

Mayor Chong Paul Kim opened the Special Meeting at 5:06 P.M.

STATEMENT:

This is a Work Session of the Mayor and Council, and notice was given as follows:

1. Notice was filed August 18, 2023 with The Record & Newark Star Ledger, both official newspapers of the Borough.
2. Notice was posted on the Bulletin Board
3. Copy is preserved in the Clerk's Office.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE WAS HELD.

ROLL CALL:

Mayor	Kim	Present
Councilperson	Jang	Present
"	Kim	Present
"	Min	Present
"	Park	Present
"	Pirrerera	Absent
"	Vietri	Present
Borough Attorney	Michael Collins, Esq.	Present
Borough Administrator	David Lorenzo	Present

There were two items on the Consent Agenda:

CONSENT AGENDA:

RESOLUTION 2023-186 Claims

RESOLUTION 2023-187 Authorization of Police Department Equipment Auction on Govdeals.com

The Mayor asked if there was a copy of the Claims. The Borough Clerk answered that the Finance Department was not done with the bills list. The Mayor wanted a motion to table Resolution #2023-186. Ms. Kim stated that the Council did not have to take any action at the Work Session. The Mayor recommended that the Council wait until they received the Claims. The Borough Administrator explained that as soon as the Finance Department got the bills done, copies would be sent to the Governing Body.

The Mayor stated that Resolution #2023-187 would be the Communications Manager's request to get the Watchguard equipment to be sold off. Mr. Lorenzo stated that this was selling surplus equipment. The Mayor requested that a copy of the Resolution be sent to the Governing Body when it was ready.

2ND READING/PUBLIC HEARING:

ORDINANCE 2023-12 Bond Ordinance to Authorize the Acquisition of New Information Technology Equipment, New Additional or Replacement Equipment and Machinery and a New Automotive Vehicle, Including Original Apparatus and Equipment, for the Use of the Police Department In, By and For the Borough of Palisades Park to Appropriate the Sum of \$372,500

The Mayor wanted a breakdown of the Ordinance, which he received today. Councilman Min asked when the Police Department budget finished last year. Mr. Lorenzo answered that the Police budget was finished when the total budget was finished and adopted.

The Mayor stated that they had approved the previous budget, and the Police Department was needing emergency appropriations beyond their budget. Mr. Lorenzo stated that this was incorrect. This was a bond ordinance for additional equipment that the Police Department needed. This was not an emergency.

Mr. Lorenzo explained that a bond ordinance was put in place when items were needed by the Borough that have a life expectancy of two years, because it had a long shelf life. Certain equipment and major improvements to the building were bondable events. The budget had stuff that was put in every year – salaries and wages, purchasing, etc. A bond would be passed for a server, an SUV, and bodycams, which would have a life expectancy of a certain number of years. This would be paid over a period of time.

The Mayor had a concern that when they did a budget, they were expecting the police budget to include all the aforementioned items because it was not unforeseen circumstances. The Mayor asked about the processor, the equipment, and the trucks, and why it was not a part of their budget. Mr. Lorenzo stated that it generally was, but the budget was cut by the Council. The Mayor stated that as a Councilman, he personally did not want to cut the budget. Mr. Lorenzo stated that the Mayor did anyway. If this was not an emergency, the Mayor wanted to see if the Police needed this in four months.

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Councilwoman Jang asked how many bodycams there were now. Mr. Lorenzo stated that each Officer had one as well as backups. She asked more questions, which the Police Chief needed to answer.

Mr. Lorenzo explained the limitations of the budget. The 2024 budget would be based on the budget for 2023. There was a 2% cap with the exception of certain things such as health benefits, insurance, and etc. The reason for the cut in the 2023 budget was because the revenues from 2022 to 2023 dropped significantly to the tune of about \$600,000. The reason for this drop was parking meters. The meters were not enforced, and the parking meters sat for most of 2022. When he and the CFO saw the revenues part of the budget, they saw \$600,000 short, which had to come out of the budget. They could not appropriate what they did not have. The \$600,000 shortfall translated to 1.2 million in losses. The Borough was coming off the heels from COVID so monies that the Borough received from the Federal and State government were no longer around. There was COVID money, which was now gone. The Borough was left with a budget deficit and \$600,000 in revenue shortfalls. Insurance went up, taxes went up, payroll went up, which all goes up about \$300,000 a year.

