

Approved December 8, 2009

Municipal Building
Park Ridge
August 25, 2009 – 8:25 pm

A regular Meeting of the Mayor and Council of the Borough of Park Ridge was called to order at the above time, date and place. Mayor Ruschman led those attending in the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Kane, Levinson, Viola, Mayor Ruschman
Absent: Councilmembers Ciannella, Maughan, Council President
Wells
Also Present: Robert Mancinelli, Esq., Borough Attorney
Kelley O'Donnell, Borough Clerk
Colleen Ennis, CFO

Mayor Ruschman read the Compliance Statement as required by Open Public Meetings Act, P.L. 1975, Chapter 231.

AGENDA CHANGES:

Borough Clerk advised of the addition of two resolutions; Appointment of Municipal Housing Liaison and Authorizing Invoice & Change Order #1 2009 Road Resurfacing Project

PUBLIC PRIVILEGE TO THE FLOOR:

Mayor Ruschman asks if anyone present wishes to be heard on any matter.

George Heller, 80 Second Street said there was a problem at the new post office, particularly for those wanting to go to the west side of town, with the parking permitted on the street in front of the post office.

He said when trying to exit the post office when there are people parked on Park Avenue, when you are trying to turn left and there are cars and in particular trucks parked there, you cannot see. He said there is somewhat of a problem on turning right but the greater problem is for those going west.

Mayor Ruschman said he had seen one complaint about that exact thing and said when he was out driving one day he took particular notice of it and that Mr. Heller was right. He said there was definitely a vision problem there.

Mr. Mancinelli said he had been asked by the Council and the Police Chief to speak to the post office about the situation. He said it was his understanding, and he would confirm it after speaking with the postmaster, that the entire application was subject to the jurisdiction of the federal government not Park Ridge.

Mr. Heller asked if he was talking about Park Avenue.

Mr. Mancinelli replied the "site plan".

Mr. Heller said he was just talking about Park Avenue.

Mr. Mancinelli said it had to be with agreement with the property owner, who is the post office. He said the Chief had communicated to him when they were looking at parking ordinance changes that the post office had agreed to make some of the changes requested such as the yellow striping. In order to impose any further restrictions on parking, he said, would require the cooperation of the post office Real Estate division in Newark. Mr. Mancinelli stressed that it had been brought to their attention and he doesn't know if they have gotten back to anyone as to whether they would consider additional changes. He said at this point he had not heard back from the post office.

Mayor Ruschman said he would send a letter to whoever they have to in Newark expressing the safety issue that is involved with this and see if anything can be done.

ORDINANCES – INTRODUCTION

2009-19 An Ordinance Amending Chapter 2.35.2, Borough Administrator, of the Code of the Borough of Park Ridge, New Jersey

Mayor Ruschman asks for a motion to introduce on first reading by title, Ordinance 2009-19, an ordinance amending Chapter 2-35.2 of the Code of the Borough of Park Ridge.

A motion was made by Councilmember Levinson to introduce on first reading by title, Ordinance 2009-19, an ordinance amending Chapter 2-35.2 of the Code of the Borough of Park Ridge. Seconded by Councilmember Ciannella to confirm

AYES: Councilmembers Kane, Levinson, Viola

Mayor Ruschman asks the Borough Clerk to read the ordinance by title.

BOROUGH OF PARK RIDGE

ORDINANCE NO. 2009-19

AN ORDINANCE AMENDING CHAPTER 2-35.2, BOROUGH ADMINISTRATOR, OF THE CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY

WHEREAS, the position of the Borough Administrator of the Borough of Park Ridge has been established pursuant to Chapter 2-35.2 of the Code of the Borough of Park Ridge; and

WHEREAS, the Mayor and Council has recommended certain changes to the ordinance requirements for the Borough Administrator which it believes will be in the best interest of the Borough and its citizens;

NOW, BE IT ORDAINED by the Borough Council of the Borough of Park Ridge, in the County of Bergen and State of New Jersey that Chapter 2-35.2 of the Code of the Borough of Park Ridge be and is hereby amended as follows:

SECTION ONE:

Chapter 2-35.2 shall be deleted in its entirety and replaced with the following:

§ 2-35.2. Borough Administrator.

