

PUBLIC MEETING – Wednesday, October 28, 2015 at 8:00 p.m.

There will be a Public Meeting of the Mayor and Council of the Borough of Glen Rock on Wednesday, October 28, 2015, at 8:00 p.m. in the Council Chambers of the Municipal Building.

Agenda: (May be subject to change)

1. CALL TO ORDER /ROLL CALL

This meeting is called pursuant to the provisions of the Open Public Meeting Law. This Meeting was included in a list of meeting notices sent to the Bergen Record and advertised in said newspaper in January, posted on the bulletin board in the Municipal Building, and has remained continuously posted as the required notices under the Statue. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

In accordance with the New Jersey State Fire & Safety Code I call your attention to the lighted exit signs. In the event the alarm sounds, move in an orderly manner toward the exit nearest you and leave the building.

Council Member O’Hagan – present
Council Member Orseck – present
Council Member Nogara – present

Council Member Pazan – present
Council Member Surrago – present
Council Member Martin - present

2. FLAG SALUTE/ANNOUNCEMENTS

Council member Nogara led the Council and the audience in the flag salute.

3. CONSENT AGENDA

All items listed are considered to be routine and non-controversial by the Borough Council and will be approved by one motion. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item(s) will be removed from the Consent Agenda and considered in its normal sequence on the agenda. The one motion signifies adoption of all resolutions, received and filed letters, correspondence, reports and approval of applications and minutes.

Correspondence:

1. Receipt of Investigation Report by Dennis Calo, Esq. 10/20/15

Resolutions:

1. Resolution Approval of Minutes
Executive Session 9-28 & 9-30-15 Closed 9-28 & 9-30-15 Public Meeting 9-30-15

Resolution No. 210-15
Offered by Council Member Pazan
Seconded by Council Member Surrago

BE IT RESOLVED, that the Minutes of:

Executive Session –9/28 & 9/30/15
Closed Session –9/28 & 9/30/15
Public Meeting 9/30/15

Be accepted as submitted.

ROLL CALL:

Council Member O’Hagan – yes	Council Member Pazan - yes
Council Member Orseck – yes	Council Member Surrago - yes
Council Member Nogara - yes	Council Member Martin – no

2. Resolution for Payment of Bills

Resolution No. 211-15

Offered by Council Member Pazan

Seconded by Council Member Surrago

BE IT RESOLVED, that the following bills of the Borough of Glen Rock be paid in the amount of \$ 2,135,691.31

GR Payroll	\$ 938,248.62
GR Library	27,650.00
NJSHBP	193,318.73
PSE&G	16,029.57
Garibaldi	14,874.75
Ridgewood Water	12,638.78
P.V.S.C.	137,968.52
Bergen Cty. D.O.H.	14,372.57
B.C.U.A.	18,988.10
Miscellaneous	109,615.96
Total Current Fund	\$ 1,483,705.60
General Capital	\$ 47,778.20
Escrow	1,086.00
Payroll	603,121.51
Total Payment of Bills	\$ 2,135,691.31

ROLL CALL:

Council Member O’Hagan -yes	Council Member Pazan - yes
Council Member Orseck – yes	Council Member Surrago - yes
Council Member Nogara - yes	Council Member Martin – no

3. Resolution Appoint Board of Health Member (W. Brown)

Resolution No. 212-15

Offered by Council Member Pazan

Seconded by Council Member Surrago

COMMUNICATION FROM THE MAYOR

Ladies and Gentlemen of the Council:

With your advice and consent I hereby made the following **statutory** appointments to the various Boards of the Borough of Glen Rock for the year 2015.

BOARD OF HEALTH **7 member board** **3 year terms**

Members of the Board

Wayne Brown to fill the unexpired term of Jennie Mayer to 12/13/2017

ROLL CALL:

Council Member O’Hagan – yes

Council Member Pazan - yes

Council Member Orseck – yes

Council Member Surrago - yes

Council Member Nogara - yes

Council Member Martin – no

4. Resolution for Chapter 159 (Body Armor)

Resolution No. 213-15

Offered by Council Member Pazan

Seconded by Council Member Surrago

Chapter 159 Resolution
Approval of items of Revenue and Appropriation
NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Glen Rock in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the amount of \$2,268.08, which is now available from the State of New Jersey Division of Criminal Justice in the amount of \$2,268.08.

BE IT FURTHER RESOLVED that the like sum of \$2,268.08 is hereby appropriated under the caption of 2015 Body Armor Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey Division of Criminal Justice in the amount of \$2,268.08.

