

BOROUGH OF ELMWOOD PARK
WORK MEETING
January 22, 2015
8:00 p.m.

The Work Meeting of the Elmwood Park Mayor and Council was called to order by Municipal Clerk Keith Kazmark at 8:00 p.m. Statement of Compliance was read.

Governing Body members Caramagna, Colletti, Martino, Pettigano, Vuoncino and Dombrowski were present. Councilman Also present were Mayor Mola, Borough Clerk Keith Kazmark, Borough Engineer Nordan Murphy and Borough Attorney Giuseppe Randazzo.

Whereas, Chapter 231 of the Public Laws of the State of New Jersey requires at the commencement of every meeting a Statement of Compliance be read by the presiding officer.

Now, Therefore Be Advised that the meeting requirements for this meeting have been met by the publishing an annual notice in The Record of Hackensack and Herald News of Woodland Park and by posting such notice in the office of the Borough Clerk as well as in a public place within the Municipal Building and by notifying interested citizens. Said notice was posted on January 1, 2015.

Borough Clerk advised the Mayor and Council there was a large gathering in the Council Chambers for the portion of the meeting involving the joint meeting between the Council and the Planning Board. He also advised there are interested parties that would like to speak during the public portion. Mr. Kazmark then requested the discussion with the Planning Board be held in the Council Chambers to accommodate the public. The meeting was relocated into the Council Chambers for this portion of the meeting.

Borough Clerk Kazmark invited the members of the Planning Board to join the Council on the dais for the joint meeting.

Public Hearing: No one wished to be heard.

Work Meeting Agenda Items:

1 – Discussion with the Planning Board regarding the proposed CCO Ordinance – Mr. Vicari called to order the joint meeting of the Planning Board with the Mayor and Council. The following members of the Planning Board were in attendance; Harry Decker, Melvin Kaplan, John Viviani, Joseph Abramo, Anthony Chirido, Claudia Ross, Ronald Vicari, John Adamo, Councilman Frank Caramagna and Mayor Mola. Borough Clerk Keith Kazmark discussed a draft ordinance which was presented at a prior Council Meeting regarding the Continued Certificate of Occupancy by Councilman Pettigano. Copies of the draft ordinance were distributed to members of the Planning Board. Mr. Kazmark requested the Borough's Zoning Official Richard Bolan join the Planning Board for the discussion regarding the draft of the new ordinance. Councilman Pettigano thanked the Planning Board for joining the Mayor and Council. He further discussed the example of a business moving into a location where the prior business was a similar type of business. Mr. Bolan clarified the listing of examples provided to the Council regarding where the approvals would be given for a new business by the Zoning Officer. Councilman Pettigano clarified the ordinance change would be applicable to business space over 10,000 feet. Mr. Vicari stated there have been some instances were like businesses turn out to be not like businesses, and the differences come to light after the Planning Board asks questions and sometimes the answers lead to more questions. He then discussed the costs that may be incurred by the businesses to come before the Planning Board. He further discussed the publication of the meetings and transparency, where if the ordinance was to be passed the public would then have no knowledge and the approval would be done behind closed doors. Councilman Dombrowski asked for an example of non-truths being discovered by the Planning Board. Mr. Vicari discussed a recent applicant who stated they would be selling smoke pipes. After a couple of hearings it was discovered that the shop would be selling hookahs and other drug paraphernalia at which time the applicant withdrew their application. Mr. Kaplan discussed the state mandate which requires corporations to be represented by an attorney. He then discussed parking and the issues that may arise with parking. Mr. Bolan stated the records in the Building Department are public record and the Certificates of Occupancy should be posted in the business. He further discussed the items that would be approved by the Zoning Official are permitted uses and if the need arises for the application to go before the Planning Board, the applicant would be notified in writing by the Zoning Official. He discussed that each application that comes before the Building Department is properly vetted and questions are asked of the applicant. He further discussed the recent application which will be before the Planning Board for an engineering firm that is expanding their office space. Mr. Bolan discussed the enforcement against a business no matter which entity gave the original approval for the business. Mayor Mola stated if a change in the ordinance was made it would fall under whomever is the Zoning Official at the time.

