

BOROUGH OF HASBROUCK HEIGHTS

MINUTES

December 13, 2016

A Regular Meeting of the Mayor and Council of the Borough of Hasbrouck Heights was held on Tuesday, December 13, 2016 at 8:11 p.m. at Borough Hall, 320 Boulevard, Hasbrouck Heights, NJ.

Mayor DeLorenzo declared the meeting in Session and 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 4, 2016 and transmitted to The Observer, The Record and The Herald News on January 4, 2016.

ROLL CALL: Present: Mayor John DeLorenzo, Councilman Justin A. DiPisa, Councilwoman Sonya Buckman, Councilman David Gonzalez, Councilwoman Pamela J. Link, Councilman Russell A. Lipari, Councilman Peter Traina

Absent: None

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

INVOCATION: The Invocation was given by Councilman DiPisa as follows: "Dear Heavenly Father, during this most blessed season of Christmas we ask you in a special way to keep us safe from harm, healthy and focused on the important things in life, our families, our values, our belief to live out our faith the best way we know how, to forgive those toughest to forgive, to be charitable and mindful of the poor, to embrace those hardest to love in our lives and to be thankful for all that we have and sometimes take for granted. Keep us mindful that Jesus is the Reason for the Season. Amen."

PRESENTATION: Certificates to Holiday Float Contest Participants

Mayor DeLorenzo and Councilman Traina presented a Certificate of Recognition to Lincoln School PTA Members Michelle Nipitella and Brenda Andersen for First Place Most Artistic Float and to Tom Mason and VFW Post 4591 for Most Patriotic Float.

COMMUNICATIONS: 1) Memo from Fire Chief Patrick Hayes advising of

COMMUNICATIONS (cont'd):

resignation of Donato Squeo from HHFD Engine Company 2

2) Thank you from Lisa Mason, Chairman of the Mayor's Committee on Community Celebrations for Mayor and Council support and participation in 2016 Tree Lighting Ceremony and Chamber of Commerce Holiday Parade

Mayor DeLorenzo asked if any member of the Council wished to have any item read into the record. There being none, Mayor DeLorenzo requested a motion to accept the Communications which was made by Councilman Lipari, seconded by Councilman Traina, and unanimously carried.

BILLS:

WHEREAS, claims and accounts amounting to \$3,837,934.52 specified in the schedule hereto annexed, have been examined and approved by the Finance Commissioner, or his Deputy; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the accounts listed for payment of the claims;

NOW, THEREFORE BE IT RESOLVED, that the claims be paid and checks be issued on the funds and accounts indicated on the attached schedule.

/s/ Councilwoman Sonya Buckman
Deputy Commissioner of Finance

On a motion by Councilman DiPisa, seconded by Councilman Lipari, and unanimously carried, the foregoing Resolution was approved.

APPROVAL OF MINUTES: *((November 15, 2016 Work Session and Executive Session, November 29, 2016 Regular Meeting and Executive Session))*

Mayor DeLorenzo requested a motion to approve the foregoing minutes which was made by Councilwoman Link, seconded by Councilwoman Buckman, with Councilman DiPisa abstaining from both dates, Councilman Lipari abstaining from the November 29, 2016 Minutes and otherwise unanimously carried.

NEW BUSINESS:

- CONSENT AGENDA:**
- 198. Payroll
 - 199. Dog Licenses - Payment of Fees to State
 - 200. Authorizing Payment to former Firemen for 25 Years of Service
 - 201. Authorizing Fire Department Percentages
 - 202. Authorizing Ambulance Squad Percentages
 - 203. Authorizing Approval of 2016/2017 Licenses for Commercial Sale of Certain Motor Vehicle Dealers
 - 204. Authorizing Cancellation of Taxes Received for 100% Veteran Disability

Mayor DeLorenzo requested a motion to approve the foregoing Consent Agenda which was made by Councilman Gonzalez, seconded by Councilwoman Buckman, and unanimously carried.

