

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
SEPTEMBER 3, 2019**

PRESENT: Mayor Norman Schmelz and Council President Ora Kornbluth, Council members Thomas A. Lodato, Buddy Deauna, and Rafael Marte

ABSENT: Hernando Rivera

ALSO PRESENT: Borough Administrator Corey Gallo
Borough Attorney John Schettino (*via Conference Call*)
Borough Clerk Marie Quinones

Mayor Schmelz called the meeting to order at 8:06 p.m. with the reading of the Open Public Meetings Act Statement, "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. Meeting dates for the year are confirmed at the Annual Meeting. The Annual Notice is sent to the Record, Star Ledger, Twin Boro News, and Cablevision, placed on two Municipal Bulletin Boards and is on file in the Office of the Borough Clerk."

The Salute to the Flag was led by Councilperson Lodato.

Moment of silence in honor of Carter Murdock.

PRESENTATIONS

A. Department Hires and Appointments

19-240/To Hire Crossing Guards for the 2019-2020 School Year

Motion by Councilperson Marte, second by Council President Kornbluth, that Resolution #19-240 be approved.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Council President Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

19-241/To Hire Part-time Laborer – Jason Banoff

Motion by Council President Kornbluth, second by Councilperson Lodato, that Resolution #19-241 be approved.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Council President Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

Motion by Council President Kornbluth, second by Councilperson Amatorio, and all present voting in favor, resolution to appoint the Alternate Public Defender is added to the agenda.

B. Annual Insurance Review – Risk Manager

Ezio Altamura and Joseph Gentile from GJEM - Ottersedt Insurance Agency presented the Borough's annual review. Mr. Altamura thanked the Mayor and Council for their reappointment,

and provided the governing body copies of the annual review packet. Mr. Altamura reviewed the Borough's risk management plan, and highlighted the Borough's coverage.

Mayor Schmelz inquired whether the Borough received the entire benefit of \$250 per person for the training courses.

Mr. Altamura confirmed that the Borough did not receive the entire amount, and will look into the entire amount credited.

Councilperson Amatorio inquired if the dog park and outdoor gym added to the liability coverage of the Borough, as well as the Girl Scouts and Boy Scouts programs.

Mr. Altamura confirmed that the programs do not add to the liability coverage of the Borough. He explained that when groups and organizations request to use the parks, they provide the Borough a hold harmless agreement which indemnifies the Borough.

Mayor Schmelz inquired if this is the same for-profit organizations.

Mr. Altamura stated that there are certain requirements for individuals requesting to reserve the parks, as well as corporations.

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Pau Cray, Remington & Vernick Engineers, stated that this year's road program with its different contract and grant requirements is ongoing. He commented that the one that will be completed first will be W. Central Avenue with the NJDOT grant. He stated that the work leading up to the paving is almost complete, and he asked the Borough Administrator to confirm with Suez if their work is complete.

Borough Administrator Gallo stated that Suez had water repairs they wanted to do, and he knows that they have been coordinating with Remington & Vernick Engineers to figure out the schedule. Mr. Gallo confirmed that at this time, there has been no correspondence.

Mr. Cray stated that the contractors are ready to mill on September 10th and overlay and pave on September 11th. The problem with Suez is that their work is a two-step approach, which can sometimes change their schedule. However, he will make sure to include all in the e-mails.

In terms of the CDBG project, Mr. Cray stated that it is important to complete the draw down, which is in contract with D&L Paving Contractors. Mr. Cray stated that he has been trying to get the contractor down for pre-work to the paving work, and are scheduled to be completed on October 10th. If the Borough does not agree with the schedule, then Mr. Cray will coordinate with the Borough Administrator and Borough Attorney to keep them in line. Mr. Cray stated that the contractor is aware of the grant requirements.

He commented that in terms of non-grant roads, the project is currently out to bid, under two separate contracts. He explained that the rehab work usually requires a special contractor, and therefore there are two concurrent bids to have the pipework and paving done. Mr. Cray explained that once the bids are open and awarded, a pre-con meeting will be held with the Borough Administrator and Department of Public Works staff. He further explained that he is unsure it will all be completed before winter hits, but the pipework will definitely be done.

Mayor Schmelz commented that the roads were set in March and now the work will not be completed this winter, until Spring. He further commented that this work should have been done in the summer.