The Mayor said he appreciated Mr. Lorenzo for explaining the process of the budget. He also appreciated that they had to go through extreme measures and survived. Mr. Lorenzo stated that the year was not over yet. Mr. Lorenzo recommended that the Council listen to the advice of the CFO when it came to bonding.

The Mayor said that the Governing Body needed explanation.

Councilwoman Jang wanted confirmation that bonds were debt. The answer was yes. She said that they were increasing bonds such as the 3-million-dollar bond for the moving and mold issues. She said that if they needed extra money and they did not have money on their hands, they would need to borrow. She said instead of going with debt continuously, she wanted to know if there was a way to at least cut the acquisition of body camera systems, which was \$265,000. She wanted to know how many body cameras they had now, the lifespan, and if they desperately needed it. She wanted to look for not making debt. She said that if the budget was cut, and the revenue went up, then she was sure they could put extra money for next year's budget.

Councilman Vietri stated that the bodycams were mandated by the Attorney General. Once the Police Department got cameras, they had to stick with them. The cameras were breaking down more than they were working. They had to go out and get new ones. There were not a lot of cameras under State contract. Councilwoman Jang asked how many cameras were in use. Mr. Lorenzo stated that the bodycams were in accordance with guidelines established by the Attorney General and Bergen County Prosecutor's Office. Councilwoman Jang said that she would like details of the bodycams. She said she understood that if there was need, they needed to provide.

Councilman Min said that the purchase order was received back in November 2022. In the PO, there was no breakdown of the model. Mr. Lorenzo stated that in the back of the PO, there should be a description. Councilman Min requested the details of the purchase order. Councilman Vietri stated that once again, couple years ago, the PD had a camera that was in the car.

The Mayor said why was nothing done to prevent the bonding. Everyone was talking about policies and mandates, but no one knew about this at the last moment? Mr. Lorenzo said that this would be the Police Department's function.

Councilman Min said regarding the Police Records Clerk position, he sent an email to the Mayor a couple weeks back. He wanted to make a motion to post a job on the Police Department and Borough website so that applicants could submit a resume and be interviewed.

Councilman Min made a motion to post the Police Records Clerk position on the Police Department and Borough website. Councilwoman Jang seconded.

The Mayor asked the Borough Attorney if the Council needed to do a roll call to put this matter on the agenda. The Mayor stated that there was a situation prior where the applicant did not go through proper procedures and the background check and had a criminal record. Ms. Tagarelli asked if this was a job that was previous posted in the same manner. The Mayor stated that the job was never posted. Mr. Lorenzo stated that this was not correct. Councilman Vietri stated that the Police Department interviewed two people. The one person after they interviewed, the background check did not work out. The second applicant who was interviewed, passed. Chief Espino sent an email saying that he interviewed the applicant and he wanted to hire this person. Councilman Vietri also sent an email to the Mayor saying that the Council should hire this individual. The Mayor asked how this was notified; was it posted on the internet? Mr. Lorenzo said he did not know. The Mayor wanted to know how long the interview process was. Councilman Vietri stated that they did not have too many people. Councilman Min stated that the PD website was down for a while. He was notified by the Chief last month, so he wanted to know when the job was posted.

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Councilman Vietri stated that he said to put the hiring on the agenda after the applicant was interviewed and recommended for hire by the Police Chief. At the time, the Mayor said that he did not remember any emails from the Chief. The Mayor stated that he did not read the email. Councilman Vietri stated that the Police Department did not have a Records Clerk. The Mayor answered that they wanted to get a Records Clerk. Councilman Vietri said that there was an applicant who was interviewed, and he wanted to hire that applicant. The Mayor said he wanted information from the Police Chief regarding how and when the job was posted. Councilman Min said he was not notified of the applicants or the interview. He said that as part of the Police Committee, he should have been a part of that. He made motion to put the job on the PD and Borough website to take applications and conduct interviews.

