

**The minutes of the Special Meeting of the Township Council of the Township of Saddle Brook held on June 19, 2017 at 8:30 PM at the Municipal Building, 93 Market Street, Saddle Brook, NJ.**

Council President D'Arminio called the meeting to order.

The Township Clerk called the roll:

Councilman Cimiluca – absent until 8:38 PM

Councilwoman Mazzer – present

Councilman Accomando – present

Council President D'Arminio – present

Mayor White – present

Council President D'Arminio asked everyone to please rise for the salute to the flag.

Council President D'Arminio announced that adequate notice of this meeting has been sent to all Council members by police messenger on June 16, 2017 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 D'Arminio asked for a motion to open the meeting to the public.

Motion: Councilwoman Mazzer

Second: Councilman Accomando

Councilman Cimiluca - absent

Councilwoman Mazzer - yes

Councilman Accomando - yes

Council President D'Arminio – yes

Mr. Joseph Camilleri of 289 Albany Street said at the last meeting Mr. Suarez made a reference to someone resigning as admitting to guilt and he asked him to elaborate on that. He said I resigned, and I'm not admitting to any kind of guilt. Mr. Suarez asked if he had said that, and Mr. Camilleri said he did and asked him to elaborate. He said he felt it was not really appropriate being that Mr. Camilleri resigned.

Council President D'Arminio asked in what context, and Mr. Camilleri said he was talking to the attorney, as he was the one who said it. Mr. Suarez said he would have to hear the sentence because he did not remember saying it was an admission of guilt about anything. He said the only thing he could think of is if someone was charged with a criminal offense. Mr. Camilleri offered to refresh Mr. Suarez's memory and said it was after Larry came up and spoke about the property on Market Street and was saying someone should step down and resign until the matter was taken care of, and your exact words to that were, if someone resigns, that's admission to guilt. My question is to you now, I'm resigning and I'm not admitting to any kind of guilt. I'd like you to elaborate on that question. Mr. Suarez said no, you're not admitting to guilt of anything. I was just starting to follow up by saying something when you said that which was the only thing I could think of is if someone is charged in some sort of criminal context or if some sort of crime was committed.

Mr. Camilleri said I just don't want the town to think that I'm resigning as any admission to guilt. I would like that to be on the record. Mr. Suarez said that wasn't

about you; that was about another issue. Mr. Camilleri said when you make that statement, Anthony, the statement was “when someone resigns it’s usually admitting to some kind of guilt.” That was the statement. Mr. Suarez said that’s not in the context of your resignation.

Mr. Camilleri said thank you, that’s all I wanted to know.

Mr. Larry Ratajczak of 92 Claremont Avenue said on that subject, we had a Zoning hearing. The person was given their day in court, and the application was denied. Two things are still happening. Nothing has been done with the property, and the person is still on the Zoning Board. What is taking so long to drag their feet? We were patient enough, long enough. They operated the business for years illegally. Now I’m hearing from the building inspector that it was about an apartment, and the hearing is about parking. He went to court and asked for an extension on the parking. That was never mentioned. The application was for Mazzer Plumbing.

Councilwoman D’Arminio said enough of this, seriously, enough.

Mr. Ratajczak said it’s not enough. Council President D’Arminio called for order. She said it’s still in litigation. Mr. Ratajczak said it’s not in litigation. The letter was sent out from the Board of Education and 200 people within the premises of the property in question was for Mazzer Plumbing, commercial use. What would happen if the town dismissed the illegal apartment upstairs? What would happen?

Mr. Suarez said he would not make a comment hypothetically.

Mr. Ratajczak said I know you’re not going to because you’re running out of excuses. It’s been going on forever. Mr. Suarez said I’m not making excuses. Mr. Ratajczak said there are excuses.

Council President D’Arminio called for order. Councilwoman Mazzer said he doesn’t know what he’s talking about. Mr. Ratajczak said he did. Council President D’Arminio called for order again.

