

**MAYOR AND COUNCIL MEETING**  
**WORK SESSION**  
**February 8, 2022**  
**6:47 P.M.**

Present: Councilmembers Capilli, Cozzi, Epstein, Fenwick, Ferguson, Metzdorf and Mayor Misciagna

Absent:

Also Present: Magdalena Giandomenico, Borough Clerk  
Julie Falkenstern, Borough Administrator  
John Schettino Borough Attorney  
Connie Carpenter, CFO

**Mayor Misciagna read the compliance statement earlier as required by the Open Public Meeting Act, P.L. 1975, and Chapter 231.**

**I. Borough Administrator Report:**

- i. Juneteenth: Juneteenth is now a federal holiday, so the Borough Administrator asked if the governing body is okay with adding it to the list of Holiday's for the employees in 2022, all in favor.
- ii. Open Space: A letter of intent is due by April 4<sup>th</sup> for the Open Space application so the Borough Administrator would like direction from the governing body what project they would like to apply for. As of now, the train station would be explored for historical preservation. Councilman Fenwick would like to speak to everyone about a potential open space application in closed session.

- II. Ordinance Amending Ch. 2-35.4 and 35.5 and Ch. 2-36.1 and 36.2:** Council President would like to discuss the proposed Ordinance. He stated it has not been reviewed and discussed. It was also requested to be put on the agenda less than 48hrs in advanced, per the new bylaws. Council President stated that members of the Utility Board are here to express their concerns.

**Utility Board President Jeff Rutowski:**

Mr. Rutowski stated that the Board is committed to serving the best interests of the community. We remain focused on providing reliable, safe, and affordable electric and water services to our customers. In the majority, we are an A-political group of volunteers.

Mr. Rutowski added that there are certain skillsets that the Utility Board and Director of Operations utilize to secure effective and reasonably priced contracts for professionals, equipment, and materials.

Mr. Rutowski respectfully stated that the Council does not have knowledge on the specific needs of the Utility. The Council also does not have backgrounds in the technical operation or business functions in how to run a utility. Mr. Rutowski indicated that is why the preparation of Requests for Qualifications (RFQs) and the selection of Professionals should remain with the Board.

Mr. Rutowski stated that our previous President (the late Dr. Charlie Moore) and Director of Operations (Bill Beatty) informed him numerous times over the years that the way we manage our resources, is what allows us to offer reliable and cost-efficient utility services.

Mr. Rutowski stated that the Board members volunteer their time, lots of it, to help serve the residents and businesses of Park Ridge and Woodcliff Lake. He indicated that the Board's hard work, if not leveraged properly, will result in higher rates.

Mr. Rutowski stated that there is great uncertainty in how the Town Council's modification to the current Ordinance for the selection of Professionals will impact the Utility and our customers. He went on to add that the Board wishes to propose a path forward that may meet the needs of all parties.

- Councilwoman Epstein asked the Borough Attorney if the Utility Board is an independent Board? Borough Attorney Schettino stated that it is a committee who makes recommendations. Mayor Misciagna stated that he understands that it was an independent board about thirty years ago and this is why the ordinance was put in place originally. Councilwoman Epstein asked the Utility Board President what are the concerned portions of the ordinance that the board is worried about. Mr. Rutowski said the board is concerned about efficiency, cost, professional services provided since the board sets a specific criterion for those.

Mr. Rutowski said the board is upset this proposed ordinance was never discussed with the utility board, usually the board makes specific stipulations in the RFQ's they put out for professionals.

The preparation of RFQs will be the responsibility of the Board and the Director of Operations. The qualification package of interested Professional's will be received by the Director of Operations and then reviewed by the Board. The Board will make their recommendation and present it to the Council. The Council may reject the Board's selected professionals and propose an alternate professional. The Council will indicate in writing the basis of their selection. The Board will review the Council's statements and offer their concurrence or state their concerns of the Council's selection.

Mr. Rutowski stated that in order to ensure transparency, the Board will put tools in place to gauge and report the performance of professionals who serve the Board. The tool will not be subjective, but qualitative and defensible.

**Utility Board Michael Mintz:** Mr. Mintz stated that the utility board was upset over the ordinance and when it was first suggested to repeal it at the last public meeting. He would like clarification in the proposed ordinance when it states "personnel committee" does it mean the Borough personnel committee or the Utility Board personnel committee?

- Borough Attorney stated that this was the language used in the original ordinance.
- Mr. Mintz would like to have the ordinance specifically indicate that it says utility personnel committee. Borough Attorney Schettino said it is not a problem.

Mr. Mintz does not believe the rate counsel should be hired at this meeting because the amended ordinance has not been adopted yet.

**Utility Board Frank Pantaleo:** Mr. Pantaleo asked if the proposed amendments have been adopted yet? Borough Attorney stated that it has not. Mr. Pantaleo asked who presented the resolution to hire Holly Schepisi? Councilman Fenwick, Cozzi and Capilli emailed the resolution to the Clerk last Thursday to add to the consent agenda.

- Mayor Misciagna asked the Attorney if this was legal? Borough Attorney Schettino said that the state statute supersedes the ordinance and allows the Council to appoint someone after 30 days.
- Mr. Pantaleo asked if there is a retainer set for the proposed hire of Holly Schepisi? Councilman Capilli said that Mrs. Schepisi would receive her thousand dollar a month retainer and that she proposed \$175/hr. Mr. Pantaleo asked if there is any other set predisposed amount? It was said that there was a proposed fee of \$50,000, Councilman Fenwick stated that is not the retainer. Mr. Schettino said it will be the same contract as the previously rate counsel's contract and an hourly rate. Mr. Pantaleo stated it went from \$150 an hour to \$175 an hour. Mr. Pantaleo stated the utility board is not looking for this amount to skyrocket, in the past around \$16-\$17,000 a year was spent on rate counsel.

**Utility Board Sean McNamara:** I think it is important for the town to hire the right professionals for the utility board and the right way to do that is through an opened process. To do that we should go out for a rfq based on the needs of the town and the need of the board, so we are guaranteed to get the best professionals hired at a rate we can agree too. The board would love to put out an RFQ to seek the right professionals and come back with a recommendation to the Mayor and Council to decide.

- Councilman Fenwick wanted to state for the record that there was a rfq put out for rate counsel earlier this year and Mayor Misciagna said that Ms. Schepisi did not put in for it. Councilman Fenwick added that Mr. Schettino put in for rate council, but he became the Borough Attorney.

**Utility Board Vice President Tim Kennedy:** Between the water and electric there is about \$16-17million dollars in revenue, and we have huge financial risks with both departments. As the Vice President of the Utility Board, I would like to share that the lack of communication on how this went down, and respect and trust is a big thing, there was no communication with the board, but arrogance and that was just wrong. This has to be fixed going forward or myself and others will resign.

#### **Open Work Session adjourned at 7:48pm**

Councilman Fenwick made a motion to adjourn open session into closed session and seconded by Councilwoman Epstein to confirm. Motion carried unanimously.

Respectfully submitted,



Magdalena Giandomenico  
Borough Clerk