ROLL CALL:

Council Member O’Hagan - yes

Council Member Pazan - yes

Council Member Orseck – yes

Council Member Surrago - yes

Council Member Nogara - yes

Council Member Martin - no

5. Resolution Awarding Drainage Improvement Bid (Pinelynn & Hillman to Zuccaro Inc.)

**Resolution No: 214-15
Offered by Council Member Pazan
Seconded by Council Member Surrago**

A RESOLUTION AWARDED BID TO ZUCCARO, INC., FOR PINELYNN ROAD AND HILLMAN AVENUE DRAINAGE IMPROVEMENTS

WHEREAS, the Borough of Glen Rock authorized the advertising for the solicitation of bids for the Pinelynn Road and Hillman Avenue Drainage Improvements; and

WHEREAS, a notice to bidders was duly advertised and six (6) bids were received from John Garcia Construction Co., Gotthold Paving LLC, Zuccaro Inc., Mattina & Sons Inc., D&L Paving Contractors and Gemrose Utility; and

WHEREAS, the Borough attorney has review the bid submissions and has determined that the lowest bid of Zuccaro Inc., substantially conform to the bid specifications; and

WHEREAS, the Borough Engineer has recommended that Zuccaro Inc., be awarded the contract; and

WHEREFORE, the Chief Financial Officer has provided the Governing Body with Certification of the availability of funds requirements.

NOW, THEREFORE, BE IT

RESOLVED, that the bid of Zuccaro Inc., in the amount of \$35,850.00 for the Pinelynn Road and Hillman Avenue Drainage Improvements be accepted by the Borough of Glen Rock, subject to the execution of a form of Contract to be approved by the Borough Attorney; and be it further

RESOLVED, that the Borough Clerk is hereby authorized and directed to return the bid bond of the following unsuccessful bidder upon execution of the contract with Zuccaro Inc., and other required documents:

- 1. John Garcia Construction Co.;**
- 2. Gotthold Paving LLC;**
- 3. Mattina & Sons Inc.;**
- 4. D&L Paving Contractors; and**
- 5. Gemrose Utility.**

ROLL CALL:

**Council Member O'Hagan - yes
Council Member Orseck - yes
Council Member Nogara- yes**

**Council Member Pazan - yes
Council Member Surrago - yes
Council member Martin - no**

6. Resolution Appointing Members to the Ethical Standards Board (J. Osborn & D. Schlegel)

Resolution No.: 215-15

Offered by Council Member: Pazan

Seconded by Council Member Surrhao

RESOLUTION APPOINTING MEMBERS TO ETHICAL STANDARDS BOARD

WHEREAS, there exists two (2) vacancies on the Ethical Standards Board; and

WHEREAS, Diane Schlegel and John Osborn, both Glen Rock Residents, have been chosen by the Mayor, with the advice and consent of the Council, by virtue of their known and consistent reputation for integrity and knowledge of local government affairs.

NOW THEREFORE BE IT,

RESOLVED, that pursuant to Borough Code §11-7(A) and §11-7(C), the Mayor, with the advice and consent of the Council, hereby appoint the following individuals to serve as members of the Glen Rock Ethical Standards Board:

- 1. Diane Schlegel: Term expiration - December 31, 2018**
- 2. John Osborn: Term expiration - December 31, 2019**

ROLL CALL:

Council Member O'Hagan - yes

Council Member Pazan - yes

Council Member Orseck - yes

Council Member Surrhao - yes

Council Member Nogara - yes

Council Member Martin - no

7. Resolution Referring Report of Special Investigator to the Ethical Standards Board

Resolution No.: 216-15

Offered by Council Member: Pazan

Seconded by Council Member Surrhao

RESOLUTION REFERRING REPORT OF SPECIAL INVESTIGATOR TO THE ETHICAL STANDARDS BOARD

WHEREAS, in accordance with N.J.S.A. 40A:14-118 and Borough Ordinance § 40-10(B), the Council of the Borough of Glen Rock is designated as the Appropriate Authority to make full determinations on various Police Department matters; and

WHEREAS, N.J.S.A. 40A:14-118 specifically authorizes the Council/Appropriate Authority to undertake investigations of the operations of the Police Department; and

WHEREAS, the Appropriate Authority, in response to a letter dated August 27, 2015 from Patrick O’Dea, Esq., attorney for Chief Frederick Stahman and Captain Jonathan Miller, appointed Dennis F. Calo, Esq., to handle the investigation as to alleged disclosures of confidential information from the meeting of the Appropriate Authority held on August 17, 2015; and

WHEREAS, on October 20, 2015, Dennis F. Calo, Esq., made a determination identifying Amy Martin, Councilmember, as the probable person responsible for releasing confidential personnel information and of a possible conflict of interest as defined in the Code of Ethics and Borough Employee Handbook; and

WHEREAS, in accordance with Borough Code §11 “Code of Ethics” issues ad defined within Borough Code §11-5 “Ethical Standards” shall be referred to the Ethical Standards Board for final determination.