Mr. Cray explained that the most restrictive outcome of this, was due to the fact that all the grant work had to be completed by their respective deadline. He further explained that in order not to compromise the Borough's grant monies, this work had to be done.

Mayor Schmelz commented that the Borough had three different schedules, they should have been completed at the same time.

Mr. Cray stated that the projects were expedited and W. Central was completed in a short time frame. He stated that the third project would have been completed if it was a simple survey and design. However, he explained that this required a lot of pipe video, evaluation, to need to limit the cut that had to be done. He further explained that this was not a simple overlay and design contract. Mr. Cray explained there was a pipe that had to be dealt with, but the engineers were able to avoid open cut. He stated that this work is included in the bid, as well as several CDBG work. Mr. Cray stated that if the Borough goes out to bid for small rehab work, the Borough will not obtain the best price. Thus, the bids are packaged all together. Mr. Cray expressed that he is not surprised the project was deferred due to all the work it involved.

Councilperson Amatorio commented that the delay is beyond the control of the engineer.

Mr. Cray confirmed there is no delay, and explained that it is a normal process. The third project is more complicated, which is why it was left for last.

Mayor Schmelz commented once again that we knew about all the work required back in March.

Mr. Cray stated that the engineers were unaware of what was underground.

Borough Administrator Gallo stated that some roads had video done, and others had to be deferred because of the flow was too severe. He explained that there is an alternative bid packet in this third project.

Mayor Schmelz stated that his concern is that it will be cold soon, and there is trench work that needs to be done.

Mr. Cray stated that in that case, the paving will not be done in November and December. He explained that he is not pushing for the roads to be paved this year. Some of the roads had to be re-videoed, and anytime that an open cut can be avoided is good.

Borough Administrator stated that the Borough has the ability to video, but there are times when the engineers need additional video because they have better-quality cameras, and the flow of water can be a factor.

Mr. Cray stated that under the FY' 2019 Road Improvement Program, N. Prospect was surveyed and is under the design phase, to be lined up for 2020 construction. He also stated that he has been working with Taco Bell to have a utility pole relocated. He also stated that Landmark is having their piping done tomorrow, and will speak with them to have the construction vehicles moved from W. Johnson.

ORDINANCES

A. Adoption of Ordinances

The following ordinance published herewith was first read by title only on June 18, 2019 and posted on the bulletin board of the municipal center. **(TABLED 8-20-19)**

Borough Administrator Gallo stated that the first ordinance is referring to the land development ordinance Chapter 186, and is pertaining to the article regarding pervious surfaces. He stated that the second ordinance is pertaining to Schedule B. He explained that changes were made in the plans, but were never made to the schedule. Mr. Gallo stated that Zoning and the Code

Enforcement officer are having issues, because they work off Schedule B. He expressed that he wanted to discuss the ordinances and the spirit behind them, and the reasons for them.

Steve Lydon, Borough Planner, stated he is new working with Bergenfield, and was appointed to review the new affordable housing regulations. He stated that in the process, Mr. Gallo mentioned that the other ordinances required changes. Mr. Lydon stated that it is difficult to understand when or how, but it seems that at some point, the ordinances were presumed to be adopted, or the table was never updated, and there seems to be three different schedules out there. He used the version from the Bergen County webpage, because any land use ordinance is only effective if filed with the County. He stated that some of the numbers had to be adjusted to contemporary standards. He explained that there were also terms that were used interchangeably, and a term or two that were never defined. Therefore, he tried to make minor adjustments to the ordinance. He further explained that the goal is to bring the land use ordinance to a point where it can be adopted properly.

Borough Administrator Gallo stated that in section two article four, the last sentence "this bonus provision is expressly not available when a property owner seeks to enlarge, expand or extend impervious coverage on a lot," to "this bonus provision is only available in the limited instance where an owner is replacing bituminous asphalt or concrete surfaces with brick pavers."

Mr. Lydon stated that the change for the clause came into play because the Zoning and Construction officer were having issues with impervious coverage situations, especially residential, where residents were expanding drive ways or adding walks, and the goal is to encourage residents to use asphalt and brick. Therefore, the slight bonus was given.

Mayor Schmelz stated that the ordinance is changing them to impervious, which will affect the residents that wanted to expand their driveways. He further stated that the town has changed, and through time, people are staying at home with four cars. If this is limited, they cannot expand their driveways, and they cannot park their vehicles on the street.

