

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

**PRESENT:**

Mayor	Edward J. Mignone
Councilman	Vito Acquafredda
Councilman	Alphonse Bartelloni
Councilman	Dario Chinigo
Councilwoman	Mary Davis
Councilman	Thomas Papaleo

**ALSO PRESENT:**

Borough Attorney	Thomas Sarlo
Borough Administrator	Alan Negreann
Borough Clerk	Stephanie Evans

**ABSENT:**

Councilwoman	Ellen Busteed
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Mayor Mignone called the meeting to order 7:10 PM by reading the Open Public Meetings Act.

**Motion to Suspend Work Session and Enter into Closed Session**

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

**CLOSED SESSION TOPIC:**

<u>DOCKET #</u>	<u>ITEM TITLE OR DESCRIPTION</u>	<u>STATUTORY REFERENCE</u>
17-2/6-1	Litigation-COAH Brian Chewcaskie, Esq Joseph Burgis, Joseph Behrens, Burgis Associates	N.J.S.A. 10:4-12(7)

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**Motion to Adjourn Closed Session and Resume the Work Session @7:27 PM**

Motion by Councilman Bartelloni, seconded by Councilman Chinigo.

**BOROUGH ADMINISTRATOR'S TOPICS**

- 2017 Budget Preparation** – Mr. Negreann reviewed various departments' budgets and operating expenses and the total Borough's appropriations, expenses and revenues, and its surplus and levy amounts. Details are available on the video.

Daragh O'Connor, Library Director presented the Library's budget and its request for 2017, which may be seen on the video.

Mr. Negreann asked that if the Mayor and Council were through with the budget discuss if they could set the next meeting date to finalize this prior to the introduction. He knows they had talked about Saturday the 18<sup>th</sup>. Mayor Mignone thought that was a good idea, to have one last look at everything before we go for introduction. Everyone was in agreement with this date. Mayor Mignone asked if anyone had any comments or questions, or make any recommendations with regards to the budget at this point? Or any lines you think we should still be looking at. Mr. Barbary, from the Citizen's Budget Committee had a comment, commendations to the Mayor and Council the average increase has been shrinking and that

has been a very pleasant surprise. Mayor Mignone said we couldn't take credit for that, it was the BCUA bill that was reduced, and that was another one that you never know from year to year what's going to happen. We go a slight benefit from it this year, but there has been years where it's been on the flip side with increases, so as low as that increase was I hope that portends in the future with them also, but that hasn't been their trend. Councilman Bartelloni stated that this wasn't a recommendation but just food for thought, that in looking at the utilities bills that maybe an area where we may be able to achieve some additional reductions in the budget. It looks we are having a mild winter, obviously we don't know what is going to happen but something to keep in mind as we go forward, just looking at the RUT also, the 3 year average on the RUT has been 99.14% . We had in the years past there was a 99% collection rate, and we used a 99% and then we dropped it down, he doesn't know if it's too aggressive using 99% for the collection rate, he doesn't know what his opinion is, but he just wanted to through it out. There is that \$35,000 on the surplus, do you use some of that, may, maybe not, just somethings to think about going towards February 18<sup>th</sup>. Councilman Papaleo stated that he was available this Saturday the 11<sup>th</sup>, but not the 18<sup>th</sup>, if that changes anything. He had a prior obligation. Councilman Bartelloni mentioned that probably wasn't enough time for the Library to come on their budget by the 11<sup>th</sup>. Mayor Mignone asked Councilman Bartelloni if he had done the 3 year difference on the RUT, he believed it would be about \$10,000. Councilman Bartelloni stated he didn't do the calculations. Mr. Negreann asked for a point of clarification because he knew there was a discussion of the 8% number, the \$3,000,000.00 surplus number but he wants everyone to understand that the fund balance policy was developed by the Mayor and Council several years ago, it was done looking at other policies nationally which were taken into consideration, but those percentage numbers are based on what the borough needs for cash flow purposes. So that \$3,000,000.00 is needed in order to meet our obligations to pay the \$35,000,000.00 to pay to the schools on a monthly basis. That number allows us to pay our vendors, pay our payroll, pay other taxes that we must collect and remit to these other institutions without having to go out and borrow on an operating day-to-day basis. All the years that he has been here we only have had to go out once on a tax anticipation note and borrow for operating purposes, we collect taxes four times a year, so it does put a strain on the cash flow, and this surplus does allow us to meet those needs without having to do borrowing on an operating basis. He just wanted to offer that so people had an understanding of where that number came from and the purpose that it serves for the borough. Councilman Bartelloni thought that maybe \$15,000 of the \$35,000, he just wanted the council to know what he was thinking.

