

**OFFICIAL MINUTES OF THE
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
October 7, 2008**

I. Meeting called to order at 8:05 p.m.

II. ROLL CALL

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON				excused
GILLMAN	X			
RABBITT	X			
LODATO	X			
DRISCOLL	X			
ADM/CLERK				X
ATTORNEY	X			

Also present: William Betesh, Office of the Borough Attorney
Carole Chamberlain-Berman, Deputy Clerk

III. CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

Joe Pomante distributed attached report.

IV. COMMUNICATIONS

1. Township of Teaneck – Letter urging State and Federal Representatives to address situation created by CSX Transportation Inc.
 - a. Lack of sufficient railroad tracks creating intolerable noise and pollution from idling trains in Teaneck.
 - b. Request a system wide enhancement for installation of two additional tracks north to the Rockland County border to alleviate bottleneck in Teaneck.
 - c. Establishment of quiet zones

2. Betty, Patrick and Peggy Hansen – Request to place stone at Coopers Pond Park in memory of John Hansen and Larry Hansen and use of Shelter House for refreshments on October 11th @ 2 p.m.
Mayor and Council believe that in the future policy should be set as to what can be placed in the park and where.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

1. Proposed Ordinance 08-2410 to Amend Chapter 236 of the Code of the Borough of Bergenfield, Entitled “PUBLIC RECORDS, ACCESS TO”
Attorney Betesh said that the language in the old ordinance is completely outdated, as well as the prices, the methods, etc. This is an attempt to bring the code into compliance with OPRA.
C/W Rabbitt asked for a copy of the old code to compare and see the difference.

2. Record the Declaration of Encumbrance in consideration of Green Acres Program’s agreement to provide funding in connection with: Cooper Pond Park Addition, Project 0203-02-078.
Mayor Driscoll said that this has to be done to declare this property as Green Acres property and we just received the last bit of grant money.

C/M Doll said we had to give back \$119,000 to Green Acres.

Attorney Betesh understands that this declaration may have been required to be executed at the time of the acquisition and is a requirement of receiving those funds.

C/W Rabbitt asked what happened to the \$119,000., and requested more information.

Mayor Driscoll responded that it could only be used for acquisition of the property, not for maintenance.

C/W Rabbitt thought the \$119,000 was for repairs.

Mayor said we appealed to them to try and get it switched but they denied this.

C/M Gillman understood that upon receipt of this grant, the council was supposed to collect an 'open space tax' to obtain the rest of the money from Green Acres and then they would release the rest of the money. However, another tax was not put on everyone's tax bill.

Mr. Betesh said the amount of the money to retain the properties has been retained, but whatever wasn't necessary to acquire the property was given back.

C/M Lodato said it sounds like the grant we received was for more than we needed and the excess couldn't be used for maintenance.

3. Revaluation

C/M Doll said he received his letter regarding the reval but it bothered him that the council was never consulted on the process or the procedure and finds it ridiculous that someone is going to show up at your house unannounced and if you are home they will do an inspection and if not, they will leave a note and come back. He feels that is a waste of time being that most people are working during the daytime and the women might not want anyone in without the husband being home. He feels they should make appointments.

C/W Rabbitt asked about the county approval with a October 1st dateline.

Attorney Martin Durkin responded that October 1st is the theoretical assessment date that has been used in the State of New Jersey for many years, but it would be impossible to look and inspect each property on October 1st. When they go out, they try to give an opinion as to what the valuation was on October 1st. When property values were very stable, that was great but we are going through a period right now in this country as you can see with the stock market and real estate, where prices are going to go up and down very quickly and it is not a good thing.

C/W Rabbitt asked if it is still a valid contract with the state even though they didn't comply by October 1st.

C/M Doll asked if we have a schedule of when they will be visiting homes, when they expect the reval to be complete and when the meetings with certain homeowners will be completed.

Mayor Driscoll believes that by December 15th meetings will be started in the borough hall when you can come in and talk about your evaluation.

C/M Mulligan asked when the tax maps were approved.

