

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BERGEN COUNTY
BOARD OF CHOSEN FREEHOLDERS
HACKENSACK, NEW JERSEY
WORK SESSION
WEDNESDAY, JUNE 1, 2016
COMMENCING AT 4:43 P.M.

FREEHOLDERS PRESENT:

- JOHN A. FELICE, ACTING CHAIRMAN
- DAVID L. GANZ
- DR. JOAN M. VOSS
- MAURA R. DeNICOLA
- THOMAS J. SULLIVAN

FREEHOLDERS ABSENT:

- STEVEN A. TANELLI, CHAIRMAN
- TRACY S. ZUR, VICE CHAIRWOMAN

KIM O. FURBACHER, C.C.R., R.M.R.
P.O. BOX 213
ROCHELLE PARK, NEW JERSEY 07662-0213
201-336-6200

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ALSO PRESENT:

LISA SCIANCALEPORE
CLERK TO THE BOARD

DIANE GUMBLE
ADMINISTRATIVE ASSISTANT

JULIEN X. NEALS, ESQUIRE
ACTING COUNTY ADMINISTRATOR

EDWARD J. FLORIO, ESQUIRE
COUNSEL TO THE BOARD

JARED LAUTZ
DIRECTOR OF COMMUNICATIONS & POLICY

JOHN DANUBIO
DEPUTY DIRECTOR OF COMMUNICATIONS & POLICY
and DIRECTOR OF POLICY RESEARCH

KIM O. FURBACHER, C.C.R., R.M.R.
P.O. BOX 213
ROCHELLE PARK, NEW JERSEY 07662-0213
201-336-6200

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

PAGE NO.

4:45 PM REVIEW OF RESOLUTIONS

5

Adam Strobel, Director
Division of Open Space

Robert Abbatomarco
Open Space, Recreation, Farmland and Historic
Preservation Trust Fund

James Koth, Director
Department of Parks

4:54 PM CLOSED SESSION

15

1 ACTING CHAIRMAN FELICE: Good
2 afternoon, everyone.

3 This meeting is called to order.

4 This is a Work Session, June 1st, 2016,
5 at 4:30 p.m.

6 Before we begin our meeting, I would
7 like to ask everyone please to take a moment to
8 silence their phones.

9 Thank you very much for that.

10 Will the Clerk please read the Sen.
11 Byron Baer Open Public Meetings Act.

12 MS. SCIANCALEPORE: In accordance with
13 Section 5 of the Sen. Byron Baer Open Public Meetings
14 Act, adequate notice of this meeting has been
15 provided in the Annual Notice Schedule, which
16 contained the time, date, and location of this
17 meeting, copies of which Notices were forwarded to
18 the official County newspapers, to wit: The Herald
19 News; The Record; and the Star Ledger, and a copy of
20 which was posted on the bulletin board in the Bergen
21 County Justice Center and Administration Building,
22 One Bergen County Plaza, Hackensack, New Jersey, and
23 filed with the Office of the Bergen County Clerk.

24 ACTING CHAIRMAN FELICE: Will the Clerk
25 please take the roll.

1 (At this point in the proceeding roll
2 call is taken with Freeholders DeNicola, Ganz,
3 Sullivan, Voss, and Acting Chairman Felice present,
4 with Vice-Chairwoman Zur and Chairman Tanelli
5 absent.)

6 ACTING CHAIRMAN FELICE: Mr. Neals,
7 will you please lead us in the Pledge of Allegiance.

8 ACTING COUNTY ADMINISTRATOR NEALS:
9 Certainly.

10 (At this point in the proceeding all
11 rise for a recitation of the Pledge of Allegiance,
12 led by Acting County Administrator Neals.)

13 ACTING CHAIRMAN FELICE: I'd like to
14 welcome Julien as our Acting Administrator. Welcome.

15 ACTING COUNTY ADMINISTRATOR NEALS:
16 Thank you, Chairman.

17 ACTING CHAIRMAN FELICE: Ed, good
18 afternoon.

19 MR. FLORIO: Good afternoon, Chairman.

20 ACTING CHAIRMAN FELICE: And,
21 Freeholders, good afternoon.

22 4:45 PM REVIEW OF RESOLUTIONS:

23 ACTING CHAIRMAN FELICE: If we can,
24 let's see here, the resolutions, let's go to Page 1,
25 and then we have a Late List.

1 FREEHOLDER SULLIVAN: Mr. Chairman?

2 ACTING CHAIRMAN FELICE: Yes.

3 FREEHOLDER SULLIVAN: #559-16 through
4 #564-16, I would like to sponsor or if you would
5 prefer to do it as a Body of the Whole, I'm good with
6 that.

