

The minutes of the Special Public Meeting of the Township Council of the Township of Saddle Brook held on February 24, 2015 at 6:30 PM at the Municipal Building, 93 Market Street, Saddle Brook, NJ.

Council President Mazzer called the meeting to order.

Township Clerk called the roll:

Councilman Cimiluca – absent until 6:35 PM
Councilman Camilleri – present
Councilwoman D’Arminio - present
Councilman Accomando - present
Council President Mazzer – present

Mayor White – present
Mr. Steve Wielkotz, Twp. Auditor - present

Council President Mazzer asked everyone to please rise for the salute to the flag and for a moment of silence in memory of Angelina Cimiluca, Councilman Cimiluca’s mother, who passed away.

Council President Mazzer announced that adequate notice of this meeting has been sent to all Council members by police messenger on February 19, 2015 and to all legal newspapers in accordance with the provisions of the Open Public Meetings Act, Chapter 231, P.L. 1975.

The Township Clerk announced that the public is hereby advised that any statements made during the meeting of the Township Council of the Township of Saddle Brook may not be privileged or protected and that persons or entities who take issue with such comments or are offended by same, may, and have in the past, sought legal redress through the courts.

Any member of the public who addresses the Council speaks for themselves and not for the Council.

Council President Mazzer asked for a motion to open the meeting to the public.

Motion: Councilwoman D’Arminio Second: Councilman Camilleri

Councilman Cimiluca – absent
Councilman Camilleri – yes
Councilwoman D’Arminio – yes
Councilman Accomando – yes
Council President Mazzer - yes

Mayor White noted there was a presentation from Global Protech and asked Mr. Lo Dico if now was the time.

Council President Mazzer said they would close the public portion of the meeting first.

Hearing no one, Council President Mazzer asked for a motion to close the meeting to the public.

Councilman Cimiluca arrived at this time.

Motion: Councilwoman D’Arminio Second: Councilman Camilleri

Councilman Cimiluca – yes
Councilman Camilleri – yes
Councilwoman D’Arminio – yes
Councilman Accomando – yes
Council President Mazzer - yes

Presentation

Ms. Leticia Cueto from Global Protech introduced herself and Mr. Michael Perez and explained they were an IT solutions company that provides various types of services in broadcast and surveillance. She said they had been invited by Mayor White to look at our site and make an assessment. She explained their findings and said some equipment needs to be replaced. She said they were scheduled to have a phone call with someone from Verizon to determine why certain systems are not working and to troubleshoot and perhaps get a new encoder on the current franchise agreement.

Mr. Perez added that most of the equipment is outdated and support is not available anymore. He discussed the video server and said this may be what is causing the lost connections. He said they would be troubleshooting with Verizon on Thursday.

Ms. Cueto said the troubleshooting should help them find out if the unit can be fixed or replaced. She said they provided a proposal with information for replacement of the unit. In addition there is other equipment that needs to be considered for renewal or purchase. She said if you fix one thing but not the other you will have the same situation, and you won't have the quality. There will always be a deficiency.

Mr. Perez discussed the computers involved. He said they both have old processors, and he recommended they both be replaced. Ms. Cueto said one of them is making a strange noise which tells us its lifeline is very short. She discussed other equipment that needs to be replaced along with the cabling. She said it was very difficult to work with what's there because nothing is labeled, and they don't know what anything is. She added they would like to give an evaluation of the equipment we currently have to determine what could be kept and what should not be.

Mayor White asked why it sometimes works and sometimes does not. Ms. Cueto said it's the converter which is not working and the signal is lost.

Mr. Perez said with the system they were proposing there would be a greater ability to bring more access into the system. He gave the example that a winter storm warning could be put on the system remotely. You don't have to be on site.

Mayor White said just the bulletin board was remote but not the video. Ms. Cueto said with the new system we would be able to do both remotely. She explained that her company would be doing the replacing of the equipment, the set up, and the training. She added they would do all the labeling and all the cabling as well.

Councilwoman D'Arminio said they would be putting the station back together. She asked if Verizon would be troubleshooting the encoder, and Ms. Cueto said yes, Mayor White was able to find a contact in the Verizon FiOS Franchise Department.

Councilman Cimiluca asked about Cablevision. Mr. Cueto said the encoder is provided by Verizon, and that is the unit that is not working. Councilman Cimiluca said we have been doing this since before FiOS came into existence.

Councilwoman D'Arminio said she thought it was 1999 that we started with the station, but we didn't have Verizon.

Mayor White asked if Cablevision also has encoders. Ms. Cueto said yes. Discussion of the encoders followed.

