

Approved: 7/24/12

THE TOWNSHIP COUNCIL WILL MAKE EVERY EFFORT TO ADJOURN THIS  
MEETING NO LATER THAN 11:00 PM  
TOWNSHIP COUNCIL AGENDA  
TEANECK HIGH SCHOOL AUDITORIUM  
TUESDAY, SEPTEMBER 28, 2010 - 8:00 P.M.

Mayor Hameeduddin called the Open Session Meeting of the Teaneck Township Council to order at 8:16 p.m. and asked all those present to rise for the Pledge of Allegiance.

ROLL CALL

Present: C. Parker, C. Stern, DM. Gussen, C. Honis, C. Katz, C. Toffler, Mayor Hameeduddin.

Absent: None.

Also Present: S. Turitz./W.Rupp - Ferrara, Turitz, Harraka, & Goldberg, Esqs; W. Broughton, Township Manager/Acting Clerk; J. Evelina, Senior Clerk, I. Abbasi, Executive Assistant.

MAYOR'S ANNOUNCEMENT

Adequate notice of this meeting has been provided by Resolution 170-10, setting the 2010 meeting dates, and Sunshine Notice, dated September 23, 2010 amending the 2010 meeting dates, sending a copy to THE RECORD, THE SUBURBANITE, THE BERGEN NEWS/SUN BULLETIN, THE JEWISH STANDARD, and THE COUNTY SEAT, filing a copy in the Township Clerk's Office and posting it on the Municipal Building bulletin board, and the Mayor hereby directs that this statement be included in the minutes.

PRESENTATIONS

Certificate - League of Women Voters of Teaneck.

Mayor Hameeduddin presented a certificate to the League of Women Voters and presented them with a certificate.

Pat Lebutti (sic) of The League of Women Voters thanked the Council for their presentation and discussed the history of Women's Suffrage. They further discussed their organization's purpose; the Suffragists' colors; and discussed their current works.

State Senator Loretta Weinberg presented a joint resolution from the State Senate and Assembly, thanked them for their efforts in women's voting.

Mayor Hameeduddin requested that Communications be moved to the beginning of the agenda.

COMMUNICATIONS

1. Request for Endorsing Resolution - BCCD Grant - AAH of Bergen County, Inc.

Lydia Kevit (sic) gave an overview of her organization and their purpose; discussed the organization's clientele and their backgrounds; and her organization's staffing.

2. Request for Endorsing Resolution - Jewish Family Service, Inc.

Shila Steinbeck discussed the mission of the organization, the organization's programs and services offered, the issue of domestic violence, statistics regarding domestic violence, and requested an endorsing resolution to support their application for a Community Block grant. She further discussed the increase of the organization's service totals, and discussed the exhaustion of funds.

3. Request for Endorsing Resolution - Bright Side Manor.

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Elizabeth Davis discussed the services of Bright Side manner and requested funding through Community Development to construct an affordable senior housing project; Bright Side Manor's securing of funds and approvals from the Zoning Board, and requested \$150,000 in Community Block grant funds and \$850,000 in HOPE funds.

4. Letter dated September 12, 2010 from Teaneck Girl Scouts - PAL Building Usage.

The Girl Scouts were not present and will be re-listed on a future agenda.

5. Request Received from Ronn Goodman on September 23, 2010 - Proposed Cablecasting Improvements.

This item was tabled and will be re-listed at a future Council meeting.

#### PUBLIC HEARINGS AND ADOPTION OF ORDINANCES

Ms. Evelina read the Ordinances by title only.

ORDINANCE #4198 - AN ORDINANCE AMENDING ORDINANCE NO. 4144 OF THE TOWNSHIP FINALLY ADOPTED ON SEPTEMBER 8, 2009 PROVIDING FOR COUNTYWIDE ADA RAMPS, CURBS AND SIDEWALK CONSTRUCTION CO-OPERATIVE FUNDED FROM THE BERGEN COUNTY DEPARTMENT OF PUBLIC WORKS AND APPROPRIATING \$87,940.50 AS A CAPITAL IMPROVEMENT.

ORDINANCE #4201 - AN ORDINANCE AMENDING RULE XI OF APPENDIX I, COUNCIL RULES OF PROCEDURE, OF CHAPTER 2, CHARTER/ADMINISTRATIVE CODE, OF THE CODE OF THE TOWNSHIP OF TEANECK RELATING TO THE IDENTIFICATION OF SPEAKERS ADDRESSING THE COUNCIL.

Mayor Hameeduddin inquired whether any member of the Council had any comments respecting these ordinances prior to opening the public hearing.

Mayor Hameeduddin declared that the public hearings on the above ordinances were now open. Any members of the public wishing to be heard on any of said ordinances or to ask questions concerning said ordinances may come forward and state their name and address for the record. Comments or questions shall be limited to five minutes per person.

No member of the public came forward.

There being no further persons who wished to speak concerning said ordinances, the Mayor declared that the public hearing on this ordinance was now closed.