Borough Administrator Gallo stated that he read the ordinance, and the total amount of impervious coverage for any lot coverage associated with any development shall not exceed the allowable limit as set forth in Schedule B. He further stated that Schedule B was already approved by the Planning Board and everyone.

Council President Kornbluth stated that she understands this was already done, but she is also confused. She explained that the ordinance basically says that pavers that were 100% impervious coverage are now 50% impervious.

Mayor Schmelz stated that the information is under section one impervious surfaces. He stated that the surfaces with layered material highly resistant to the penetration of water include but are not limited to brick pavers. Mayor Schmelz stated that brick pavers were pervious coverage and now are impervious.

Borough Administrator Gallo stated that had to be changed by the Planning Board.

Mayor Schmelz stated that its clear, the attorney made the recommendations.

Borough Attorney Schettino explained that he received a recommendation from the Zoning Board regarding the use of pavers, from Ron Mondello, that the pavers be utilized towards impervious coverage, which was then sent to the planner, to draft the language based on the concern raised by the Board. He stated that after the initial changes, a recommendation was made by the planner, which he agrees to, and is the version being considered now. He stated that the changes were initiated from Ron Mondello to the Mayor and Council.

Council President Kornbluth inquired if the changes were instituted.

It was confirmed that the changes have not been instituted.

Mayor Schmelz stated that there are applications in which the boards are telling the residents the changes are pervious coverage. He stated to the boards are tied because the governing body is supposed to make changes.

Borough Attorney Schettino stated that once the ordinances were introduced, they were sent to the Planning Board for review. The Planning Board never made comments.

Mayor Schmelz stated that the ordinance never came up for discussion, then another meeting was cancelled. The Planning Board asked to have another opportunity to review the ordinance, which is why the ordinance is tabled.

Borough Administrator Gallo stated that he is fine with the ordinances being tabled, but hopes that everyone is on the same page. He commented that if the ordinances are not to be changed, then they need to be reverted back to their original state.

Council President Kornbluth asked the planner what other towns have in terms of impervious coverage of pavers.

Mr. Lydon stated that the definition came from the NJDEP guidelines. He stated that to say that concrete pavers are 50% or 35% impervious is contrary to common sense, and contrary to how drainage works. He stated that pavers are not 50% impervious. His suggestion is that if the goal is to exclude a certain amount of area of concrete pavers, then say so in the ordinance. He explained that if the ordinance states not to count pavers for impervious coverage, its better. He further explained there will be more runoff and flooding, but the ordinance will be consistent.

No action taken; ordinance remains on the table.

The following ordinance published herewith was first read by title only on July 16, 2019 and posted on the bulletin board of the municipal center.

ORDINANCE 19-2554 - AN ORDINANCE AMENDING "SCHEDULE B" OF THE CODE OF THE BOROUGH OF BERGENFIELD, CHAPTER 186 ENTITLED "LAND DEVELOPMENT"

Mayor Schmelz stated that this is the ordinance in which the changes were adopted, but were never added to the schedule.

Borough Attorney Schettino stated that these were the changes that reflect the changes in the ordinance.

Borough Administrator Gallo stated the changes were made in 2018. He stated that the Master Plan was changed, but Schedule B was never updated.

John Smith, Zoning Board member, stated that Schedule B was last updated in 2016. He stated that the height of the buildings, residential and commercial, were changed in 2018. It was never put on the schedule, yet applications are coming to the Zoning Board. He explained that Hickory was considered at 35ft., and then the application came back for 40ft. Mr. Smith stated that the ordinances have to be updated, especially Schedule B. He explained that with the pavers and the lot coverage, it needs to be made equal. Mr. Smith stated that it cannot be two different things, because no one is making small buildings, as well as the issue with silica sand.

Motion by Council President Kornbluth, second Councilperson Amatorio that Ordinance 19-2554 be tabled.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Council President Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

B. Introduction of Ordinances

Motion that the following ordinance be introduced and passed on first reading and setting Tuesday, September 3, 2019 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Council Chambers of the Bergenfield Borough Hall as the place for a hearing on said ordinance. **(TABLED 8-20-19)**

ORDINANCE 19-2555 – AN ORDINANCE ADOPTING REGULATIONS FOR OUTDOOR DINING

Borough Administrator Gallo stated that he forwarded everyone the changes that have to be made to the ordinance, such as removing the advertisements.

Mayor Schmelz inquired what will be the standard.