NOW THEREFORE BE IT,

RESOLVED, that based upon the findings and conclusions contained in the report from Dennis F. Calo, Esq., dated October 20, 2015, the Appropriate Authority shall submit a written complaint to the Ethical Standards Board (§11-12) for a final determination of the existence of a violation of the Code of Ethics and, if same exists, to impose appropriate penalties consistent with Borough Ordinance §11-13; and be it further

RESOLVED, that the Council President is authorized to execute the complaint on behalf of the members of the Appropriate Authority.

ROLL CALL:

Council Member O’Hagan -yes	Council Member Pazan - yes
Council Member Orseck - yes	Council Member Surrago - yes
Council Member Nogara- yes	Council Member Martin - no

Motion to accept consent agenda by Council Member Pazan

Seconded by Council Member Surrago

ROLL CALL:

Council Member O’Hagan -yes	Council Member Pazan - yes
Council Member Orseck - yes	Council Member Surrago - yes
Council Member Nogara- yes	Council Member Martin - no

Council member Martin read a statement concerning Resolution #7. Council member Martin made a motion to request an amendment to Resolution 7. There was no second.

4. MOTIONS

Departmental Reports

Council member Surrago (*Public Works*) - DPW has completed one full sweep through all the districts so far with leaf pick-up continuing through December. Paper shredding will occur at the Recycling Center, Saturday, November 7th, 9-1pm. GRTV will begin airing the program on the preparation and clean-up of Hurricane Sandy.

Council member Nogara (*Finance*) - The Finance Committee will begin meeting shortly for the 2016 budget. The public is more than welcome. The times and dates will be publicized.

Council member Orseck (*Recreation*) - The Recreation Advisory Board will meet November 10th at 8 p.m. As always, the public is invited and welcome. Fund raising continues for the Arboretum Education Building. Basketball registration continues with 700 children already registered. DPW deserves a big thank you for their work on Wilde/Memorial field.

Council member Pazan (*Library*) - The Library thanked GRTV for the excellent filming of the Palisades Park presentation. This is offered on the Library website. November 12th 3rd and 4th graders are invited to come and make their own monster pillows. The Library is running a “Century of Sinatra” program Sunday, November 15th at 2 p.m. A program “To Honor Heros” will be held on November 9th at 7 p.m. honoring veterans’ of all wars.

Council member O’Hagan (*Public Safety*) - Parents are reminded to get involved with their children while they are still young. Residents are reminded to give themselves extra time when taking children to school. The Ambulance Corps. dedicated a new rig this past weekend.

Council member Martin (*Licensing*) - No activity at this time.

Mayor van Keuren reminded residents that the work on Harristown Road will be suspended on Election Day to ease access to Hamilton School. Secondly, remember to “fall” back this weekend.

Motion to accept reports as filed:
Motion by Council Member Orseck
Seconded by Council Member O’Hagan

ROLL CALL:

Council Member O’Hagan -yes	Council Member Pazan - yes
Council Member Orseck - yes	Council Member Surrago - yes
Council Member Nogara- yes	Council Member Martin - yes

5. ORDINANCES

Ordinance Procedure: # 1724 (Capital - Improvements Along County Roads)

Date of Final Reading: October 28, 2015

Date of Introduction: October 14, 2015

A motion to open public discussion on Ordinance 1724 was made by Council member Surrago, seconded by Council member Martin. All were in favor.

A motion to close public discussion on this ordinance was made by Council member Surrago, seconded by Council member Martin. All were in favor.

Council Resolution # 217-15

Introduced: Council Member Surrago

Seconded Council Member Martin

AN CAPITAL ORDINANCE OF THE BOROUGH OF GLEN ROCK, IN THE COUNTY OF BERGEN, NEW JERSEY TO SUPPLEMENT FUNDING OF VARIOUS IMPROVEMENTS TO BE MADE TO VARIOUS ADA CURB CUTS ALONG VARIOUS COUNTY ROADWAYS, INCLUDING LINCOLN AVENUE, HARRISTOWN ROAD AND ACKERMAN AVENUE, IN

THE BOROUGH OF GLEN ROCK

Be passed upon second and final reading, and that the Borough Clerk be, and is hereby authorized and directed, to advertise the same according to law by publishing the same by title in the Bergen Record.

ROLL CALL:

Council Member O'Hagan -yes
Council Member Orseck – yes
Council Member Nogara - yes

Council Member Pazan - yes
Council Member Surrago - yes
Council Member Martin - yes

**BOROUGH OF GLEN ROCK
ORDINANCE # 1724**

CAPITAL ORDINANCE OF THE BOROUGH OF GLEN ROCK, IN THE COUNTY OF BERGEN, NEW JERSEY TO SUPPLEMENT FUNDING OF VARIOUS IMPROVEMENTS TO BE MADE TO VARIOUS ADA CURB CUTS ALONG VARIOUS COUNTY ROADWAYS, INCLUDING LINCOLN AVENUE, HARRISTOWN ROAD AND ACKERMAN AVENUE, IN THE BOROUGH OF GLEN ROCK

WHEREAS, the Borough of Glen Rock has entered into a contract with the County of Bergen to facilitate the rehabilitation of various ADA curb cuts in the Borough of Glen Rock, dated 1/29/14; and

WHEREAS, previous funding was authorized to provide for \$203,172.20 to Concrete Construction Corporation, \$16,050 for engineering design and \$20,317.20 for engineering inspection to Stantec Consulting Corporation; and

WHEREAS, the County has authorized a cost differential based upon the contract being executed in 2014 to authorize an additional \$75,071.30 to Concrete Construction Corporation and \$7,507.15 to Stantec Consulting Corporation for engineering inspection, for a total amount of \$82,578.45, to be fully reimbursed by the County of Bergen to the Borough of Glen Rock.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Glen Rock, in the County of Bergen, New Jersey, as follows:

Section 1: The sum of \$75,071.30 is hereby appropriated for the additional cost of constructing said ramps. Said appropriation shall be funded through proceeds of a grant from the County of Bergen. There is to be no debt incurred by the Borough of Glen Rock by the passage of this ordinance.

Section 2: The sum of \$7,507.15 is hereby appropriated for the cost of inspection of such ramps, by Stantec Consulting Corporation. Said appropriation shall be funded through proceeds of a grant from the County of Bergen. There is to be no debt incurred by the Borough of Glen Rock by the passage of this ordinance.

Section 3: Said improvements are a lawful capital improvement of the Borough of Glen Rock having a period of usefulness of at least five (5) years. Said improvements shall be made as a general improvement.

Section 4: The capital budget is hereby amended to conform with the provisions of the capital

ordinance to the extent of any inconsistency therewith.

Section 5: This Ordinance shall take effect immediately upon passage and publication as required by law.

Ordinance Procedure: # 1725 (Mid-Block Crosswalks)

Date of Final Reading: October 28, 2015

Date of Introduction: October 14, 2015

A motion to open public discussion on Ordinance 1725 was made by Council member O'Hagan, seconded by Council member Orseck. All were in favor.

A motion to close public discussion on this ordinance was made by Council member O'Hagan, seconded by Council member Orseck. All were in favor.

Council Resolution # 218-15

Introduced: Council Member O'Hagan

Seconded Council Member Orseck

AN ORDINANCE TO AMEND CHAPTER 216 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK - 1971 AS AMENDED ENTITLED "VEHICLES AND TRAFFIC" BEING AN ORDINANCE CONTROLLING VEHICLE AND TRAFFIC REGULATION WITHIN THE BOROUGH; TO ADD MID-BLOCK CROSSWALKS

Be passed upon second and final reading, and that the Borough Clerk be, and is hereby authorized and directed, to advertise the same according to law by publishing the same by title in the Bergen Record.

ROLL CALL:

Council Member O'Hagan -yes

Council Member Orseck – yes

Council Member Nogara - yes

Council Member Pazan - yes

Council Member Surrago - yes

Council Member Martin - yes

**BOROUGH OF GLEN ROCK
ORDINANCE NO. 1725**

AN ORDINANCE TO AMEND CHAPTER 216 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK - 1971 AS AMENDED ENTITLED "VEHICLES AND TRAFFIC" BEING AN ORDINANCE CONTROLLING VEHICLE AND TRAFFIC REGULATION WITHIN THE BOROUGH; TO ADD MID-BLOCK CROSSWALKS.

BE IT ORDAINED by the Borough Council, the Borough of Glen Rock, County of Bergen, State of New Jersey, as follows:

Section I - Chapter 216 of the Revised General Ordinances of the Borough of Glen Rock 1971, as amended, being an Ordinance entitled "Vehicles and Traffic" is hereby amended as to the following subsection:

A. Section 216-48 entitled "Schedule XX: Mid-Block Crosswalks" is hereby amended by adding thereto the following:

<u>Name of Street</u>	<u>Location of Crosswalk</u>
Doremus Avenue	At a point 121 feet South of Marinus Place in front of Byrd School.
Maple Avenue	At a point 199 feet South of Van Allen Road in front of Central School.
Maple Avenue	At a point 222 feet South of Abbington Terrace between the Annex and Firehouse.
Maple Avenue	At a point 40 feet North of Harding Plaza by the Ambulance building.
Glen Avenue	At a point 238 feet North of Rock Road in front of Glen Courts.
Rock Road	At a point 325 Feet East of Doremus Avenue by the CVS Complex.
Hamilton Avenue	At a point 235 feet West of Maple Avenue in front of Central School."

B. Section 216-48 entitled "Schedule XX: Mid-Block Crosswalks" is hereby amended by deleting thereto the following:

<u>Name of Street</u>	<u>Location</u>
Harristown Road	At a point 156 feet west of the center line of Stonefield Road in the vicinity of the railroad crossing.

Section II. VALIDITY-SEVERABILITY If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be held invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Ordinance but such judgment shall be confined in its operation to the section, paragraph, subdivision or clause directly involved in the controversy in which said judgment shall have been rendered.

Section III All Ordinances or parts of Ordinances inconsistent with the provisions hereon.

Section IV This Ordinance shall take effect upon passage as required by law.

6. MEETING OPEN TO THE PUBLIC: (Before speaking at the meeting, each person must state their name and address. 5 minute limit)

Rebecca Coll, 67 Hazelhurst - Ms. Coll reviewed the investigative report. Ms. Coll agrees with Council member Martin that there is not enough evidence, coupled with a letter from the reporter, to implicate her as the leak. The only other person who Council member Martin spoke to on this

matter was Captain Miller, and he is the one who asked for the investigation. This doesn't make any logical sense. Ms. Coll commented she puts very little weight in this report. Ms. Coll asked what the next step is. Mr. Garibaldi replied the Council has determined that there are sufficient questions that might be a violation of the ethical standards. Consequently, as a result the matter has been referred to the Ethical Standards Board for their review and determination. They have jurisdiction over this issue. Ms. Coll asked what the Council thinks about the reporter's letter stating that Council member Martin was not the leak. Mr. Garibaldi replied there was an extensive discussion on the report by the investigator who gave consideration to the e-mail received; however it did not change his opinion.

Ms. Coll asked if there is any response to the request she submitted regarding Judge Carver's report.

Mayor van Keuren replied he believes it is appropriate to respond in writing. Many of Ms. Coll's questions were covered in the last meeting.

Kevin Davitt, Glen Avenue - Mr. Davitt asked if the Bergen County Prosecutor's investigation began yet. Mr. Garibaldi replied he has not been in contact with Bergen County, adding they do not share this information. Mr. Garibaldi noted he is not involved with this matter as it would be handled by the PBA attorney. Mr. Davitt believes the Calo report is disgusting and he would be embarrassed to receive it.

Gerald Collins, Oxford Place - Mr. Collins commented on the recent pool survey and believes it is a qualitative survey that will not be a true representation of the feedback. Mr. Collins cautioned the Council that whenever there is State funding this involves protective classes of people. Funding could be impaired if services are denied to one class of people versus a more affluent class. The Wyckoff Sharks have paid the same amount to use our pool for a number of years. Mr. Collins commented his, and everyone else's, recourse is to write a letter to the Attorney General's Civilian Complaint Board stating protected classes are being denied services for a town that is receiving government funding and secondly, why a group has a fixed rate when everyone else is being asked to pay more.

Council member Orseck corrected Mr. Collins stating that the amount has gone up for Wyckoff Sharks as recently as two years ago. Mr. Collins asked why there is a discrepancy between what Council member Orseck is saying and the Borough website.

Mrs. Benjamin corrected Mr. Collins that the line item he is reading on the budget is for the Glen Rock Swim Team, not Wyckoff.

Mirelle Schuck, 90 Harding Road - Ms. Schuck asked for clarification on Judge Carver's report that he stated the report isn't 100% complete as some of the subject matter is in litigation and cannot be discussed, at this time. Mr. Garibaldi replied once Judge Carver receives clearance from the Prosecutor's office the internal affairs charge can be addressed.

James Nonas, 18 Mortlock Place - Mr. Nonas also encouraged the Council to reconsider the early morning lap swimming and the time that is given to Wyckoff.

7. ADJOURNMENT

Motion to adjourn the public meeting made by Council member Surrago

**Seconded by Council member Nogara
Meeting adjourned at 8:30 p.m.**