#### **FOR DISCUSSION**

2. **Personnel Sub-Committee – Salary & Wages Review of 2017 Budget**
3. **Contracts Committee – Review of Professional Contracts & Billings**

Mr. Negreann said that after the Work Session he thought the Contracts Committee could meet, he has one issue for them to consider. He listed the Personnel in case there was something the Personnel Sub-Committee had to consider based on what the Library might offer at tonight's meeting. He didn't have anything else. If the Contracts Committee would stay after the Work Session, he has material for them to study.

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

1. **Transitional Aid Application – To Not Apply –** Mr. Negreann explained that this is part of the questions we have to answer as part of the review process for the budget and the State wants us to either commit to apply or commit to not to apply. Transitional Aid is traditionally a program for those municipalities that have had some extraordinary tax need, such as a tax bearer moves out of town or some other reason they need additional State aid. It also requires that the municipality enter into a memorandum of agreement

with the State indicating how they will not become dependent on this aid as well. It really isn't meant for municipalities such as ours, but he does have to ask the council the question as to whether an application is desired to go into the program. He did provide a memorandum in the correspondence section of the notebook on this. Again he would recommend to NOT apply.

2. Approve Request from the Recreation Commission to Place a Banner at 140 Kinderkamack Road from March 17<sup>th</sup> to April 22<sup>nd</sup> to Promote the 2017 River Edge Run.
3. Extend Current Solid Waste Contract with BCUA for an Additional Year through June 1, 2018. Mr. Negreann explained that they have gone out and extended the contract taking the rate from \$68.00 a ton to \$68.25 a ton, it is a realizable increase and he recommends we enter into the agreement
4. Enter into Agreement with Costa Engineering for the 2017 Riverside Cooperative Road Resurfacing Program – Inspection in the amount of not to exceed \$10,000.00- Mayor Mignone explained that we do our road repair bids in conjunction with Riverside Cooperative but we have our engineer inspect the local roads and make sure the limits are compiled and that the tonnage we put down is actually the tonnage we are paying for and to make sure the quality of work is acceptable to the boroughs standards and that is why we list that separately.

Motion by Councilman Papaleo, seconded by Councilman Acquafredda to place on the 2-21-17 agenda. All in favor 5-0

#### **UNFINISHED BUSINESS**

- **Grove Street** – Mayor Mignone asked the Clerk the status of Grove Street, and she replied that she believed there remained only one parking space. Mayor Mignone asked that Councilman Papaleo bring this to John Lynch the possibility of adding comfortably two spaces at the end and he knows that we had an inquiry from a resident about getting a permit. If John and Mr. Costa look to see if we could safely add a few more spaces, and if so we should consider doing that. He also thinks that for the longer term we should also get from Mr. Lynch some information on how we address that area in general, there is debris that needs to be removed, there is an issue with a retaining wall and he isn't sure if it is our issue because it's not our wall, its retaining the adjacent properties. Mayor Mignone does think it's something that we have to start looking at because if we have an issue it's going to be an emergency we are going to end up fixing it and its going to end up costing a lot of money and something happens with the wall back there.
- **Borough of River Edge Senior/Community Center** – Mayor Mignone explained that the committee was still vetting their design and trying to get a handle the expected cost. He was hoping to have the information within the next month and then they will know if they can move forward with a plan or whether they will have to revise the scope or phasing the project or looking at something else entirely.
- **Shade Tree Commission** -- Mr. Sarlo stated that he would sit down with the new liaison and the commission at their next meeting. Mayor Mignone asked if that would include discussing some of the ordinance issue he had raised tying into the sidewalk and curb ordinances, Mr. Sarlo replied yes.