Councilperson Amatorio commented that he only sees the measurements between the table, and inquired if this is discretionary. He expressed that it is unfair for the other restaurants that are unable to meet the requirements.

Council President Kornbluth expressed that her concern is cars jumping the curbs.

Councilperson Lodato stated that an unfortunate incident happened in Bergenfield years ago, in which a car went into a business. He inquired if this is a liability to the Borough, and recommended that the ordinance be sent to the Risk Manager for review.

Steve Lydon, Borough Planner, recommended that the business owners be required to indemnify the Borough and provide an insurance rider.

Borough Administrator Gallo stated that the businesses can indemnify the Borough, but inquired that what the limits will be. He further stated that the ordinance should not limit the business to be successful.

Councilperson Marte inquired what will the distance will be between garbage cans and the tables.

Council President Kornbluth inquired who is governing the limit.

Councilperson Amatorio stated that the awnings and umbrellas should confirm with the sign ordinance. He expressed that businesses should not be limited if they want to be sponsored.

Borough Attorney John Schettino, stated that the businesses should comply with the existing sign ordinance. The limit on the square footage should never be more than permissible by ordinance. He further explained that the Council cannot restrict the content, but can restrict the amount.

No action taken; ordinance remains on the table.

Motion by Councilperson Lodato that the following ordinance be introduced and passed on first reading and setting Thursday, October 3, 2019 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Council Chambers of the Bergenfield Borough Hall as the place for a hearing on said ordinance. Second by Councilperson Amatorio.

Mayor Schmelz read the title of the ordinances into the record:

ORDINANCE 19-2556 – AN ORDINANCE TO AMEND, SUPPLEMENT, AND REVISE THE CODE OF THE BOROUGH OF BERGENFIELD, CHAPTER 186 ENTITLED “LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF BERGENFIELD, NEW JERSEY”

ORDINANCE 19-2557 – AN ORDINANCE TO AMEND, SUPPLEMENT, AND REVISE THE CODE OF THE BOROUGH OF BERGENFIELD, CHAPTER 186 ENTITLED “ZONING”

Borough Attorney Schettino explained that the areas designated as affordable housing have to be done because there is no other way to meet the required number, unless the overlay zones are done. He further explained that any deviation from the ordinance may not be approved, since the Borough is close to obtaining a final number.

Steve Lydon, Borough Planner, stated that the Borough is close to a final number, and should obtain credit from Brookside Gardens.

Mayor Schmelz stated that the overlay zones will impact Foster Village and Washington Avenue, and add four stories due to setback.

Borough Attorney John Schettino, stated the overlay zone will allow 40ft., which is a 5ft increase, to allow four stories instead of three on N. Washington Avenue. This will allow for retail space on the first floor, and two floors residential.

Steve Lydon, stated it would allow Foster Village to be a bit higher, allowing for a 4-story building. On N. Washington Avenue, you are allowing 35 ft. high building with two stories. It was bumped up to 40 ft. allowing three story buildings. The first floor on N. Washington Avenue buildings need to remain non-residential and the upper floors can be residential if the property owner is providing affordable housing.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Council President Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

UNFINISHED BUSINESS

A. R.L. Dehn & Sons Fire Protection Inc. and Mayor Nelson Antonio Nunez Request from Samana, Dominican Republic for 1988 Hahn Pumper Fire Truck Donation

Mayor Schmelz inquired whether enough information was received to approve the donation. He stated that Chief Naylis sent an e-mail with information on the value of the truck.

Council President Kornbluth inquired whether this was enough information to approve the donation.

Councilperson Lodato stated that the truck has no value in the United States. He stated that Chief Naylis provided a cover letter to the certification, as well as a resume for the individual.

Borough Attorney Schettino requested that the information be forwarded to him, in order for him to prepare a resolution and certification to allow the disposal of the truck.

Councilperson Amatorio stated that he will provide a letter for the appraisal of the second truck, so that both can be approved at the same time.

B. Bergenfield Special Improvement District

Borough Administrator Gallo inquired if there were any further thoughts on the holiday lights.

Councilperson Marte stated that the \$16,000 covers the poor-quality lighting.

Councilperson Amatorio stated that the issue is that the amount is being saved for something else, and now the BSID is requesting additional funds.

Mayor Schmelz stated that the funds are not for something else, he clarified that the BSID needs to have the funds in case they need to close-up. He stated that the BSID was advised by their auditor to keep the funds in reserve.