Councilman Cimiluca asked Ms. Cueto what they were charging for their services. She explained what they were doing and said they had wanted to know if they were able to help before they gave a price. She said the proposal they have is for the equipment and the set up and configuration of the site. It includes pricing for equipment, labor, and installation. She said she understood Verizon is responsible for providing certain equipment, and [her company] is not incorporating that

equipment into their proposal. She said we might have to discuss the franchise agreement with Verizon.

Councilman Cimiliuca asked what they would charge if we decided not to use them, and Ms. Cueto said their hourly rate was \$105.

Councilman Accomando asked if the proposal included two new desktops, and Ms. Cueto said yes.

Mr. Perez explained the functions of the server.

Councilman Camilleri asked about the warranty, and Mr. Perez said a lifetime warranty. Councilman Camilleri asked if an electrical storm could short out the equipment. Mr. Perez said they do have a backup battery on site. Councilman Camilleri asked if the new converter system was subject to being shorted out. Mr. Perez said it could.

Councilwoman D'Arminio asked if they were all this expensive. Mr. Perez explained the cost of the equipment. Councilwoman D'Arminio asked if there were different brands, and Mr. Perez said there are many brands on the market, and of them this is a less expensive one. He said out of what is on the market this is the most reliable and least expensive that they found.

Ms. Cueto said this was the updated version of the system we already have. She said if we change equipment it might not be compatible or work as well with what we already have. She repeated that it has a lifetime warranty and offers technical support. She referred to the franchise agreement again. Councilwoman D'Arminio asked if there was anything else we can get free from them. Mr. Perez said this is the only stuff that [Verizon] provides. Councilwoman D'Arminio asked how long this will take to put in place once they get through the encoder with Verizon.

Ms. Cueto said hopefully once the proposal gets approved and the equipment is ordered she estimated two weeks. Then they would like to be able to train someone to be able to work the equipment.

Council President Mazzer asked if there was a chance we could get any kind of credit or rebate for our current equipment. Ms. Cueto said they did not know what works. Councilman Camilleri asked if it was worth anything. Ms. Cueto said they can make an assessment. Mayor White said most of it is not operational, and Ms. Cueto agreed. She said we have a nice facility, but it needs to be upgraded to make it functional.

Councilman Camilleri asked if the station would be up and running by the end of March, and Ms. Cueto said she would like to think before that. Councilwoman D'Arminio asked if the encoder was what we needed for the bulletin board and Mr. Perez said that and the video server. Ms. Cueto said right now it is unstable and not 100% operational. Council President Mazzer asked Mayor White if he planned on being there on Thursday, and he said yes.

Mayor White introduced Mr. Wielkocz to Councilman Cimiliuca. Council President Mazzer offered condolences to Councilman Cimiliuca on his mother's passing.

Mayor White thanked Mr. Joe Obiso for recommending Global Protech. He said they stepped up, and they put a lot of time into this. He said it's a specialty, and he looks at it as an emergency. Councilman Camilleri said sometimes you have to re-invest.

Council President Mazzer asked Mayor White if Mr. Obiso would be able to follow through and run the bulletin board. Mayor White said we have a proposal from Mr. Obiso for the bulletin board, and it was something he wanted to discuss with the Council. He said he wasn't sure it was a good idea to have too many hands in the pot, so to speak. He discussed the proposal of the people who are taping the meetings and said their proposal included the bulletin board as well, and they had a proposal from Mr. Obiso just for the bulletin board and kind of makes sense because he's doing everything else. He said the problem is, do we want too many

people touching it because what if something goes wrong? He said it seems like once they're trained it's going to be easy, but that's something we have to decide. Councilman Camilleri asked if the people doing the video could back out the numbers for the bulletin board. Mayor White said sure.

Councilman Accomando asked if we could get a revised proposal to do Township functions as well. Mayor White said yes. He discussed the contract from Enlocoso and noted they have to, in an emergency situation, they have to do a videotape of that and any special meetings they are called upon to do.

Councilwoman D'Arminio said she hadn't seen that contract.

Municipal Budget

Mr. Lo Dico deferred to Mr. Wielkocz to go over potential revenue numbers. He said the previous auditor is finishing up.

Mayor White said he was very disappointed in Mr. DiMaria. We were supposed to have the year-end report, and it still isn't done. He asked Mr. Lo Dico when it was due, and Mr. Lo Dico said February 10th. Mayor White said it's holding us up, as we still don't have a revenue side. He said it was really uncalled for. Mr. Lo Dico said it was hard to work without that piece of the puzzle.