#### **NEW BUSINESS**

Nothing

## FOR DISCUSSION

- 1. Extension of Eligibility for Promotion to the Police Department for the Rank of Sergeant** – Mayor Mignone and Councilwoman Davis recused themselves from this discussion. Councilman Papaleo opened it up for discussion and asked the liaison, Councilman Bartelloni to begin the discussion. Councilman Bartelloni began by saying he hoped that everyone had seen the resolution that was circulated and the list as currently for the rank of Sergeant that we presently have expires on March 16<sup>th</sup> of this year and the question before the council presently is whether or not that list be extended for an additional year or should we allow that list to lapse and then at which point if there is an issue with needing additional sergeants or hiring a new sergeant or whatever we would then have to go through the testing provisions so forth in our ordinance. So that is the question before the council right now. Councilman Papaleo said if he had any recommendations that you would like to offer or comments. Councilman Bartelloni stated that as of right now he didn't know, he would assume that when this was entered back on March 16, 2015 that additional officers had become eligible for the rank of sergeant that were not eligible at that point who currently are, so his thought would be to allow to allow the list to lapse in fairness to those officers that may not be eligible. Councilman Papaleo asked Mr. Negreann how many officers would be currently eligible, Mr. Negreann stated that the Police Chief was present and could answer the questions. Police Chief Cariddi said there was one officer present that is eligible for the testing that was not on this list was formulated, and there were two other officers that were hired that would break that five year mark allowing for eligibility effective tomorrow. Councilman Papaleo confirmed that would be three more possible candidates, Chief Cariddi replied by time the test was actually configured it (inaudible) yes. Councilman Papaleo asked the Chief what would be the cost to the borough to go through the process again, approximately. The Chief stated we run a written test through the State's Chief Association for candidates and they have a fee scale that is approximately, they break it down based on the number of total candidates, they have a range from 1 to 10. He believes last time the price was close to \$2,000 per person. Then there is also that rank requires a psychological assessment, interviews with Mayor and Council, and then there is an internal cost as well for internal assessment centers and evaluations that go for the sergeant's position, as well as the length of time it takes for the process to be considered. Chief Cariddi just wanted to add that there this concern that Councilman Bartelloni is raising is something that he has discussed with him and he does share that concern. A time when somebody does become eligible for a list, he knows when the first sergeant's list occurred after he was hired, he was a cop for about 4 ½ years at that time, so he didn't take the first test. The next test that came up was approximately 6 years after that, and he was promoted on that list. He remembers that and understands that, and the only thing he would bring up for discussion is for this specific point in time is there is an ordinance proposal pending for sergeant that is relatively imminent and by time all of the issues that are involved in passing the ordinance and going into effect and having actually promotion take place and a resolution to support that it could potentially just eclipse the termination date of the sergeant's list by a very short margin. While he wouldn't want to see the list be extended for an entire year the ordinance does provide for at least from his understanding it allows the council some latitude in determining how long a list can be extended for and up to a year, is what the wording is to his reading, and also the Council has the latitude as to how many times its extended. A side from this particular promotion that is before the council, the ordinance that was read into the last open session, he is looking ahead on the horizon and seeing the likelihood of anyone retiring and opening a vacancy within that year's period of time. He knows of no retirements that are imminent that would cause opening other than what's before the council presently. So if there were