Borough Administrator Gallo stated that the BSID requested \$24,000 in their budget, and was provided \$16,000.

Councilperson Amatorio stated that he can agree to additional monies, but not new funds.

C. Board & Committee Appointments

LIBRARY BOARD

Mayor appoints the following to serve on the Library Board of Trustee for the following term:

Crystal Choonoo 5-year unexpired term, term exp. 12/31/21 (L. Michelson)

No action taken.

NEW BUSINESS

A. Recreational Group Use of Parks for Profit

Mayor Schmelz stated that there are two organizations that would like to use the parks for the season. He stated that one organization will provide yoga classes for residents for donations to the park, and the other named Tinkergarten provides an outdoor playing, learning, and sensory nature play for children.

Kira Rutherford-Boese, stated that the program operates all over the Country and collects no money onsite. All the registrations are completed online. She explained that the classes are seventy-five minutes, are held throughout eight sessions starting in September, and cost about \$180.00 per person. She hopes to provide free trial classes, to see if the parents would be interested in the program in Bergenfield.

Council President Kornbluth inquired how many instructors will be available per student.

Ms. Rutherford-Boese explained that the children are supervised by their parent and caregivers.

Borough Attorney Schettino stated that if this is a for profit program, then the Borough will need to bid the use of the parks.

Borough Administrator Gallo inquired why this would need to be put out to bid, if it is similar to a baseball program.

Council President Kornbluth inquired how this will work in terms of membership, and how many will be residents vs. nonresidents.

Borough Attorney Schettino stated Green Acres funding allows anyone to use the public park.

Council President Kornbluth inquired if the fee schedule can be advertised.

Borough Attorney Schettino stated that the use of the parks will need to be put out to bid, establish minimum and award. He further explained that the Borough will need to confirm there is no public use at that time. Mr. Schettino stated that this does not affect a one-time use of the park. He explained that the Borough can start a pilot program to see how it goes, then go out to bid.

Borough Administrator Gallo inquired if the same is true for the yoga program. He explained that the instructor will charge a recommended \$10 for Cooper's Pond.

Borough Attorney Schettino stated this can be handled like a fundraiser for Cooper's Pond.

Motion by Councilperson Amatorio, second by Councilperson Marte, and all present voting in favor, the Borough Administrator has the authority to start a pilot program for Tinkergarten and Yoga use of parks.

B. Dogs and Bikes in Cooper's Pond

Mayor Schmelz stated that the three months have lapsed. He stated that the change has been working, and inquired if the Council agrees to continue. The governing body consensus is to allow dogs at Cooper's Pond until January 31, 2020.

ADMINISTRATOR'S REPORT

Borough Administrator Gallo stated he has been working with Sustainable Jersey and they are requesting the Borough consider passing an ordinance for smoke free zones in the community. He stated that Tilcon completed the work on West Clinton Avenue. He had a couple of discussions with residents about having the brook cleaned out behind their properties. Mr. Gallo explained that the problem is that DEP needs a committed plan with cost estimates. He further explained that since the work is on their private property, they need to pay for it. However, DEP will need to approve the work. Mr. Gallo stated that the DEP is handling this on a case by case basis, in which the resident has to outline their own scope of work. Mr. Gallo expressed that residents are frustrated because they have to hire professional help to lay out their scope of work.

Councilperson Amatorio stated that should be given literature or a guide with an explanation of the steps that need to be taken.

Council President Kornbluth suggested making a one-page guide with step to step instructions on what needs to be done to get permission from the DEP and post it on the website.

Mayor Schmelz inquired if the Borough has any responsibility on this.

Borough Administrator Gallo stated that the Borough can remove any items impeding water flow, but cannot go on private property. He stated that the Borough cannot enter the brook with any heavy machinery, but can remove any fallen trees. Mr. Gallo further explained that the 125th Anniversary Committee discussed the possibility of having certain clubs, such as the Elks and Lions Club, attend the volunteer dinner to enhance the anniversary celebration. The committee would also have a sponsor book, in which the proceeds will be used to purchase a time capsule. Mr. Gallo stated that the flag will be half staff until Friday, in honor of Carter Murdock, at the request of his parents. He expressed that there needs to be an expansion of Stigma Free efforts in the community, and explained that the Borough employees, especially the DPW, ambulance staff, and others were dramatically impacted by this loss. Mr. Gallo stated that counseling was provided, but there should be more advocacy for Borough staff.