Councilman Vietri said that the Police Department is the one who interviews the applicants. Not the Mayor or the Council, not the Police Committee. The Mayor said that they were the Appropriate Authority.

Councilman Vietri said that he wanted to make a motion to hire the applicant.

Mr. Lorenzo said that the question was, at a Work Session, could a motion be made to allow for a roll call vote by the Governing Body to authorize the Council to go out to post in the paper or the website through other means, a job description for a specific purpose. Ms. Tagarelli stated that the Council could take action at the Work Session, but her concern was that the Police Chief wanted to hire someone already. She did not know what the status of that was, and perhaps the Council could table this until the specifics were known. She did not want to step over anyone else's boundaries if there was something in the process that she was not aware of. Mr. Lorenzo said to clarify that statement, an individual was put forward to the Governing Body in the form of a Resolution to be hired at the past month's meeting. That matter was tabled. That individual was interviewed by the Police Department, was selected, and the name was put forth in a Resolution, but it was tabled. The Mayor stated this was right. Ms. Tagarelli asked if all job postings were posted in the same manner that the Council was discussing now. Mr. Lorenzo said no. he did not know what the process would be for this one. This was why Ms. Tagarelli recommended tabling the matter.

The Mayor wanted to get some information from the Police Department. He wanted to know when was the job posted, where was it posted, how long was it posted, how many applicants, and who interviewed them. The Mayor wanted to be impartial. The Governing Body should be involved because they were the Appropriate Authority. The Mayor said to table it.

Councilman Min made a motion to table the advertising of the Police Records Clerk. Councilwoman Jang seconded. The motion carried on a roll call vote and was recorded as follows:

Councilwoman Jang:	Yes
Councilman Kim:	Yes
Councilman Min:	Yes
Councilman Park:	Yes
Councilwoman Pirrera:	Absent
Councilman Vietri:	Yes

Councilman Vietri stated that it was brought to his attention that when the Mayor and Council decided to bring forth the court case regarding the promotion of the Police Chief and Captain, the Judge made a ruling. Councilman Vietri had been approached by Police Officers, and he received an anonymous letter in his mailbox regarding one promotion that had two affirmative votes. The Ordinance stated three. Councilman Vietri stated that this should also be brought to vote.

The Mayor said that he was baffled by the court case that was settled. For him personally, it was a lot of grief, and at the end of the day, it seemed like it was just spending taxpayer's money.

Councilwoman Jang said that she had so many lawsuits against herself. This was too much. She said they were going after everyone. She stated it was her not money, it was the people's money. Councilman Vietri stated that they were not going after the individual; they were going after the process. She suggested taking a vote on the matter.

The Mayor asked to get interviews for positions that were supposed to be rectified. Mr. Lorenzo asked what interview for what position. The Mayor asked Ms. Tagarelli if the Council could talk about it in public.

Councilwoman Jang spoke about the pool and having credit card machines. This was raised many time in the past. More and more people were using credit cards, which would set up a better and faster system. She said she thought this year was too late, but perhaps it could be started next year. Councilwoman Jang wanted this matter placed on the agenda.

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The Mayor stated that this would be for a credit card transactional system at the pool. Mr. Lorenzo asked what this was for. The Borough Clerk stated that the Resolution dies at the end of the year. Mr. Lorenzo said that the credit cards were a good idea, but it should be noted and the Council should consider doing it in the new year. He recommended that when the budget was being done for the pool next year, do it as part of the pool. Councilwoman Jang said that she learned about budgeting in a class, and all of the departments were supposed to hand in their current year transactions sometime in October or November to plan for the year ahead.

Mr. Lorenzo stated that at the end of October, there were budget transfers. At that point, the CFO, Borough Administrator, and most of the department heads meet to discuss the current year's budget and plan for next year.

The Mayor stated that the whole system of accepting monetary value was outdated concerning ticket and tax payments. If other towns were successful, the Borough should consider doing that as well.

Councilman Min said that the budget was done twice every year. With reference to the bond that they just spoke about, Councilman asked if they could do budgeting. Mr. Lorenzo stated that he did not understand the question.