multiple retirements on the horizon, or even likely that's a consideration in favor of prompting a new test sooner rather than later but there aren't any promotion say for the one being considered presently and we talking about a short period of time to bridge the passage of that ordinance and other issues that are dependent to that, than perhaps a shorter window of extension would be order. Councilman Papaleo asked Joseph Zemaite, PBA President to speak before the council. Officer Zemaite had a procedural question, if you make the approval on this night where would it go from there, is there an ordinance or something that happens. Councilman Papaleo thought that was a fair question and referred to Mr. Sarlo. Mr. Sarlo stated that there would be a resolution on for the next meeting, it wouldn't be done to, they would be approving to put a resolution on for the next meeting, but it still has to be adopted at the next meeting. Officer Zemaite stated he would reserve comment at this point and Councilman Papaleo wanted to ask him a direct question, if maintaining the list was just or unjust, fair or unfair. Officer Zemaite answered based on best practice, he changed that to based on the last sergeant's exam he would say no. Councilman Papaleo said addressing Officer Zemaite, maintaining the list would be unfair to some degree. Officer Zemaite agreed and said the same situation happened last time, a new officer had become eligible for the test and that was why the list died last time or was terminated and that same situation was presented when the list got extended last March. We are already in a situation where it's been extended for somebody that's eligible and like the Chief has said you have another 2 people that are eligible tomorrow and the one from last time. Mr. Sarlo explained that the list will expire prior to the adoption of the ordinance, the next meeting is the 2<sup>nd</sup> reading and then you have you publish. Councilman Bartelloni said if we did have a new sergeant they would have to be sworn in...Mr. Negreann reminded everyone that was to be a discussion about switching meetings. Mr. Sarlo said that right now as it stands the list expires before you have the ability to hire off this list, because it is a 2<sup>nd</sup> reading and you have to publish and your next meeting is right now March 20<sup>th</sup> and the list expires March 16<sup>th</sup>, you need to be aware of that. Councilman Bartelloni said that what Chief Cariddi stated is accurate in terms of extending, Mr. Sarlo said yes, if you read the ordinance, it basically says you have the right to renew the list as often as you desire for a renewal period of up to 12 months, so if you take it literally yes, you can go, you can extend it, if you read further otherwise the list will expire at the end of the initial 12 months or after one or more 12 month extension, where it will just expire, it says up giving you the authority to do that but it gets a little ambiguous when it talks about when it's going to expire, it talks about each 12 month extension. Mr. Sarlo explained to Councilman Papaleo that yes you can do it up to 12 months as it states in the ordinance up to 12 months. Councilman Papaleo asked if it was by resolution not by ordinance and Mr. Sarlo replied by resolution. Councilman Acquafredda stated that he felt a number of meetings were needed and substantial number of council will be attending, and switching with Monday and Tuesday, this becomes a pressing need and he doesn't want to make it any more than it already is, with all due respect to all the stakeholders in this. Mr. Sarlo said you have to feel is there an immediate need to fill that if you adopt that on 2<sup>nd</sup> reading, is there an immediate need to fill that sergeant's position and if there is an immediate need then obviously you have to act on it, you are just changing the Table of Organization, but if there isn't an immediate need to act upon it than you have to weigh your pros and cons of adding additional people to the pool of candidates or not. Councilman Papaleo asked if there were any further comments or concerns, and if there was any consensus. Councilman Acquafredda asked what the choices were. Councilman Bartelloni explained it was all mixed up because you had the Table of Organization being debated with the addition of another sergeant's position. The question is, as the Chief has asked this council, to amend the Table of Organization to

