

**BOROUGH OF BERGENFIELD**  
**MAYOR & COUNCIL REGULAR MEETING**  
**8:00 p.m.**  
**September 17, 2019**

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

ABSENT: Hernando Rivera

ALSO PRESENT: Borough Administrator Corey Gallo  
Borough Attorney John Schettino  
Borough Clerk Marie Quinones

Mayor Schmelz called the meeting to order at 8:00 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 Marte.

**AGENDA CHANGES**

Motion by Council President Kornbluth, second by Council Amatorio, and all present voting in favor, to add the following items to the agenda:

- o Correspondence: Stigma Free Committee Request for Street Closure for an event on October 14, 2019
- o Correspondence: Stigma Free Committee Request to have a Bergenfield Team in the Bergen County "Out of the Darkness" walk on October 20, 2019
- o Resolution: to Hire Crossing Guard – Steven Schweitzer
- o Resolution: to Approve Proposal for Geotechnical Review by Haley & Aldrich

**APPROVAL OF MINUTES**

**MOTION OFFERED** by Councilperson Marte, **SECOND** by Council President Kornbluth, to approve minutes of the August 20, 2019 Combined Meeting, August 20, 2019 Closed Session Meeting (not to be released), September 3, 2019 Work Session Meeting, September 3, 2019 Closed Session Meeting (not to be released). All present voting in favor, none opposed.

**PRESENTATIONS**

- A. Proclamation – National Childhood Cancer Awareness Month

Mayor Schmelz read the proclamation into the record.

- B. Fire Department Presentations  
1. Oath of Office – Bryan Batista

Councilperson Lodato read Mr. Batista's biography into the record.

Mayor Schmelz administered the oath of office to Firefighter Bryan Batista.

**COUNCIL COMMENTS**

Councilperson Lodato welcomed Bryan to the Bergenfield Fire Department. He commented that the Fire Department is an outstanding organization and is sure he will be a positive addition. He wished him a safe and long career.

Councilperson Deauna congratulated Bryan for joining one of the finest Fire Departments in northern New Jersey.

Councilperson Amatorio congratulated Bryan on his appointment and stated he is joining an excellent Fire Department. He wished him a safe and long career in Bergenfield.

Council President Kornbluth congratulated Bryan for the joining the Fire Department and told him to stay safe.

Councilperson Marte congratulated Bryan and his family. He welcomed Bryan to Bergenfield and thanked him for being a part of the town.

Mayor Schmelz congratulated Bryan and told him he will be a great member on the force. Mayor Schmelz expressed that his father was a fireman, and so Firemen will always have a special place in his heart. He thanked Bryan and congratulated his family.

Motion by Council President Kornbluth, second by Councilperson Lodato, and all present voting in favor, the meeting was recessed. The meeting returned to open at 8:16 p.m.

#### C. Departmental Hires and Appointments

##### **19-254/To Hire Police Records Clerk – Melissa Ruts**

Motion by Council President Kornbluth, second by Councilperson Marte, that Resolution #19-254 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>

##### **19-255/To Hire Part Time Laborer – Jason Cicchella**

Motion by Council President Kornbluth, second by Councilperson Lodato, that Resolution #19-255 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>

#### VERBAL COMMUNICATIONS I

Mayor Schmelz opened the meeting and invited the public for comments on agenda items only, limited to five minutes per speaker.

No one came forward.

There being no one else who wishes to be heard, Mayor Schmelz closed Verbal Communications I.

Correspondence

- |                                  |   |
|----------------------------------|---|
| A. McLaughlin/Ride Director      | <b>RE:</b> 2019 Velocity Ride to end Cancer benefiting Columbia University's Irving Cancer Center/Sunday, October 6, 2019/11:40 a.m. to 2:55 p.m.                     |
| B. Naylis/Board of Fire Officers | <b>RE:</b> Personnel Action Letter dated September 12, 2019   |
| C. Rainey/Clean Communities      | <b>RE:</b> Request to Reserve Cooper's Pond for Litter Clean-up/Sunday, October 20, 2019 and Sunday, October 27, 2019/9:00 a.m. to 12:00 p.m.                         |
| D. Boyce/Stigma Free Committee   | <b>RE:</b> Request for Street Closure/West Johnson Avenue from Washington Avenue to Zia's Driveway/Monday, October 14, 2019/7:00 p.m. to 9:30 p.m.                    |
| E. Boyce/Stigma Free Committee   | <b>RE:</b> Request for Borough Participation in the Bergen County Out of the Darkness Walk/Sunday, October 20, 2019/Saddle River County Park – Otto C Pehle/9:00 a.m. |

**MOTION OFFERED** by Councilperson Lodato, **SECOND** by Councilperson Deauna, to approve Correspondence Items A through E. All present voting in favor, none opposed.

