to a meeting. There were Mayors before that came because they wanted clarity or they just wanted to see the commission. There is a lot of work and a lot of time that goes into recreation. She got a phone call to come here but just look at it, she thinks it would be good to have a discussion to find out what rec's concern are, what your concerns are, and what direction overall things need to go in. Her feeling looking at this right now and she hasn't spoken to anyone from recreation but to her it's going to be giving up control because the council now has an opportunity to go in and say something, because they have gone from a commission to a committee. If that is the case why is Shade Tree still a commission, why are they not a committee. She does just doesn't understand, she knows it's an opportunity as the Mayor has stated that Bobbi is leaving and she is irreplaceable and we are not going to get anyone with the senior center. The senior center realistically do we even think it's going to be 2019. Everyone on the dais replied yes. Councilman Bartelloni corrected senior center to community center for Ms. Sherlock. It can always get changed, to the Mayor's point he is right, even if you don't do it and keep everything the way it is and that does come on, you do need to look for a Director that has some type of background in that type of activity. Mayor Mignone wanted to point out that she said that if it's a committee the Mayor and Council could exert control over it but there will be a bona fide dept. head and he doesn't know how the Mayor and Council can...Ms. Sherlock asked what is a dept. head, when you say dept. head... Mayor Mignone replied someone who has the same statue and authority as the Chief of Police, or the DEP Director or the Library Director. The Rec. Director has no official standing in terms of the borough organization, it's not a dept., and there is no dept. of recreation. The Borough Administrator's office in most towns or probably all towns by definition, the Administrator is the department head except for the Chief of Police. Different Administrators may work different ways but that is generally the way that is set up. It would be no different now then if you had a very influential liaison say to DPW or someone else, he doesn't see that as..,Ms. Sherlock asked how it was set up now and asked that the Mayor explain this again now that you saying Department Head she is getting commissioners all blurred. Mayor Mignone stated that the director now is technically appointed and employed by the commission. The Mayor and Council need to appropriate whatever you tell us are salaries, that's the statue. We do give you discretionary operating funds. If it was a department, again the department head would have more independent authority even from a commission. Like you say we don't know who would be on a commission in the future, maybe there is somebody or a commissioner who may not work well. He can make counter arguments all the time and he thinks she can make the argument also while institutional knowledge is a good thing and the commissioners have long

terms for a purpose you have to look at the opposite to, you have people sat on a board for 30-40 years and everybody was, is that a positive or a negative. It all depends on what angle you are looking at it from and he isn't saying that's good or bad, but what he is saying is what he thinks that what happens is for whatever reason people feel this was directed for some personal reason it certainly isn't political it is all about what he described several times already. He appreciates your time on the commission and he knows she did spend a lot of time on it and has done very well for the town so it is appreciated. Ms. Sherlock stated that the one thing she learned over those years is just being able to communicate. As Councilwoman Davis said we are all River Edge residents and that is all we are. Not different sides and if we all can come to the table and just find a happy agreement that everybody can work with. Mayor Mignone replied that again he didn't want to get into politics and let's now talk about that park, it has been a bane of a lot of our existences. The fact that the rec. commission doesn't want it doesn't relieve you of the obligation. When recommendations were made to modify they were not taken and then we see in follow-up memos and reports how the fence is dangerous, someone is going to get hurt on this, we can't have that asphalt there, all this was in the original bid but it was deliberately removed from the bid when we rebid it. That is the kind of point he is talking about. Ms. Sherlock had a question about bids being changed and things coming out, don't you find and we have had this in projects in the past, where we have our conceptual plan of everything and as the process happens you look and go, we don't have money for so you take it out or now that we see it you think that way isn't way we want to go, we might want to take that out. Isn't that what happened, isn't that what happens in borough projects. Mayor Mignone replied that isn't really what happened because the commission was totally...Ms. Sherlock stated she doesn't know what happened, we are just...Mayor Mignone said that he is not commenting on the design per say. The commission was involved in that and his point being is that if you know you bid something and you know you don't have enough money why would you remove the safety items or things that you need should be done so you can do other things, that's fine. But then he thinks you lose your credibility when you come back six months later and say oh my God it's so dangerous over there how come we don't fix it when you had the opportunity. We know there is limited resources but when we went for the first grant it was for \$104,056.00, before that project was even bid the former Mayor asked you to submit a second proposal and you did. It was for \$200,000 and everyone on this council said there is no way we are going to be able to fund a \$200,000 project, but we did it anyway. We asked for, he forgot how much money, but we received \$50,000 and he worked with Bobbi and went to the county and used that money to go towards the lights when we were short there. Those are the practical things that are necessary that sometimes happens. What he is saying is some of those things can be done much more simply and directly. Ms. Sherlock said that she wasn't going to go into Cherry Blossom because a lot of things were done without their recognition when they were done and they had to sign-off on things. Mayor Mignone and Ms. Sherlock agreed on moving forward and not backwards, he thanked her. Councilman Papaleo wanted to say as a Democrat on the council he doesn't believe that this is a partisan activity and he doesn't believe that this was done for political reasons. He wanted to say just as before that Councilman Acquafredda was voting with this, he doesn't believe this is a politically motivated for a party purpose and he wanted to say that publicly. Mayor Mignone replied that he appreciated it and no offense was taken and we have had arguments up here and we have been able to get past them and he is sure when we down in Atlantic City we will have dinner together. Councilman Papaleo interjected they were good arguments.

