

BOROUGH OF HASBROUCK HEIGHTS

MINUTES

SPECIAL MEETING

February 5, 2007

A Special Meeting of the Governing Body of the Borough of Hasbrouck Heights was called by Councilman Leonard Introna, Councilwoman Maryetta Saccomano, Councilman Anthony DiNanno and Councilman Stephen Altobelli for February 5, 2007 at 7:36 p.m. at Borough Hall, 320 Boulevard, Hasbrouck Heights, NJ. The purpose of this meeting is to adopt a resolution authorizing the use of the "Fair and Open Process" pursuant to N.J.S.A. 19:44A-20.4 and N.J.S.A. 19:44A-20.5 for contracting certain professional services.

Borough Clerk Rose Marie Sees stated that the meeting complied with the Sunshine law, adequate notice of this meeting having been made to all members of the Council by personal service on January 31, 2007 and transmitted to The Observer, The Record and The Herald News on January 31, 2007.

ROLL CALL: Present: Mayor Ronald R. Jones, Councilman Justin A. DiPisa, Councilman Leonard Introna, Councilwoman Carol J. Skiba, Councilwoman Maryetta Saccomano, Councilman Anthony DiNanno, Councilman Stephen Altobelli

Absent: None

SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE: Mayor Jones led in the Salute to the Flag and Pledge of Allegiance.

NEW BUSINESS

Mayor Jones declared that this was a special meeting with only Resolutions Nos. 30, 31, 32, 33 being read and that there will be an appointment, motion and second, public hearing and roll call.

Councilwoman Saccomano made a motion to change the agenda to consent agenda for all four resolutions to be voted on and public portion to follow, as was customary.

Mayor Jones noted the agenda is made by the Mayor. When Councilwoman Saccomano again made the motion, which was seconded by Councilman Introna, the Mayor declared he would not accept that motion.

The borough attorney was questioned, who said bylaws provide that the mayor sets the agenda. The bylaws would require an amendment.

Mayor Jones requested the clerk to read Resolution No. 30 (copy attached).

RESOLUTIONS: 30. Appointment of Borough Attorney for 2007

A motion on the appointment as read was made by Councilman Introna and seconded by Councilwoman Saccomano.

PUBLIC HEARING:

Mayor Jones opened the public hearing on this resolution.

Sonya Buckman, 239 Central Avenue, questioned if Mr. DiNanno and Mr. Altobelli would be abstaining, as Mr. Ortiz acted as their treasurer in their recent campaign, and if he gave \$5,000 toward that campaign. Mr. DiNanno said he did not, that every campaign is funded by residents and nonresidents.

Ann McGill, 139 Field Avenue, questioned how many applications were received for borough attorney. She was told three. She questioned the form of advertisement and was told it was put on the web site free of charge.

Councilwoman Skiba clarified that advertisement was under the fair and open process which only asked for qualifications, not proposals.

Mayor Jones said it could have been advertised better, that when applications came in and were opened at 10 a.m. (on February 2, 2007), were to be copied and distributed to the mayor and council, however the resolutions to be read tonight were dropped off before the council saw the resumes.

When Councilman Introna referred to the appointment of the Mayor's son, the Mayor said it was brought to the entire council with an opportunity to question the appointment.

Councilwoman Skiba commented on the unfairness of this appointment process, that it was one thing to put in an advertisement for request for qualifications and then not follow through, and to continue under the fair and open process for proposals. You are pooling resources in various areas for future use, and when you are ready to use either a group of engineers to say do the athletic field, when you go through the group that you received for qualifications, then you choose the ones you want a proposal for. However, these resolutions don't recite the fair and open statute and that these appointments were being made and that contracts will be subsequently awarded to these professionals.

