

Minutes of the 1881st Regular Meeting of May 4, 2022

CALLED TO ORDER:

Mayor Sarlo called the Borough of Wood-Ridge Council meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE: was led by Dominick Azzolini

ROLL CALL:

Mayor:	Paul Sarlo – present
Council:	Catherine Cassidy – present
	Ezio Altamura – present
	Dominick Azzolini – present
	Edward Marino – present
	Joseph DiMarco – excused
	Philip Romero – present
Borough Attorney:	Paul Barbire – present by phone
Borough Engineer:	Brian Intindola – excused
Borough Clerk:	Gina Affuso – present
Borough Administrator:	Chris Eilert – present

OPEN PUBLIC MEETINGS ACT STATEMENT:

This meeting is being held in accordance with Public Law 1975 Chapter 231, the Open Public Meetings Act, also known as the “Sunshine Law”. The public meeting notice stating the date, time and place of this meeting was posted on the municipal bulletin board and the municipal website and was forwarded to The Record and the Star Ledger.

CEREMONIAL PRESENTATIONS:

None

ADVERTISED PUBLIC HEARING:

None

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ORDINANCES ON SECOND READING AND FINAL PASSAGE:

ORDINANCE 2022-4 (COLA)

**BOROUGH OF WOOD-RIDGE, BERGEN COUNTY, NEW JERSEY CALENDAR YEAR 2022
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK (N.J.S.A. 40A-4-45.14)**

Advertisement of the above Ordinance has been made according to law and a copy of the Ordinance was posted on the bulletin board.

Mayor Sarlo called for a Hearing of Citizens on Ordinance #2022-4

Mayor Sarlo closed Hearing of Citizens on Ordinance #2022-4

Motion: Councilperson Altamura, seconded by Azzolini moved to the adoption of Ordinance #2022-4

Roll Call: Cassidy yes, Altamura yes, Azzolini yes, Marino yes, DiMarco excused, Romero yes

ORDINANCES ON FIRST READING:

ORDINANCE 2022-5 (Salaries for 2022)

**AN ORDINANCE TO FIX THE SALARY, WAGES AND COMPENSATION OF THE OFFICERS
AND EMPLOYEES OF THE BOROUGH OF WOOD-RIDGE, COUNTY OF BERGEN, STATE OF
NEW JERSEY.**

Motion: Councilperson Altamura, seconded by Marino moved to the adoption of Ordinance No. 2022-5

Roll Call: Cassidy yes, Altamura yes, Azzolini yes, Marino yes, DiMarco excused, Romero abstain

ORDINANCE NO. 2022-6 (Willow Street Acquisition)

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPRTY BY NEGOTIATION,
PURCHASE, COMDEMNATION OR EMINENT DOMAIN, FOR PROPERTY KNOWN AS A
PORTION OF PREVIOUSLY VACATED WILLOW STREET A/K/A A PORTION OF LOT 5,
BLOCK 229, 12 WILLOW STREET.**

Motion: Councilperson Altamura, seconded by Marino moved to the adoption of Ordinance No. 2022-6

Roll Call: Cassidy yes, Altamura yes, Azzolini yes, Marino yes, DiMarco excused, Romero yes

BE IT RESOLVED, by the Mayor and Council of the Borough of Wood-Ridge that **Ordinance No. 2022-5 and 2022-6** as above, be passed on first reading, to be published in the Record on **May 9, 2022** and public hearing on the Ordinance to be held at the Regular Meeting on **May 18, 2022** at 7:00 p.m. or soon thereafter as the matter can be reached, in the Municipal Building, 85 Humboldt Street, Wood-Ridge, New Jersey.

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PETITIONS:

None

BIDS:

None

COMMUNICATIONS:

Communications and correspondence received are identified on this evening's agenda has been distributed to all Council for appropriate action.

REPORTS OF GOVERNING BODY:

Council President Cassidy:

waived until May 18th meeting

Councilperson Ezio Altamura:

Full report will be on May 18th. He reminded everyone of upcoming dates for Sunday, May 15th Blue Mass at 11:00 am, Sunday, June 5th Keep Wood-Ridge Beautiful, Memorial Service on May 26th at 5:30 pm at the Walk of Freedom. The banner committee is working diligently to get everything printed and hung by the beginning of June.