7 ACTING CHAIRMAN FELICE: Body of the
8 Whole?

9 FREEHOLDER DeNICOLA: #559?

10 FREEHOLDER SULLIVAN: #559 through
11 #564.

12 FREEHOLDER GANZ: That's fine.

13 FREEHOLDER DeNICOLA: Great.

14 Mr. Chairman, I'd like to sponsor #557,
15 please.

16 ACTING CHAIRMAN FELICE: #557?

17 FREEHOLDER SULLIVAN: I'll co-sponsor
18 that with you.

19 ACTING CHAIRMAN FELICE: Body of the
20 Whole?

21 FREEHOLDER SULLIVAN: Yes, Body of the
22 Whole.

23 FREEHOLDER DeNICOLA: Okay.

24 FREEHOLDER SULLIVAN: We might as well
25 do #558 as Body of the Whole.

1 ACTING CHAIRMAN FELICE: Sure, that
2 would be great.

3 FREEHOLDER DeNICOLA: Right.

4 FREEHOLDER VOSS: Do you need a
5 co-sponsor, Maura?

6 FREEHOLDER DeNICOLA: I think we're
7 going to do it all as a Body of the Whole.

8 MS. SCIANCALEPORE: Page 2.

9 FREEHOLDER SULLIVAN: Mr. Chairman, I'd
10 like to sponsor #556-16, please.

11 FREEHOLDER DeNICOLA: I'll co-sponsor
12 that with you, Freeholder.

13 FREEHOLDER SULLIVAN: Thank you.

14 ACTING CHAIRMAN FELICE: Great.

15 FREEHOLDER DeNICOLA: And I would like
16 to sponsor #567, please.

17 ACTING CHAIRMAN FELICE: Sure.

18 FREEHOLDER VOSS: I'll co-sponsor that
19 with you.

20 FREEHOLDER DeNICOLA: Thank you.

21 And I did have a question on #568,
22 please.

23 ACTING CHAIRMAN FELICE: #568, that
24 would be Open Space.

25 FREEHOLDER DeNICOLA: Yes.

1 ACTING CHAIRMAN FELICE: State your
2 name for the record, please.

3 MR. STROBEL: Hello.

4 Adam Strobel.

5 MR. ABBATOMARCO: Robert Abbatomarco.

6 FREEHOLDER DeNICOLA: The question is,
7 of course, the largest unused project, Yaw Paw, that
8 is going back into the unprogrammed funds, \$240,000?

9 MR. ABBATOMARCO: Yes.

10 FREEHOLDER DeNICOLA: I know this end
11 is not your responsibility, but was there an issue
12 with the project?

13 MR. ABBATOMARCO: Actually, it is our
14 responsibility.

15 FREEHOLDER DeNICOLA: Oh.

16 MR. ABBATOMARCO: The problem was that
17 the Land Conservancy of New Jersey could not conclude
18 its negotiations with the landowner.

19 FREEHOLDER DeNICOLA: Oh, okay. I
20 hadn't heard that.

21 So the land is still owned by --

22 MR. STROBEL: The Yaw Paw Foundation.

23 FREEHOLDER DeNICOLA: Okay. All right.
24 So that was the issue. Thank you very much for that.

25 MR. STROBEL: No problem.

1 ACTING CHAIRMAN FELICE: Thank you.

2 MS. SCIANCALEPORE: Anything else on
3 Page 2?

4 FREEHOLDER GANZ: Do you have a
5 co-sponsor for #568?

6 ACTING CHAIRMAN FELICE: I don't
7 believe so.

8 FREEHOLDER DeNICOLA: I'll co-sponsor.

9 FREEHOLDER GANZ: I'll co-sponsor.

10 ACTING CHAIRMAN FELICE: Thank you.

11 FREEHOLDER VOSS: We could do that as a
12 Body of the Whole too.

13 FREEHOLDER GANZ: That's fine.

14 ACTING CHAIRMAN FELICE: Yes, let's do
15 Body of the Whole.

16 MS. SCIANCALEPORE: Page 3.

17 Page 4.

18 FREEHOLDER SULLIVAN: Hold on, I'm on
19 Page 3.

20 Can I sponsor #579-16, please?

21 ACTING CHAIRMAN FELICE: Any
22 co-sponsors?

23 FREEHOLDER VOSS: I'll co-sponsor.

24 FREEHOLDER GANZ: Sure.

25 ACTING CHAIRMAN FELICE: Okay, Joan.

1 MS. SCIANCALEPORE: Page 4.

2 FREEHOLDER GANZ: On #580-16, which I
3 think is the previous page, I'd like to co-sponsor
4 that or suggest Body of the Whole.