- A. The position of Borough Administrator of the Borough of Park Ridge is hereby created, and employment of a qualified person for that position is hereby authorized.
- B. Method of appointment; term and qualifications.
 1. The Borough Administrator shall be appointed by the Mayor with the advice and consent of the Council.
 2. The term of office of the Borough Administrator shall be at the pleasure of the Mayor and Council.
 3. The Borough Administrator may be removed by a two-thirds vote of the Mayor and Council, the resolution of removal to become effective three months after its adoption. The Mayor and Council may provide, however, that the resolution shall have immediate effect, provided that there shall be paid to the Administrator forthwith any unpaid balance of his/her salary and his/her salary for the next three calendar months following adoption of the resolution.
 4. The Borough Administrator shall be appointed on the basis of administrative qualifications, with special regard to education and training in government affairs and experience therein. Members of the Mayor and Council may not receive such appointment neither during their term nor within two years after the expiration of said term.
 5. The Borough Administrator shall be reviewed annually in November and a performance evaluation report will be presented by the Council President.
- C. Disability or absence. During any approved absence or disability of the Borough Administrator, an officer or employee of the Borough may be appointed by the Mayor and Council to temporarily perform the duties and responsibilities of the position.
- D. Compensation. The compensation of the Borough Administrator shall be fixed by the Borough Council by appropriate ordinance.
- E. Duties and responsibilities.
 1. The Borough Administrator shall work with and supervise the administrative team, which shall include the Borough Clerk, the CFO and the Director of Operations.
 - a. The Borough Administrator shall have the responsibility and authority to perform the following duties as may be assigned to him or her by the Mayor with the consent of the Borough Council.
 - b. Serve as the chief administrative officer of the Borough.
 - c. Attend all meetings of the Mayor and Council and other boards, as required, with the right to participate in all discussions, but without the right to vote.
 - d. Advise the Mayor and Council on policy decisions.
 - e. Execute all laws of the State of New Jersey and execute ordinances and resolutions of the Borough.
 - f. Recommend the appointment and/or removal of all employees for whose selection and removal no other method is provided by law.
 - g. Negotiate contracts subject to the approval of the Mayor and Council.

- h. Represent or so direct the administrative team to represent the Borough, with the approval of the Mayor and Council, in its relations with the federal government, state, county and other municipalities and assess the Borough's interest in contracts, franchises and other business transactions.
 - i. Investigate the affairs of any person, officer, employee or department at the request of the Mayor and Council or the Board of Public Works as appropriate and report thereon. [Amended 6-12-1984 by Ord. No. 84-5; 12-13-2005 by Ord. No. 2005-30]
 - j. Working with the residents of the Borough, the Administrator will ensure all resident inquiries or complaints are properly followed up by the appropriate Borough Department.
 - k. Working with the Borough Clerk, CFO and Director of Operations to establish and maintain effective personnel practices and maintain appropriate records of all employees, including the development of a systematic review of employee performance.
 - l. Carry out, or so direct the administrative team to carry out, all policies established by the Mayor and Council.
 - m. Oversee and disseminate information to the Mayor & Council.
 - n. Working with the CFO, prepare the annual and capital budgets, in consultation with department heads, and submit them to the Mayor and Council at a date and in accordance with procedures established by the Council.
 - o. Annually establish the priority of capital projects needed in the Borough, research the projects and budget the necessary funding to adequately and realistically complete the projects in a prudent and expedient time frame.
 - p. Working with the Borough Clerk, receive copies of all reports and documents required by the Mayor and Council of all Borough department heads, officers, employee(s), committee(s), commission(s), authorities and/or contractors/vendors. [Added 12-13-2005 by Ord. No. 2005-30]
 - q. Working with the Director of Operations, the CFO and the Borough Clerk, develop procedures for the purchase and distribution of materials, supplies and equipment.
 - r. Serve as one of Borough's Purchasing Agents. In such capacity the Borough Administrator shall purchase, in accordance with the provisions of the governing statutes and generally accepted purchasing practices, all supplies and equipment for the various agencies, boards, departments and the other offices of the Borough.
 - s. Delegate to such individuals, officers or departments as may be appropriate and over whom the Borough Administrator has supervision, such of his powers and duties as he or she may deem necessary for the efficient administration of the Borough. [Amended 6-12-1984 by Ord. No. 84-5]
 - t. Keep the Mayor and Council informed as to federal aid projects and state aid projects and any other aid programs or grants that the Borough may qualify.
 - u. Perform such other duties as may be required by ordinance, resolution or direction of the Borough Council.
- F. Consistence with law. Nothing herein shall derogate from or authorize the Borough Administrator to exercise the powers and duties of elected officials of the Borough and of the boards and agencies thereof established pursuant to law.
- G. Working with the Board of Public Works with respect to the financial, personnel, administrative and office operations of the Electric Utility Department and Water Utility Department. The Borough Administrator shall report to the Mayor and Council on all other matters. [Added 6-12-1984 by Ord. No. 84-5].