Mr. Ratajczak said like I told the Mayor, I am not stopping. Right now I have contacted the Division of Community Affairs in Trenton. I will not stop until I go to the Attorney General because after a while, it’s phony. It’s like wrestling. You got your day in court, abide by the decision. Just abide by it. You lost, and it’s the building inspector and the code enforcer to enforce the rule of the Zoning Board. That’s what it is. You want to appeal it, fine, appeal it. That’s the normal process that a resident takes. You don’t get any special privileges to stay open. You were given the privilege of being open while the application was being heard. The Zoning Board spoke. It was denied. And it’s that simple. You’re denied, that’s what that means. Denied. Look up the definition of denied. You didn’t get an extension. You got an extension in another court for an illegal apartment. Like I said to the mayor, dismiss that charge. Dismiss it. And what happens to the business? The application was for Mazzer Plumbing. Read it. There’s three pieces of paper that you got to read, the letter that went to the residents, the denial letter and the decision of the Zoning Board. It was for Mazzer Plumbing; that’s what was heard that night. Not an apartment, not anything else. That’s what was heard that night, and it’s about time that we enforce the rules and stop giving the special privileges that we’re giving out. No other resident would be allowed to do that. No other resident. Like Mr. Rodriguez said, he had an illegal gazebo. He had 48 hours or a \$500 a day fine. That’s enforcement. And he didn’t go to the Zoning Board. This was termed denied by the Zoning Board. And another thing I wanted to say, Mr. Cimiluca just walked in – how phony it is. His lawyer that came the first night was Anthony Randazzo; he’s a judge in that court. Mr. Cimiluca is a prosecutor in that court. How phony can you be? Let’s just do the right thing. Everybody plays by the same rules, and that’s it.

Councilman Cimiluca asked Mr. Ratajczak to repeat himself.

Mr. Ratajczak said the court that he was in...

Councilman Cimiluca asked who Mr. Ratajczak was referring to.

Mr. Ratajczak said Jason Mazzer. He said I said it was denied by the Zoning Board. He went to court on Thursday or Friday and he asked for an extension on the parking. It had nothing to do with the apartment upstairs. The thing before the Zoning Board is for Mazzer Plumbing, the illegal business. That's what the denial letter is for, that's what the letter that went out to the residents and the board of education for Washington School and the decision by the Zoning Board was made, so we have to start enforcing the law.

Councilman Cimiluca arrived at this time.

Councilman Cimiluca said Mr. Ratajczak mentioned something about the judge and Councilman Cimiluca.

Mr. Ratajczak said yes, the judge in that court or one of the judges in that court is his attorney, and you're one of the prosecutors.

Councilman Cimiluca said Giuseppe Randazzo is the judge in Central Bergen Municipal Court, and the case is being heard in Bergen Vicinage Court which are two different courts.

Mr. Ratajczak said whatever, it doesn't look good, it doesn't sound good and like I said, you guys knew about it before. Get a fair chance, have a fair hearing, it's over.

Councilwoman Mazzer said it wasn't fair.

Mr. Ratajczak said it's over, and Councilwoman Mazzer said it wasn't fair.

Council President D'Arminio said we shouldn't do this here.

Mr. Ratajczak said if my son was fighting for it I'd say it wasn't fair either, but it was fair, and I would stick up for my son just like you did. I'm a father, you're a mother. But the town has spoken, the board has spoken. Councilwoman Mazzer said no it hasn't. Mr. Ratajczak said move on. It was denied.

Councilwoman Mazzer said it was four yeses one no and two abstentions. Mr. Ratajczak said abstentions count as –

Mr. Suarez said the only reason I wouldn't discuss this now is because there still hasn't been a formal memorialization of the resolution in regard to that. Mr. Ratajczak said I'm sure you'll find some way to reverse it. The way you're doing now, saying it was for the upstairs apartment. The application was not heard for an upstairs apartment. It was not heard. It was heard for the parking.

Councilman Accomando said he was confused as to why Mr. Ratajczak was bringing this to our attorney. Doesn't the Zoning Board have an attorney? And if they do, what do they say?

Mr. Ratajczak said yes they do, but I've spoken to the Mayor on this, and he said he's getting conflicting reports from the Township attorney, from the Zoning Board attorney, whatever. The only thing I know is when a decision is made by the Zoning Board, it's upheld by the town and the town enforces the law.

Councilman Accomando asked what the Zoning Board attorney said. Mr. Ratajczak said I'll let the mayor tell you.

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

Motion: Councilwoman Mazzer

Second: Councilman Cimiluca

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

## **CORRESPONDENCE**

**1. Joseph Camilleri Re: Resignation**

**To: Peter Lo Dico, Twp. Clerk Date: June 5, 2017**

I, Joseph Camilleri, do hereby submit my letter of resignation as a Township Councilman effective immediately. I do this reluctantly as it has been a pleasure serving as a Township Councilman. However, there is an anti-nepotism ordinance, and should I continue to serve at this time, my son would not be eligible for consideration as a police officer.

**2. Peter Lo Dico, Twp. Clerk Re: Councilman Camilleri's resignation**

**To: David Gierak, Municipal Chairperson, Democratic County Committee Date: June 5, 2017**

Please be advised that Councilman Joseph Camilleri has resigned his elected position as a Councilman effective June 5, 2017.