Mr. Wielkocz said they had put together the best draft of a budget document they could base on the information that was available. On the revenue side, Mr. Carnevale had Excel spreadsheets which Mr. Wielkocz expected would be tweaked. He said they did the best they could in terms of projecting what the realized revenues were in 2014 and therefore what revenues they can anticipate in the 2015 budget. On the appropriation side, those numbers were pretty solid, based on actual salaries, actual contracts and some of the other things that are in the Mayor's cover letter that are part of this proposed budget.

Mr. Wielkocz said the total appropriations goes up just about \$485,000 which is 2.37%. He said Mr. Lo Dico had handed out a page that gives a snapshot of where those increases are: salaries, proposed grant writer, recycling expenses, utilities, sewer, state pension, increase in debt service, statutory increase to the library, increase in down payment money, social security, buildings and grounds, operating costs, road department, snow removal. He said all the departments in the budget is actually about \$17,000 less than last year's budget. The majority of the things that are here as appropriation increases are things that you can't do anything about. He spoke briefly about these items.

Mr. Wielkocz noted the Township lost over \$25 million in ratables last year by virtue of tax appeals. That's a significant number to a ratable base this size. He said the tax levy is going up 2.47%, and some might say, how do you go up more than 2% when there's a 2% tax levy cap. There are exceptions in the tax levy cap calculations, increases in debt service, increases in pension, increases in LOSAP, increases in health benefits that are calculated increases that you can increase the tax levy by over and above that 2%, which is how we get to 2.47%. The stuff that's controllable in the budget is a 1.64% increase in the tax levy.

Mr. Wielkocz noted that the total amount is actually \$90,000 under the total amount that could be raised by taxes based on this calculation for 2015.

Councilman Cimiluca asked about the salary increase. Mr. Wielkocz explained what the net increase includes.

Councilman Cimiluca asked where the payouts to retirees go. Mr. Wielkocz said that was part of the total salary number for the year. He said until we receive the annual financial statement and we have the actual revenue numbers, it's really a moving target.

Councilman Cimiluca asked what the deadline was, and Mr. Wielkocz said the statute was February 10th and there's a 30-day extension that's been done every year, which is March 10th or the 1st regularly scheduled Council meeting after

March 10th. The adoption is based on 28 days between introduction and public hearing, amendments to the budget, state review. He noted we are ineligible for self-review at this time. He said the last couple of years the state has gotten more serious about getting the budget introduced some time in March or the beginning of April. That has compressed the time frame in which budgets get submitted to the state and are reviewed by the state. He talked about the state schedule.

Mr. Wielkocz said as soon as Mr. Lo Dico gets the AFS, they can have a conversation about the revenues and some of the other things. Mr. Lo Dico said they were right now anticipating a surplus of 150. Mr. Wielkocz said right now the number was still 250. Mr. Lo Dico said we were trying to see if we can do \$150,000 surplus and be conservative on the numbers. He noted some highlights of the Mayor's budget, including \$30,000 for a grants person or company, we increased SBC-TV by \$10,000, we have some savings with the judge's salary, and we have a company that would come in and review outstanding warrants that go back for years that we never collected on. A lot of towns are doing this, we put \$10,000 for that, we put in for two new police officers, one DPW person to replace the one that's retiring, one maintenance person that has already been hired with the Council's approval and a person for town hall, the cashier. We also budgeted \$2500 for Angel Soccer.

Councilman Cimiluca said they should go into closed session for personnel with regards to an injured DPW worker. Mr. Lo Dico said yes. He added the only OE increase was police OE and explained other expenses and the highlights of the budget increases.

Councilman Cimiluca said last year we put in for purchase of guns for the police department and asked if they were ever purchased. Mr. Lo Dico said yes. Councilman Cimiluca asked if we had done a transfer for the repelling equipment for the fire department. Mr. Lo Dico said that had been done. He said because of the pension we were able to save \$100,000. The Council kept that in the budget and allocated it for Veterans' Field, and we also have another \$100,000 in this year's budget for Veterans' Field. With all these increases and Steve working on the revenue, it's estimated about a \$75.00 increase for an average homeowner.

With regards to the salt shed project, Councilman Camilleri asked if we got that to come in at \$60,000 or \$70,000. Mr. Lo Dico said that was a bond ordinance, so it's a separate part of the budget, and that wasn't in the budget itself. It's part of a multi-purpose bond ordinance, and you just don't use it. You can cancel it.

Councilman Cimiluca said he thought the numbers that came in were outrageously higher than \$60,000. Mr. Lo Dico said the bids were, and Councilman Camilleri said there were other avenues to construct the salt shed. He said he thought we could put the salt shed together for a much cheaper price.