Councilmember Katz moved to pass Ordinances 4198 and 4201 on second and final reading and adopt. The Township Acting Clerk is hereby authorized and directed to advertise same according to law. Seconded by Councilmember Toffler.

Mayor Hameeduddin inquired whether any member of the Council had any comments respecting these ordinances.

There being no comments, Mayor Hameeduddin called on Ms. Evelina for a roll-call vote.

#### ROLL CALL

In Favor: C. Parker, C. Stern, DM. Gussen, C. Honis, C. Katz, C. Toffler, Mayor Hameeduddin.

Opposed: None.

Absent: None.

Abstained: None.

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Mayor Hameeduddin declared that said ordinances were duly adopted.

ORDINANCE #4199 - AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 29C OF THE TOWNSHIP CODE, ENTITLED "RENT CONTROL".

Move by Honis. Seconded by C. Toffler.

#### Public Comments

Derone Goldschmidt (sic), Teaneck – discussed the investment by the owners of properties on Cedar Lane and the addition of parking spaces, renovations to their facilities, the percentage of vacancies, expressed his dismay with the Council’s proposed rent control ordinance, cited New York City’s rent control ordinance, predicted the negative outcomes of the current rent control ordinance, and urged the Council to reconsider their stance on the Rent Control ordinance.

Dan Gilchinsky (sic), Law Firm of Hurt and Bernstein, Hackensack – referenced Council’s last Rent Control ordinance and the collaborative effort in the prior vote. He further requested an opportunity to present economic data reflecting the property owners his firm represents, enumerated unintended consequences that would be present without discussion, dialogue, and property tax appeals, and requested the Council deny or table Ordinance 4199 until more information could be gathered.

Ron Simonsini (sic), Teaneck Property Owners Association – discussed Senator Weinberg’s public service speaking agenda today and recognized her for her efforts and referenced Mr. Gilchinsky’s request for a presentation to the Township Council. He further discussed and was in favor of using New York City’s methodology to adopt a Rent Control ordinance; he felt that Council’s proposal was in favor of stopping increasing in favor of renters and neglected property owners; recommended Council adjust the rates of vacancy control; and felt that C. Katz should vote on allowing a longer period of time to debate the proposed ordinance.

Tasha Mourton, Teaneck – referenced a legal notice regarding the first reading and passing of an ordinance and questioned whether or not Council passed Ordinance 4200 and the need for said notice.

Joe Harris, Teaneck – also referenced prior Councils’ actions during the previous Rent Control discussions; he felt that tonight’s Rent Control adoption was fair since both owners and tenants did not have a chance to speak or be heard; and felt that Council should allow discussion from both sides to have adequate data.

#### Hearing closed

DM. Gussen clarified that Ms. Mourton’s legal notice reflected Ordinance 4202’s introduction and responded that no action was taken.

Mr. Turitz further clarified the process by which ordinances are introduced and adopted and the history of their process.

#### ROLL CALL

In Favor: C. Parker, C. Honis, C. Toffler, Mayor Hameeduddin.

Opposed: C. Stern, DM. Gussen.

Absent: None.

Abstained: None.

Recused: C. Katz

Mayor Hameeduddin declared that said ordinances were duly adopted.

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C. Katz motioned to adopt Ordinance 4200.

ORDINANCE #4200 - AN ORDINANCE ADDING A NEW ARTICLE XXXIV TO CHAPTER 2 OF THE CODE OF THE TOWNSHIP OF TEANECK TO ESTABLISH THE DEPARTMENT OF PUBLIC SAFETY AND THE POSITION OF DIRECTOR OF PUBLIC SAFETY IN THE UNCLASSIFIED SERVICE OF THE TOWNSHIP OF TEANECK, ESTABLISHING A SALARY FOR SAID POSITION, CREATING THE DIVISION OF POLICE AND THE DIVISION OF FIRE WITHIN SAID DEPARTMENT, ABOLISHING THE DEPARTMENT OF POLICE AND THE DEPARTMENT OF FIRE PROTECTION, ABOLISHING THE POSITIONS OF POLICE CHIEF AND FIRE CHIEF AND AMENDING VARIOUS PROVISIONS OF THE CODE OF THE TOWNSHIP OF TEANECK TO REFLECT SUCH CHANGES AND ESTABLISHING THE POSITION OF DEPUTY MANAGER AND SALARY THEREFOR.

Seconded by DM. Gussen.

Public Comment on Ordinance 4200

Chief Raymond Heyduka, South Brunswick Police Chief – thanked the Council for allowing him to meet with them; expressed the Police Chief’s Association’s disappointment in Council not allowing a public presentation in support of a Police Chief’s position; referenced Newark’s Public Safety Director and current events in the City of Newark; asked the Council to table Ordinance 4200 or to maintain the position of a Police Chief; and felt that the Township would be in litigation within one year.

Howard Rose, Teaneck – complimented the League of Women Voters for their time and dedicated and read a letter into the record in support of Chief Robert A. Wilson, the need for a balanced presentation on both sides, requested the Council provide better data regarding the number of municipalities who switched back to a Chief of Police from a Public Safety Director; discussed the need for alternate means to achieve cost savings; questioned the creation and need for a Deputy Manager; and did not feel that comments regarding “outside agitators” were not warranted.

Jim Norman, Teaneck – discussed Mr. Rose’s appeal; was astonished at the level of discourse in the current discussion; felt that the matter needed outside discussion; noted that at least three of the members sitting on the Council had the power to stop prior lawsuits; and submitted a petition with 63 individuals’ signatures to delay voting on Ordinance 4200.

Brian Gurney, Ramsey Police Chief – requested that Council not vote on Ordinance 4200 and at least table it; referenced an earlier discussion with Bergen County Prosecutor John Mollinelli regarding the powers and duties of a Public Safety Director; requested Senator Weinberg submit and move bills to prevent Public Safety Director positions from being created; and submitted to the Mayor that members of the public be heard tonight.

Beth Huvvard (sic), Teaneck – requested for clarity that Chief Robert A. Wilson will be retiring with a pension of \$110,000; whether or not Chief Robert A. Wilson would be re-hired at a similar salary; and questioned the purpose of a Public Safety Director and whether or not a Police Chief will be staffed.

Marjorie Brownshweiger (sic), Teaneck – discussed her efforts in gathering signatures in favor of tabling the discussion for Ordinance 4200 and the comments received by residents signing her petition.

Christina Motkinson (sic), Teaneck – also felt that Ordinance 4200 was being rushed and submitted her petition to the Township Council in opposition of same and respectfully requested Council table the vote on Ordinance 4200.

Phillip Yupp, Teaneck – referenced a discussion with the Mayor of Verona and discussed their experience with a Public Safety Director, their decision to return to a Police Chief, and hoped that a vote on this issue be delayed.

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Ken Egbert, Vice President SOA Teaneck P.D. – clarified C. Katz’s prior comments regarding prior lawsuit awards, referenced a January 2006 meeting with then Township Manager Helene Fall regarding disciplinary action, and discussed the prohibition of the Public Safety Director to investigative information.

Mike Ferrante, President of SOA, Teaneck P.D. – expressed issues in Ordinance 4200 and read a message into the record discussing the duties of a Public Safety Director, discipline, a scenario in which he would receive a paycheck and pension upon retirement, the six month time frame required between public safety positions, and requested Council to vote no on ordinance 4200.

Clara Williams, Teaneck – read a letter to the residents into the record in memoriam from Joan Davis regarding the position of Public Safety Director.

Dr. Alex Rashin, Teaneck – referenced the prior months’ funding cut to the Board of Education, educational statistics, and crime statistics. He further felt that the Council could find better ways to protect the residents, referenced prior remarks of being the first to implement a Public Safety Director by C. Toffler and her parents’ efforts to first integrate the Teaneck school systems.

Art Vatsky, Teaneck – felt that Public Safety Director was a rush to judgment, referenced years of events in the Police Department, Fire Department, and Township Council. He also requested a further study to reorganize the Township’s form of government and expressed his frustration with the Township Council’s record.

Laura Malsner (sic), Teaneck – referenced a print media article that alleged Mayor Hameeduddin would oppose anyone in the reorganization if it was other than Chief Robert A. Wilson, further referenced DM. Gussen’s remarks regarding the Chief’s Bill of Rights, and was unsure about the benefits of the proposed ordinance to the residents of Teaneck.

Larry Bauer, Teaneck – questioned the need to pass Ordinance 4200 with such expediency, discussed his participation in the Leadership Teaneck program, felt the need for the Council to slow down in their decision making process, and felt that the Council could come to a compromise.

Gerald Rosano, Teaneck PBA President – referenced a recent article in the Asbury Park Press requiring towns to pay an additional 22% into the pension fund, comments by Bergen County Prosecutor John Mollineli, votes against the introduction of Ordinance 4200 by C. Parker and C. Toffler, Police and Fire unions, and enumerated those members in support of Ordinance 4200. He further discussed his residency in the Township and questioned the ethics of any Councilmember supporting Ordinance 4200.

Sam Abel, Teaneck – understood the Police and Fire Departments’ opposition to Ordinance 4200, believed that those Councilmembers who have received money from the PBA in past ten years recuse themselves from this discussion, and supported the Mayor and Council’s actions whatever they may be.

Sandy Epkatz (sic), Teaneck – referenced her prior experience leading a trade union; expressed concern for Deputy Chiefs in both public safety departments; felt that Ordinance 4200 would lead to litigation by both departments, complimented the Police and Fire Departments for their efforts, and felt that their current leadership structure works.

Shirly Sosland (sic), Teaneck – discussed her family’s history in Teaneck and her support for the Council, however, she did not believe having a Public Safety Director was the correct leadership model.

Naomi Cramer, Teaneck – referenced an email from C. Katz and questioned the future leadership structure of the Police and Fire Department under the Public Safety Director.

Mildred Tucker, Teaneck – requested that the Council reconsider their vote and table Ordinance 4200 and felt that a vote in favor of Ordinance 4200 would have profound repercussions.

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There being no further persons who wished to speak Mayor Hameeduddin declared that the public comment portion of the meeting was closed.

Mayor Hameeduddin inquired whether any member of Council or the Manager wished to respond to the public comments or whether a member of the Council wished to remove any item from the Consent Agenda and have a separate discussion thereon.

C. Parker discussed Ordinance 4200's lack of a sunshine clause she respectfully requested her colleagues table Ordinance 4200 in order to have a presentation to the public and a made a motion to table Ordinance 4200.

C. Parker's motion was seconded by C. Toffler.

#### Roll Call

In Favor: C. Parker, C. Toffler.

Opposed: C. Stern, DM. Gussen, C. Honis, C. Katz, Mayor Hameeduddin.

C. Parker expressed her disappointment by the Council to table Ordinance 4200 and stated she would oppose Ordinance 4200. She further discussed the notion of accountability and maintaining the same leadership. C. Parker also took great offense to the reference of saving on lawsuits with respect to Ordinance 4200, cited her work on a subcommittee on employee relations. She did not believe it was appropriate for the Council to create a position around an individual and their personal circumstances. Finally, she discussed her professional career as a public service employee, questioned why the position of Deputy Manager needed to be politicized, and urged her colleagues to join her in opposing Ordinance 4200.

C. Stern thanked Chief Heyduka and others for meeting with him recently to further discuss Ordinance 4200, discussed a Public Service subcommittee in which he sat on and their recommendation to proceed with Ordinance 4200 and he discussed his motive to help the residents of Teaneck as he was elected to do.

C. Toffler addressed Dr. Rashin's statement regarding integrating the Teaneck school system; referenced the book Triumph in a White Suburb; the timeline by which the Teaneck school system was integrated; discussed the only subcommittee meeting she was present at and the alleged events of said meeting; she discussed Mayor Hameeduddin's interruption of her comments and confirmed her tardiness to the subcommittee meeting. C. Toffler discussed her attendance record; the data obtained by the Township Attorney's office regarding the number of communities who have a Public Safety Director; phone calls made to the State Pension Board; and the prior evening's meeting and presentation. She suggested not filling the Deputy Chief positions in either the Police or Fire Departments and noted the alleged savings by not filling both positions. C. Toffler asked her colleagues to simply table Ordinance 4200 in favor of further discussions, noted her reservations about the Public Safety Director, and spoke about her willingness to compromise by not filling the Deputy Chief positions.

Mayor Hameeduddin clarified that C. Toffler was late to the Public Safety subcommittee and asked Mr. Turitz to update her on their proposal at the time.

C. Katz questioned if C. Toffler was proposing the elimination of the Deputy Chief positions in the Police and Fire Departments.

C. Toffler noted that currently the position of Deputy Chief in the Police Department was vacant and the position of Deputy Chief in the Fire Department could be promoted to Fire Chief and the additional Deputy Fire Chief position be left vacated.

C. Katz thanked the public and attendance for their attendance and efforts in obtaining signatures against Ordinance 4200; spoke about the nature of the Police Chief's organization and purpose; referenced prior jury awards and their rationale, and the function of the Public Safety subcommittee. C. Katz further spoke about the leadership structure and response time with the Public Safety Director, Mr. Broughton's law enforcement experience and Chief Robert A.

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Wilson's tenure and his accomplishments as Police Chief. He referenced a recent contract awarded by the Township Council to keep Police Chief Robert A. Wilson, the alleged cost savings to the Township under the Public Safety Director leadership model, and referenced a report to Council regarding the delinquency of residents in paying their property taxes.

C. Honis referenced her vote to introduce Ordinance 4200 and her comments on September 14, 2010 to hear more feedback prior to her vote at tonight's meeting. She felt that the Township deserved the right to hear the advantages and disadvantages of the proposed leadership model under Ordinance 4200. C. Honis discussed the information she was awaiting from other public safety entities, her meeting with Chief Ray Heyduka to further discuss Ordinance 4200, and numerous phone calls and emails she received with more information. C. Honis noted that she would not be supporting Ordinance 4200.

DM. Gussen spoke about the case law of the Public Safety Director; questioned the legality of the Manager being also a Public Safety Director.

Mr. Rupp responded that the Manager under Teaneck's form of government has supervisory duties of all departments in the Township. He added that the Manager is authorized and has the obligation to fulfill the duties in the case of a vacancy and that in our form of government it was not illegal for the Manager to be the Public Safety Director.