MAYOR & COUNCIL REPORT

Council President Kornbluth

stated that the OEM director sent additional hazard mitigation aids to the county. The BVAC has gone on 1,496 calls year to date. They also received CPR devices. They had their first administration of COPD medication, which they received special permission from the state to carry. They are only one of 25 squads in the entire state to carry it. Summer camp is finished. Everything went very well this year. All summer sports are complete. The fall sports practices have started and games are beginning. They held safety courses for coaches at Rutgers. The PAL started a summer basketball league at Memorial Park. It was a good turnout. They helped SID with the summer concerts at

Coopers Pond. They were a large success, with the exception of one because of the raindate. They were all well received. The Recreation Director is working on three movie nights, with two in September and the other being in October. The dates are almost set and are waiting on a few schedules and screen availability. He was in contact with Dr. Tully for field scheduling. They are getting ready for the Halloween Parade on Saturday, October 26th. The raindate is Sunday, October 27th, 2019. The trunk or treat event will be on Thursday, October 31st, 2019.

Councilperson Rivera

No report.

Councilperson Marte

No report.

Councilperson Amatorio

stated that the Veterans Committee will have their pig roast on September 21, 2019 and are selling tickets. The Zoning Board approved small applications and Beth Abraham was postponed until October. The Main Street proposed apartments are still being discussed amongst the Planning Board and Zoning Board. The percentage of affordable housing is being reviewed. There is a Rent Leveling Board meeting tomorrow, but there may not be a quorum, since they are still in need of members.

Councilperson Deauna

stated Chairman Jules Orkin will be leaving the Shade Tree Committee. Dan Muller will be replacing him. Taco Bell is requesting to plant some trees. Dr. Sukowitz was at the meeting. He had requested to have Borough tree removed, but was denied because it is a healthy tree. The Barrier Free committee had a ribbon cutting ceremony.

Councilperson Lodato

stated the Fire Department will be hosting a 9/11 remembrance ceremony next Wednesday at 7:30pm. It will take place at Alert Fire House on Church Street. All are welcome to attend. Certain members of the fire department are attending a fire training course for 8 weeks. The annual convention in Wildwood will be held on Friday, September 13, 2019 and Saturday, September 14, 2019. Certain members will be remaining behind so coverage is not compromised. The new ladder truck is currently out of service undergoing some warranty adjustments and repairs. The members of the fire department are on schedule to meet their training requirements that are required to be completed by December 1st. There is a Northern Valley Fire Chief's Parade on October 13th. Bergenfield desires to participate and will be sending a request to the administrator for consent to attend. Mayors and councilmembers are welcome to attend as well. The last two meetings of the Planning Board were cancelled. That is why these ordinances are on table for so long. We will meet this month regardless of applications. Stigma Free is meeting this Thursday at 7:00 p.m.

Mayor Schmelz

stated with the last meeting just on August 20th my report will be very brief. On Thursday August 22nd we had a new group come to our area to kick off their Company. The name of the group is Umbrella and they offer Seniors a

chance to have work done at a very affordable price from other Seniors. You pay to be a part of the group and they offer other services as well. They will find trusted contractors to do work for you as well. The next day at the Library we had Bloom Empowerment which empowers woman. They asked me to help give out backpacks they had collected. My wife and I donated a bunch of full back packs as did our Night Shift of the Bergenfield Police Department. The Carnival was in town at St. Johns and I worked one of the booths on Friday night. Great to see so many happy kids. Our Fire Department had their yearly Golf outing and then came back to Bergenfield for a Beefsteak dinner. It was a big success as everyone loves our Fireman. On Wednesday the 28th I was at Mercy Church of God where they also gave out Backpacks to those in need. They also had a Children run service that night as well. Great to see groups helping other in need. On Friday the 30th I attended the Funeral Service for Carter Murdock one of our DPW Employees. It was very sad but great to see the DPW all there in Red to show the family support. Later that day Hoover School had a party for last year's graduating students. They had me help hand out Yearbooks and gym bags to all the kids. Nice to see all the kids back together before they start this year at a different school. On Sunday September 1st I represented Bergenfield at the Filipino Festival in Overpeck Park.