Councilman Cimiluca said he didn't see why it would cost \$400,000 for that kind of structure. Councilman Camilleri said we initially figured \$150,000, and the bids came in \$300. He said his best guess was maybe \$70,000. Councilman Cimiluca asked if we talked to legal about that because we had a bid and rejected it. Mr. Lo Dico said we have to rebid.

With regards to the DPW roof, Mr. Lo Dico said the contract had been awarded.

Councilman Camilleri asked if recreation has been revisited with the cost of things going up. Mayor White said we considered the increases.

Council President Mazzer asked for a Veterans' Field update. Mr. Lo Dico said he had just asked Mr. Costa for an update for costs, and they were approximately \$85,000. This is for his professional fees, specs, plans, bid. The architect, electrical, his fees.

Councilwoman D'Arminio asked if we got a price on the building, and Mr. Lo Dico said no. He said as soon as he got them he would e-mail everyone.

Councilman Camilleri asked if everyone had seen the revised drawing, and Council President Mazzer said yes.

There was some discussion of the specs.

Addressing Mr. Wielkocz through the chair, Mayor White said there was a lot of talk during the recent election about the zero percent tax increase. A lot of people in the public felt it was irresponsible, that the books must have been cooked, so to speak. He asked what the benefit of the zero percent increase was besides the fact that taxes don't go up for residents, and what are the drawbacks.

Mr. Wielkocz said philosophically it never makes sense to not raise taxes. Only because you have contracts with employees for whatever the cost of living increase. You have union contracts with step increases, there's increases in longevity, there's increases in health benefits typically every year. Things go up every year. Having said that, he said he has seen situations where it's a perfect storm and you get a year where you just don't require a tax increase. He said if someone were to ask him on the record professionally, he's a slow and steady guy. You should always not just worry about this year, but you should be planning two, three and four years down the road. You're doubling capital down payment money this year because you want to do more projects. You want to get more things done, and that's going to translate down the road to increased debt service costs to pay for those projects through the budget. The other issue is that the rating agencies that rate your public debt don't like tax decreases and don't like no tax increase. They are very big on incremental. They don't like big spikes either. Before there was a tax levy cap, you would read articles about towns whose municipal taxes went up 7%, 8%, 10%, 12%, and a lot of those things were by virtue of not raising taxes one or two years and then everything hits the fan at once and you had the ability to have double digit tax increases. He concluded that the short answer is he does not like zeroes, he would never recommend zero only because at some point it's going to catch up to you. He added he had no knowledge of last year's budget and couldn't say if it was a good budget, a bad budget – you got through the year and generated some surplus, but practically speaking a 1.5%-2% increase in the tax levy, something incremental to the average homeowner.

Mr. Wielkocz said in order to have a structurally balanced budget and fiscal responsibility in the municipality, costs go up. We went through a litany of increases. He said he did not know any town that has, on a net basis, raised departmental spending in the last three or four years. You have departments in the town getting the same dollars in operating costs that they got five years ago even though inflation over the last five years has been 7% or 8% or whatever that percentage has been.

Councilman Cimiluca asked if Mr. Wielkocz was aware that Standard & Poors had increased our rating. Mr. Wielkocz said he had not. He said he had no opinion on last year's budget, but this was his philosophy. Councilman Cimiluca said Mr. Wielkocz had reviewed our stuff and asked if we were financially stable. Mr. Wielkocz said, based on the proposed budget, he would say yes, but he has not seen the financial statements, what the balance sheet looks like or what kind of surplus was generated last year. He said he was not passing judgment on what happened last year.

Councilman Cimiluca said he was a taxpayer, and he would like to know for himself. Mr. Wielkocz said, based on the budget and the tax levy, if everything remains the same, you survived last year and you're into this year – he said we were pretty fiscally stable. Councilman Cimiluca said we are looking to hire some people. There are two extra police officers, a maintenance guy, a DPW guy and a grant writer.

Mr. Lo Dico asked if we should introduce the CAP ordinance for first reading at next week's regular public meeting. Mr. Wielkocz said, if we introduce the budget next week we can do the cap ordinance. He said he would send Mr. Lo Dico the ordinance and all the documents that need to be sent to the state.

Mr. Lo Dico read the following resolution.