The mayor read the following criteria that was requested: "Opening of responses the request for qualifications published by the Borough of Hasbrouck Heights. Responses will be opened and turned over to the borough council for review and evaluation. The responses will be evaluated using the following criteria: a. Experience and reputation in

PUBLIC HEARING ON RESOLUTIONS (cont'd):

the field; b. Knowledge of the Borough of Hasbrouck Heights and the subject matter to be addressed under the contract; c. Availability to accommodate any required meetings of the agency; d. Compensation proposal; e. Other factors if demonstrated to be in the best interest of the Borough of Hasbrouck Heights. After a thorough review contracts will be awarded based on the most advantageous price and other factors considered.” He said if these resolutions were to pass, he would request the borough attorney to write to the State Attorney and the Election Enforcement Commission to investigate thoroughly.

Mrs. McGill asked the council to do what was good for the town.

Jim DiDonato, 221 Pasadena Avenue, referring to an article in the County daily, said the two (DiNanno and Altobelli) should abstain from voting.

Russell Lipari, 108 Roosevelt Avenue, questioned if an attorney can be nominated that is from Hasbrouck Heights, or if it was too late, and was told it was.

Robert Searle, 51 Henry Street, having served on the Planning Board or Zoning Board for over 20 years, asked the council to do the right thing for the town.

Councilman Introna responded to his comments regarding the Recreation Center.

Mayor Jones gave a history of the Recreation Center.

Helayne Weiss, 315 Charlton Avenue, questioned if everyone on the Council saw the resumes submitted and who wrote the Borough Attorney resolution. When asked individually, all four councilpersons said they had input and it was physically typed by Mr. Ortiz. She questioned the borough attorney salary (\$78,000) and what other attorney positions Mr. Chandless was paid for, which were provided. A 6.5% reduction in salaries was proposed by the council members. She strongly urged the council not to vote tonight.

Councilwoman Skiba presented posters showing 2006, 2005 and 2004 campaign donations, monetary and in kind, for the Democrat councilpersons running those years and explained each. She questioned the ethics.

Councilman Introna questioned Councilwoman Skiba on a past alleged alliance with former Mayor Torre.

Ms. Weiss asked how they could ethically reconcile voting for Mr. Ortiz.

PUBLIC HEARING ON RESOLUTIONS (cont'd):

Councilman Altobelli answered that running for office is expensive, Mr. Ortiz was his treasurer, he was elected as people wanted change, he never proposed he would support status quo, but that he would be supporting Mr. Ortiz.

Alice Vega, 397 Church Street, noted this fair and open process was fairer than the former appointment process.

Ann McGill, 139 Field Avenue, noted she has always been able to speak at a council meeting, that integrity was important.

Juan Hernandez, 415 Springfield Avenue, questioned how many resumes for borough attorney were looked at in the past.

Michael Corcoran, 195 Berkshire Road, questioned when the Mayor begins his investigation what the elements of a recall election are comprised of, that this was totally unsatisfactory.

Rose Heck, 501 Collins Avenue, was deeply disturbed over the appointments. A confrontation followed over procedures between Mayor Jones and Councilman Introna.

Russell Lipari, 108 Roosevelt Avenue, questioned the borough attorney salary, and the validity of the resume with regard to salary and said it should be disqualified.

A question of the tax appeal attorney followed. Councilwoman Saccomano read his application letter in full (Copy attached).

Russell Lipari commented that he did not put in his fee proposal, so he should also be disqualified.

Maureen Morgan, 238 Washington Place, on pay to play and campaign contributions, that there was a conflict of interest. She wanted some clarification that the new council members will be good for this town.

Daniel Vecchio, 313 Hamilton Avenue, commented that the duration of tenure was a concern of the citizens as the radical changes are being made in such a short duration. The credibility of the council is at stake, that the perception is purely political, not to benefit the town.

John Baratta, 269 Walter Avenue, said fighting should be done in private, that he is concerned with the future, people deserve honesty and truth.

PUBLIC HEARING ON RESOLUTIONS (cont'd):

Jim DiDonato, 221 Pasadena Avenue, asked Councilwoman Saccomano if the previous attorney held three or four different jobs, what is to happen now, three or four different attorneys, what will be the salary, she said all attorneys would be taking a 6.5% cut.

Helayne Weiss had questions on the campaign account, if it still existed, and was told no. She asked the council not to vote tonight, they didn't have enough information to make an informed decision.

Councilwoman Skiba said only qualifications were requested, proposals were not requested, the resolution does not award a contract, only appoints people to positions and does not reference the fair and open process.

A discussion of the borough attorney salary vs proposed attorney salaries followed.

For the record, Mr. Chandless stated that he does not bill, he accepted a salary several years ago based on the average of three years billing for all services, with a separate labor attorney and special construction attorney. He continued that when his nomination was defeated on January 1, he withdrew his candidacy, as he could not be in a position to advise the council.

Ms. Weiss stated she was concerned with Sunshine Laws.

Based upon limited information and what was heard previously, Councilman DiPisa asked that the first motion be withdrawn, seconded by Councilwoman Skiba, with Councilman Introna, Councilwoman Saccomano, Councilman DiNanno and Councilman Altobelli voting no, the motion was defeated.

Jay Lustberg, 167 Oldfield Avenue, said that if the council cares about Hasbrouck Heights, they should abstain from their vote.

George Shihanian, 59 Garrison Avenue, did not think the new council members are being given a chance.

Maureen Morgan questioned why were we losing Counsel Chandless, with Councilwoman Saccomano answering that she questioned some of his direction and that change was needed, and he was not voted into the positions of tax borough attorney, bond attorney and tax appeal attorney.

Mr. Chandless tried to explain to Mrs. Saccomano that the ordinance covered all attorney positions. The salary ordinance classified the portion of the appointments as a budget matter, and that she had voted on the appointments.

PUBLIC HEARING ON RESOLUTIONS (cont'd):

Mayor Jones stated he had never heard of Councilwoman Saccomano's dissatisfaction with Mr. Chandless, who himself later stated he had not until tonight heard the suggestion that his services as attorney were other than satisfactory. The Mayor again gave the history of the judge appointment and that he was found not guilty on all counts.

Cindy Schwalb, 67 Field Avenue, said it was not ethical to appoint Mr. Ortiz as borough attorney.

The public hearing on Resolution No. 30 was closed at 10:20 p.m.

A roll call vote on Resolution No. 30 was Councilman DiPisa and Councilwoman Skiba voting Nay, Councilman Introna, Councilwoman Saccomano, Councilman DiNanno and Councilman Altobelli voting Yes.

31. **RESOLUTION: Appointment of Officers and Appointees for 2007**

At this point Mr. Ortiz said that Mayor Jones does not have a choice to accept or deny a motion, and that Councilwoman Saccomano had the opportunity to renew that motion to place the resolutions on Consent Agenda.

Councilwoman Saccomano made a motion to vote Resolutions Nos. 31, 32, 33 on Consent Agenda and have the public hearing after the vote. Councilman DiNanno seconded the motion. A roll call vote on this was Councilman DiPisa voting Nay, Councilman Introna voted Yes, Councilwoman Skiba had many questions and voted Nay, Councilwoman Saccomano voted Yes, Councilman DiNanno voted Yes and Councilman Altobelli voted Yes.

Mayor Jones requested that all of the following resolutions be read in full.

RESOLUTION: 32. Appointments of Volunteer Appointees for 2007

On a motion by Councilwoman Saccomano, seconded by Councilman DiNanno, with Councilwoman Skiba voting Nay on Doug Lango to the Zoning Board of Adjustment, the foregoing Resolution was approved.

33. **RESOLUTION: Appointments of Volunteer Appointees of Council Committees for 2007**

On a motion by Councilwoman Saccomano, seconded by Councilman DiNanno, and unanimously carried, the foregoing Resolution was approved.