add an administrative sergeant's position and he has articulated what he believes is a pressing need for that position now. If you don't extend the list, but change the Table of Organization hypothetically say, but you don't extend the list you are unable to fill that position before the list expires 1- we don't have money in our budget for sergeant's testing and 2- depending on the length of time it takes that position could then go unfilled for a substantial amount of time especially since we don't have money appropriated for that testing. If it is the intention of this council to change the Table of Organization to add the administrative sergeant's position and it is the intention of the council to fill that position with the adoption of the ordinance then you may have to extend the list for a period of time to allow that ordinance to be published and for that officer to be sworn in. That is all the issues you are dealing with. Councilman Papaleo said if the 2<sup>nd</sup> reading goes well, Mr. Sarlo we had our 1<sup>st</sup> reading can the Table of Organization be modified before the 2<sup>nd</sup> reading and still have the 2<sup>nd</sup> reading. Mr. Sarlo's reply was if there is no substantial alterations than I won't have a problem with it. If it substantially alters it then you need to reintroduce. It depends on what the changes would be and what he means by that is if there is a position that is existing right now and you now removed it and you want to add it back in he doesn't find that a substantial alteration because it already exists. You want to change any other numbers, increase or decrease, sergeants or lieutenants or anything else or patrolmen that is currently there then he would have a problem with it. He would say that is a substantial alteration, but because something exists you are removing it and you are putting it back in you are back to square one, he doesn't find that a substantial alteration. If you start changing your numbers around you are altering it. Councilman Bartelloni said just playing devil's advocate, if we go from proposed ordinance as first read with 3 Lieutenants and 6 Sergeants and amend it back to 2 Lieutenants and leaving the Captain back in, would that be a substantial alteration in your opinion. Mr. Sarlo said what is existing right now... Councilman Bartelloni said 1 Captain, 2 Lieutenants, 5 Sergeants. Mr. Sarlo said now you are now proposing 2 Lieutenants, 6 Sergeants, yes because you are changing your numbers again now. Councilman Bartelloni said what is proposed currently now as first read would be no Captain, 3 Lieutenants, 6 Sergeants, if you then went again devil's advocate and said we are not going to remove that Captain's position, 2 Lieutenants, 6 Sergeants would be the only addition, would that be a substantial alteration. Mr. Sarlo said that usually he would say no but now you are changing two slots and because of the interest this is generating he would probably say play it on the safe side, err on the side of caution, he never likes to lose a case on a technicality, we are changing two spots, lets err on the side of caution. Go back to the drawing board and reintroduce. Councilman Acquafredda said it seemed to him that the council still had to act on the Table of Organization first and then give themselves more time. Mr. Sarlo wanted to make a suggestion to put these on hold and bring the Mayor back in since he indicated he wanted to talk about changing some of meeting dates which now may effect this decision because you have a 4 day short fall you may not have that short fall anymore if he is going to propose changing the meeting dates. You may want to hear that first. Councilman Papaleo said he thinks the council is going to want to change the Table of Organization as it currently reads and he thinks it might be something the council wants to consider. He asked Mr. Sarlo if the council can extend for 3 months, and then in 3 months extend again. Mr. Sarlo's replied yes, it says up to 12 months and you can extend as long as you want up to 12 months at a clip, the answer is yes, you can continue extending 1 month, 3 months, you can. Councilman Papaleo said he thinks right now there is so much influx that we may wish to extend for 3 months and if we need to extend another 3 months we could, but if not. He asked for a discussion regarding extending for 3 months and discussion on the Table of Organization and we might want to make a subsidize change to the Table of

Organization, maybe we want, he is leaning towards wanting to vote for a Table of Organization that leaves a Captain in removes the extra Lieutenant and puts in the extra Sergeant. Councilman Acquafredda voiced that wasn't on the agenda, and Councilman Papaleo stated it not but it has an impact on the decision making we are doing. Councilman Acquafredda felt we were dividing and conquering, just keep the 3 month extension and get that out of the way. Then we deal with our own dates than the Table of Organization. He is not prepared to discuss the Table of Organization. Who wants to extend for 3 months period. A motion was made to extend the list for 3 months.

Motion by Councilman Chinigo, seconded by Councilman Acquafredda to approve.