Ken Schuffenhauer, 780 Millbrook Rd., - He is a member of the Men's Softball and there is a chance he may be running it in the spring. He doesn't know how all this play and at this point he isn't even sure how this should play out. What he takes issue with is the lack of transparency with the whole process. If you go online right now to the town website you bring up the agenda

for tonight's meeting, it still has whatever was put out initially, and it makes no mention of this process going on. You owe it to the town's people that put in the seats here to at least get their take on it. Maybe a committee maybe a commission, but there are a lot of people who have a vested interest, when you think of recreation it's supposed to be a feel-good and you are dictating and ultimately the town officials will have the final say, but at least bring the public into the process. Mr. Sarlo he thinks and he will paraphrase if he wants to take issue. Part two is pretty much a boiler plate ordinance that he thinks Mr. Sarlo said. To which Mr. Sarlo replied that he went through a lot of ordinances. Mr. Schuffenhauer suggested that Mr. Sarlo got the agenda off the town website also maybe that is why he wasn't prepared. Mayor Mignone said that in terms of the process sir, there was at two meetings ago Councilman Acquafredda raised the issue, at the last work session he, the Mayor raised a point and asked for a motion to have Mr. Sarlo draft an ordinance put on for first reading, the vote was 3-0. We had three people vote then to list it for tonight, it would have been on the agenda Friday but Mr. Sarlo said he didn't have the ordinance and when the Clerk asked what should we do, the Mayor we don't have it, if he sends it then you can put in on and we can discuss at the work session. Again putting it for first reading is just that, it doesn't change anything, it no force of law except to follow the procedure of how to adopt ordinances. He would call it a public notice per say that this is it and then when we schedule a public hearing you can come back, everybody can come back again and make their points. Mr. Schuffenhauer stated that he didn't know how the process goes and he was explained that by time it gets to a second reading it's pretty much a fate of compli. Mayor Mignone replied that that is just not true, there have been times when ordinances have been tabled, improperly tabled, or moved. There have been times when we amended ordinances, so it's not always, it doesn't have to be that. Mr. Sarlo wanted to add that again he only comments on policy and procedures. If the ordinance is listed for first reading it would have been listed on the public agenda, here it is still listed on the work session agenda. They are having a discussion on it before it's even listed before it's moved to work session to public, and then again public to the second reading. So if the taskers drafts an ordinance and we are going to put it on for first reading he would not (simultaneous talking), there would also be a discussion at the work session. Where usually when it is listed for first reading it automatically goes right through. So there is another layer here, again he doesn't comment on policy just procedure. Mr. Schuffenhauer thinks it's a topic that should be more known, if the borough can let him know that tomorrow is Election Day so he can get his recycling out a day early certainly something like this, yes it's a big issue. He has been to three council meetings in his life, one was to discuss the lighting of the hockey rink, one was a dirt issue with a property we got through, and he thinks the other was for a short period of time the town decided to make Bogert a one-way coming off Rt 4. He doesn't think in the case of than one where the council just said hey this is what we are going to do. He thinks it's a council when they decide to change the roads and the public was involved. When you talk to the people you find out that this is how it impacts people. Committee commission it certainly is doing to be a different impact and he thinks it will impact people and you say it's not a political issue, it's not a political now and going forward you can't tell him who the people will be up here tomorrow. He thinks once it becomes under the domain of the town council that possibility exists. Mayor Mignone said he was trying to explain how when a dept. head has a bona fide dept. they are under the auspicious of the Administrator. Council and not interfere no matter what people want to think it doesn't work that way. He thinks the director also has some leeway with regards to their job. If you a commission and the majority of them don't like the person let's say, you can have the same thing happen, so there really isn't another different in function that we are proposing except about expanding the jurisdiction to cover a wider definition of what recreation is. Whether you want to call it cultural or he doesn't care but the idea is that and he has said it before when people think recreation they think sports because that's natural. We need to get a wider array of options for people, which we have done for this community center. You need those stakeholders on a committee to have their input on those things. So it's not taking