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 215-54

BE IT RESOLVED by the Township Council of the Township of Saddle Brook that the following requisition(s) submitted to the Township Council for purchases over \$2,500.00 be approved providing funds are available:

<u>DEPARTMENT</u>	<u>COMPANY</u>	<u>ITEM</u>	<u>AMOUNT</u>
WATER (2014)	BINDER MACHINERY	AIR COMPRESSOR	\$21,901.00
RECREATION	CARETTA MARKETING	GIRLS LACROSSE UNIFORMS	\$3,602.50

Binder Machinery

Motion: Councilman Camilleri

Second: Councilwoman D'Arminio

Roll Call:

Councilman Cimiluca - yes
Councilman Camilleri – yes
Councilwoman D'Arminio - yes
Councilman Accomando - yes
Council President Mazzer - yes

Caretta Marketing

Motion: Councilman Camilleri

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes
Councilman Camilleri – yes
Councilwoman D'Arminio - yes
Councilman Accomando - yes
Council President Mazzer - yes

Council President Mazzer said the requisition for Global Protech would be held until next week.

Councilman Cimiluca said our whole television program is dependent on their knowledge and expertise, and it is \$16,000. He asked if we should put out an RFP for someone and said we are just trusting them that they know all this stuff, and they're experts. In the beginning all this stuff was bought by Mr. Azzerrone, who was a police officer. Councilman Cimiluca said he didn't know how much technical expertise you need to do this. He said it was updated by Mr. Halko and Evans. We are just assuming they know what they're doing and they're the best person for the job. Without putting it out there and advertising it, somebody might come in and say we don't need any of this stuff.

Councilman Cimiluca said he knew the people who had come in and looked at it said a lot of the equipment that we had was not only useless it just didn't serve any purpose. We had too much equipment for what we had.

Mayor White said most of it is not even being used. Councilman Cimiluca said he would feel comfortable if somebody else came in and gave us prices. Mayor White said it was very difficult and he did try. He said it was the pleasure of the Council. If they want to wait it will take a while. It's a lot of money, but...

Councilman Cimiluca said we have to have somebody with some kind of technical expertise to know what to ask for or just have somebody come in.

Councilman Accomando said Mr. Obiso pretty much knows the system. We're doing this based on his referral, right? Mayor White said [Mr. Obiso] just referred them as being knowledgeable. It's an expertise, and not every computer person... he knows they do good work.

Councilman Cimiluca said it's a balancing act. What's more important? To get it on, assuming they can get it on really quick or to have somebody else who says, no, you don't need that. You need one converter that costs \$5,000. He said he had no idea. Somebody could come in and say \$25,000. Councilwoman D'Arminio said she agreed with Councilman Cimiluca but asked where do we go to get it.

Mayor White said they did the trouble shooting, and he trusted what they were saying was right. He said he felt they did the job as far as they know what's wrong with it. He said he could see getting quotes on the equipment.

Councilman Cimiluca asked if we could present this, if there was another company out there and you cut out the price part and say this is what we're going to get, how much are you going to be and they come in just for the equipment at \$12,000. Somebody else could come in and just gouge. These contractors, somebody will come in for \$100,000 and there will be somebody for \$350,000.

Councilman Camilleri asked if Councilman Cimiliuca meant to eliminate the labor costs and just price out the equipment. Councilman Cimiluca said yes. Councilman Camilleri said he didn't know a lot about electronics either but you buy a computer, you can spend \$1,000 on it and a few years later it's worth \$50. It's just the way the electronic industry goes.

Councilman Cimiluca said they seem capable but he didn't know them personally and he had never seen anything they had worked on.

Regarding the next meeting, Council President Mazzer asked for a consensus of the Council if they could have the work session on Thursday instead of Tuesday, as there are a couple of people invited to the judge's swearing in and reception. She asked if they could have a 5:30 work session on Thursday.

Councilman Cimiluca said he would be late as he had a court session, but he would come as soon as he was done.

Council President Mazzer said she didn't know what was on the agenda, otherwise she would say 6:00 PM. Councilman Camilleri said we should shoot for 6:00. Council President Mazzer said maybe they could get started because she felt they would need more than an hour. She suggested 5:45.

Council President Mazzer asked for a motion to open the meeting to the public for agenda items only.

Motion: Councilman Cimiluca

Second: Councilwoman D'Arminio

Councilman Cimiluca – yes

Councilman Camilleri – yes

Councilwoman D'Arminio – yes

Councilman Accomando – yes

Council President Mazzer – yes

Mr. Omar Rodriguez of 275 Madison Avenue, introduced himself as eight years council member, four times council president and said Council President Mazzer had mentioned items on the agenda. He said he thought that should be at the beginning if anything because the items on the agenda have been discussed already so there's nothing else to be discussed. It should be at the beginning the

items on the agenda because the people will have concerns in the beginning before you vote.