CORRESPONDENCE

A. Peters/Resident

RE: Block Party Request on Ford Court/Saturday, September 14, 2019/3:00 p.m. – 9:00 p.m. (Rain Date: 9/21/19)

B. Tong/Washington Dental Associates

RE: Request to Hang Street Banner to Advertise Event – Day of Free Dentistry/Friday, October 8, 2019

C. Shaffren/Congregation Ohr Ha Torah

RE: Request to Reserve Jacoby Park for Congregation Family Carnival/Sunday, September 22, 2019/3:00 p.m. to 7:00 p.m.

Motion by Council President Kornbluth, second by Councilperson Marte, and all members present voting in favor, to approve Correspondence Items A through C. All present voting in favor, none opposed.

PUBLIC COMMENT

Debra Belfi, resident, stated it amazes her how many people are unaware of the lead issue we have in the water. She stated that she has been told that she “may” have a lead issue, but no one will give information. Ms. Belfi stated that Suez was out there testing today, but commented that she will not be covered if there is lead in the water. Ms. Belfi expressed that 50 out of the 70 towns in Bergen county are contaminated. She further stated that the borough website is not transparent and took her to mysuezwater.com, where she was not authorized to access the page when she clicked on the link. Ms. Belfi called Suez and wanted to know about her personal information, but was told that schools are the priority. She was told Suez has to go into the lines and scratch. Ms. Belfi stated it is insane that the owner is responsible if both lines have lead. Ms. Belfi stated some towns worked out a deal with Suez. Ms. Belfi inquired if Mr. Gallo will know how many streets will have lead once testing is done.

Borough Administrator Gallo stated that he has had meetings with Suez on behalf of the Borough. He explained that Suez is in the process of having extensive testing in town, and are going through the legal process of getting road opening permits for the process can be expedited. Mr. Gallo expressed that he has been very aggressive with utilities, and knows that Suez has been working here in the past 10 days. He commented that by law, residents have to be notified if their line has lead in it.

Mayor Schmelz stated if anyone has a concern with the water in their home, they should have it tested.

Belinda Burns, resident, expressed her concern about overnight parking. She explained that she has six cars and two parking spots. Ms. Burns inquired why residents cannot park in the street, if there are certain people that can park on their street. She explained that she called the County, and was told that there should be a standard law for everyone. Ms. Burns stated that she received four tickets in one night, and cannot afford to pay for them. She explained that when she called the Police Department to report her vehicle, she was told that she cannot park her vehicle overnight, and that the overnight parking will be eliminated. Mr. Burns had to park her vehicle in another town to avoid any further violations.

Mayor Schmelz expressed that this is one of hundreds of residents that have an issue with being unable to park in the street overnight. He commented that the Police Department has stated on numerous occasions, that all residents have to do is call. Now residents are being told they cannot park their vehicle overnight, every night. Mayor Schmelz inquired why overnight parking is allowed at Foster Village, but not on any other street. He commented that Dumont and New Milford allow overnight parking for the whole summer.

Borough Administrator Gallo stated he has to talk with the Police Department to get a better understanding and address the issue.

Council President Kornbluth stated that the Zoning Board can give approval to have the driveway extended.

Deputy Chief Massey stated that he is unsure why the resident was denied to park overnight.

Mary Anne Groh, resident of Haworth, stated she is concerned about the lack of signage on Bedford Street (at the exit of the municipal lot). She commented that there are no signs warning drivers that they cannot make a left-hand turn, because Bedford is a one-way street. Ms. Groh stated that the Police Officer waits there to give tickets. She advised that as an attorney she was ready to go to court to have this ticket dismissed. Ms. Groh stated that the signs are affordable to purchase, and it is a safety issue not to have them. Ms. Groh also stated that the judge had the audacity to inquire who will pay for the ticket, when her son is responsible to pay his ticket. Ms. Groh stated that the comment should have never been made.

Borough Administrator Gallo stated that the area will be assessed.

Diana Flagg, resident, expressed her concern over the sign ordinance. Ms. Flagg stated that she has been complaining about old signs in town, and the signs have not been removed. Ms. Flagg also inquired about political signs, and stated they should not be placed until a month prior to the election. She commented that there are political signs plastered on Washington Avenue stores.