away from recreation its adding additional layers to it and expanding its reach. We have 2,000 to 3,000 kids that participate in sports and that great. We are hoping we have 2,000 or 3,000 adults to participate in programs at the community center. It really is how you want to look at it from one side of the table you are sitting on. He is not questioning anyone's motives other there so, but if you to question motives anyone is entitled to their decision. He can only tell you how he thinks and how he feels, and he doesn't thinks that he has done anything else on the dais if you ever heard him. Councilman Papaleo and Councilman Acquafredda can probably tell you that and he lost a lot of arguments up here but he always at least tries to get his point out. If you don't agree with you don't agree with it. You hope to get somebody's thinking a little bit differently some times, but on this one to him his opinion is this is the way to go. He has said it before if you are able to change the existing ordinance to do what we want to do we would do it. It not about pulling commission away or whatever they think the repercussion is, it's that we have no other legal mechanism to organize it the way that is has been described. The opposite would be completely if they are divergent or separate bodies, different departments running rec versus cultural or rec. versus community center then you can leave things are they are. You will need a mirror apparatus of committees on up to a dept. head to implement that and he is telling you from financial stand point he can tell you right now it's not happening. We need to think long and hard about at least hiring some staff in the budget next year to fill these positions. All these years we would have loved to give Bobbi more people to work with but at least as a dept. head you will have a little bit more say when it come budget time. There are positives in that respect and you would have the rec. budget would be a dept. budget and we wouldn't have this back-and-forth about \$9,000 going to pay for field maintenance that comes out of their operating budget. That goes away under this kind of model as he has said there are pros and cons he has thought of. He thinks the objective is and what the long term plan should be is this is the best way and the interest of the town we should go. Mr. Schuffenhauer said that the Mayor had mentioned it is not feasible to have separate community center committee commission and a rec. dept. because the funding isn't there but you are already saying you will have to budget to hire people to run the community center, so there is a little bit of a disconnect from what he is hearing. Mayor Mignone said there is a different of hiring an attendant versus a dept. head and someone who will have that level of authority that they need to run something like that. They are going to be a dept. head level, we are not going to pay them \$30,000, that is what is getting at. Bobbi was always the one who was going to get the office and we thought, some of us he doesn't want to speak for everyone, that was a good thing. She is in a terrible location now, we know this. We should have been able to move her to better a long time ago. None of this was done with the intention of slighting or hurting or impugning anybody. It is a matter of process and we can achieve what he thinks the goal should be. Mr. Schuffenhauer said he knows some towns would their rec. dept. or directors are part time, if you are adding responsibility he hope you are adding a full time positon, but you are always looking to save money at any given turn when there will be salary, benefits. Mayor Mignone said yes we have a full time position and that never even entered his mind because this is an expanded role and he is thinking as a dept. head so no that is not something he would be in favor of. Mayor Mignone thank him.

Joe Zemaites, He wanted to start off with just a couple things. He know that it was addressed about what the rec. commission has done so far to look for a successor. In River Edge's ordinance about the Mayor and Council having input and it may not meet the State standard but legally he doesn't know which one we have to adhere to if we considered something more strict on the books if you could adhere to that or defaults back to the State's standard. It was mentioned that nothing would be done if Bobbi was staying but we are doing it now, why don't we just tailor our needs for a new rec. director to what you want them to do with the community center and doing all the rec. programs, if those are the qualifications you are looking for. He doesn't understand why the commission needs to be dissolved in order to have that happen. The

last point he wanted to make was about dept. heads, he know that while it's being said that Bobbi isn't a dept. head he would think that most around the town would consider her a dept. head. Mayor Mignone replied that he would say otherwise what he is saying in terms of formal position we have codified. Mr. Zemaites replied ok but he thinks she is onboard with Mr. Rebosio's statement who are against this. Traditionally this Mayor and Council has gone to their dept. heads and listened to what their opinions on things and if this is what the dept. head is saying in this case then to go against that advice based on the history with this Mayor and Council, he doesn't know, he doesn't understand it he guesses. Mayor Mignone replied that he doesn't mean it to be demeaning when he says that Bobbi isn't a "dept. head", he is referring to codify and in terms of the ordinance in the legal standing. When it is codified and you are under the Borough Administrator it's not the something as a commission as in terms of who is your direct supervisor. Bobbi may or may not go to Mr. Negreann for things and report to him. Mayor Mignone replied that Bobbi may but the person we get may not and you have to think about those things too. If Bobbi was staying we would have to figure out a way how we would incorporate a way this if this is what she wanted to do. She would have that right because she would still be here in that role. He certainly wouldn't force anything on her if she was still continuing in this and he doesn't think anybody would. But that isn't the situation we are faced with and the other point it's nice that we want to interrupt the ordinance however we want to interrupt it. Mr. Sarlo told him that if we were able to change the existing ordinance and get the same objectives we would do so but we can not. That's really the crux Mr. Zemaites. Thank you.

Motion Councilman Acquafredda, seconded by Councilman Bartelloni.  
All in favor 5-0

**MOTION TO CLOSE PUBLIC HEARING**

Motion by Councilwoman Davis, seconded by Councilwoman Busted to approve.  
All in Favor 6-0

**MOTION TO ADJOURN @ 8:35 PM**

Motion by Councilman Acquafredda, second by Councilman Chinigo  
All in favor 6-0

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Stephanie Evans. RMC  
Borough Clerk