Councilman Vuoncino asked the Planning Board in an example of a space over the 10,000 square footage and should parking associated with the building be fixed, what value does the Planning Board add to the application process? Mr. Vicari stated the most of the office space over 10,000 ft does not meet the requirements therefore each applicant needs to be reviewed for the parking. Mr. Bolan stated a resolution or a variance stays with the property and overrides a municipal ordinance. Council President Dombrowski read a letter that was received by a realtor that addressed the lengthy and costly expense to bring a business into the Borough. Mr. Vicari stated creating the ordinance circumvents the Sunshine Law. Discussion ensued regarding a prior business that was approved by the Planning Board which eventually closed because of what was outlined in the resolution. Mr. Bolan stated that permitted uses would only go before the Zoning Official, if an application comes before him that is against permitted uses or a resolution and a variance, that applicant would need to go before the Planning Board. Mr. Vicari stated he feels that Council is fighting a problem that does not exist. He further stated the Planning Board has a good relationship with the Zoning Official and the Planning Board has never had a complaint toward the Official. Mr. Decker stated the Planning Board is there to assist the applicants. He further stated they are not confrontational. He then stated when applicants come before the board with a well prepared attorney, the process flows smoothly. Many applicants come with an attorney that is not well prepared and this will show during the meeting. Mr. Decker then discussed the advertisement of the applications as to make the public aware and give them the opportunity to be heard regarding an application. Mr. Decker discussed a restaurant that came before the Planning Board and how the application was handled that best suited the business and the residents around the business. Mr. Bolan stated the ordinance does not give blanket approval for Administrative approval. Councilman Vuoncino discussed the list which was provided by Mr. Bolan and listed 10 items in order of the least risk to high risk for Administrative approval. He further stated the Council requested the meeting with the Planning Board so that together a line can be decided upon on which items would become Administrative approval and which item would remain with the approval of the Planning Board. Discussion ensued to the approval of medical buildings. Councilman Martino stated the Council is looking to streamline the process. Mr. Vicari responded the Planning Board will ask multiple questions and during that process the applicant might bring to light a concern that the Planning Board can further follow up with. Mayor Mola stated there has never been a problem with the Planning Board in the past and he foresees problems in the future if this change is made. Councilman Pettigano asked for clarification regarding resolutions. Mr. Bolan clarified the weight of a resolution. Councilman Pettigano asked to the speed of the process for properties that do not have a resolution or a variance tied to the property. Mr. Bolan stated it could be almost instantaneously. Mr. Bolan then discussed the inspection process that would not change whether the approval came from the Zoning Official or the Planning Board. Mr. Chirido inquired if additional work time would be required of the Zoning Official. Mr. Bolan stated no additional work time would be required of a Zoning Official. Mr. Vicari asked the Council to poll the businesses that have come to the Planning Board as to whether their experience was helpful. Councilman Caramagna discussed the cost that is incurred by obtaining an attorney when coming before the Planning Board. Councilman Colletti thanked the Planning Board and Mr. Bolan for their time in meeting with the Council.

The work session of the Mayor and Council resumed at 9:40 p.m. in the Caucus Room. Governing Body members Caramagna, Colletti, Martino, Pettigano, Vuoncino and Dombrowski were present. Councilman Also present were Mayor Mola, Borough Clerk Keith Kazmark, Borough Engineer Nordan Murphy and Borough Attorney Giuseppe Randazzo.

2 – ZONING ORDINANCE PROPOSAL:

- a. **Draft Letter to Residents** – Discussion ensued regarding the draft letter announcing the Town Hall Meeting which will be sent to residents. The Borough is required to notify of the propose zoning change. After introduction of the ordinance, but this list will be used for the Town Hall letter as well. Fair Lawn residents that fall within the 100 ft radius will not be included in the Town Hall Meeting, however will be notified after the introduction of the ordinance.
- b. **Maps from Kauker & Kauker** – Discussion ensued to the areas for the proposed zoning change.
- c. **Revised Proposal – Kauker & Kauker** – Discussion ensued to the revised proposal for planning services. Councilman Colletti expressed his concerns regarding the revised proposal. The Council was polled and unanimously agreed to place a resolution authorizing the additional costs for the planning services. Mayor Mola expressed his opinion against the increased amount. A resolution will be placed on the February 5, 2015 Regular Meeting agenda.

3 – Discussion pertaining the appointment of the 2015 Municipal Towers – Borough Clerk Keith Kazmark discussed the relocation of Arrow Towing. He further discussed Park Auto Body may be a pre-existing non-conforming use which would allow the Council to determine whether they may be appointed as a municipal tower. Mr. Kazmark followed up by stating the other Borough businesses are not compliant with the Zoning laws. Councilman Dombrowski inquired as to why the Borough does not go

out for bid for towing services in an effort to bring in more revenue for the Borough. Police Chief Foligno joined the towing discussion. Chief Foligno discussed the lack of knowledge regarding zoning laws regarding municipal towers. Borough Clerk Kazmark stated moving forward dialogue between the Police Department and the Building Department to determine the compliance of potential towers will ensue. Discussion then ensued as to which towers are to be appointed. Borough Attorney discussed the options that are before the Council. A resolution will be placed on the February 5, 2015 Regular Meeting agenda appointing out of town towers. A letter will be sent to the three towers from town to reapply once they become complaint, with our Zoning Requirements.

4 – Request from the Recreation Director for additional teacher for the After School Program – The Mayor and Council requested a resolution be placed on the February 5, 2015 Regular Meeting agenda appointing an additional teacher for the After School Program.