- RESOLUTIONS:**
- 205. Authorizing Change Orders #1 through #12 for Fire Department Ladder Truck

Mayor DeLorenzo requested a motion to approve the foregoing resolution which was made by Councilman Gonzalez, seconded by Councilman Lipari, and unanimously carried.

- 206. Authorizing 2016 Budget Appropriation Transfers

Mayor DeLorenzo requested a motion to approve the foregoing resolution which was made by Councilman DiPisa, seconded by Councilwoman Buckman, and unanimously carried.

APPOINTMENTS: None

RESIGNATIONS: Donato Squeo from Hasbrouck Heights Fire Department Engine Company 2

Mayor DeLorenzo requested a motion to accept the Resignation which was made by Councilman Gonzalez, seconded by Councilman Lipari, and unanimously carried.

ORDINANCE(S) IN INTRODUCTION: None

ORDINANCE(S) ON PUBLIC HEARING:

ORDINANCE NO. 2376:

BE IT RESOLVED that an Ordinance entitled: “**AN ORDINANCE TO FIX THE SALARY AND COMPENSATION OF MEMBERS OF THE HASBROUCK HEIGHTS POLICE DEPARTMENT FOR THE YEAR 2017 IN ACCORDANCE WITH THE TERMS OF A CONTRACT BETWEEN THE BOROUGH OF HASBROUCK HEIGHTS AND THE POLICEMEN'S BENEVOLENT ASSOCIATION LOCAL 10** ” be now passed on second and final reading and the Borough Clerk be and is hereby authorized and directed to publish said Ordinance, same to be published in The Observer, a newspaper circulating and published in the Borough of Hasbrouck Heights.

Mayor DeLorenzo requested a motion to open the Public Hearing on the foregoing Ordinance which was made by Councilman Gonzalez, seconded by Councilman Lipari and unanimously carried.

There being no one wishing to speak, Mayor DeLorenzo requested a motion to close the Public Hearing on this ordinance which was made by Councilman DiPisa, seconded by Councilman Lipari, and unanimously carried.

Mayor DeLorenzo requested a motion to approve Ordinance No. 2376 which was made by Councilman Traina, seconded by Councilwoman Link, and unanimously carried.

ORDINANCE NO. 2377:

BE IT RESOLVED that an Ordinance entitled: “**AN ORDINANCE TO FIX THE SALARY AND COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF HASBROUCK HEIGHTS, NEW JERSEY, FOR THE YEAR 2017**” be now passed on second and final reading and the Borough Clerk be and is hereby authorized and directed to publish said Ordinance, same to be published in The Observer, a newspaper circulating and published in the Borough of Hasbrouck Heights.

Mayor DeLorenzo requested a motion to open the Public Hearing on the foregoing Ordinance which was made by Councilwoman Link, seconded by Councilman Traina and unanimously carried.

There being no one wishing to speak, Mayor DeLorenzo requested a motion to close the Public Hearing on this ordinance which was made by Councilwoman Link, seconded by Councilman Traina, and unanimously carried.

ORDINANCE NO. 2377 (cont'd):

Mayor DeLorenzo requested a motion to approve Ordinance No. 2377 which was made by Councilman DiPisa, seconded by Councilman Traina, and unanimously carried.

ORDINANCE NO. 2378:

BE IT RESOLVED that an Ordinance entitled: **AN ORDINANCE TO AMEND AND SUPPLEMENT SECTIONS 55-2, 55-4 AND 55-9 OF ARTICLE I ENTITLED "CREATION AND ORGANIZATION" OF CHAPTER 55 ENTITLED "POLICE DEPARTMENT" OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS SO AS TO UPDATE, REFINE, CORRECT, SIMPLIFY AND MAKE THE SAME MORE READABLE**" be now passed on second and final reading and the Borough Clerk be and is hereby authorized and directed to publish said Ordinance, same to be published in The Observer, a newspaper circulating and published in the Borough of Hasbrouck Heights.

Mayor DeLorenzo requested a motion to open the Public Hearing on the foregoing Ordinance which was made by Councilman Lipari, seconded by Councilman Traina and unanimously carried.

Rose Heck, 501 Collins Avenue, asked for a little explanation as to the reasons for the changes coming about and what they will entail. Mayor DeLorenzo said they came about through discussions by the Police Committee and they felt the last ordinance was too complicated and redundant and wanted to simplify and streamline the process that could be understood. She asked what was anticipated these changes will do. He replied they will be clear and simplify the process, she asked to what extent. He said there was different criteria and he did not know if he should go into the details, as it might have left the Borough open to litigation. He deferred to the Borough Attorney. Mr. Chandless said the redundancy the Police Committee recognized was some, not all of the same qualifications, were repeated for the various promotions. We consolidated all of that. She said it was amazing they had two experienced commissioners when the first ordinance was put together and he did not bring that up. She had objections to this because she felt we are questioning the professionalism of the head of the department, taking away that authority. One of the primary reasons she suggested to the Commissioners is that it used to be that the Mayor and Chief got together and said to promote x, y, z. Then the Council would be given a recommendation by the mayor without any consultation, and then the Council would vote. She thought it too narrow and broaden and bring other criteria into the mix. Mr. Chandless said none of the criteria has been omitted. There may be differences in balancing and crediting, but all the criteria is there. She said one of the key pieces is that the Chief has been given the least amount to say.

ORDINANCE NO. 2378 (cont'd):

Mayor DeLorenzo said he respects the Council and Police Committee also. There was an outline for criteria that should be laid out, it remains, with input from Police Committee, Chief, PBA, Councilmembers, this is the Police Committee's recommendation at this time, taking nothing away or maybe there were some things the other Police Committee weren't aware of at the time. At this time we felt we could improve on it, streamline it and make it a little bit leaner. As far as the percentages yes, they were changed it is our full intention that the Chief is involved in every process.

She asked for explanation of the process and percentages. He said they will let the Chief know they are going to make promotions, post it, there are criteria, time, department services, assignments. The file will be reviewed and he will have input at almost every stage. She said it was her understanding the Chief was removed as a regular member of the Police Committee. Mayor DeLorenzo said that was correct. She said the Police Committee has the majority of the say on recommendations to the Council. Certainly the Council still has the authority to make or not make those promotions. The criteria is there but the Chief's input is minimal. He said that's not true, he gets a say right away, he will be part of everything, in consultation with all. They agreed as with any committee, the department head should not be a part of the sitting committee, it should be the Mayor and Councilmembers. He would still be included in the process. In her opinion the police department is a separate entity, a paramilitary organization, professional, noting the Chief who showed outstanding abilities, one being he went to the West Point Leadership Academy, came back without telling them that out of the 100 leaders who participated, he came out #1. A few years ago we received honors of being the safest community in the United States for our size. She would hate to see us try to take over what rightly belongs to the purview of the head of the police department. This is a weak mayor, strong council form of government, so anything that happens is actually at the behest of the council. The mayor may suggest but the council has the authority and responsibility to make the right decisions. In her opinion she found this somewhat offensive and a dangerous precedent.

There being no one else wishing to speak, Mayor DeLorenzo requested a motion to close the Public Hearing on this ordinance which was made by Councilman Lipari, seconded by Councilman Traina, and unanimously carried.

Mayor DeLorenzo requested a motion to approve Ordinance No. 2378 which was made by Councilman Lipari, seconded by Councilman Traina, with Councilman DiPisa voting Yes; Councilwoman Buckman voting Yes; and Councilwoman Link issuing the following statement: "At the November 29 Mayor and Council meeting my vote against the introduction of this resolution was not against anyone but rather against the push to pass the resolution without allowing time for appropriate review and discussion by this whole governing body. The Police Committee – Mayor DeLorenzo, Police

ORDINANCE NO. 2378 (cont'd):

Commissioner Lipari and Deputy Commissioner Traina – apparently has been working on this since May but the first I saw of this ordinance changes was on November 10. Two weeks is not a long time in my opinion and certainly five minutes on November 29 to review additional changes made to the November 15th's pulled amendment and then to a vote on it is not sufficient for proper review. I met with the Mayor and Borough Attorney immediately prior to the opening of the November 15th council meeting. My concerns discussed included keeping the promotion process nonpolitical in fact and/or in appearance, keeping the employee's merit forefront in the scoring process, possibly by adding a portion for a third party written exam and why the length of time required for an employee to apply for a promotion was removed. It was discovered that night that length of time wording was inadvertently lost in the amendment's preparation and printing and would be put back in. I was told my other concerns would be brought back to the Police Committee for discussion. As we are a government of mayor and council under the Open Public Meetings Act (OPMA) in the State of New Jersey it is written that secrecy in public affairs undermines the faith of the public in government except only in those circumstances where otherwise the personal privacy or guaranteed rights of individuals would be clearly in danger of unwarranted invasion personnel matters. Hence it is my belief that it should have come before the entire body for discussion on November 15 in closed session, and not just the Police Committee. A sub-committee of a governing body such as police committee should be used to gather data and formulate ideas, but then their findings should be brought back to the entire Council for explanation and discussion so each member's ideas, concerns and reasons for changes could have been aired eliminating confusion, misconceptions, lost language. This would have resulted in a clear, clean and complete conclusion as to what is best for Hasbrouck Heights. Instead concerns from my meeting and then other concerns from another's meeting went back and forth to the committee and then a revised resolution was surprisingly presented to the Councilmembers in a closed session called for at the conclusion of the November 29 Mayor and Council meeting without notification of changes given for review. Councilmembers were expected to review the changes and at the same time try to listen to others concerns, opinions and explanations being discussed and then asked to cast an informed vote. We are not always going to agree but everyone's voice needs to be heard by all and not piecemeal inside discussions. This introduced amendment for promotions in my opinion is now weighted on the political side by lowering the employee's performance review percentage and I feel is worth much more than 35% and by replacing the employee's management in the scoring of the employee's performance review with a political committee. I am also at a loss in understanding why our Police Chief of 16 years with 37 years experience in law enforcement in a town rated #5 in crime in New Jersey and rated in the top ten best places to live in New Jersey appears to be being removed for the most part from this promotion process and replaced by a political committee. This in my opinion can only

ORDINANCE NO. 2378 (cont'd):

open doors to cronyism or patronage in our Borough. A promotion should be an honorable time for our employees and their families as they are recognized for their achievements in their careers and should be based on their merit and not politicized in any way, I stand with my No vote

Mayor DeLorenzo said first of all it was an effort to move the process forward because the people that you speak about have been sitting around for a year waiting to find out if there'll be promotions; secondly, this process of the committee has been going on long before I became the Mayor and I doubt you had this much discussion. We met with you we addressed your concerns and it was minor word and changes after we also met as a Police Committee and with the PBA Representative and their Attorney. As far as the rest of the Council, he was disappointed you don't trust the other councilmembers to come forward in the proper order. He asked to continue the role: Councilwoman Link: No; Councilman Gonzalez: Yes; Councilman Lipari: Yes; Councilman Traina gave a brief statement saying in his opinion the word offensive continues to get overused. He said we met with three labor attorneys regarding the ordinance in addition to our Borough Attorney. To be grandstanding up here and having prepared statements for something that we didn't even know would be on the issue at the time, to me, is offensive. He voted Yes.

MISCELLANEOUS FROM PUBLIC:

Mayor DeLorenzo requested a motion to open the meeting to the public which was made by Councilman Lipari, seconded by Councilwoman Link, and unanimously carried.

There being no one wishing to speak, Mayor DeLorenzo requested a motion to close the public portion, which was made by Councilman Traina, seconded by Councilman Lipari, and unanimously carried.

WORK SESSION:

Mayor DeLorenzo announced the meeting would continue to the Work Session and requested a motion, which was made by Councilman DiPisa, seconded by Councilman Traina, and unanimously carried.

ADJOURN:

There being no further business to be conducted by the Mayor and Council, the meeting was adjourned at 9:44 p.m. on a motion by Councilman Lipari, seconded by Councilman Traina, and unanimously carried.

Borough of Hasbrouck Heights - Regular Meeting Minutes - December 13, 2016

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 December 13, 2016.

Rose Marie Sees