SECTION TWO: All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency only.

SECTION THREE: If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

SECTION FOUR: This Ordinance shall take effect immediately following final passage, adoption and publication as provided by law.

Mayor Ruschman asked the Borough Attorney to give a brief description of this ordinance.

Mr. Mancinelli said the ordinance was the result of the Personnel Committee recommending some changes to the existing ordinance, which had not been looked at in 35 years. This ordinance reflects the recommended changes that had been presented to the council at previous meetings.

Mayor asked if there was anyone present wishing to be heard.

Lucy Heller, 80 Second Street said the second Whereas said certain changes were being recommended and asked what those changes were and what the rationale was for those changes. She said it would have been helpful if the new ordinance indicated that which is frequently done when changes of this nature are being made.

Mr. Mancinelli said what happened is the prior ordinance is being deleted in its entirety, parts of it are being kept and there are some significant changes being made, the most significant being the elimination of the residency requirement. He said he was not prepared to answer Mrs. Heller's questions since he doesn't have the deletions from the prior ordinance but there was a report made to the council but he does not have it with him this evening.

Mrs. Heller said she wanted the highlights of the changes.

Mr. Mancinelli said the highlight was the residency requirement and the fact that it is being considered for part-time as opposed to full-time.

Mrs. Heller said she did some research on the web site and her general impression is that the power of the office is being diluted by this ordinance. She said she failed to see how the Borough Administrator can be the chief administrative office of the borough when the ordinance seems to limit severely what the administrator supervises.

Mr. Mancinelli said a majority of the powers of the administrator, whether full-time or part-time, are derived from the State statute and the majority of these duties incorporate the State statute. It is all statutory from Trenton. He said he knows there were some specific changes that were made as a result of past experiences with other borough administrators but the majority of the duties, as set forth, come directly from the State statute. He said he did not believe it weakened or diluted the power of the administrator. Mr. Mancinelli said he would like to respond to the specific question at the next meeting when he will have all the changes that were actually made and then she could see what was actually deleted and the changes.

Mrs. Heller said it would be very helpful to have both the new and the old together for comparison. She also said that she felt 30 miles was far if the individual was needed here

quickly because that would take a bit of travel time. She said she also felt that the chief administrative officer of the borough was a full-time job.

Mayor Ruschman said the council had discussed the 30 mile radius issue tonight and felt that the mileage might not be as important as the minutes traveling. Mayor asked Mrs. Heller if she was not one of the co-authors of the original borough administrator ordinance.

Mrs. Heller said she was the chief author.

Councilmember Viola said he felt the borough administrator's position was more defined now than in general terms and he said that when the council thought about it, they were looking for more specific requirements. He said they had tried to more clearly define the position rather than making a broad statement as to what a chief administrator did or was.

Mr. Mancinelli called to Mrs. Heller's attention section E-1, which was one of the major changes in working with an administrative team as opposed to sole party or exclusive and that's the Borough Clerk, the CFO and the Director of Operations. So there is this concept that is different now, he explained, in that it involves an administrative management team to work directly hand-in-hand with the borough administrator. That was a significant change.

Mrs. Heller said when she reads that she sees a limitation.

George Heller, 80 Second Street said that 30 miles had nothing to do with Park Ridge, that could be an hour and a half travel time. He said he felt it was a good idea to eliminate the necessity of living in Park Ridge but 30 miles was not a good idea.

Mayor Ruschman said since this is a work in progress did he have some suggestion as to what he felt would be appropriate as far as mileage?

Mr. Heller said, "no", he just wanted to reinforce what Mrs. Heller said, he would leave the rest up to the council. Mr. Heller said he further felt that E-1 doesn't make a lot of sense and is vague in what "supervision" means. He said you certainly wouldn't expect the administrator to supervise what the borough clerk does since most of her work is done for the council nor would he expect the administrator to supervise or have primary responsibility for what the CFO does since they probably wouldn't know what she does. He said, "likewise" for the Director of Operations. He said it was open to interpretation and felt if the borough administrator tried to exert any type of control over any of these three people, the operation would fall apart.

Mr. Mancinelli responded that those three functions particularly the borough clerk and CFO are statutorily defined and the intent of the ordinance change was to include the Clerk, CFO and Director of Operations to handle some of the past ministerial aspects of the borough administrator function. So the concept, if I understand the council concerns and consensus, was that there be more delegation of some of the more ministerial aspects of the borough administrator since those three individuals would be at the borough hall on a full-time basis whereas, possibly the next borough administrator would be a part-time individual.

Mr. Heller said he took exception to the word *delegation*. He said he wouldn't think there would be delegation by the borough administrator at all.

Mr. Mancinelli said we are talking about additional duties that may have been unique to the borough administrator that may now be delegated to the individuals in addition to their existing statutory obligations and duties.

Mayor Ruschman said you could also use the word *referral*, which might be more of what Mr. Heller was talking about.

Mr. Heller said the problem with putting things down in black and white was if the borough administrator felt he had the primary responsibility for these things then it leaves the three members of the team to not knowing what to do but he said, he would leave that having made his point.

Mr. Heller said he did not understand E-2.

Mr. Mancinelli explained that it refers to those individuals that are not subject to civil service or collective bargaining units.

Mr. Heller asked about L.

Mr. Mancinelli said the three individuals would still have their responsibilities and this is what could be called a “catchall” obligation or duty in addition to what is normally disseminated to the council by other department heads.

Mr. Heller said he had no problem with what they were doing but just with the borough administrator giving his/her consent to what they were disseminating.

Mr. Mancinelli said that not what the intent was and that’s why it says “with the consent of the borough council”.

Mr. Heller asked why the clerk was left out of P.

Mr. Mancinelli said the purchasing of supplies and material would fall more to the CFO and Director of Operation duties.

Mr. Heller asked if the ordinance had been sent to the Board of Public Works for their review and comment?

Mayor Ruschman said he thought Bill Beattie had seen it but the Board of Public Works has not.

Mr. Heller said he thought they should see it since item G refers to them and they may have similar questions to his.

Mr. Mancinelli said that item had not changed, it had been the same since 1984.

Mr. Heller said he figured that apart from George Mehm nobody else is familiar with it and this is a new thing.

