

Borough of Palisades Park
275 Broad Avenue
Special Meeting of the Mayor & Council
September 9, 2011

Mayor Rotundo Opened Meeting

Statement: This is a Special Meeting of the Mayor & Council, notice was given as follows:

- a. Notice filed on September 6, 2011 with The Record, an official newspaper of the Borough
- b. Posting of a notice on the Bulletin Board
- c. Preserving a copy in the Clerk's Office

PLEDGE OF ALLEGIANCE LED BY: HENRY RUH
MOMENT OF SILENCE FOR OUR TROOPS

ROLL CALL:

Councilperson	Donohue	
"	Kim	
"	Lee	Yes
"	Pirrera	Yes
"	Ruh	Yes
"	Testa	Yes

Borough Attorney Joseph Mariniello, Sr. Yes

Borough Clerk advised that Councilpersons Donohue & Kim were running late, but would attend.

Mayor Rotundo asked for motion to discuss Personnel Matter (Jim Olson) in closed session.

Motion Made By Councilperson: Testa
Seconded by Councilperson: Pirrera

EXECUTIVE – CLOSED SESSION:

Resolution Authorizing Closed Session – Re: Personnel Matter

James Olson was issued a RICE NOTICE on August 30, 2011 concerning this Special Meeting, he requested it to be in Closed Session.

Motion Made By Councilperson: Testa
Seconded By Councilperson: Pirrera
To Go Into Closed Session:

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Mayor and Council of the Borough of Palisades Park wishes' to discuss the following: PERSONNEL MATTER

Minutes will be kept, and once the matter involving the confidentiality of the above no longer requires that confidentiality, the minutes can be made public.

NOW THEREFORE BE IT RESOLVED, that the public be excluded from this meeting.

Motion Made By Councilperson:
Seconded By Councilperson:
To Reopen Closed Session to the Public:

ROLL CALL:

Councilperson	Donohue	Yes
"	Kim	Yes
"	Lee	Yes
"	Ruh	Yes
"	Testa	Yes

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WHEREAS, James Olson has been absent from the Department of Public Works on sick leave from his employment having sustained serious injuries to both his wrist and knee; and

WHEREAS, due to this illness he is no longer able to continue to do his full and complete job as required on a day to day basis as a laborer for the Department of Public Works; and

WHEREAS, there presently exists no “light duty or desk duty” jobs available at the Department of Public Works for Mr. Olson; and

WHEREAS, a RICE notice was forwarded to Mr. Olson informing him of this action;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Palisades Park that due to Mr. Olson’s inability to perform his duties, he is hereby terminated effective immediately.

Motion Made By Councilperson: Pirrera
Seconded By Councilperson: Testa

Mayor Rotundo opened the matter of Patrolman Stark and advised that Patrolman Stark stated in writing that he wanted the matter to be open to the public.

Mayor Rotundo advised procedure on this matter: Borough Attorney will summarize the procedures that have taken place to this point, summarize Judge Guida’s report & recommendations, Patrolman Stark’s counsel, Patrolman Stark, Representatives for Local #45, Representatives for Police Department and Special Prosecutor would all be allowed 5 minutes to speak; Mayor Rotundo then advised that after all of this was done, then the Council would go into closed session to discuss litigation in this matter.

Borough Attorney advised everyone of the charges against Patrolman Stark, which was a domestic dispute. An investigation took place regarding charges and was commenced.

Thereafter charges were expanded to include allegations of Patrolman Stark conducting an affair with a Borough employee while on duty. Formal charges were filed.

Former Judge Guida of Superior Court was appointed to be the objective person regarding the charges against Patrolman Stark to rule on evidence and make a determination.

Borough Attorney noted the record of Patrolman Stark and read them to the public. He also read the charges against him and noted that Judge Guida found the evidence sustains charges and recommended termination.

Patrolman Stark’s Attorney – Albert Wunch spoke and stated that Patrolman Stark should not be terminated and given his job back. Patrolman Stark spoke about being dedicated to the community and volunteering as a Firefighter and on the Ambulance Corps. Prosecutor spoke that the police office from Cliffside Park had to report incident to Palisades Park Police and that tape from Patrolman Stark’s wife was very disturbing.

Mayor Rotundo made a motion to go to closed session. Before going into Closed Session Mrs. Stark spoke to the public and stated that no one questioned her about the incident. She said the investigation was not through.

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Mayor asked Borough Clerk to read Resolution for closed session for litigation.

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Mayor and Council of the Borough of Palisades Park wishes' to discuss the following: **LITIGATION**

Minutes will be kept, and once the matter involving the confidentiality of the above no longer requires that confidentiality, the minutes can be made public.

NOW THEREFORE BE IT RESOLVED, that the public be excluded from this meeting.

Motion Made By Councilperson: Ruh
Seconded By Councilperson: Testa
To Go Into Closed Session:

ROLL CALL:

Councilperson	Donohue	Yes
"	Kim	Yes
"	Lee	Yes
"	Pirrera	Yes
"	Ruh	Yes
"	Testa	Yes

Mayor Rotundo asked to close work session and re-open meeting.

Motion Made By Councilperson: Testa
Seconded By Councilperson: Pirrera

All Present in Favor, by Voice Vote

Councilperson Ruh spoke about how difficult it was to terminate Patrolman Stark, but he agreed with Judge Guida's decision.

Motion Made By Councilperson: Ruh
Seconded by Councilperson: Testa

ROLL CALL:

Councilperson	Donohue	Yes
"	Kim	Yes
"	Lee	Yes
"	Pirrera	Yes
"	Ruh	Yes
"	Testa	Yes

Borough Attorney advised that Resolution does not need to be passed at this meeting, but termination was effective as of date of meeting and formal Resolution will be passed at regular meeting of September 20, 2011.

PUBLIC PARTICIPATION: Charles Stark, Sr. wanted to know how much this “fiasco” is costing the residents, since he was still a resident. Borough Attorney, Joseph Mariniello, Jr. said he would have the amount at the next meeting and Charles Stark, Sr. said he would be there.

Motion Made By Councilperson: Donohue
Seconded By Councilperson: Ruh
To Adjourn the Meeting

All Present in Favor, by Voice Vote

Attest:

Martin A. Gobbo, Borough Clerk