5 FREEHOLDER VOSS: I'd do Body of the
6 Whole.

7 ACTING CHAIRMAN FELICE: Body of the
8 Whole?

9 FREEHOLDER GANZ: Yes.

10 ACTING CHAIRMAN FELICE: Okay, let's do
11 Body of the Whole.

12 Back to Page 4.

13 MS. SCIANCALEPORE: Page 5.

14 FREEHOLDER DeNICOLA: I'd like to
15 suggest on Page 5 Body of the Whole sponsor #592 and
16 #593.

17 ACTING CHAIRMAN FELICE: Sure. Any
18 objection to that?

19 FREEHOLDER GANZ: No.

20 FREEHOLDER VOSS: No.

21 ACTING CHAIRMAN FELICE: Let's do it.

22 MS. SCIANCALEPORE: Page 6.

23 FREEHOLDER SULLIVAN: Chairman, I'd
24 like to sponsor #598-16, please.

25 FREEHOLDER DeNICOLA: I'll co-sponsor

1 that with you, unless we want to do it as a Body of
2 the Whole.

3 FREEHOLDER VOSS: Yes.

4 ACTING CHAIRMAN FELICE: Let's do it as
5 Body of the Whole.

6 FREEHOLDER VOSS: Right.

7 FREEHOLDER DeNICOLA: I did have a
8 question on #602-16, please, park management.

9 ACTING CHAIRMAN FELICE: Okay, Parks.
10 Good afternoon.

11 MR. KOTH: Good afternoon.

12 FREEHOLDER DeNICOLA: Hi, Jim.

13 MR. KOTH: Hi, Freeholder.

14 FREEHOLDER DeNICOLA: This contract
15 then is for all of the turf surfaces that the county
16 owns?

17 MR. KOTH: In Overpeck Park.

18 FREEHOLDER DeNICOLA: Just Overpeck
19 Park?

20 MR. KOTH: Just Overpeck Park, all
21 sections.

22 FREEHOLDER DeNICOLA: And then the
23 South Bergen turf field, North Arlington, that will
24 be bid separately?

25 MR. KOTH: Yes.

1 So, that's handled under a separate
2 agreement. What this contract is for is for the
3 outsource operating agreement for maintenance
4 services within Area III, which is Ridgefield Park,
5 the Palisades Park Sportsplex, and the Hoebel area on
6 the north side of Fort Lee Road. So this is all of
7 our, what we define as "modern day" Overpeck Park,
8 where we have our events and programming. This is to
9 provide natural and synthetic turf maintenance and
10 the maintenance of specialized athletic facilities
11 and events within that area of the park.

12 FREEHOLDER DeNICOLA: Okay.

13 MR. KOTH: So the other synthetic
14 surfaces are done under a separate award.

15 FREEHOLDER DeNICOLA: And we'll be
16 seeing that soon?

17 MR. KOTH: I would have to check as to
18 see when our current contract is up, but at the next
19 time it would be, we would come before the Board for
20 renewal.

21 FREEHOLDER DeNICOLA: Okay. So when
22 you say the "natural" surface too, they're cutting
23 the grass, they're fertilizing the grass?

24 MR. KOTH: Yes.

25 FREEHOLDER DeNICOLA: They're doing all

1 of those things as well?

2 MR. KOTH: Correct.

3 FREEHOLDER DeNICOLA: Okay. Thank you.

4 MR. KOTH: Thank you.

5 ACTING CHAIRMAN FELICE: Thank you.

6 MS. SCIANCALEPORE: Anything else on

7 Page 6?

8 FREEHOLDER GANZ: I have a question.

9 ACTING CHAIRMAN FELICE: Sure.

10 FREEHOLDER GANZ: On the Overpeck,
11 there are two of them, #602 and #603, and the
12 question that I have is probably one for our counsel.

13 And that is: Is this --

14 ACTING CHAIRMAN FELICE: And
15 Administrator.

16 FREEHOLDER GANZ: So hard to keep track
17 of that.

18 That is: Are these actions consistent
19 with the judgment that has been entered into in
20 Superior Court?

21 ACTING COUNTY ADMINISTRATOR NEALS: We
22 can do some additional research on that. To my
23 knowledge, it is.

24 FREEHOLDER GANZ: Okay.

25 ACTING COUNTY ADMINISTRATOR NEALS: Did

1 you have anything else you wanted to add, Jim?