All in favor 4-0

Recused: Mayor, Councilwoman Davis

Mayor Mignone and Councilwoman Davis return to Work Session @ 8:50 PM

Upon return a roll call was done and everyone was present @ 8:52 PM

### **2017 Mayor and Council Meeting Schedule**

Mayor Mignone wanted to clarify the meeting schedule had changed at the beginning of this year and decided to have just one Public Meeting which was scheduled for the 3<sup>rd</sup> Tuesdays of the month and we'd held our Work Session nights to the 1<sup>st</sup> Mondays of the month. In speaking with Councilman Acquafredda it might be better for him if we flip the Public and the Work Sessions and have the Work Sessions on the 3<sup>rd</sup> Tuesday and the Public Meetings on the 1<sup>st</sup> Monday if that would help you, addressing Councilman Acquafredda. Councilman Acquafredda replied yes it does, but he is one of six. Mayor Mignone mentioned that it would cause less conflicts for Councilman Acquafredda by making the switch, which would take effect for in March. A discussion ensued regarding the schedule for the meeting on February 21. Mayor Mignone stated that the idea is we want to get as many people here for the Public Meetings and then the Work Sessions again, the model going forward we are hoping we'll have our standard regular Work Session and then we'll be able to adjourn them to have whether it'll be Personnel Sub-Committee or Finance Sub-Committee or other Sub-Committees, we will have time after the Work Sessions to meet. Mayor Mignone announced to avoid any confusion that the next meeting will be a Regular Public Meeting on February 21. Councilman Acquafredda stated he wouldn't be at that meeting, but would at the March 6<sup>th</sup> meeting.

Councilman Bartelloni stated this was kind of unfinished business but at some point it has to reach a new phase, and that's our meetings with the Board of Education and Recreation. At some point do we need to start considering if there is some type of lease agreement or something like that and start drafting that, and getting our Borough Attorney involved in those discussions regarding field improvements. Mayor Mignone said there was a meeting last week and he would expect to have regularly scheduled meetings with them and he thinks that the way it was left with them was they were going back to the Board to explain what criteria we were looking at for a format of an agreement. He did raise the issue with Alan of snowplowing, and no one seemed to be aware of any formal written agreement or be able to access it or recall it directly. But that doesn't mean to say they won't be able to reach out to their interim BA, he wouldn't be surprised we are asking for it now since we did discuss it. Councilman Chinigo asked the Mayor when you agreement what agreement were you looking for, was there an Interlocal agreement. Mayor Mignone said there is several with the school district, one had to do with use of the fields, one had to do with use of the auditoriums, and apparently we also have a but he doesn't know if it's a form of Interlocal where we provide support