Pursuant to the Vacancy Laws of the State of New Jersey, the Saddle Brook Democratic County Committee shall have 15 days to submit three names for the Township Council's consideration to fill the vacancy left by Councilman Camilleri's resignation.

**3. David Gierak, Municipal Chairperson, Democratic County Committee Re: Candidates for Council**

**To: Peter Lo Dico, Twp. Clerk Date: June 14, 2017**

Please be advised that the Saddle Brook Democratic County Committee held a meeting on June 13, 2017. Pursuant to the Vacancy Laws of the State of New Jersey, the County Committee voted on and approved 3 candidates to be considered for the position of Councilperson. The candidates are as follows:

1. Steven Browne
2. David Gierak
3. Ernest Wasser

Council President D'Arminio asked for a motion to receive and file correspondence.

Motion: Councilman Cimiluca

Second: Councilwoman Mazzer

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

**RESOLUTIONS**

**TOWNSHIP OF SADDLE BROOK  
RESOLUTION**

**CR# 617-158**

**WHEREAS**, pursuant to the Municipal Vacancy Law, N.J.S.A. 40A:16-1 et seq. (Municipal Vacancy Law), a vacancy occurred on the Township Council by virtue of the resignation of Councilman Joseph Camilleri effective June 5, 2017; and

**WHEREAS**, pursuant to the Municipal Vacancy Law, the municipal committee of Joseph Camilleri's political party offered three candidates to fill the vacancy on the Council within the time limits prescribed; and

**WHEREAS**, pursuant to the Municipal Vacancy Law, the Saddle Brook Township Council is prepared to appoint David Gierak, one of the three candidates offered by the Municipal Committee to replace Joseph Camilleri as Councilman,

**NOW THEREFORE BE IT RESOLVED** by the Township Council of the Township of Saddle Brook that it hereby appoints David Gierak to be a Councilman of Saddle Brook, effective June 19, 2017 to fill the unexpired term of Joseph Camilleri.

Motion: Councilman Cimiluca

Second: Councilwoman Mazzer

Roll Call:

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

**TOWNSHIP OF SADDLE BROOK  
RESOLUTION**

**CR# 617-159**

**BE IT RESOLVED** by the Township Council of the Township of Saddle Brook County of Bergen, State of New Jersey that the following licenses be renewed for the year 2017-2018 and the Division of Alcoholic Beverage Control be so notified.

**PLENARY RETAIL CONSUMPTION LICENSES**

<b><u>STATE LICENSE NO.</u></b>	<b><u>NAME</u></b>
<b><u>AMOUNT</u></b>	
0257-33-001-008 \$1275.00	Excelsior Catering, LLC T/A The Excelsior 190 Route 46 East Saddle Brook, NJ 07663

0257-33-005-012 \$1275.00	Saddle Brook Holdings, LLC Plank Pizza 383 Market Street, Bldg. D Saddle Brook, NJ 07663
0257-33-006-009 \$1275.00	Trajanoski, Inc. T/A The Golden Pub 335 Market Street Saddle Brook, NJ 07663
0257-33-013-006 \$1275.00	Shree Radhey, LLC Krauszer's Liquors & Bar 215 Midland Avenue Saddle Brook, NJ 07663
0257-33-015-012 \$1275.00	Que Pasta, LLC 326 Market Street Saddle Brook, NJ 07663
0257-33-009-010 \$1275.00	North Star Saddle Brook Management, LLC, T/A Holiday Inn 129 Pehle Avenue Saddle Brook, NJ 07663

Motion: Councilman Cimiluca

Second: Councilwoman Mazzer

Roll Call:

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

Council President D'Arminio asked for a motion to go into closed session at 8:52 PM.

**TOWNSHIP OF SADDLE BROOK  
RESOLUTION**

**CR# 617-160**

**WHEREAS**, the Township Council of the Township of Saddle Brook desires to meet for the purpose of a closed session to discuss the Zoning Board member investigation and litigation; 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 June 19, 2017 at 8:30 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: Councilman Cimiluca

Second: Councilwoman Mazzer

Roll Call:

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

Council President D'Arminio asked for a motion to come out of closed session at 9:05 PM.

Motion: Councilman Cimiluca                      Second: Councilwoman Mazzer

Roll Call:

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

Council President D'Arminio asked for a motion to adjourn.

Motion: Councilman Cimiluca                      Second: Councilwoman Mazzer

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

The meeting was adjourned at 9:10 PM.

Respectfully submitted,

Approved: July 13, 2017

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Peter Lo Dico, R.M.C. CMC  
Township Clerk

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Karen D'Arminio  
Council President