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)**

**ORDINANCE 19-2552 – AN ORDINANCE AMENDING CHAPTER 186 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “LAND DEVELOPMENT”**

No action taken.

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. **(TABLED 9-3-19)**

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

No action taken.

B. Introduction of Ordinances

Motion 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. **(TABLED 8-20-19)**

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

No action taken.

A. CONSENT AGENDA

**CONSENT RESOLUTION 19-256.** 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. **19-257**/To Pay Bills
- b. **19-258**/To Request Approval for the Insertion of Special Item of Revenue – Drive Sober or Get Pulled Over Grant
- c. **19-259**/To Approve Raffle Application – RA 1355 & RA 1356
- d. **19-260**/To Approve Change Orders No. 1 and No. 2 – Riverside Cooperative – D&L Paving Contractors
- e. **19-261**/To Approve Pay Certificate No. 4 Final – Riverside Cooperative – D&L Paving Contractors
- f. **19-262**/To Approve Contract – Alternate Public Defender
- g. **19-263**/To Approve Tax Refund – 54 Blauvelt Avenue

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

On a roll call, the vote on the Consent Resolution 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

### **19-264**/To Hire Crossing Guard – Steven Schweitzer

Motion by Council President Kornbluth, second by Councilperson Marte, that Resolution #19-264 be approved.

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>

### **19-265**/To Approve Proposal – Geotechnical Review Analysis - Haley & Aldrich

Motion by Councilperson Marte, second by Councilperson Deauna, that Resolution #19-265 be approved.

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 stated they were waiting for the information on the resume of the person who did the appraisal. Since then, we received a letter stating someone is interested in buying the truck for \$1,000 each. Mayor Schmelz inquired if it would be put out to bid nationally if another country wanted to buy it as a working fire truck.

Borough Attorney Schettino stated he received the letter, and will need a certification to be signed in order to proceed. Mr. Schettino stated they would have to put the trucks out to bid, and anyone would be eligible to bid for it. Mr. Schettino stated that the Fire Department would have to put together the specs. He further stated that the interested individuals will need to house the fire

truck and obtain insurance for it. Mr. Schettino suggested that the individuals be given the opportunity to inspect the vehicle. He further suggested that the individual be given a week, and if he if there no interest, then put on the agenda for the next meeting for approval to donate.

Councilperson Lodato stated that the 1976 ladder truck is not a functioning vehicle and cannot be used by the fire department or any other town. He commented that it should be noted that the vehicle cannot be driven if it is published for a public bid. Mr. Lodato commented it may need to be towed.

#### B. Bergenfield Special Improvement District

Mayor Schmelz stated that the Borough Administrator needs an answer in order to understand what will happen with the holiday lights. He inquired if the governing body is willing to put up the \$28,000 for the lights. He explained that the offer from the BSID is that if a grant of \$28,000 is given, then it can come out of next year's budget. He further explained that the \$16,000 was moved to into their reserve account in case they need to close up, as recommended by their auditor. Mayor Schmelz stated that the next BSID board meeting will be held next Monday. He suggested that since the liaison will be there, perhaps the governing body can provide a decision to him before then.

Councilperson Amatorio stated the Council is willing to loan them the additional monies for the lights, but they would have to put the money back.

Council President Kornbluth stated that \$16,000 was already given towards the lights, only another \$12,000 would be given to them. If they need to close up, then the district can be reassessed for those funds as well.

Councilperson Marte stated the Council needs to decide what they are willing to offer and during the board meeting, he will see what the BSID is willing to accept.

Councilperson Deauna stated that if they have money in their possession, they should use that first.

Councilperson Amatorio stated that the amount was originally budgeted and was agreed on. He further explained that the Council will give them the additional money if they want to improve the lights.

Borough Attorney Schettino confirmed that the offer is that the BSID should use the \$16,000 that is already budgeted for the lights, and the Council will need give them an additional \$12,000, to be assessed in next year's budget. If need be, the Borough will include the \$16,000 to be raised in next year's budget if the BSID needs to dissolve.

#### 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. Project Labor Agreement

Councilperson Amatorio stated the Project Labor Agreement (PLA) is a proposal for the Borough to enter into an agreement in the event they pursue the building. He explained that the labor agreement will concur with the hiring of the laborers. He explained that he has communicated with

the union regarding this.