5 – Appointments for the Regular Meetings for February 5, 2015 and February 19, 2015 – Councilman Dombrowski submitted Vincenzo Stampone, Esq. from Haledon for Special Tax Appeal Counsel. Mayor Mola inquired as to why Mr. Giblin was not considered or our Borough Attorney. Councilman Dombrowski stated the reason was change. Councilman Dombrowski submitted Richard Trawinski's name for the Library Board and JoAnne Siracusa for the Rent Leveling Board.

6 – Memorandum from Chief Foligno regarding 911 Communication Center – Chief Foligno discussed the condition of the current 911 Communication Center and the security concerns related to the outdated system. He then discussed the \$521,000 proposed cost and the items that are included with the proposal. Mayor Mola inquired as to why other municipalities are contracting with the County under a shared services agreement. Chief Foligno stated his reasons why a shared service agreement would not be feasible for the borough. Fire Chief Pressler discussed his knowledge of the proposed system. He further discussed the importance of the backup function of the system. Councilman Vuoncino inquired as to the process to procure the communication center. Borough Clerk Kazmark stated the vendor is under state contract, therefore this purchase is exempt from the bidding process. Chief Foligno discussed the other vendors that he met with to obtain a proposal. The Fire Chief discussed the different frequencies that are utilized by the Police, Fire and State Police. He further discussed this command center is capable of handling the different frequencies. Councilman Colletti inquired what would need to be addressed if the Council decided not to authorize the proposal as presented. Chief Foligno stated the one 911 console would need to be replaced at a cost of about \$100,000. Discussion ensued to the installation of the system and the length of time to complete the installation. Further discussion ensued as to the cost of the warranty and what is covered. Inquiries were made regarding the life expectancy of the communication center and the capability to adjust to future updates in technology. Borough Clerk Kazmark suggested the Council be given the opportunity to look at the current command center in the Police Department and requested Chief Foligno to set up a time for the Council to see the proposed communication center live at one of the surrounding municipalities. Mr. Kazmark then stated further discussion regarding the proposal can be carried over to the next work session when the Council is more informed about the system.

10 – Restoration Estimate for the M56 Scorpion – Borough Clerk Kazmark discussed the process that he and Mr. Karcz followed in trying to obtain a body shop that is willing to restore the M56 Scorpion. He stated that Valtek is the only business that is willing to do the restoration. He discussed the items included in the estimate and stated the cost of the restoration is \$11,487.00. He stated the cost does not include transportation of the tank to Valtek.

7 – ORDINANCES:

a. Halloween Curfew for Minors – Chief Foligno discussed the need to codify the Halloween curfew so it is enforceable. He discussed changes that he deems necessary. The ordinance will be introduced at the February 5, 2015 Regular Meeting.

8 – COMMITTEE REPORTS:

Councilman Pettigano discussed welcomed signs for entry points to the Borough.

Councilman Vuoncino discussed the Ambulance Corps. vehicles and the need to replace the vehicles. He further discussed the possibility of remounting the chassis. The Ambulance Corps. will be doing their due diligence regarding the vehicles and will meet with the Council in the future to discuss how to move forward. Councilman Vuoncino discussed the daytime stipend for Ambulance Corps. volunteers and the possibility of increasing the stipend to \$30 from the current rate of \$20. Discussion then ensued to the length of time for the stipend to be paid. Discussion will be held over to a future work session.

Councilman Dombrowski discussed a recent visit to the Bergen County Animal Shelter.

Councilman Caramagna discussed the cost of the State Monitor for the School District and encouraged attendance at the upcoming Board of Education meeting.

Councilman Martino reported progress.

Councilman Colletti reported progress.

Mayor Mola stated the State will be paving under Route 80, laying striping at the intersection of Boulevard and Route 46 and starting the installation of two traffic lights by the Broadway train station.

9 – EXECUTIVE SESSION:

- a. Personnel – Police Department**
- b. Personnel – Department of Public Works**
- c. Litigation – Buonanno vs. Elmwood Park**

WHEREAS, the Open Public Meetings Act P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

Personnel – Police Department
Personnel – Department of Public Works
Litigation – Buonanno vs. Elmwood Park

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED, that the public be excluded from this meeting.

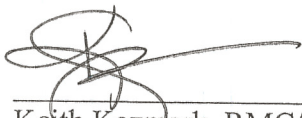
A motion was made by Councilman Dombrowski and seconded by Councilman Pettigano to enter into Executive Session. Motion carried by the members present.

Personnel – Police Department
Personnel – Department of Public Works
Litigation – Buonanno vs. Elmwood Park

A motion was made by Councilman Martino and seconded by Councilman Pettigano to return to the public session. Motion carried by the members present.

A motion was made by Councilman Martino and seconded by Councilman Pettigano to adjourn. Motion carried unanimously.

Respectfully submitted,



Keith Kazmark, RMC/CMC/MMC
Borough Clerk

Minutes approved at the June 18, 2015 Mayor and Council Regular Meeting.