Council President Mazzer said they did open the meeting already. Mr. Rodriguez said that was fine, but he said now they were saying just items on the agenda and by saying just items on the agenda at the end it doesn't make much sense because you already discussed it. It's done; it's old news. He said items on the agenda could be done at the beginning, so people can bring their questions because you already have it in the package.

Councilman Cimiluca said they can do that. They will see the agenda, and if they have a question on anything they can say it and after we discuss it, they may have a question on our discussion, and then we open it back. For example he said if Veterans Field is not on the agenda, during the first part of the discussion you can talk about Veterans Field if you want. After we go through it, you wouldn't come back and talk about Veterans Field because you had an opportunity to talk about it in the beginning. What we want to do is – the agenda items we'll be having a discourse here and something that you hear during that discourse you may have a question about, so on those items and those items only you can come up and talk about – if you had a question or a comment about what we discussed in our agenda portion of the meeting.

Mr. Rodriguez said the only reason he was bringing it up is because what happens if someone makes a comment that's not on the agenda but it happened to be for years in the past that you just made a comment and somebody from the public was affected or his name has been mentioned, what if it's not in the agenda and you want to come up and just do a rebuttal, it's not permitted? That's the only point I'm trying to make. Food for thought.

Mr. Rodriguez said he would love to have the auditor present to answer some questions. He said it is a concern, the tax appeals \$25 million. It's a concern. We lost that in ratables. That is a concern. How are we going to stand in court in the future with all these big corporations because the problem is not the homeowners. The homeowner actually is just minimal compared to some big companies that you go \$2 or \$3 million in just one case. That's a big problem. What are we going to do about that? He said he knew not too long ago we re-assessed. Are we going to be on good ground with the new reassessment? Will it be good enough to stand in court? That's something that needs to be discussed.

Mr. Rodriguez mentioned the tax levy cap 2.47%, that's good that it's going to be over ride [sic] somehow by the \$9,000 that we are counting under the levy cap. How are we going to do that in the future? Not too long ago the appropriation on the budget were – monies sitting there for one, two, three years. Could it be possible now every year if we don't use those monies we can revert back and just cancel some of those capital improvements that we do not realize some of them have been sitting for years and we haven't been using that [sic]. He said every auditor can have a different vision, but he was surprised there was not much push with the prior auditor that the annual financial statement hasn't been done even though it has been 30 days extension. He said he believed his duty should be to present it on February 10th because now, by meaning of waiting longer, we're going to be in a long line when we go for state review behind hundreds of municipalities. In the mean time we won't be able to use or adopt the budget. He said he believed his duty should be if everything is done, to file on time.

Mr. Rodriguez said Councilman Cimiluca had mentioned the new hires. He said what he believed Councilman Cimiluca was trying to say in his view that the prior budget it's okay because it looks good because the new mayor has been able to still have two new hires, another one for maintenance and a new DPW guy, but then he's not taking into consideration that all those four hires equals to the amount by the position of the Deputy Chief of police that it will just wash off. [sic]. No monies are being taken over out of the budget. Basically it's just a wash out from one position to four. That's basically what it is. He said he wanted to say until he sees that annual financial statement how that year happened because that basically tells you everything. We can make all kinds of false ideas, but if we don't see that statement we can't say much.

Mr. Rodriguez said for the first time in so many years, for the first time he watched the last Council meeting, for the first time ever. He said usually he never watches them, but a comment Councilman Cimiluca made caught his attention. He said he wanted to bring it into record, to the Mayor's office and to the legal department, he mentioned something in regards to the twenty consecutive years that he kept asserting there was an ordinance and to begin with, elected officials go hand in hand with the White Collar contract because there is no contract for elected officials. So basically, your benefits are tied up in the White Collar contract. So whatever the White Collar contract reads, that's what elected officials basically go by. That's past practice. He said he didn't know if it's the best practice, but that's how it's been going.

Mr. Rodriguez said Councilman Cimiluca indeed accepted that in the past was the twenty consecutive years, but in the last White Collar contract that provision has been amended. Instead of being consecutive it's no more consecutive, but five more years have been added. So in order to get lifetime health benefits you have to be twenty-five years of service. Therefore, if that is the case, that's what he would like to bring to the Mayor's attention and the legal department, just for their perusal, to look into the contract of the White Collar. If indeed it's true, then the people who do not qualify and do not have the twenty-five years of service therefore should not be given the health benefits. He said he just wanted to bring that up tonight.