Councilperson Dominick Azzolini

During the month of April 2022, the WRFD responded to 23 alarms of fire in the Borough of Wood Ridge and 1 mutual aid alarms for a total of 234 hours of service. The WRFD also expended an additional 173 hours of service including Department Training, Equipment Maintenance and other misc. duties for a grand total of 407 hours of service. An incident list by alarm type is on file with the borough clerk. There were 5 incident responses to Westmont Station.

During the month of March 2022, the WRES was dispatched to 39 medical emergencies and were unable to respond to 14. For the month of April 2022, they were dispatched to 22 medical emergencies and were unable to respond to 4. The total number of man hours expended for March was 1067, and April was 497.

Councilperson Edward Marino

Reported the finance committee is in the process of completing the budget.

Councilperson Philip Romero

No report

REPORTS OF OFFICERS:

Administrator Eilert: no report
Borough Clerk Affuso: no report
Attorney Barbire: no report
Engineer Neglia: of file

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REPORTS OF DEPARTMENTS: On file in clerk's office

Administration	Fire Department
CFO/Finance	Department of Public Works
Construction Code Official	Police Department
Municipal Court	Tax Collector
Emergency Management	Welfare Director

REPORTS OF BOARDS OR COMMISSIONS: On file in clerk's office

Planning Board	Shade Tree Commission
Board of Education	Senior Citizens
Recreation Commission	Veterans
Library Board	Local Assistance Board
Board of Health	Other

FIRST HEARING OF CITIZENS:

Mayor Sarlo declared the Hearing of Citizens to be open.

Eric Pfeiffer of 73 Wood-Ridge Street commented on the amount of time it took for an ambulance to arrive when one of his players were injured on the high school field. Mayor Sarlo stated the governing body is seriously addressing this matter and moving in the right direction. Residents will see action taken very soon.

John Marino of 137 Jocelyn Avenue expressed his concerns over the kids who have been congregating at the transit parking area. Administrator Eilert stated that he and Mayor Sarlo have spoken with the offenders and feel this behavior should stop immediately. The WRPD have also been advised. Mr. Marino also expressed concerns over the basketball court and behavior of users. Administrator Eilert stated that Wood-Ridge is removing the basketball nets and backboards first thing in the morning. Our plan has been to expand the tennis court but we were waiting to do so because our flood mitigation plan involved the area in discussion.

With no other citizens wishing to be heard, the first hearing of citizens was closed.

CONSENT AGENDA:

All matters listed below are considered to be routine in nature 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.

MINUTES:

Minutes of the April 20, 2022 Meeting.

RESOLUTIONS: Adoption of the following

RESOLUTION NO. 065-2022

A RESOLUTION URGING THE NEW JERSEY LEGISLATURE TO AMEND THE BUDGET CAP LAW TO APPROPRIATE FUNDS FOR INCREASING INSURANCE COSTS

WHEREAS, pursuant to N.J.S.A. 40A:4-45, et al, a municipality is required to limit any increase in its levy to 2.0% and any increase in appropriations to 2 1/2% or the cost-of-living adjustment, whatever is less, over the prior year's final appropriations subject to certain exceptions; and

WHEREAS, all local public entities, including participating municipalities in the Municipal Excess Liability Joint Insurance Fund (MEL), has incurred an estimated \$50 million in COVID related worker's compensation claims and it is anticipated that these costs will continue to increase as a result of long-term COVID cases; and

WHEREAS, a 2021 New Jersey Department of Labor decision regarding worker's compensation funding has generated increased costs to the members of the MEL by over 10% in order to cover claims that were previously funded by the State pension system; and

WHEREAS, a recent amendment to the sexual molestation statute of limitations will increase total liability costs for members of the MEL system by an estimated amount of 6% in 2023; and

WHEREAS, the frequency of weather-related catastrophic claims and corresponding impacts are anticipated to increase property insurance costs by over 10% per year; and

WHEREAS, cyber liability events throughout the country have resulted in twice the amount of premium costs in 2022 and such costs are expected to accelerate at a pace far greater than the rate of inflation; and

WHEREAS, these increasing costs, regulations, policy decisions and environmental impacts are occurring when many other items and costs in municipal budgets are also increasing at an inflationary rate; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Wood-Ridge that N.J.S.A. 40A:4-45 be amended to provide that appropriations in the first three years after the effective date of May 4, 2022 for liability insurance, worker's compensation insurance, cyber insurance, and property insurance be exempt from the Appropriation CAP and the Levy CAP.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the New Jersey Legislative representative for the Borough of Wood-Ridge.

RESOLUTION NO. 066-2022

RESOLUTION CALLING FOR REVIEW AND REFORM OF OPRA

WHEREAS, the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., enacted in 2002, has been in effect long enough to review the impact on Municipalities; and

WHEREAS, it is the position of the Bergen County League of Municipalities (BCLOM), which represents all 70 municipalities in Bergen County, that OPRA can and must be improved upon to make it less onerous on municipalities and protect the safety and welfare of the public; and

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WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who bombard municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, municipalities are already required by state law to post and provide certain information and documentation on their municipal websites, including but not limited to, annual budgets, annual financial statements, annual audits, public meeting notices and meeting minutes; and

WHEREAS, under existing law, OPRA fees are woefully inadequate for the amount of time and effort needed to search for documents; it takes valuable time away from staff — not only in the Clerk's office — but also among other departments that may be involved in the same request; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor and, a requestor who prevails in any proceeding in appealing a denial of access is permitted to collect exorbitant attorney's fees; **conversely, however, the resources and guidance available to record custodians and municipal counsel tasked with responding to such requests has narrowed drastically in the ever-changing OPRA arena, muddled by subsequent, voluminous and often-conflicting court decisions that contradict the original intent of the law and will continue to do so in the absence of necessary legislative reform;** and

WHEREAS, OPRA law allows outside businesses, and activist groups to utilize municipal time and services for marketing leads or private commercial gain, and for litigants to use OPRA as a method of discovery; and

WHEREAS, a clear distinction needs to be made between individual and commercial and discovery requests; and

WHEREAS, serious concerns about breaches or misuse of personal information exist along with the potential for OPRA to be exploited and abused by requestors, as a threat, harassment, or retaliatory measure to bury local governments in hundreds of requests, not necessarily because the requested records are of any particular interest, but merely because they can and have been emboldened by the courts to do so, to the significant detriment of all other municipal business; and

WHEREAS, most importantly, OPRA must be reformed to enable municipalities, their respective record custodians and legal counsels to **protect the safety and welfare of the general public;**

WHEREAS, over the years, court decisions have chipped away at the reasonable expectation of privacy provision of the law, thus allowing the law to be molded and wielded as a tool that severs any sensible balance of transparency, and instead, **now perpetuates rampant and dangerous degrees of for-profit data-mining, unsolicited marketing and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA,** and all while allowing the requestor to remain cloaked in **anonymity,** should they choose to exercise that option; and

WHEREAS, the pandemic has resulted in a startling and exponential rise in fraud and identity theft, crimes that were already notoriously difficult to investigate, track and prosecute; OPRA, left unchecked and unreformed, continues to add fuel to this already dangerous fire; and

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WHEREAS, in a most reprehensible instance in the midst of the pandemic, the unthinkable happened when the young son of a U.S. District Court Judge was senselessly killed by an individual who had managed to compile a dossier of personal information about the Judge including a home address, ushering in the passage of Daniel's Law; and

WHEREAS, while this law as intentioned provides for necessary strides and long overdue amendments to OPRA, the scope of protection provided is critically deficient, the implementation creates challenges for custodians and municipal officials that remain unaddressed by law, with limited channels for guidance, while the vast remainder of the Open Public Records Act continues to be left recklessly unreformed, potentially leaving any officials not covered under Daniel's Law or even, the general public at-large exposed to the whim of any nefarious OPRA requestor lurking in the shadows of those demanding transparency at any cost;