Borough Attorney Schettino stated that he reviewed the agreement. He explained that the agreement is for the trades and the laborers. He further explained that the agreement will require any contractor who is awarded a bid, to use union employees. Mr. Schettino noted that the State of New Jersey already requires contractors to pay the prevailing wage, however, this does not mean the laborers are union workers. He stated that he spoke with the attorney representing the union, and asked what were the benefits of entering into a project labor agreement. Mr. Schettino explained the three main components which are beneficial to the Borough are the following; first, union workers need to go through a training process to be skilled in their specific trade. He explained that if the contractor is not in the union, the workers may not have necessary level of experience you want for a project of this magnitude. PLA will ensure that the Borough is receiving experienced tradesmen for this project, and the project will be completed in a timely manner. Secondly, PLA guarantees the Borough priority over everyone else, and therefore will have more availability to employees. He explained that when the contractor visits the union hall to hire laborers, PLA projects will have priority. The third benefit is that in the union there are different scales of wages depending upon years of experience. Therefore, if the contractor is not under PLA, they have to pay top scale, even though the laborers may not have the same level of experience as a laborer in the union. Mr. Schettino further explained that under PLA, the contractor can offer employment to Bergenfield residents first. He stated that the County has used PLA for major projects for the past ten years, as well as several other municipalities. Mr. Schettino commented that he understands the Borough Administrator reached out to the Construction Manager to see what his experiences are in respect to PLA agreements, but in unaware of the feedback.

Mayor Schmelz stated the Borough Administrator had a conversation with the Construction Manager and who mentioned some of the concerns. Mayor Schmelz stated that the Borough Administrator has not received an official opinion.

Council President Kornbluth stated the Council should wait until the Borough Administrator gets back to hear from project manager and then go forward.

Councilperson Amatorio stated that there are examples in which towns did not utilize PLA, and so their projects cost more due to delay in construction and the hiring of unskilled workers. He commented that the quality suffered and they had to redo the projects.

Mayor Schmelz stated he met with carpenters and they told him the same story.

The governing body consensus is to hold off until the project manager and Borough Administrator can offer an opinion.

#### B. Lost Time Accident Frequency Report

Mayor Schmelz stated it is proven that when individuals that work for you know that you are watching and care about a safe environment, they will be more careful. He stated that there were only three minor accidents this year.

#### Committee/Department Reports

Motion by Council President Kornbluth that the Committee/Department Reports be spread upon the minutes in full and filed. Second by Councilperson Lodato. All in favor, none opposed.

#### VERBAL COMMUNICATIONS II

Mayor Schmelz opened the meeting to Verbal Communications II and invited the public to comment on any subject, limited to five minutes per speaker.

Mary Sullivan, resident, stated the mobile office hours for Assemblyman Tully should have been posted on the website.

Diana Flagg, resident, stated she took some pictures today of three different locations on the southern end of Washington Avenue that do not have a contractor, and put their garbage in other people's pails. She commented that he has been caught on numerous occasions, but nothing has been done about it. She further stated that there are weeds growing on the lots of new establishments. Ms. Flagg inquired if a decision was made, and if the Council was going to give BSID money for the holiday lights. She further commented that there has not been a report from the Health Inspector all year. Ms. Flagg also inquired if the new bakery has a permit for outdoor dining, since they have tables outside. She commented that there are political signs already out on Washington Avenue, and is shocked that Council President Kornbluth has a sign on Armando's window.

Mayor Schmelz inquired if the issues were reported.

Councilperson Marte explained that the Council will give the BSID an additional \$12,000 for the lights. Next year, the council will contribute \$16,000, in case the BSID decides to close up and dissolve.

Council President Kornbluth explained that the funds will be provided in a loan, and they will need to reassess the SID owners.

Jason Bergman, resident, stated there is a mouse problem at the house located at 123 Vivyan Avenue. He commented that it is currently off the market and looks abandoned.

There being no one else who wishes to be heard, Mayor Schmelz closed Verbal Communications II.

#### COUNCIL COMMENTS

The Mayor and Council thanked everyone for coming to the meeting and wished all a good night.

#### CLOSED SESSION

**RESOLUTION 19-266**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

A. Personnel

1. Police Department Personnel
2. Administration Office Personnel

B. Attorney – Client Privilege

1. Purchase of 230 N. Washington

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 8:57 p.m.

#### ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Council President Kornbluth, second by Councilperson Marte, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Marie Quinones  
Borough Clerk