PUBLIC HEARING ON RESOLUTIONS (cont'd):

Councilman DiPisa referred to two letters, the first from Mr. Ortiz to Mr. Chandless and a response. He read an excerpt from the response: "the Environmental Transportation Committee was a committee that both Mr. Ortiz and Mr. Chandless agreed that I agree with the appointment of members of this commission, must be appointed in compliance with Section 25-2 of the Code, where each of the Mayor's appointment must be approved by the Council." All other committees, Community Awareness Access for All Committee, Senior Citizens Advisory Committee, and Mayor's Boulevard Beautification Committee all come under "these committees cannot bind or act on behalf of the Borough in any way, they cannot authorize any expenditure of public funds, and cannot determine any rights or obligations of the public. The function of these committees is purely advisory and the appointments of its members is no more than a public statement that the mayor may rely on the advice of its members in forming the mayor's public policy through the extent that he may be lawfully able to do so and as head of the municipal government. You assert that Section 16-2 requires council confirmation of these appointments to these committees and that assertion is erroneous." As there was no response to this, he assumed that these three advisory committees stand.

Mr. Ortiz replied that N.J. Statute points out the powers specifically of the mayor versus the council, one of the powers that you (Mr. DiPisa) as a councilman and collectively as a body are granted to form committees. He disagreed wholeheartedly with Mr. Chandless' letter. NJSA 40A: 60-5 generally lays out the powers of the mayor. He continued that from a legal perspective the council needs to form these committees.

A question by Mayor Jones was why were certain volunteers taken off the Gary Depken Field committee. He requested the committee be increased to add past volunteers. Another request by Councilman DiPisa was to reinstate Community Awareness Access for All Committee members Patrick McCarthy, Pam Link, Robert DiPisa, Mark DiPisa and Michele Bischoff. Councilman Altobelli supported putting them back on. Councilman DiNanno said it was a collective decision and if felt strongly, he supported them back on also. Mr. Ortiz noted a motion to amend the resolution should be made. Councilman DiPisa made the motion to reinstate Patrick McCarthy, Pam Link, Robert DiPisa, Mark DiPisa and Michele Bischoff on the Community Awareness Access for All Committee. Councilwoman Skiba seconded the motion. Councilman Altobelli made a motion to add Ron Kistner to the Gary Depken Field Committee, which was seconded by Councilman DiNanno. Councilman DiPisa made a motion to add Jurgen Hofheinz to the Gary Depken Field Committee, with all council members voting yes on these additional appointments.

Councilwoman Saccomano made a motion to vote on Resolution Nos. 31, 32, and 33, which was seconded by Councilman DiNanno, with a roll call vote of Yes except for Councilwoman Skiba voting on Resolution No. 31, Yes to appointing Joseph Burgis and No to all others appointees, with respect to Resolution No. 32, Yes to all the appointments, except No to the appointment of Doug Lanzo, with respect to Resolution

PUBLIC HEARING ON RESOLUTIONS (cont'd):

No. 33, Yes. Councilman DiPisa had misunderstood and thought each resolution would be read individually, and asked to add to his vote on Resolution No. 31, Yes to appointing Joseph Burgis and Ernest DelGuercio, and No to all other appointees. This was accepted.

MISCELLANEOUS FROM PUBLIC:

Ann McGill, 139 Field Avenue, questioned how the appointees of Resolution No. 31 were to be paid.

Sonya Buckman, 239 Central Avenue, wished to inform Hasbrouck Heights on the source of the appointments, and quoted contributions made by various appointees to the recent campaign.

Dorothy Petroulis, 215 Central Avenue, stated that in the recent campaign literature, taxpayers dollars would be saved, and questioned the differences in the per hour figures for the engineers. She had read through all the resumes and in her opinion did not consider them a good group of resumes. She questioned their availability if they were not from the area.

Mayor Jones questioned if the borough would be getting the person appointed, or workers of the firm. Mr. Ortiz said they were large firms with experts in every area.

Rose Heck, 501 Collins Avenue, requested the borough clerk to read her statement which was as follows:

**Hasbrouck Heights Zoning Board of Adjustment
February 5, 2007 - submitted by Rose Heck, Chair**

Due to my lack of voice due to an infection, I ask that the Borough Clerk read my statement into the record and for the public to hear.

As Chair of the Hasbrouck Heights Zoning Board of Adjustment I have been instructed by the Board to notify the Mayor and Council that a letter of complaint has been sent to the State of New Jersey on its behalf.

The Complaint notes that testimony was given under oath to the Zoning Board relative to a third floor construction, including complete bathroom, installed by a licensed plumber here in Hasbrouck Heights. The Zoning Board denied the variance to allow that work to stay in place and asked that the building department issue a fine to the plumber involved in that work. It came to our attention that the law had changed over the years and the fine issued would go to the owner of the property.

MISCELLANEOUS FROM PUBLIC (cont'd):

When the Board learned of this, it was suggested and unanimously agreed that a letter of complaint be sent to the State of New Jersey notifying them of this matter and the testimony of the homeowner relative to the plumber having done the work later determined by the Building Department as a non permitted work. I would suggest that the Mayor and Council avail themselves of that letter prior to their vote to naming two replacements to the Zoning Board of Adjustment.

As you all know, the Zoning Board of Adjustment took exception to the negative response by Council Members Introna, Saccomano, DiNanno and Altobelli, in reappointing the two members who had served for 2006 and who were up for reappointment. The Zoning Board in its formal resolution to the Mayor and Council noted in part that both of these volunteers were exceptionally well qualified to serve, had impeccable records, and were professionals in their fields, giving their expertise to the handling of cases coming before the Board.

It was with deep concern that we noted the January proposed appointee appearing on Councilman Introna's proposed list for the Zoning Board. We are now on record as pointing out this lack of following zoning rules as it pertains to one of the proposed appointees on the newest list offered by Council Members Introna, Saccomano, DiNanno and Altobelli, of those you wish to serve on the Zoning Board.

Mayor Jones suggested that each councilperson review their copy of these statement and if there is any doubt, they hold their vote.

After some discussion between Councilwoman Saccomano, Mr. Ortiz and Mrs. Heck, the gentleman in question, who was present was given the chance to speak.

Douglas Lanzo, 87 LaSalle Avenue, in rebuttal to the above statement and the allegations, stated he has never received any fines from the State of New Jersey. He continued that if a licensed plumber or electrician works in the State without a permit, a fine can be issued. The job in question involved installing baseboard heating, for which no permit is needed. In speaking to the building and plumbing inspectors, they agreed no permit was needed. He received no fines from them. At a later date he was requested by the owner to look at the plumbing work and make any corrections, as he was going to seek a permit to install a bathroom on the top floor. He said no plumbing work was done by him. At the owner's and inspectors requests, he was asked to make corrections to the existing piping in the basement, to which he obtained a permit.

Mayor Jones said if he was proved at fault, would he remain on the board. If he did something wrong, he agreed no, he would not.

Andrew Heisey, Division Avenue, was disappointed he and William Kremer were not reappointed to the Zoning Board. A licensed professional planner, he helped write the

MISCELLANEOUS FROM PUBLIC (cont'd):

zoning ordinance 15 years ago, and wrote the periodic re-examining report six years after that. He questioned why.

Robert Searle, Henry Street, spoke on integrity.

Patrick McCarthy, 123 Kipp Avenue, asked for direction for the Community Awareness Access for All Committee. He was advised to proceed as originally planned.

ADJOURN:

There being no further business to be conducted by the Mayor and Council, the meeting was adjourned at 11:51 p.m.

I, ROSE MARIE SEES, Borough Clerk of the Borough of Hasbrouck Heights, do hereby certify that the foregoing Minutes are to the best of my knowledge a true account of the Mayor and Council Meeting held on February 5, 2007.

Rose Marie Sees, RMC
Borough Clerk