DM. Gussen noted that the transcript from the January 2006 meeting with then Manager Helene Fall is not privy to the Council and clarified that C. Katz was not the Mayor until July 1, 2006. He further clarified his comments in a print media article and confirmed his statements regarding concern over the Police Chief's position and the Chief's Bill of Rights. DM. Gussen spoke about a piece written by Rutgers University professor, Dr. Wayne Fischer, and referenced portions of same. He further discussed Police Officer Rosano's comments with Prosecutor Molinelli and political influence; enumerated law enforcement experience by politically appointed prosecutors and attorney generals; Council's lack of involvement in personnel issues; Council's authority over the Manager and their replacement of prior Managers during Public Safety personnel issues. DM. Gussen also felt that his Council colleagues could civilly disagree, discussed his conviction to promote from within, referenced the qualifications of the current leadership in the Township, and questioned C. Toffler's arithmetic regarding the potential cost savings of not promoting Police Captains to Deputy Chiefs. DM. Gussen further referenced an email from C. Toffler regarding a book review about mathematical deceptions, the economic struggle faced by residents regarding property taxes, and a need for better governing through combining the administrative functions of both public safety departments. He further alleged the costs of a mailer by public safety associations and their resources to influence to the political process. DM. Gussen felt that there would be a cost savings to the Township of Teaneck, felt that Police Chiefs should be appointed by the same process as prosecutors, and spoke about the 2014 election in which residents will have a chance to voice their opinion for or against him.

Mayor Hameeduddin thanked the Police Chiefs association for their presence; he discussed the anger and need for everyone to blame everyone else in politics; he spoke about the scare tactics in the political discourse; discussed the various financial burdens faced by the Township; the time frame in which the Police Chief can have involvement in Public Safety; and the Council's task of doing the best for the taxpayers. He further spoke about the role of a Chief Executive Officer and their role in an organization; quoted Dr. Fischer's recent statement in an article published by the *Teaneck Patch*; referenced political officials' votes and unions' responses to same.

Mr. Broughton confirmed that the Bergen County Prosecutor never had a personal discussion with him regarding the Public Safety Director. He spoke about a recent breakfast to discuss feasibility studies between towns in Bergen County and the Prosecutor's decision to withhold comments regarding the Public Safety Director proposal by the Township. Mr. Broughton also noted that the information regarding the process has been delivered to the public and clarified that one department of Public Safety with two Deputy Chiefs acting as two division heads and reporting to the Director of Public Safety. He felt that Ordinance 4200 was a viable proposal and further discussed the need to develop a leadership team of individuals who will help move policies that are important and appropriate to individual departments forward. Mr. Broughton felt that Chief Robert A. Wilson was the proper person is here for this.

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DM. Gussen motion, Seconded by C. Katz.

In Favor: C. Stern, DM. Gussen, C. Katz, Mayor Hameeduddin.

Opposed: C. Parker, C. Honis, C. Toffler.

Absent: None.

Mr. Broughton noted that he will be presenting additional information on Tuesday, October 5, 2010 at 7 PM to meet with residents to discuss the structure of the Public Safety Director at the Council Chambers of the Municipal Building.

Council recessed from 11:10 PM to 11:30 PM.

MEETING OPEN TO THE PUBLIC FOR GOOD AND WELFARE OR PUBLIC INPUT ON ANY MATTERS ON THIS AGENDA

Mayor Hameeduddin inquired whether any member of the Council had any comments prior to opening the meeting to any comments from the public.

Mayor Hameeduddin declared that any members of the public who wished to be heard came forward and stated their names for the record. Comments were limited to five minutes per person.

Ron Simonsini, Teaneck Tax Payers Association – spoke about the Township being sued regarding Rent Control provisions, discussed a zero percent property tax increase and zero percent rent control increase, referenced New York City’s rent control ordinance, and requested a third party look at the Rent Control ordinance and its provisions. He further discussed the fiscal controls in Hoboken, NJ and a prior reference to the Mayor’s accomplishments and asked Council to further discuss the Rent Control ordinance in Closed Session.

Angela Wilkerson, Teaneck – spoke about the upcoming TVAC blood drive on October 29, 2010 and the blood donation process.

Mildred Tucker, Teaneck – discussed the image of the Township and the residents’ questioning Council’s motives given the eagerness to make decisions in a hasty manner. Ms. Tucker further questioned the need for a quick decision by the Council regarding Ordinance 4200; the public insults by Council; and felt that the Council was coming across as arrogant in its decision making.

Dr. Alex Rashin, Teaneck – spoke about the need for Council to take more time in deciding on Ordinance 4200, requested Council create a website where the public can question Council and be responded to and alleged that C. Parker did not return his phone message. He also recommended the Council allow two more weeks to allow further discussion and dialogue on the issue of Public Safety Director even if it meant returning with the same decision.

Howard Rose, Teaneck – believed the Council was overly rancorous with each other regarding interruptions; disagreed with Dr. Rashin’s comments and felt that Council should take two weeks to come back with a different view; expressed support for Chief Robert A. Wilson; alleged that the Council’s position was always 4-3 in favor of the Public Safety Director since its inception regardless of information received.

Janice Preschel, Teaneck – invited Council to participate in Sunday, October 3, 2010’s Helping Hands Food Pantry drive and spoke about the clientele that donations would aid within the Township.

There having been no further persons who wished to speak, Mayor Hameeduddin declared the public comment portion of the meeting closed.



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Mayor Hameeduddin inquired whether any member of the Council or the Manager wished to respond to the public comments or whether a member of the Council wished to remove any item from the Consent Agenda and have a separate discussion thereon.

C. Toffler spoke about the issue of politeness and spoke about her emotional investment in the Township; she referenced her tenure on the Planning Board and her reasoning for running to become a Township councilmember. C. Toffler spoke about making an attempt to be more courteous to her Council colleagues and appreciated members of the public speaking about her and Council's behavior on the dais.

C. Parker expressed some concerns regarding the Rent Control ordinance and further expressed the need to re-visit the Rent Control ordinance. She asked that the four members of Council who wanted to consider rent control have the matter re-listed on a future agenda as she felt that it was an imperfect ordinance that had to be rushed.

DM. Gussen congratulated Janice Preshel on her nomination for Bergen County Volunteer Service Award and echoed C. Parker's comments.

C. Parker and DM. Gussen debated the series of events leading up to the adoption of Ordinance 4199 but ultimately agreed that the matter of Rent Control be relisted on a future agenda.

C. Katz also congratulated Janice Preschel's nomination as Bergen County Volunteer of the Year and spoke about her involvement in the Helping Hands Food Pantry.

#### CONSENT AGENDA

All matters listed below are considered to be routine in nature by Council and will be enacted by one motion. There will be no separate discussion of these items. If any discussion is desired by Council, that particular item will be removed from the Consent Agenda and will be considered separately.

#### RAFFLES

All subject to approval and conditions applicable with the Legalized Games of Chance Control Commission and pursuant to State Statute.

RA #1286 - Tomorrow's Children's Fund, Inc. - 50/50 - \$20.00.

#### MINUTES

June 15, 2010 - Closed Session Meeting (C. Honis, Absent) - Approved for Content Only.

#### RESOLUTIONS

- 260-10. Award Professional Services Contract - Appraisal Systems, Inc. - Added Assessment Inspection and Calculation Services.
- 261-10. Ratify Payments - Chief Financial Officer - August, 2010.
- 262-10. Amend 2006 Budget - Bulletproof Vest Program.
- 274-10. Authorize Employment Agreement - R. Wilson - Deputy Manager.
- 275-10. Authorize Employment Agreement - R. Wilson - Director of Public Safety.
- 263-10. Refund 2007, 2008 and 2009 Taxes - Chief Financial Officer - Various.
- 264-10. Refund 2010 Tax Overpayments - Chief Financial Officer - Various.
- 265-10. Endorse BCCD Grant - Resurfacing Improvements - Teaneck Road and Queen Anne Road.
- 266-10. Appoint Members to the Teaneck Municipal Alliance Against Substance Abuse Committee.
- 267-10. Authorize Submission of Project Grant Application to County - Dr. Martin Luther King, Jr. Park New Playground Equipment Installation.
- 268-10. Authorize Submission of Project Grant Application to County - Ammann Park Tennis Court Resurfacing Project.

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- 269-10. Authorize Submission of Project Grant Application to County - Milton A. Votee Park Roller Hockey Ring Resurfacing and Restoration Project.
- 270-10. Endorse BCCD Grant Application - Shelter Our Sisters - Transitional Housing Counselor/Director.
- 271-10. Endorse BCCD Grant Application - Vantage Health System, Inc. - Affordable Housing.
- 272-10. Award Contract - SCS Contracting, Inc. - Resurfacing of Basketball and Volleyball Courts.
- 273-10. Amend 2010 Council Meeting Schedule.

BILL LIST

Ms. Evelina read the amount of the Bill List into the record. (\$4,475,228.69)

Councilmember Stern moved to approve the Consent Agenda, including Minutes, Resolutions, and Bill List, and to dispense with the reading of same inasmuch as it has been posted on the bulletin board all day, except Resolution 274-10 and 275-10. Seconded by C. Katz.

In Favor: C. Parker, C. Stern, DM. Gussen, C. Honis, C. Katz, C. Toffler, Mayor Hameeduddin.

Opposed: None.

Absent: DM. Gussen (Bill List Item 159605). C. Katz (Bill List, Resolution 263-10 and Resolution 264-10)

Abstained: None.

C. Parker moved Resolution 274-10 and Resolution 275-10 for purpose of discussion. Seconded by C. Honis.

C. Parker questioned the terms outlined in Resolution 274-10 and whether or not future Councils could be bound by said terms.

Mr. Turitz responded that Mr. Kronick will respond to C. Parker's question.

Mr. Kronick responded that Resolution 274-10 is a valid agreement and that future Councils could dissolve the position. He furthered that Chief Robert A. Wilson is aware of this provision.

C. Parker requested the paragraph wherein this provision is referenced.

Mr. Turitz responded that Council by law reserves the right to abolish any position that exists in the Township at any time unless the position has tenure.

C. Parker confirmed that at any time, the Council could terminate the position as outlined in Resolution 274-10.

Mr. Turitz confirmed C. Parker's statement.

C. Parker requested her colleagues table Resolution 275-10 and place this matter on a closed session agenda as she did not feel it was proper to negotiate terms and conditions of employment in public. She also noted her issues with the Resolution 275-10 and wished to further discuss the matter in Closed Session.

C. Toffler agreed with C. Parker's statement.

Mr. Turitz informed Council that as late as today, Chief Robert A. Wilson was not willing to take the position except under the terms listed in the contract.

C. Parker questioned her colleagues' willingness to accept an employee dictating terms and conditions given their prior support of Chief Robert A. Wilson.

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C. Stern questioned the implications of not passing both resolutions at tonight's meeting.

Mr. Turitz responded that the potential establishment of Ordinance 4200 and the Public Safety Director relate to his retirement which is contingent upon the passing of both resolutions. He added that the probability of Chief Robert A. Wilson not retiring would not allow Ordinance 4200 to take effect. Mr. Turitz recommended that Ordinance 4200 not be published until the resignation of Robert A. Wilson was received. He advised that should Council not approve both Resolution 274-10 and Resolution 275-10, Mr. Broughton would hold off on the publication of Ordinance 4200 until receipt of Chief Robert A. Wilson's resignation.

C. Stern questioned if the approval of both resolutions on the consent are a guarantee that Chief Robert A. Wilson would submit his resignation as Police Chief.

Mr. Turitz responded that he could not guarantee Chief Robert A. Wilson's resignation despite the passing of both contracts as part of the Consent Agenda. He added that Chief Robert A. Wilson's signing of the contract and resignation will result in the publishing of Ordinance 4200. He further discussed the timeline of publishing an ordinance and its effect once Chief Robert A. Wilson resigned as Chief of Police.

C. Parker felt that Council was being denied the opportunity to negotiate with an employee.

DM. Gussen disagreed with C. Parker's statement and felt that the negotiation was to either accept or reject the terms and conditions afforded to Council.

C. Parker motioned to table Resolution 274-10 and Resolution 275-10 and place it on a Closed Session Agenda.

Seconded by C. Toffler.

#### Roll Call

In Favor: C. Parker, C. Honis, C. Toffler.

Opposed: C. Stern, DM. Gussen, C. Katz, Mayor Hameeduddin.

C. Parker felt that it was unreasonable to be given a contract and disagreed with the terms and conditions outlined in the contract for Chief Robert A. Wilson. She also expressed her issue with an employee dictating terms and conditions of employment without allow for a counter offer.

C. Toffler supported C. Parker's assertions and referenced her questions regarding terms and conditions of Chief Robert A. Wilson's contract and the responses received. C. Toffler further discussed prior contract negotiations with the Chief Robert A. Wilson and Deputy Chief Steve Librie, and did not know of a place of employment that allowed an employee to dictate the terms of conditions and whether or not a precedent was being established.

Mr. Kronick responded that he did not feel this contract established any precedent for any employee to dictate the terms and conditions of their employment. He further that any employee could dictate their terms and conditions of employment, however, Council could always deny or entertain said terms and conditions.

C. Toffler added that the contract and its terms and conditions make her uneasy.

Mr. Turitz responded by referencing Mr. Broughton's research in so far as the vacation clause arising from the Employee Manual and based on years of employment.

Mr. Broughton responded that the manual lists years of service in the manual and does not detail whether or not such service is continuous or severed.

C. Katz questioned Mr. Turitz about a recent lawsuit involving a Police Department union and their demands to continue working for the Township's Police Department.

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Mr. Turitz believed that C. Katz was referencing interest arbitration currently ongoing with police union and its final offer of 4.5%.

Council was off the record momentarily as the track was being switched. Ms. Evelina noted that the audio recording of the Council meeting reached its capacity; however, the meeting was still being cablecasted.

Mr. Turitz confirmed that Council could continue its proceedings so long as minutes were well taken.

C. Katz sought clarification from C. Toffler about the proceedings of the Public Safety subcommittee.

C. Toffler referenced the meeting of the Public Safety subcommittee and their willingness to go forward with the Public Safety Director position in so long as Chief Robert A. Wilson was to be the Public Safety Director. She further discussed her lack of comfort with the proposal; her experience with the proposed Dog Park; and discussed her decision making process upon receiving additional information on several issues.

C. Katz commended receiving more information and making an informed decision. He also discussed the formation of subcommittees and Council taking direction from said subcommittees.

C. Parker noted that no written report was submitted by the Public Safety subcommittee.

C. Katz responded that subcommittees do not normally submit written reports regarding issues they handle.

C. Parker felt C. Katz' questions and statements towards C. Toffler were inappropriate.

C. Honis left the meeting at 12:16 AM.

C. Toffler discussed a hypothetical situation in a decision making process as the sole member of a subcommittee.

DM. Gussen motioned to approve Resolution 274-10 and Resolution 275-10.

Seconded by C. Katz.

#### Roll Call

In Favor: C. Stern, DM. Gussen, C. Katz, Mayor Hameeduddin.

Opposed: C. Parker, C. Toffler.

Absent: C. Honis (at time of vote).

Mayor to declared said items passed.

#### INTRODUCTION OF ORDINANCES

Councilmember Katz moved that the following Ordinances be introduced and passed on first reading and that the Acting Clerk is hereby authorized and directed to publish the required legal notice of the introduction thereof, together with a notice of the place, time, and date on which a public hearing will be held on said ordinances, and on which said ordinances will be considered for final adoption.

ORDINANCE NO. 4202 - CAPITAL ORDINANCE OF THE TOWNSHIP OF TEANECK, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE ACQUISITION OF WORK STATION UNIFORMS FOR THE FIRE DEPARTMENT IN, BY AND FOR THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$25,000 AND PROVIDING

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THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE TOWNSHIP'S CAPITAL IMPROVEMENT FUND.

ORDINANCE NO. 4203 - BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A PERSONAL EMERGENCY ESCAPE SYSTEM FOR THE FIRE DEPARTMENT IN, BY AND FOR THE TOWNSHIP OF TEANECK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$90,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

ORDINANCE NO. 4204 - BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, FOR THE USE OF THE DEPARTMENT OF PUBLIC WORKS IN, BY AND FOR THE TOWNSHIP OF TEANECK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$975,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

ORDINANCE NO. 4205 - BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF RADIO COMMUNICATIONS UPGRADE EQUIPMENT (PHASE II) IN, BY AND FOR THE TOWNSHIP OF TEANECK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$225,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Seconded by Councilmember Stern.

Mayor Hameeduddin inquired as to whether any Councilmember wished to comment upon the motion to introduce.

There being no further comments, Mayor Hameeduddin called on Ms. Evelina for a roll-call vote.

In Favor: C. Parker, C. Stern, DM. Gussen, C. Katz, C. Toffler, Mayor Hameeduddin.

Opposed: None.

Absent: C. Honis.

Mayor Hameeduddin declared that said ordinances were duly introduced and passed on first reading.

#### MISCELLANEOUS

None.

#### OLD BUSINESS

1. 289 East Oakdene Avenue - Proposed Resolution for October 12, 2010.

Mr. Turitz recalled that Council had made a decision after discussing this item in Closed Session to list the item on the consent agenda at the next Council meeting.

Mayor Hameeduddin added that no action was taken regarding the discussion of 289 East Oakdene Avenue.

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## NEW BUSINESS

C. Katz nominated the individuals interviewed today in Closed Session.

Mr. Turitz noted that said nominations would be listed on the next meeting's agenda to be voted upon.

C. Toffler questioned how to refer to Ms. Evelina.

Mr. Turitz responded that Ms. Evelina will be referred to as the Senior Clerk.

## COMMITTEE REPORTS - COUNCIL LIAISONS

None.

## COUNCIL-LISTED ITEMS

1. Cell Tower Revenue Update (C. Katz).

C. Katz referenced his prior investigation to look into alternate locations for cell phone towers and referenced a question to Mr. Turitz to follow-up on the current antennas.

Mr. Rupp reported upon the history of the leases of cell phone towers and the terms of said rent. He further discussed the current annual base rent and the additional rent for each additional carrier. Upon further review, Mr. Rupp discovered that the rent paid did not match the contract and reported that the additional rent due for the specified time in question was received based on his written communication to SBA Communications II.

Mr. Rupp responded that the Township doubled the base rent due to the findings.

## TOWNSHIP MANAGER'S REPORT

1. TVAC Memorial Blood Drive.

Mr. Broughton re-announced the TVAC Memorial Blood Drive and the details given by Ms. Wilkerson earlier in Good and Welfare.

2. Street Sweeping.

Mr. Broughton announced that the Township's website now contains the time and dates that street sweeping is occurring and encouraged residents to familiarize themselves with same.

3. Recycling Trucks.

Mr. Broughton noted that he is meeting with Mr. Turitz to discuss resolutions to the trucks coming in over bid.

4. SAFER Grant.

Mr. Broughton confirmed that he has applied for the SAFER Grant and no resolution was necessary.

DM. Gussen requested an update of the engineering drainage study of Votee Park.

Mr. Broughton responded that the firm Gianforcaro was still in the process of working on their topographical study and the environmental study. He was unaware of a final time table to complete both studies

## TOWNSHIP ATTORNEY'S REPORT

Mr. Turitz's report was given in Closed Session.

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ADJOURNMENT

DM. Gussen moved to adjourn the meeting at 12:28 AM.

Seconded by C. Katz.

In Favor: C. Parker, C. Stern, DM. Gussen, C. Katz, Mayor Hameeduddin.

Opposed: None.

Absent: C. Honis, C. Toffler.