Ben Martin, 161 North Maple Avenue said he felt the Personnel Committee and the Mayor and Council deserved applause for taking an outdated ordinance and bringing it current to define the job of one of the chief paid positions in the borough. He also said they would be remiss if they did not acknowledge the outstanding work of Ms. O’Donnell, Ms. Ennis and Mr. Beattie in the absence of a full-time borough administrator. He said, from this citizen’s point of view, things seem to be running quite smoothly.

Mayor Ruschman asks for a motion to pass the ordinance on first reading by title and that it be published in full in the Ridgewood News with Notice of Public Hearing to be held on September 8, 2009.

A motion was made by Councilmember Viola and seconded by Councilmember Kane to confirm

AYES: Councilmembers Kane, Levinson, Viola

CONSENT AGENDA

Mayor Ruschman noted that there were no abstentions from voting on the Consent Agenda.

Mayor Ruschman asks for a motion to accept the Consent Agenda.

A motion was made by Councilmember Levinson and seconded by Councilmember Viola to confirm.

AYES: Councilmembers Kane, Levinson, Viola

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 09-211
APPOINTMENT OF PROBATIONARY POLICE OFFICER
JOHN SEBASTIAN SZOT**

WHEREAS, a vacancy exists for the position of Police Officer on the Park Ridge Police Department; and

WHEREAS, the hiring process was conducted in accordance with Civil Service requirements; and

WHEREAS, the Search Committee has recommended John Sebastian Szot of 38 South Fifth Street, Park Ridge, NJ be hired as a Probationary Police Officer and has reserved a seat for him in the Police Academy effective August 3rd, 2009;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that John Sebastian Szot is hereby appointed as a Probationary Police Officer with the Borough of Park Ridge effective August 21st, 2009 at a salary of \$32,510.40

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 09-212
APPOINTMENT OF PROBATIONARY POLICE OFFICER
JOHN T. GLEASON**

WHEREAS, there is a likelihood that a vacancy will exist for the position of Police Officer on the Park Ridge Police Department; and

WHEREAS, the hiring process was conducted in accordance with Civil Service requirements; and

WHEREAS, the Search Committee has recommended John T. Gleason of 7 Fairview Court, Park Ridge, NJ be hired as a Probationary Police Officer and has reserved a seat for him in the Police Academy effective August 3rd, 2009;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that John T. Gleason is hereby appointed as a Probationary Police Officer with the Borough of Park Ridge effective August 21st, 2009 at a salary of \$32,510.40

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 09-213**

AUTHORIZATION TO ENTER INTO GRANT AGREEMENT

BE IT RESOLVED, that the Mayor and Council of the Borough of Park Ridge wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using \$58,976 in 2009 Community Development Block for ADA Improvements Municipal Pool Phase II project; and

BE IT FURTHER RESOLVED, that the Mayor and Council authorizes Kelley R. O'Donnell to be a signatory to aforesaid Grant Agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council authorizes Colleen Ennis to sign all county vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Park Ridge is liable for any funds not spent in accordance with the Grant Agreement; and that the liability of the Mayor and Council is in accordance with HUD requirements.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 09-214**

**AUTHORIZATION TO CONTRACT CAVALUCCI CONSTRUCTION INC. TO MODIFY FIREHOUSE
ELEVATOR SHAFT**

WHEREAS, the Borough of Park Ridge Firehouse is in need of an elevator to replace the existing malfunctioning elevator; and

WHEREAS, the Director of Operations has recommended contracting with Cavalucci Construction Inc. to make modifications to the existing elevator shaft including the relocation of the steel beam in preparation of the elevator installation; and

WHEREAS, Cavalucci Construction Inc. has submitted the lowest quote for the project (\$11,800); and

WHEREAS, the CFO has certified that sufficient funds are available for this purchase (C-04-55-923-100-006);

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Park Ridge hereby authorize contracting with Cavalucci Construction Inc.