to the school with regard to snow maintenance, shoveling, particular plowing the parking lots the school personnel do the sidewalks. But there was a question from John Lynch, Superintendent of Public Works, what were the perimeters of the agreement and no one seems to really know anymore and it's one of those things that has its own life and people can basically assign any criteria that they want because no one is here long enough to remember. Councilman Papaleo felt that were existing agreements and that Mr. Negreann was requesting them from the BOE. Mayor Mignone response was let him just say that without getting more information their interpretation of what the agreement says is not probably what we say our interpretation of the agreement says, as he would put it. Until we actually get a document and see what the actually agreement was and you ask them what our rights and obligations were it may be different from what we think they are so that's why...Councilman Papaleo said but the information, documents we did find are they...Mayor Mignone said they weren't aware of ...Councilman Papaleo said so no document exist...Mayor Mignone replied he didn't say that, they were not aware, he had just brought this up at the meeting, he had thought Alan had reached out to them prior to that but he wasn't aware of the request. Councilman Papaleo said he thought the way the meeting was ended by Alan was going to reach instead of himself or Mr. Lynch going over to the BOE, Alan was going to send, and that was actually what his notes said. Mr. Negreann agreed with this and that he was to hold off until Mayor Mignone had the opportunity. Mr. Negreann said he would certain go and ask the Board Secretary. Mayor Mignone said it really doesn't matter the issue has been broached with the district and they are aware of it, they are not objecting to it, they are not denying that there is some kind of agreement in place, but we will have to get a copy of the actually terms of the agreement. We are looking into redoing the agreement with the fields, we are looking into incorporating the agreement with regards to (inaudible) space and obviously it would make sense now to incorporate any support we give them for physical maintenance also. Councilmen Bartelloni mentioned Cherry Hill and the basketball programs and Chinigo asked about the auditoriums in Roosevelt. Mayor Mignone answered by saying yes and not to quote him because he didn't have all the details in front of him, apparently we had sponsored some grant applications because the school couldn't get them so we had to fund it and they were going to reimburse us with in-kind use and that went on for several years, there were other side requirements as part of that agreement. Councilman Chinigo asked if this was just use or capital improvements, Mayor Mignone answered just use at that point. He continued by saying with regard to the field maintenance the reason the issue is coming up now is because it says basically it's the borough is responsible for the fields, define that however you want, and that is one of the issues. It is not defined in the agreement, it means different things to different people, it's meant different things to different groups over the years, so it's something now where it's become an issue that we have to get some more targeted and clear language and really lay out responsibility for both sides so we all get what we want. They want us to use the fields, we want to use the fields, we want to see some upgrades, they willing to even (inaudible) us, I can't speak for the Board as a whole but we have concept discussed this with the Superintendent and the Board about participating in some of the costs and that needs to be figured out. Councilman Bartelloni asked Mr. Negreann if their BA had reached out to him regarding AEDs, they had presented us with an Indemnification Hold Harmless Agreement. Mr. Negreann replied that he had asked him if he had sort of model agreement that they would like us to take a look at and nothing was produced. He had referred to Bobbi Conway for further discussion but hasn't heard anything since. Mayor Mignone asked Mr. Sarlo if it is common practice where we need to indemnify the schools if we use AEDs. Mr. Sarlo said if you are using them on their property and they are requiring it, the answer is yes, if the school is requiring the indemnification saying you are going to

use them on our school property and we require an indemnification he doesn't see how you are going to say no at this point. Mayor Mignone said he guesses it depends on their insurance requirements or risk manager. Mr. Negreann stated he would like to see what they are asking for and see whether we can meet them. Mayor Mignone said that we would get all that information to Mr. Sarlo for his review and move forward. It seems like everything we could be doing not to put AED's in seems like everybody's doing. He doesn't understand that the schools says they have them in the schools, you walk in to church they have them in the church, you go to any public building they have them, yet we want to put them in the fields we can't seem to get that done because of bureaucracy. Or we don't have a key to a cabinet, or someone might forget the key, or you might have to call someone to get a key, then how do you open the box. It's getting to be a little too much. Mayor Mignone addressed this point to Councilman Bartelloni by saying that we can formalize it and keep it on a month-to-month schedule just so we stay engaged. Councilman Bartelloni said his point was like they presented us with the Hold Harmless Indemnification we have to at some point engage them with documentation to move the discussion move because if we don't he thinks if we present them with some language to spur additional conversation...Mayor Mignone said that what he thinks they position is that if they want to hear what our needs and desires are and we have now expressed that to them so they need to go back to the Board to say this is what the borough wants, is this something the Board wants to accommodate and if indications are yes then we would have to get into details of the agreement, defining the maintenance, defining the cost, and defining the improvements that we were talking about. We are almost there and he thinks that after, he thinks they had a Board meeting this week, he will reach out to the Superintendent and the Board President to see if there is an update on that. He will set up a group meeting towards the end of the month, or prior to the next Recreation meeting, so if there is movement from the Board side the Rec Commission can act if they need to.

### **OPEN PUBLIC HEARING**

Motion by Councilman Bartelloni, seconded by Councilman Papaleo.