John Smith, resident, stated that the VFW will be having a pig roast, and anyone that would like to purchase a ticket should contact him. He thanked the Veteran's Committee liaison for donating the full pig. Mr. Smith commented that there is a store next to the Passaic lettering, which used to be a Karate place, and has been empty for five years. He stated that the signs are still on the property. He also stated that he brought up the issue of parking in town a month ago. Mr. Smith stated that cars cannot travel down Bradley Street if there are cars parked on both sides of the road. He commented that if cars are parked on the grass, Code Enforcement directs the matter to the Police Department. Mr. Smith inquired who will be cleaning-up the park after the Congregation Ohr Ha

Torah. He commented that several years ago, a resident wanted to reserve the park across the street from her for her son's birthday, and was told she could only use Memorial Park. He expressed that everyone should be treated the same. Mr. Smith stated that the Planning Board approved a subdivision property for S. Church, and a couple of residents complained that the subdivision is too close to the brook.

Councilmember Lodato stated that every lot, once subdivided, is buildable, even in light of its setbacks. It's under contract now.

Mary Sullivan, resident, stated if there are going to be bikes in Cooper's Pond, the sign should say non-motorized bikes only. The resolution should be passed to have no smoking signs in the parks. Ms. Sullivan stated there should be no street parking. She commented that many of the streets are too narrow for emergency vehicles to pass. She further commented that there are mega houses being built with several bedrooms and only two parking spaces. Single family homes should have two spaces, 4 bedrooms should have 3 spaces, 6 bedrooms should have 4 spaces, and 8 bedrooms should have 5 spaces. You're not planning ahead and can do away with the garage requirement. The master plan should be reconsidered to provide more driveway space.

Fred Sahlberg, resident, stated that if a car is not disabled, it can be left on a street overnight. He commented that public relations could have been better when the resident called for overnight parking. Mr. Sahlberg stated that there are smoke free zones in the Borough, especially on Washington Avenue, in which people cannot smoke within 10 feet of the entrance to the business. Mr. Sahlberg stated that the governing body should consider placing more flag poles in front of the Municipal Building for the state and municipal flags. He reminded the governing body that no other flag is supposed to be on the same flag pole as the American flag. He also commented that residents should be notified when there will be changes to the parking ordinance affecting their street.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 19-242. All matters listed below are considered by the Governing Body to be routine in nature. There will be no separate discussion of these items. If any discussion is desired by the Governing Body, that item will be removed from the Consent Agenda and considered separately.

- a. **19-243/**To Pay Bills
- b. **19-244/**To Approve Resignation – Karen Glass
- c. **19-245/**To Approve Tax Refund – 203 N. Vivyen Street
- d. **19-246/**To Approve Tax Refund – 19 Tuscarora Street
- e. **19-247/**To Authorize Modification to Contract – Additional Paving on West Clinton Avenue – Tilcon New York Inc.
- f. **19-248/**To Authorize Bid Specifications – Sanitary and Storm Sewer Rehabilitation Program
- g. **19-249/**To Authorize Bid Specifications – 2019 Road Improvement Program

Motion by Councilperson Lodato, second by Councilperson Deauna, that the Consent Resolution be approved.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Council President Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

B. Resolutions

19-250/To Accept Proposal and Approve Contract – Construction Management Services – Cambridge Construction Manager

Motion by Councilperson Marte, second by Councilperson Deauna, that Resolution 19-250 be approved.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Council President Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

19-251/To Approve Contract – FMBA Local No. 65

Motion by Councilperson Lodato, second by Council President Kornbluth, that Resolution 19-251 be approved.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Council President Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

COUNCIL COMMENTS

The Mayor and Council thanked all for attending and wished all a good night.

CLOSED SESSION

RESOLUTION 19-253/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

A. Personnel

1. Administration Office Personnel
2. Police Department Personnel

B. Contracts & Agreements

1. Police Chief Contract

C. Attorney-Client Privilege

1. Update on Cell Tower Leases
2. Updates on Utility Infrastructure Repair Matter
3. PBA Local 309 Agreement

Minutes will be taken of the meeting and released to the public at the time that the matter is resolved. After Closed Executive Session, the Mayor and Council will reconvene in the Executive Chambers to adjourn this public meeting.

On a motion by Council President Kornbluth, second by Councilperson Marte and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 11:25 p.m.

On a motion by Council President Kornbluth, second by Councilperson Lodato, and all present voting in favor, the meeting returned to open session at 11:50 p.m.

On a motion by Council President Kornbluth, second by Councilperson Lodato, that Resolution #19-252 be approved to appoint James W. Sukharev, Esq. as the Alternate Public Defender.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Council President Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Council President Kornbulth, second by Councilperson Marte and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:50 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk