

**Borough of Paramus  
Mayor and Council Special Meeting  
Caucus Room 2:00 PM  
March 27, 2020  
MINUTES**

(Subject to change pursuant to N.J.S.A. 10:4-8(d) – this agenda is tentative to the extent known at time of posting)

Any member of the public may email a question or matter of discussion to  
[boroclerk@paramusborough.org](mailto:boroclerk@paramusborough.org)

**The Public May Participate In The Mayor And Council Meeting By Telephone:**

**Phone Number**                      **201-503-0338**  
**Participation Access Code:**    **0338**

**Please visit the [www.paramusborough.org](http://www.paramusborough.org) for details and instructions.**

**Resolution No: 20-03-206:** Notification of meetings as required by “The Open Public Meetings Act.”

In Accordance with the Open Public Meetings Act, notice of this meeting of The Borough of Paramus Mayor and Council was transmitted to the Bergen Record on March 24, 2020. Notice was posted on the bulletin board of the municipal building and on the Borough of Paramus website. **Read by the Deputy Borough Clerk at 2:04 PM**

Councilman Vartolone confirms that this meeting is being recorded. Deputy Borough Clerk Nicolette Riggi responds that it is being recorded.

**PLEDGE OF ALLEGIANCE** led by Mayor LaBarbiera

Mayor LaBarbiera leads a moment of silence for those affected by COVID-19 as well as first responders working tirelessly on our behalf.

**ROLL CALL:**

**Present:** Councilwoman Bellinger, Councilman DiPiazza, Councilwoman Tedesco-Santos, Councilman Vartolone, Councilman Verile, Councilwoman Weber, Mayor LaBarbiera

**Also Present:** Borough Attorney Daniel Lagana, Associate Borough Attorney Katie Mocco, Deputy Borough Clerk Nicolette Riggi

**Absent:** Borough Administrator Joseph D’Arco, Borough Clerk Annemarie Krusznis

(Councilmembers DiPiazza, Vartolone & Weber are present via phone conference)

(Borough Professionals Present via phone conference – CFO Sheryl Luna, Deputy CFO Maria Reda, Borough Clerk Annemarie Krusznis)

**Mayor LaBarbiera asks for everyone’s well wishes for Borough Administrator Joseph D’Arco who tested positive for COVID-19.**

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**APPROVAL OF MINUTES**

a. Mayor and Council Closed Session Minutes – March 17, 2020

Motion: Councilwoman Tedesco-Santos Second: Councilwoman Bellinger

Yeas: Councilwoman Bellinger, Councilman DiPiazza, Councilwoman Tedesco-Santos, Councilman Vartolone, Councilman Verile, Councilwoman Weber

Nays: None

Motion Carries 6-0.

Mayor LaBarbiera points out that we want to make sure the Borough maintains its fiscal footing. There are programs where certain residents might be relieved of paying taxes for a period of time. We need to be in a position to cover that.

**RESOLUTIONS:**

**RESOLUTION NO 20-03-208:** RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$20,000,000 TAX ANTICIPATION NOTES OF 2020 OF THE BOROUGH OF PARAMUS, IN THE COUNTY OF BERGEN, NEW JERSEY, AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

Motion: Councilwoman Bellinger Second: Councilwoman Tedesco-Santos

Yeas: Councilwoman Bellinger, Councilman DiPiazza, Councilwoman Tedesco-Santos, Councilman Vartolone, Councilman Verile, Councilwoman Weber

Nays: None

Motion Carries 6-0.

Borough Attorney Daniel Lagana references a proposed resolution submitted late yesterday by Councilman DiPiazza regarding the hiring of police officers. The resolution was not listed on the agenda due to its late submission. Mr. Lagana asks Mr. DiPiazza to elaborate as he requested it be in open session.

Councilman DiPiazza elaborates that he believes the nine (9) candidates listed on his proposed resolution should be hired and he is ready to vote today.

Mayor LaBarbiera interjects that he is recusing himself by stepping off the dais as this matter potentially affects him.

Council President Bellinger chairs the meeting going forward.

Associate Borough Attorney Katie Mocco offers her legal advice on the subject. She begins by stating that the resolution proposed by Councilman DiPiazza is a violation of confidentiality. It addresses personnel matters and there are several names listed. Councilwoman Bellinger asks if Mr. DiPiazza is making a motion for the resolution he submitted last night. Councilman DiPiazza makes a motion and would like to hire the 9 officers listed on his resolution today. Councilman Vartolone seconds the motion.

Mr. Lagana believes that before a roll call vote is called, there should be a discussion on a memo distributed to the Council last evening by Associate Borough Attorney Ms. Mocco. Ms. Mocco continues

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to advise the council. Mr. DiPiazza doesn't believe that the memo has any relevance regarding the 9 officers on his resolution; it only pertains to the one that was left out. He wants to vote right now on resolution 20-03-209. Mr. Lagana continues that the resolution is a misstatement of what occurred in the 3/17/20 closed session of the Mayor and Council, stating that the Chief recommended 9 individuals when he really recommended 10. This issue is addressed in the memo.

Ms. Mocco continues that the resolution appoints 9 individuals as police officers before ever having completed a psychological test or drug tests. This creates liability, separate from the discriminatory and retaliatory liability of leaving out one of the recommended individuals. Ms. Mocco states that the resolution is contrary to law and illegal. She gives an update on the memo so all council members are informed and forewarned. To proceed and remove one candidate would subject not only the Borough to significant liability, but each council member who votes yes for this would be subject to personal liability. This action is completely contrary to the law which states that you can't make a personnel decision based on familial or political affiliations. Ms. Mocco reminds the council members that this is a borough ordinance they took an oath to uphold. Ms. Mocco understands that some council members do not believe in nepotism. A belief against nepotism is fine. She advises however, that no council member is authorized to abuse their position by binding the borough to illegal actions that would subject the borough to liability. Any attorney would advise a governing body not to force taxpayers to pay for legal defense resulting from taking a knowingly illegal action.

Councilman Vartolone inquires why a closed session was listed on the agenda if this was going to be discussed in open. Ms. Mocco responds that generally this subject would not be discussed in open, but the council member who proposed this resolution specifically requested it be discussed in open. This is where the confidentiality violation comes in. This should not be discussed in open. Mr. Vartolone responds that he does not see why this is being discussed in open. He also points out that while the resolution may have misstatements, the intent was to nominate the 9 candidates listed for the position of police officer, subject to the completion of all required steps. Mr. Vartolone is not comfortable discussing this and would like to enter closed session to discuss the memo.

Mr. Lagana reminds Mr. Vartolone that we are still in open session because there is a motion and a second on the table for a resolution, and before a vote is conducted he felt it necessary to inform the council of their legal opinion.

Mr. DiPiazza interjects and states that he thanks counsel for the legal advice but wants to vote right now. He feels that this "emergency meeting" in the middle of a work day was not supposed to be about the hiring of officers. Mr. DiPiazza urges Deputy Clerk to call the roll.

Councilwoman Bellinger points out that this meeting was never going to include this discussion until Mr. DiPiazza sent the resolution last night and asked for it to be on the agenda. Mr. DiPiazza once again urges a vote.

Ms. Mocco feels it's important to address the memo because it isn't appropriate to vote until every council member is fully informed and fully understand that they are subjecting themselves and the borough to significant liability. The Borough most likely will not cover the defense cost of any council member committing an illegal action as taxpayers are not responsible to pay for illegal actions. Anyone who votes to move forward on this illegal action is violating federal and state law, as well as borough ordinances. Any council member who votes yes will be targeting one person, contradictory to the law and past

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practice. The remedy to pursue this legally would be to propose a change in the ordinance, not take illegal action.

Councilman DiPiazza states that Ms. Mocco's advice is clear as day and he wants to vote on his resolution anyway.

Councilwoman Tedesco-Santos makes a motion to amend Mr. DiPiazza's resolution to include the conditional hiring of all 10 candidates recommended by the Chief and the Police Committee and command staff had previously approved, including Councilwoman Weber who sat in all the meetings. Ms. Tedesco-Santos states that this is based on a previous hiring practice that has always been abided by.

Councilman DiPiazza does not want to discuss this for another hour and states that they will not hire the Mayor's son under any condition. Ten officers can be hired, but the Mayor's son will not be one of them. Nine officers can be hired, but the Mayor's son will not be one of them, under any condition.

**RESOLUTION 20-03-210:** AMENDED RESOLUTION AUTHORIZING THE ISSUANCE OF CONDITIONAL OFFERS OF EMPLOYMENT TO THE TEN (10) POLICE CANDIDATES AS PRESENTED BY THE BOROUGH'S POLICE COMMITTEE

Motion: Councilwoman Tedesco-Santos Second: Councilman Verile

**Before a vote is called, Mr. Lagana advises the council that those who vote no will be subject to liability.**

Yeas: Councilwoman Bellinger, Councilwoman Tedesco-Santos, Councilman Verile

Nays: Councilman DiPiazza, Councilman Vartolone, Councilwoman Weber

Motion fails.

Councilman DiPiazza states that what just happened is unbelievable.

Councilwoman Bellinger points out that Mr. DiPiazza's original motion for 20-03-209 to hire 9 officers is still on the table, as well as a second by Mr. Vartolone. Council president calls for a roll call vote.

**Mr. Lagana advises that those who vote yes will be subject to liability.**

**RESOLUTION 20-03-209:** RESOLUTION APPROVING NINE POLICE APPOINTMENTS

Motion: Councilman DiPiazza Second: Councilman Vartolone

Yeas: Councilman DiPiazza, Councilman Vartolone, Councilwoman Weber

Nays: Councilwoman Bellinger, Councilwoman Tedesco-Santos, Councilman Verile

Motion fails.

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Ms. Bellinger states that both resolutions failed and there is nothing left to discuss. She asks if anyone else needs any clarification on the matter. No one responds.

**MEETING OPEN TO THE PUBLIC ~**

**FIVE MINUTE LIMIT**

Ms. Bellinger opens to the public for comment at 2:29 PM – None

Mr. Vartolone asks if the Council is entering closed session. Ms. Bellinger states that the closed session was conditional if there was a need and asks if Mr. Vartolone has a need for closed sessions. He responds no.

Ms. Bellinger motions to adjourn and all are in favor.

**ADJOURNMENT:** 2:30 PM

APPROVED: MAY 5, 2020

Respectfully submitted:  
Annemarie Krusznis, RMC  
Borough Clerk