BOROUGH OF PARK RIDGE

RESOLUTION NO. 09-215

DOLAN & DEAN CONSULTING SERVICES, LLC FINAL PAYMENT

BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that it approve the settlement of the lawsuit filed by Dolan & Dean Consulting Engineers, LLC in the amount of \$3,296.50 as recommended by the Borough Attorney; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Park Ridge that the Collector – Treasurer be and is hereby authorized to remit to Dolan & Dean Consulting Engineers, LLC, the sum of \$3,296.50, in full satisfaction of its claim against the Borough for professional services rendered to the Park Ridge Planning Board for the Garrety Living Trust subdivision application; and

BE IT FURTHER RESOLVED the Collector – Treasurer apply the sum of \$1,000.00 received from the Garrety Living Trust as contribution towards the aforesaid settlement to Dolan & Dean and the Collector – Treasurer take all necessary action to void check no. 1054 dated February 11, 2009 in the amount of \$1,864.71, which was previously sent to Dolan & Dean on account.

BOROUGH OF PARK RIDGE

RESOLUTION NO. 09-216

APPOINTMENT OF FIRE DEPARTMENT CHAPLAIN

WHEREAS it has been determined by the Park Ridge Fire Department that they wish to have a Fire Department Chaplain appointed; and

WHEREAS it has been noted by the Park Ridge Fire Department that it has been many years since a Fire Chaplain was appointed; and

WHEREAS the Fire Department has expressed an interest in having the Reverend Wilma Houston White serve in that capacity; and

WHEREAS, the Reverend Wilma Houston White has agreed to become the Fire Department Chaplain and in that capacity will provide spiritual and emotional support to those in the fire service and those affected by crises.

NOW, THEREFORE, BE IT RESOLVED that the Reverend Wilma Houston White is hereby appointed as the Park Ridge Fire Department Chaplain for the year 2009 effective August 25, 2009.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 09-217**

AUTHORIZATION TO FORECLOSE ON PROPERTY

WHEREAS, the Borough of Park Ridge has had a lien on Block 2102, Lot 15, a 25 x 150 foot lot on Park Avenue, since 1998; and

WHEREAS, the original owner, Richard Bromberg, last known address, 6 Danbury Court, Suffern, New York, has not responded to mailings; and

WHEREAS, the Mayor and Council of the Borough of Park Ridge desires to foreclose on the property.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the Borough Attorney, Robert Mancinelli, is hereby directed to foreclose on the property known as Block 2102, Lot 15 for a sum not to exceed \$2,000 maximum; and

BE IT FURTHER RESOLVED that the disbursements of the title company and advertising cannot be predicted at this time.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 09-218**

AUTHORIZATION TO PAY PORTION OF NEW ANTENNA FOR TRI-BORO DISPATCH SYSTEM

WHEREAS, the Borough of Park Ridge has entered into an agreement with the Borough of Montvale and the Borough of Woodcliff Lake to share in costs accrued by the Tri-Boro Dispatch system; and

WHEREAS, a new dipole antenna was needed to be installed on the Park Ridge water tank; and

WHEREAS, the quote for materials and installation for the dipole antenna was \$4,759; and

WHEREAS, the Borough of Park Ridge's share of the cost of this antenna is \$1,586.33.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the Chief Financial Officer is hereby authorized to issue a check in the amount of \$1,586.33 and remit same to the Borough of Woodcliff Lake.

COMMUNICATIONS:

NONE

OLD BUSINESS:

NONE

NEW BUSINESS:

NONE

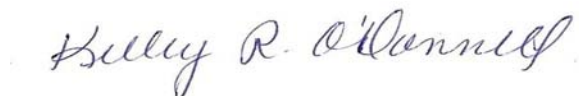
ADJOURN:

A motion was made by Councilmember Levinson and seconded by Councilmember Viola to adjourn the regular Mayor and Council Meeting.

Carried unanimously.

Meeting adjourned 8:55 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kelley R. O'Donnell".

Kelley O'Donnell
Borough Clerk