All in favor 5-0

Officer Joseph Zemaites – Mr. Sarlo announced that Mayor Mignone and Councilwoman Davis would not be leaving the room, they just would not comment. Mr. Zemaites started by saying he was back again for the Police Table of Organization he knows he was talking about it before and wanted to keep the scope narrow and now having the opportunity to do so he would like to. He did some research since the last meeting, he emailed everyone after the last meeting with his prepared remarks as well as some other comments. Since then he has done additional research on surrounding agencies on what their tables look like. In sitting here tonight though he had some time to think and he tends to think you can't really necessarily look at other towns or other departments and compare us to them, we are unique. We are a unique agency in the sense of our population compared to other towns he was looking at, we are unique in our access to Route 4 and the large artery there with Main Street and Grand Ave., and the towns that we border, such as Hackensack, shopping capital of State, Paramus. We definitely have our fair share of calls, of assisting other agencies. He has data if you are interested, feel free to email him. He doesn't feel just rattling off numbers is going to do much to make an impress at this point. The PBA's attorney, Al Wunsch, is present tonight, he may be able to echo some sentiment that I made last time or articulate better than I did to give you a better understanding.

Albert Wunsch, PBA Attorney – Please refer to the video for Mr. Wunsch's statement. He did question why this provision was discussed in Closed Session since no RICE Notice was given to any members of the department or any person was being specifically discussed. He didn't know if it was personnel if you are discussing a position. If you are discussing someone who is part of

a position that is one thing but no names as he understands were mentioned because no RICE Notices were given to any members of the department, he checked, the President checked, we didn't see any RICE Notices being delivered, no one told us that was, yet this position itself was discussed in Closed Session. Mr. Sarlo discussed before about procedural issues, I don't know if that is a proper procedural issue, he really isn't that interested in that right now, but he just wants to bring that out, he doesn't know why it couldn't have been discussed in open last time as opposed to in a Closed Session. He also saw in the paper that one of the councilmen he believes it was Councilman Acquafredda mentioned an analogy of being something like a Christmas tree with one section missing, but he would give another analogy, a wagon wheel having a cap which is the chief, the center which is the captain, the outside that holds the spokes, going outside and coming back in, that's what a police department is, it's like that wagon wheel. So if the spokes are missing or weak the wheel crunches, if the cap isn't on tightly the wheel doesn't have the ability to go in a circle, and if the center is gone there is no wheel. That is what we have here. The command structure of this police department is (inaudible) the need for a 2<sup>nd</sup> in command is paramount in any organization. God forbid something happens to the Chief at the scene or the Chief is sudden indisposed for other reasons these men need to know that there is somebody there that can take command and go forward and there is no guessing which Lieutenant to go to, or the administrative sergeant. With all due respect he represents a number of large departments and none of them have administrative sergeants, you don't need Radar O'Reilly in your department, but you do need a Captain America that can sit there and be a 2<sup>nd</sup> in command if God forbid something should happen to the Chief. The need has come to take a look at this resolution and keep the captain's position there. He doesn't see the need for an administrative sergeant he really doesn't not for a department this small but he does see a need for a captain, a 2<sup>nd</sup> in command.

Police Chief Cariddi – He wanted to address some of the issues that came tonight and wanted to it on the record. Mayor Mignone stated that this was the public hearing and was assuming it was the 21<sup>st</sup> unless it was changed, you could certainly address them. Chief Cariddi said that if there was an opportunity to address these concerns by him at the next meeting he would be happy to address them then as long as the council is aware he has his own concerns he wants to address. Councilman Bartelloni felt it best for Chief Cariddi to address to concerns when there was a discussion on the ordinance.

#### **CLOSE PUBLIC HEARING**

Motion Councilman Acquafredda, seconded by Councilman Bartelloni.

All in favor 5-0

#### **MOTION TO ADJOURN THE WORK SESSION AT 9:21 PM**

Motion by Councilman Acquafredda, seconded by Councilman Bartelloni to Adjourn.

All in Favor 5-0

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Stephanie Evans. RMC  
Borough Clerk