Attorney Bill Betesh said they were prepared, submitted, and he believes approved.

C/M Lodato suggested bringing Mr. DeGuercio in to answer any and all questions.

C/W Rabbitt said people are still asking her if they will see tax relief in '09.

Mr. Betesh said the new revaluation will take effect in the 2009 tax rate.

C/M Mulligan said that means you will not see anything in your taxes until 2010.

C/M Doll said that July 1 is when the new assessed value will take place and that would affect your tax bill for the 3rd and 4th quarter of 2009, fiscal year 2010. You will see the change in 2009.

4. Budget Cuts

C/M Doll referred to an article in the October 5th Record which stated that the Governor has asked the state departments to look at their budgets for a reduction of 5%, cutting excessive and unnecessary costs. They expect tax revenues to be way down at the state level and everyone is affected by this. He asked if we can put a plan in place to look at our budget to make further cuts. Our temporary budget does not become effective until we get the aid, which is uncertain. We have a 3½% increase coming in January right now.

Mayor Driscoll asks if the Finance Committee could come up with a plan to reduce the budget by 5%.

C/M Gillman believes we should wait to see if we are going to get any state aid.

Mayor Driscoll said there is money in the pot to give out for extraordinary aid.

C/M Mulligan said unfortunately with a fiscal year budget we are tied in with Passaic, Paterson, those type of towns who get aid before we do.

C/M Doll said the other issue is that the legislature approved the bill that towns on a fiscal year can go on to a calendar year. He believes we should be looking at this now versus waiting until the spring as the auditor said you have to do two (2) budgets, one for 6 months and a calendar year for the other 6 months.

Mayor Driscoll said the benefit for the town is that we would have money from taxes before we have to give it to the school board.

C/M Doll suggested asking Mr. Lerch what it would cost.

C/M Lodato would ask him what his opinion would be as to the benefits.

C/M Gillman would also ask him what his bill would be as it might be part of the 5% we're going to look to cut. If we were on a calendar year, we could then partake in the cooperative purchasing benefit with the northern valley group. But on the other hand, right now, we are in a smaller pool with a smaller amount of money, but there are fewer towns in this pool and this year, the state has about \$23 million for fiscal year town's extraordinary aid.

C/M Mulligan said that this cooperative purchasing group right now is negotiating for assistance with the railroad crossings system to block out the sound and are in the process of purchasing this.

Councilmembers agreed to take another look at the budget.

5. RFQs

C/M Doll wants to request RFQs at this time to have more time to review them.

Attorney Betesh said that the new administration has to make that selection.

Mayor Driscoll said normally we don't do it this early in the year.

C/M Mulligan said it really should be done after the election.

C/M Gillman said the letter usually goes out now in October.

PRELIMINARY MEETING AGENDA – October 21, 2008

1. **PROCLAMATIONS**

On behalf of Contemporary Women's Club of Bergenfield
National Domestic Violence Awareness Month
National Breast Cancer Awareness Month
NJSFWC Membership Week
United Nations Day

2. **CONSENT RESOLUTION 08-_____**

1) **08-_____** To Approve Communications

UNFINISHED BUSINESS

None

NEW BUSINESS

4. **INTRODUCTION OF ORDINANCE 08-2410
AN ORDINANCE AMENDING CHAPTER 236 OF THE CODE OF THE
BOROUGH OF BERGENFIELD, ENTITLED "PUBLIC RECORDS, ACCESS
TO".**

5. **RESOLUTION 08-_____** To Pass Ordinance 08-2410 on first reading.

6. **RESOLUTION 08-_____** To Pay Bills

VII. ADMINISTRATION/BOROUGH CLERK'S REPORT

VIII. MAYOR & COUNCIL REPORT

C/M Gillman: Recreation Department's Halloween Parade is October 25, 2008.
Board of Education – Received a grant to put in fiber optics and upgrade the technology and started a tv and radio studio.
Rent Leveling Board received two tenant complaints against landlords.
Ross Applegate Park – Thanked Garden Club for plantings at the monument in the park.

C/M Doll: Barrier Free meeting was held and will be attending a county luncheon with one of the members. Looking into window stickers for the disabled.
Emergency Management – no meeting Municipal Alliance – no meeting
Mayor's Senior Citizens is having an outing on October 22nd, in November and their Christmas Party on December 7th in the VFW. Asked if some of the money from the buses could be used to subsidize the cost of the luncheons because they have been getting more expensive, some over \$40. One in November is \$38, if it was \$30., it would be more appealing.
Mayor Driscoll believes it is a lump sum and they can spend it as they wish.
DPW is running well. Museum representative is here.

C/M Mulligan: Police Department held an enforcement program with pedestrians stepping into crosswalks. He suggests signs 'yield to pedestrians' at the crosswalks according to the state law. Many towns have these signs now in the middle of the street.

Chief McGarril said at New Bridge Road there is a plastic sign that says 'yield to pedestrians'.

C/W Rabbitt: Concerned with people walking in the street at night. They suggest wearing reflective clothing.

Chief McGarril said unfortunately there are a lot of streets in Bergenfield that do not have sidewalks, so people walk in the street, which is especially a problem in the vicinity of the synagogues.

Suggests alerting the congregations to this problem.

C/M Lodato: Planning Board – no applications but made recommendation that the Marchbank property be rezoned from 'R' status to 'P' public use status.
Fire Department – On Thursday the 25th, they had a working fire at a multi-family unit in town, and they are conducting a briefing on that tonight. Next Tuesday we will continue with our interviews for full-time firefighters and he invited any councilmembers who would like to attend. Unfortunately, most fire departments have shift work and we have a straight 8-5.

IX. PUBLIC COMMENT (10 minutes)

1) **RICHARD BOHAN**, 69 Somers Avenue

Believes changing Fiscal to Calendar Budget would cost a lot of money.

2) **ROBERT KIRSCH**, 107 Roosevelt Avenue

The invalid stickers used to be done by the Ambulance Corps in the 40s – 80s. Then the Fire Department handled it in their response area but got away from it. He recommended going to the JIF for the crosswalk signs, or the Traffic Officers Association.

C/M Mulligan suggested that AAA might help.

3) **VERNON COX**, 116 Highview Avenue

Asked about the introduction of the ordinance to rezone the Marchbank property.

Mayor Driscoll said that will be scheduled for the next meeting.

He said that he gave the Mayor the response letter this evening and requested a copy of the draft report or the final report from Clarke Caton Hintz, the historic architect, so that he can peruse it. Also, asked for the response back to Mr. Hatch. Exhibit B and C were not attached to the lease. Concerned with the amount of time it takes to move things forward. Mayor Driscoll doesn't know if the borough has total flexibility in this because of the restrictions in the deed.

Mr. Cox has copies of their deed, the Open Space grant, and Green Acres grant and he know what the ramifications are in each one. He knows what the requirements of the state historic trust are and the historic deed and what oversight they have as well.

Mayor Driscoll said now that we have received your information, we'll have the committee that looked at it before go through it and get back to you.

C/M Doll said he is frustrated with this museum as it has been going back and forth with more details, more obstacles and more problems. Let's work together.

Attorney Betesh asked for a consensus as to whether he should proceed with the ordinance for the rezoning of this property.

POLL: All in favor.

C/W Rabbitt asked why this was taken off the agenda.

Mayor Driscoll responded because he did not have his comments written down.

C/W Rabbitt proposed discussing this in closed session at the next meeting.

POLL: All in favor.

Mr. Cox said when the borough went to a fiscal year in 1994 you had to budget for a whole half year by bonding to make the shift over and then it was \$7 million.

C/M Gillman said Paul Lerch told us there were two options; either by doing an 18-month budget or 6-month budget followed by a 12-month. There was no bonding involved.

Mr. Cox added that in the whole state there are 35 fiscal year towns, 5 in Bergen County, and is actually the larger pool of money. Bergenfield went from under \$100,000 in aid in a calendar year budget to \$400,000 in aid.