Councilman Vietri stated that he would like to get a legal opinion about moving forward with the matter that he raised. The Mayor stated that he thought Councilman Vietri already spoke to counsel about that. Councilman Vietri stated he did not. The Mayor stated that he would figure it out for him. Councilman Vietri wanted a legal opinion. The Mayor told Ms. Tagarelli that he did not think it was the right venue to speak about the letter he received. Mr. Lorenzo asked Ms. Tagarelli if it would be ok to ask about the validity and the status of a vote. The Borough Clerk stated that she had a memo from Mr. Collins regarding the matter. She stated that she would distribute that memo to the Governing Body.

Ms. Kim stated that every time a bond ordinance was adopted, the capital budget needed to be amended, which was sent by the Borough Auditor. She stated that she was not sure if the capital budget was amended at the time of introduction. If it was not, the Council needed to adopt the amendment.

Councilman Park had one paper which showed a purchase order number. According to that paper, the total amount was \$259,775.00. He did not know if this was a statement or an invoice. Councilman Min broke down the purchase order. The Mayor wanted to see the backup.

Councilman Park said that there were a lot of emails regarding the fire code violations. He wanted to know what was going on.

Michael Valente addressed the Mayor and Council. He stated that in September of last year, there were numerous fire code violations. There were 46 different violations. As of Tuesday, only four of the violations were abated. The State had come in to take over the case. They were looking for compliance. Councilman Park asked if everything was ok now. Mr. Valente answered no.

Councilman Min asked if the Borough received citations. Mr. Valente answered not yet. The Mayor asked who gave the citations. Mr. Valente said that at this point, it would be the State. The Mayor asked where Jose Rodriguez was from. Mr. Valente said that he was from the Division of Fire Safety. The Mayor asked if Mr. Rodriguez was from Local Assistance. Mr. Valente said he believed Mr. Rodriguez also did Local Assistance. The Mayor said Mr. Rodriguez's name was not mentioned on the Fire Code Enforcement, but his name was mentioned in the Local Assistance. Mr. Lorenzo asked Mr. Valente to explain to the Governing Body how fire code violations worked. Mr. Valente stated that the notice of violations came from the Borough. When the Borough does not get compliance, the State comes in after that. This happened in September.

The Mayor asked who reported to the State that there was an issue. Mr. Lorenzo answered that last year, it was not the State. Annually, every building including the Borough building gets inspected. Mr. Valente inspected the building for code compliance issues and came up with the report which was issued on 9/23/22. In that report were 46 items, some of which were easy fixes. The bigger issues that could not get fixed without the Governing Body included egress, fire suppression systems. Those items were put back into the cost in October, given to then Mayor Chung to be addressed. The Mayor asked if Mr. Lorenzo had the emails. Mr. Lorenzo stated that the Mayor had all the emails as they were sent to him also. The Mayor asked why the same violations came from Mr. Valente. Mr. Lorenzo stated that the simple things were addressed. The Mayor said they were not.

Councilman Min asked how many violations were corrected. Mr. Valente said four. He continued to explain that removing an extension cord is not so simple if there was no outlet for the extension cord. Mr. Valente stated that the bigger violation with this building was egress. The second floor and the basement

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only had one means of egress, which was not allowed in the State. There was only one stair level coming up from the basement. By fire code, there needed to be two means of egress. There was a condition in the code where there could be one means of egress but the Borough did not meet it. Therefore, there needed to be renovations or there needed to be something to meet that standard.

Councilwoman Jang asked when the 46 violations were given, she believed that the Borough Administrator had the responsibility to take care of that. Mr. Lorenzo stated that he forwarded the violations to the Governing Body multiple times via email. Mr. Lorenzo told Councilwoman Jang that he did not make the decisions – the Council did. Councilwoman Jang wanted to know whose job it was to take care of the violations. Mr. Valente stated that it was not up to him to decide as the Fire Prevention Bureau was just an enforcement agency. Councilwoman Jang stated that the whole structure to her was confusing and strange that Mr. Valente was pinpointing out the problems of the town when he was the town's employee. Mr. Lorenzo stated that this was Mr. Valente's job. Councilwoman Jang stated that Mr. Valente should have gone after the Borough Administrator continuously saying that this had to be fixed. Mr. Lorenzo stated that Mr. Valente did.