Finally, Mr. Rodriguez mentioned SBC-TV and said the last time we watched a Council meeting – in the month of August was the last Council meeting that was aired. Elections were coming, no more meetings were aired. They were recorded but never projected. Won't these be easier, if by the same token that it was working prior to the August meeting that was aired or broadcast, the same people who never were broadcasting were given the olive branch to this new administration and to the benefit of the community to pass it on the hands of the new administration up and running [sic]. What is wrong with cooperating with not just the new administration but the community and saying listen, this is up and running, these are the codes, turn over the key? This is what it is, everybody can see it, everybody is watching. He said now he's seeing all these comments and whatever, and the question is why hasn't it been given a turn [on key] up and running? Why? Something is wrong right here with this picture. If it was running and it was up on the air before, how come all of a sudden no one can just pinpoint what the problem is? He said it's suspicious to him; that's the most he can say.

Mr. Rodriguez said finally as a recommendation and advice to Councilman Cimiluca through the chair, at the last Council meeting it was revealed for the first time that he is the legal counsel for Mr. Costa's company or Mr. Costa himself. We, the public didn't know. Mr. Rodriguez said he was glad Councilman Cimiluca just came forward and said it, but he believed as an attorney it was his duty to disclose that at the very beginning when he was recusing from the billing because if that is his position that he was the legal Counsel, Mr. Rodriguez said he believed [Councilman Cimiluca] should recuse himself completely from any comments, from anything that is related to the office of the engineering firm of Mr. Costa. Because whatever is said it becomes a conflict whether for good or bad. Mr. Rodriguez said maybe it was wrong, but he was going to leave that for Councilman Cimiluca through the chair.

Councilman Cimiluca responded through the chair and said for the past four years he had abstained on every bill from Costa Engineering, and he has indicated that, but at some point he stopped and just said abstain. He said he has indicated forever that he represented Mr. Costa. He said he would tell exactly what it was, it was in collection matters where he has instituted litigation actions against certain companies and people that have not paid his bill in full and he has been very successful at it. He said that's why he has recused himself and did not know how that could be the first time that's ever been said. He said that probably goes back to 2011 where in the first number of meetings he explained it, and he has said he abstained from the vote for the reasons previously stated. He said you will notice consistently there are two bills taken away from the consent agenda, and that is Costa Engineering, which he abstains all the time, and Corner Nursery where

Council President Mazzer abstains all the time. So it was not the first time that was said. It's been said a hundred times. He said he did say in the beginning when he started abstaining that it was because he represented him, so it's no secret that he represented him.

Mr. Rodriguez thanked Councilman Cimiluca for making that clarification and said for him it was the first time ever that he had heard that. He might have said it in 2011, but even if that is the case, for future deals or business, even if it's true what Councilman Cimiluca mentioned tonight that he mentioned that he is the legal representation for Mr. Costa then from anything that has to do with Costa he should have to recuse, not just abstain from the bill. He should have recused from anything related to that Costa Engineering group because any comments might somehow switch you over for some of the plans that his company represents. Mr. Rodriguez said he was not saying it was good, bad or indifferent, all he was trying to say is the proper way is just [tape stops here]

Councilman Cimiluca asked Mr. Lo Dico to request that legal Counsel issue an opinion.

Mr. Larry Ratajczak asked if the legal department was going to look at the ordinance for the white collar benefits. Councilman Cimiluca said it was a contract not an ordinance. Mr. Ratajczak said whatever it is where consecutive was removed and twenty-five years was added.

Council President Mazzer asked Mr. Ratajczak to come up and state his name.

Mr. Ratajczak said that was all he had to say.

Councilman Cimiluca said his understanding with regard to the White Collar contract was, when Mayor Chamberlain was mayor the first time, it said twenty years, and it didn't have any mention of consecutive. When Mayor Chamberlain lost the election and Mayor D'Arminio won the election, certainly Mr. Rodriguez was there at that time, what they did was, when that contract was negotiated with the White Collar, the word 'consecutive' for the first time that he knew of in the history of that contract, the word 'consecutive' was added. They went through two contracts, they added the word 'consecutive' in the two contracts that were negotiated during the D'Arminio administration. Chamberlain comes back, and now when they negotiate that contract the word consecutive was taken out, but what they did was they added five extra years. That is his understanding.

Mr. Ratajczak asked, is she eligible or not eligible?

Councilman Cimiluca said he did not know. Mayor White said the Township attorney is reviewing that now. He said his opinion as far as that subject is, if Mrs. Chamberlain is entitled to it and the attorney says she is, she will receive it. If not, she won't. He said he didn't want to hand away something like medical benefits for life if she's not entitled to it, but on the other hand he didn't want to get into a protracted legal battle if we're going to lose.

Mr. Ratajczak said it was changed to help her. The word 'consecutive' was removed because she had that break in service, and now the twenty-five years was added there, and she's not eligible, and we're trying to give away the store again.