WHEREAS, Assembly Bill No. 4894, introduced January 17, 2019, calling for the creation of a study commission to review OPRA, to-date, has been left negligently stagnant and, to-date the legislative approach to addressing the dangers of OPRA have been fragmented, haphazard and contradictory at best, leading to a dire need for streamlined overhaul and reform, which, at a minimum should include the following:

- **Immediate creation of a study commission on OPRA.**
- **Uniformity under the law: municipalities shall not be subject to any provision under OPRA that the legislature or other state agencies are, by contrast, exempt from.**
- **Provide a universal platform for clear and concise guidance for records custodians. Such guidance should be in place prior to any laws that impact OPRA going into effect.**
- Require that official OPRA Request forms be used in order to be considered valid, including certifications by the requestor of (1) non-conviction of an indictable offense and (2) that information obtained will not be used for profit, solicitation, marketing or commercial gain, or published as part of a separate internet database or search engine.
- Prohibit OPRA requestors from remaining anonymous.
- Require that requestors provide a State of New Jersey address in order to be valid (OPRA should not apply to out-of-state requests).
- Prohibit requests for commercial purposes.
- Exempt email addresses (also serves as a deterrent to spoofing, phishing and other cyber scams and crimes).
- Exempt information maintained for emergency notification purposes.
- Exempt any information related to minor individuals, disabled persons and senior citizens as well as classes of citizens who are vulnerable to exploitation of their information.
- Exempt personal identifying information from Motor Vehicle Accident Reports, including driver's license numbers, dates of birth (DOBs), home addresses, VINs and registration/plate numbers, unless the requestor is a subject of the record, or their designated legal or insurance representative.
- Exempt pet license information to a need-to-know basis only (health department, police department, veterinarian of record, hospital, bite victim) to deter rising pet thefts and potential for targeted thefts of non-large-breed dog owners.
- Reaffirm exemption of unlisted telephone numbers, including personal cell phones.
- Exempt property owner names, CAMA Data and reaffirm the exemption of property record cards.
- Protections afforded under Daniel's Law should be afforded to all government officials, employees, volunteers and members of the general public as the threats from the disclosure of personal information is not unique to those rightfully protected under Daniel's Law.

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- Provide a carve out for fee-shifting where a municipality in good faith and without clear guidance through Statute or case law denies a request or redacts information which could reasonably be interpreted as not subject to disclosure.

NOW, THEREFORE BE IT RESOLVED, that the BCLOM finds it imperative that the New Jersey Senate and Assembly review and reform the New Jersey Open Public Records Act.

BE IT FURTHER RESOLVED, that copies of this resolution are sent to all New Jersey State Legislators, the New Jersey State League of Municipalities, the New Jersey Municipal Clerks' Association, the Bergen County Municipal Clerks' Association, the New Jersey State Association of Chiefs of Police and the Bergen County Police Chiefs' Association.

APPLICATIONS:

None

APPOINTMENTS:

None

HIRINGS:

None

Motion: Councilperson Altamura, seconded by Cassidy moved to the adoption of all matters on the above **CONSENT AGENDA**.

Roll Call: Cassidy yes, Altamura yes, Azzolini yes, Marino yes, DiMarco excused, Romero yes

UNFINISHED BUSINESS:

NEW BUSINESS:

SECOND HEARING OF CITIZENS:

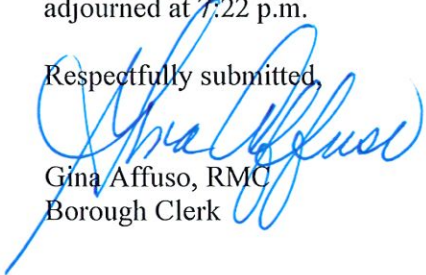
Mayor Sarlo declared the Hearing of Citizens to be open. With no citizens wishing to be heard, the second hearing of citizens was closed.

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ADJOURNMENT:

Since there was no further business to come before the Council, Councilperson Azzolini, seconded by Councilperson DiMarco moved for adjournment. By unanimous vote of the members of the Council present, the Regular Meeting of the Mayor and Council of the Borough of Wood-Ridge held on May 4, 2022 was duly adjourned at 7:22 p.m.

Respectfully submitted,


Gina Affuso, RMC
Borough Clerk