X. **OFFICIAL BUSINESS TO BE ACTED UPON**

1. **PROCLAMATION** – Knights of Columbus Week – October 13th – 18th
Fire Prevention Week – October 5-11, 2008

2. **CONSENT RESOLUTION 08-0311**

1) 08-0312 To Approve Communications

2) 08-Move To Authorize Settlement Stipulation for 145 Rector Court

3) 08-Hold To Authorize Tax Refund to E. Ulloa & L. Rodriquez, 162 Baker Ave.,
in the amount of \$2,822.77.

4) 08-0313 To Authorize Credit to Property Owners for Assessment Correction Rec
for Decrease for the 2008 tax year

5) 08-0314 To Reject Bids for Purchase of Two (2) Garbage Trucks.

OFFERED by Councilman Gillman

SECONDED by Councilman Mulligan

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON				X
GILLMAN	X			
RABBITT	X			
LODATO	X			
DRISCOLL				

RESOLUTION adopted.

3. **RESOLUTION 08-0316** To Authorize Emergency Temporary Appropriations in the FY2009 Budget, **OFFERED** by Councilman Gillman, **SECONDED** by Councilwoman Rabbitt, attached.

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON				X
GILLMAN	X			
RABBITT	X			
LODATO	X			
DRISCOLL				

RESOLUTION adopted.

4. **RESOLUTION 08-0317** Record the Declaration of Encumbrance in consideration of Green Acres Program's agreement to provide funding in connection with: Cooper Pond Park Addition, Project 0203-02-078, **OFFERED** by Councilman Gillman, **SECONDED** by Councilman Lodato, attached.

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON				X
GILLMAN	X			
RABBITT	X			
LODATO	X			
DRISCOLL				

RESOLUTION adopted.

5. **RESOLUTION** To Approve and Adopt the Official Personnel Policies and Procedures Manual of the Borough of Bergenfield, dated August, 2008.

MOTION OFFERED by Councilman Mulligan, **SECONDED** by Councilman Doll, to be moved to the agenda of the meeting of October 21st. All in favor. **MOTION** carried.

6. **RESOLUTION 08-0318** To Approve Retirement of Frederick D. Hall, Jr. from Bergenfield Department of Public Works, effective 06/01/09, **OFFERED** by Councilman Doll, **SECONDED** by Councilman Mulligan, attached.

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON				X
GILLMAN	X			
RABBITT	X			
LODATO	X			
DRISCOLL				

RESOLUTION adopted.

7. **RESOLUTION 08-0319** To Pay Bills, **OFFERED** by Councilman Gillman, **SECONDED** by Councilwoman Rabbitt, attached.

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON				X
GILLMAN	X			
RABBITT	X			
LODATO	X			
DRISCOLL				

RESOLUTION adopted.

- XI. **MOTION OFFERED** by Councilman Gillman, **SECONDED** by Councilman Mulligan, to take a short recess at 10 p.m. All in favor. **MOTION** carried.

- XII. **MOTION OFFERED** by Councilman Gillman, **SECONDED** by Councilman Mulligan, to reconvene the meeting at 10:10 p.m. Roll Call.

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON				X
GILLMAN	X			
RABBITT	X			
LODATO	X			
DRISCOLL				

- XIII. **CLOSED SESSION - Personnel Matters/Legal/Litigation**

RESOLUTION 08-0320 Authorizing the Governing Body to Enter Into Closed Executive Session to discuss personnel and legal/litigation:

Chief McGarril – Manning Information

OFFERED by Councilman Gillman
All in favor. **RESOLUTION** adopted.

SECONDED by Councilman Mulligan

XIV. ADJOURNMENT

MOTION To Adjourn at 10:55 p.m., **OFFERED** by Councilman Gillman,
SECONDED by Councilman Doll.

Respectfully submitted,

Carole Chamberlain-Berman
Deputy Clerk

Catherine Navarro-Steinel, RMC/CMC/CPM