Councilman Cimiluca said you could also say the word 'consecutive' was added to her term. If you want to look at it that way, she was voted out and then they added 'consecutive.'

Mr. Ratajczak said he did not know of any union in the state or anything that works that way. The word never appears. It's just common knowledge or common sense that you must work the twenty consecutive years to get the benefits. They don't have to spell out the word consecutive. You look at any state contract, PBA contract, you have to do the years.

Councilman Cimiluca said he respectfully disagreed in that any kind of lawyer going into this when you say well, it must be consecutive even though it doesn't

say it, the standard thing is the contract speaks for itself. If something is not in there, in general, there's exceptions to everything, but in general, if the word isn't in there you can't just make it go in there and say, well, obviously they meant consecutive. For any statute – if it's not in there, they have the right or the ability to put it in there. They forgot. They chose not to, so we can't add in a term of consecutive and assume it's there.

Mr. Ratajczak said you can't take it out also to help someone either. Councilman Cimiluca said he didn't know about to help somebody, but they can put it in. Another person took it out. That's what happens.

Mr. Ratajczak said in all honesty if you look at it fairly, it belongs there. Don't take something that you're not entitled to. That's what we're trying to do here. He said he knew the word 'twenty-five' is in there now. You said it three times. You don't have to be an attorney to read that one.

Hearing no one else, Council President Mazzer asked for a motion to close the meeting to the public.

Motion: Councilwoman D'Arminio

Second: Councilman Camilleri

Councilman Cimiluca – yes

Councilman Camilleri – yes

Councilwoman D'Arminio – yes

Councilman Accomando – yes

Council President Mazzer - yes

Council President Mazzer asked for a motion to go in to closed session at 8:14 PM.

TOWNSHIP OF SADDLE BROOK RESOLUTION

CR# 215-55

WHEREAS, the Township Council of the Township of Saddle Brook desires to meet for the purpose of a closed session to discuss negotiations and personnel; and

WHEREAS, the Open Public Meetings Act does make an exception and allows a public body to hold a closed session to discuss these items.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Saddle Brook that the closed session to take place on February 24, 2015 at 6:30 PM or as soon thereafter as the matter can be reached at the Municipal Building be closed to the public and the press and that the results of the discussion at the closed session will be released to the public when the reasons for discussing and acting on it in closed session no longer exists.

Motion: Councilwoman D'Arminio

Second: Councilman Camilleri

Councilman Cimiluca – yes

Councilman Camilleri – yes

Councilwoman D'Arminio – yes

Councilman Accomando – yes

Council President Mazzer - yes

Council President Mazzer asked for a motion to come out of closed session at 9:40 PM.

Motion: Councilwoman D'Arminio

Second: Councilman Camilleri

Councilman Cimiluca – yes
Councilman Camilleri – yes
Councilwoman D'Arminio – yes
Councilman Accomando – yes
Council President Mazzer - yes

Mayor White asked if there were going to be any other meetings this week and Councilman Accomando said next week. Mr. Lo Dico said we advertised.

Councilman Camilleri mentioned the high school wrestling team placed three wrestlers into the regional tournament. He congratulated Nick Jacobson, Jeremy Lipsky and Andrew Camilleri. He said it was quite an honor.

Mayor White discussed women in history and said he decided to make categories this year as had been done by Mayor Santa Lucia. He listed community service and said he had chosen Diane Bonner for that. Government Services would be Deborah Gross-Quatrone because it's a huge accomplishment to become a Supreme Court Judge.

Councilman Cimiluca cautioned Mayor White and suggested he check with Mr. Suarez because he said he knew they could not get involved in politics, and he didn't know if as a judge she would be able to come and accept an award from a governmental agency. Mayor White said that was a good point.

Mayor White said for outstanding citizen he chose Nancy Gara who is 92 years old and drives a lot of the seniors around. For education he chose Cathy loele who has been at the school for 45 years as a secretary. And for business leader he chose Preeti Sherawat, owner of 7-11. He said this would be at the meeting of March 5th.

Councilman Cimiluca said he would not be in attendance.

Council President Mazzer asked for a motion to adjourn.

Motion: Councilman Cimiluca

Second: Councilwoman D'Arminio

Councilman Cimiluca – yes
Councilman Camilleri – yes
Councilwoman D'Arminio – yes
Councilman Accomando – yes
Council President Mazzer - yes

Meeting adjourned at 9:46 PM.

Respectfully submitted,

Peter Lo Dico, RMC CMC
Township Clerk

Approved: April 2, 2015

Florence Mazzer
Council President