2 MR. KOTH: If you just wanted me to
3 add.

4 #602 doesn't relate, because it's a
5 maintenance issue and an operational issue of
6 pre-constructed park areas that were in compliance
7 with the settlement.

8 #603 is the county undertaking the
9 engineering services for our responsibility to cap
10 the uncapped portions.

11 FREEHOLDER GANZ: Which is part of the
12 judgment?

13 MR. KOTH: I believe so, yes, and I'll
14 defer to County Counsel on that.

15 ACTING COUNTY ADMINISTRATOR NEALS: It
16 is.

17 FREEHOLDER GANZ: Okay. Thank you.

18 MR. KOTH: Thank you.

19 MS. SCIANCALEPORE: Page 7.

20 ACTING CHAIRMAN FELICE: I'll sponsor
21 #607.

22 FREEHOLDER SULLIVAN: I'll sponsor that
23 with you, brother.

24 ACTING CHAIRMAN FELICE: Okay.

25 MS. SCIANCALEPORE: So nice.

1 FREEHOLDER VOSS: Bipartisan.

2 ACTING CHAIRMAN FELICE: And can we go
3 to the Late List.

4 #608 should be the Body of the Whole.

5 FREEHOLDER VOSS: Yes, and #609.

6 ACTING CHAIRMAN FELICE: Okay. Any
7 other comments?

8 If not, I'm going to open up -- before
9 I open up to the public --

10 MS. SCIANCALEPORE: We don't open it
11 up.

12 ACTING CHAIRMAN FELICE: Right, because
13 we have a Public Meeting. Exactly. Thank you.

14 4:54 PM CLOSED SESSION:

15 ACTING CHAIRMAN FELICE: Counselor, are
16 we going into Closed Session for any reason?

17 MR. FLORIO: There are no Closed
18 Session items of which I am aware, Chairman.

19 FREEHOLDER DeNICOLA: Can I just ask,
20 can we get an update on some of the litigation that
21 is on our agenda this evening?

22 MR. FLORIO: Any item in particular,
23 Freeholder?

24 FREEHOLDER DeNICOLA: #597 was one of
25 the items, and then also #594, where we're approving

1 another \$40,000 in that case.

2 MR. FLORIO: If there are litigation
3 updates that you seek, then we would need a motion to
4 go into Closed Session to speak to those issues.

5 ACTING CHAIRMAN FELICE: Do we have a
6 motion to go into Closed?

7 FREEHOLDER GANZ: So moved.

8 FREEHOLDER VOSS: Second.

9 ACTING CHAIRMAN FELICE: All in favor?

10 (All present Freeholders respond in the
11 affirmative.)

12 ACTING CHAIRMAN FELICE: Opposed?

13 (No response.)

14 ACTING CHAIRMAN FELICE: The ayes have
15 it.

16 MR. FLORIO: The reason for the Closed
17 Session is to receive litigation updates with respect
18 to Resolution #594, which is the matter of Piserchia
19 v. Bergen County Police, and #597, which is the
20 matter of Carroll, et al v. Bergen County.

21 FREEHOLDER GANZ: And you will release
22 information concerning the foregoing when, sir?

23 MR. FLORIO: Never.

24 FREEHOLDER GANZ: And as to litigation
25 strategy?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. FLORIO: Never.

FREEHOLDER GANZ: Thank you.

MR. FLORIO: Thank you, Freeholder.

(Whereupon Closed Session is held.)

(Open Session resumes at 5:03 p.m.)

ACTING CHAIRMAN FELICE: We're on the record. Back into open.

FREEHOLDER SULLIVAN: I make a motion to adjourn --

FREEHOLDER GANZ: Second.

FREEHOLDER SULLIVAN: -- until 7:30.

ACTING CHAIRMAN FELICE: Second?

FREEHOLDER GANZ: Second.

ACTING CHAIRMAN FELICE: All in favor?

(All present Freeholders respond in the affirmative.)

ACTING CHAIRMAN FELICE: The ayes have it.

FREEHOLDER VOSS: Well done.

MR. FLORIO: We're in recess.

(Whereupon, the Work Session is adjourned at 5:03 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T I O N

I, KIM O. FURBACHER, License No. XIO1042, a Certified Court Reporter, Registered Merit Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with Regulation 13:43-5.9 of the New Jersey Administrative Code.

KIM O. FURBACHER, CRCR, CCR, RMR
License #XIO1042, and Notary Public
of New Jersey

My Commission Expires:
7/11/19