Councilman Vietri said that if the town did not have a facilities manager, it would be the Borough Administrator's job. However, once the town hired a facilities manager, he took the ball – not the Borough Administrator.

Councilman Min stated that what happened last year was last year. He asked Councilman Kim if he ever received a notification regarding this matter. Councilman Kim stated that he was notified a week or so ago. Councilman Min stated that earlier this year, there was a new government established with Mayor Paul Kim and two new Councilmembers. Councilman Min stated that they needed to be notified early enough to make a decision going forward. He stated that he just found out about this.

Mr. Lorenzo stated that whether Councilman Min was notified then or not, the items that Mr. Valente was talking about could not be corrected. The second means of egress and the fire suppression system, alarm system could not be addressed. The responsibility lay in the building design and due to the age of the building, there were things that needed to be done which were significant in cost. In order to put a second means of egress on the second floor, the office at the end needed to be removed in order for a staircase to go in. This would be about a half a million dollars. In order to put a second means of egress in the basement as required, he did not know how to do that. Councilman Min asked about buildings that were over 100 years old. Mr. Lorenzo stated that he did not know what those buildings did.

Councilman Park asked if the two staircases were mandatory. Mr. Valente explained that most of the code was at the time when the building was built. In New Jersey, in the Uniform Fire Code, there was a retrofit section, and the retrofit section did not matter when the building was built, it needed to be brought up to code. Councilwoman Jang asked when this became effective. Mr. Valente stated about 30 years ago. Councilman Park stated that for 20 years, nothing had been done. Mr. Lorenzo stated that 20 years ago, he never received violations, he never received notice.

Councilman Min asked about the retrofit law. Mr. Valente confirmed that the building was not grandfathered due to that regulation. Mr. Valente said that retrofit law applied to every building.

The Mayor said that since 1962, not once did the State or the Fire Department saying that they were going to charge \$5,000 a day. He asked about the day Mr. Valente met Jose Rodriguez, who the Mayor stated was allegedly from the Local Assistance. Mr. Valente stated that Mr. Rodriguez had contacted him couple days before because he had received a complaint. Mr. Lorenzo asked Mr. Valente to send a copy of the complaint to the Governing Body. Mr. Valente stated that the State oversaw the Fire Department. The Mayor asked if they had any right to give out fines. Mr. Valente stated that they did.

The Mayor said that they should have a meeting with Mr. Rodriguez, and the Mayor found out that the Fire Bureau Prevention Enforcement that comes, not Local Assistance, is the one that fines. The Mayor saw Mr. Rodriguez's name on the Local Assistance website, but not on the Bureau of Fire Code Enforcement. He stated that on the North region for the Bureau of Fire Code Enforcement, he did not see Palisades Park on the list. He asked if the Borough did not get enforced because the Borough had its own Fire Department. Mr. Valente said he did not understand the Mayor's questions. Mr. Valente stated that the Borough was not in compliance. The Fire Prevention Bureau answered to the State. The Mayor asked why Mr. Valente conducted an inspection in 2022. Mr. Valente answered that the inspection was due to a complaint.

When Mr. Lorenzo met with Mr. Rodriguez and Mr. Valente, Mr. Lorenzo stated that they could never abate the violations in two weeks. Mr. Rodriguez said to come up in two weeks a plan of what the Borough was going to do. There needed to be a plan to address these structural issues in the building. Mr. Rodriguez stated that moving out in a new building or trailers would be fine, but he stated that he did not want to come back in two weeks and hear the same story. Mr. Lorenzo asked what type of fines the

Borough would be receiving. He said at a minimum it would be \$5,000. Mr. Valente stated that he did not know how the fine structure worked for the State.

Councilman Park said in other words, if they did not build the Borough Hall again, the town would go bankrupt. The Mayor stated that they would have to talk to the State regarding the second means of egress. Mr. Valente did not think Mr. Rodriguez was being unreasonable. The Mayor spoke about the Borough Administrator's emails regarding the fire code violations. Mr. Valente said that Mr. Rodriguez was looking for the Borough to come into compliance.

Councilman Min stated that they had about a week, so he suggested setting up a meeting and asking for an extension. Discussion took place about possible dates and times for a meeting.

The Borough Clerk asked if the Mayor wanted to talk about the reexamination and Master Plan. The Mayor answered that it was not the agenda. Ms. Kim clarified that it was an item of discussion. Mr. Lorenzo spoke about the 15 Grand litigation. The Mayor asked when Robert Simon was hired, and he wanted to see the Resolution of hire. Mr. Lorenzo explained that an expert planner needed to be hired. He explained what a Builder's Remedy lawsuit was. The Mayor said that he wanted to meet with Jill Hartmann first. Mr. Lorenzo stated that this was not for the Master Plan. The Mayor asked if there was a relationship between the Master Plan and the Builder's Remedy lawsuit. Mr. Lorenzo answered that the Builder's Remedy lawsuit was based on the existing Master Plan, not the proposed Master Plan.

Councilman Min asked when the Master Plan was last updated. Mr. Lorenzo answered that the Master Plan was past its updated life. The Mayor asked when the lawsuit was filed. Mr. Lorenzo stated he did not know. The Mayor stated that there were two lawsuits, and one was dismissed, but the one before the Planning Board was a different ballgame. Mr. Lorenzo stated that was incorrect. One applicant, 15 Grand, filed two lawsuits. Councilman Park asked for this to be put in an email. Mr. Lorenzo asked the Council if they wanted to hire a planner or let the lawsuit go. The Mayor said he stopped the hiring of the planner because he and the Council had no idea what was going on. Mr. Lorenzo stated that the Governing Body had copies of the first lawsuit and the dismissal. Mr. Lorenzo clarified that Robert Simon was hired by the Council to defend the Borough in the 15 Grand lawsuit. Mr. Simon needed a planner to work with him. The Mayor stated that he would like to discuss this further in Executive Session at the Regular Meeting.

Ms. Tagarelli stated that the briefing schedule started in November so the Council needed to act quickly to defend with matter with Mr. Simon.

Ms. Kim asked when Executive Session should begin. It was decided to begin at 6:00 P.M.

COUNCIL REPORTS:

There were no reports from the Council.

PUBLIC PARTICIPATION:

Councilwoman Min made a motion to open to the public. Councilman Kim seconded. The motion carried. All present in favor by voice vote; none opposed.

Susan Brauer asked to hire somebody for the Builder's Remedy. With regard to the Police Department, she asked how long they had been without a Records Clerk. Mr. Lorenzo stated that the position was vacant since February. Councilman Vietri stated that a Special Police Officer had been doing the work. Ms. Brauer stated that the person one works for is usually the one conducting the interview. She did not think the Police Committee, except for Councilman Vietri, knew what was required. She suggested hiring the person that the Police Chief recommended.

Ms. Brauer spoke about the credit cards at the pool. She stated that nothing has been done, everyone was still sitting in a building with mold, and she urged the Governing Body to do something and move on.

Neris Papoters spoke about the fire code violations. She asked what the Borough Administrator was doing to prevent or resolve the situation. She stated that there was no follow up. She wanted to know the Facilities Manager's job description. Mr. Lorenzo said that the items that were of concern were egress and fire suppression, basement access, etc. These could not be done overnight and were major repairs. Ms. Papoters asked Councilman Park if he was aware of the violations in 2022. Mr. Lorenzo stated that Mr. Park was present at the meeting with the Borough Engineer.

Marsha Schor spoke about the Police Department bodycams and stated that it was a necessary thing for the Police Department. She stated that with the credit cards, there were many cards that bounced. The best way to ensure payment was to accept cash.

Councilman Min made a motion to close to the public. Councilman Kim seconded. The motion carried. All present in favor by voice vote; none opposed.

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ADJOURNMENT:

There being no further business to come before the Mayor and Council, Councilwoman Jang made a motion to close to the public and adjourn. Councilman Kim seconded. The motion carried. All present in favor by voice vote; none opposed.

Meeting adjourned at 6:30 P.M.

Attest:



Gina S. Kim, RMC/CMC
Borough Clerk