

**BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING**

**8:00 p.m.
October 15, 2019**

PRESENT: Mayor Norman Schmelz and Council members Buddy Deauna, Arvin Amatorio, Hernando Rivera, and Rafael Marte

ABSENT: Council President Kornbluth and Councilperson Lodato

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

Mayor Schmelz called the meeting to order at 8:02 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

Councilperson Amatorio requested that Mr. Polandick's request to reserve Cooper's Pond meeting house and resolution to approve Mr. Field's retirement be added to the agenda.

On a motion by Councilperson Rivera, second by Councilperson Marte, and all present voting in favor, the additions are approved.

APPROVAL OF MINUTES

Motion Offered by Councilperson Rivera, Second by Councilperson Marte, to approve minutes of the September 17, 2019 Regular Meeting and September 17, 2019 Closed Session Meeting (not to be released), October 3, 2019 Work Session Meeting, and October 3, 2019 Closed Session Meeting (not to be released). All present voting in favor, no one opposed.

PRESENTATIONS

A. Recognition of Bergen United Soccer Division Champs

Mayor Schmelz recognized three soccer teams for doing a great job in the spring. Mayor Schmelz presented proclamations to the members of U9, U10, and U16 soccer teams.

Bergenfield United Soccer presented Mayor Schmelz with a shirt, for his support of the teams.

The coach of the U9 soccer team stated it is a pleasure working with this generation of kids as they work hard and follow direction. They won the championship this past week in Saddle Brook.

Coach Juan Arango thanked the Mayor and council for the recognition and the support.

Coach Jorge thanked the Mayor and Council and the parents for all their support. He expressed that this is possible due to the hard work of the coaches and the support of the parents. Coach commented that they are always with us no matter what. He hopes to continue receiving support from the community.

COUNCIL COMMENTS

Councilperson Deauna stated he was once a kid but never accomplished as much as the kids here today. He congratulated the coaches and made Bergenfield number 1.

Councilperson Amatorio congratulated the coaches, the great players on the teams, and the parents for making the sacrifice of taking their kids to every game, every practice, and to every town. Councilperson Amatorio stated these kids are the future of this community and hopefully with more hard work and support, they will create a greater community, a greater player, and a better future for our community.

Councilperson Rivera thanked everyone for their hard work and stated they are the future of Bergenfield. He stated that soccer was seen as a third-class citizen in Bergenfield six years ago, and today they are equal to other sports. He is proposing and working with the administrator to build two soccer fields at Vivyen Field. He stated that the Borough received a \$1 million grant and has applied for another \$1 million dollars for the soccer fields, so the kids can have a better place to practice and a better future.

Councilperson Marte congratulated the kids for their efforts and stated that they are the future of Bergenfield in sports. He thanked the coaches for the time they put in to lead the kids to a championship.

Mayor Schmelz thanked everyone for the shirt that was presented to him, and stated that he has had many conversations with Juan pertaining to the master plan for Vivyen Field. He also explained that the Borough received \$1 million last year, received another \$260,000 this year, and will be asking for another \$1 million. He expressed that the council would love to build the fields with lights next year. He congratulated the kids, parents, and the coaches.

On a motion by Councilperson Marte, second by Councilperson Rivera, and all present voting in favor, the meeting is recessed. The meeting reopened at 8:40 p.m.

B. Eagle Scout Project Presentation – Christopher Budiman

Christopher Budiman stated he is presenting an eagle scout service project, which is a basic memorial located at Washington School for Ms. Dorothy Lacey. He explained that Ms. Lacey worked very hard at Washington Elementary School for over 25 years, until she passed away at age of 92. He plans to begin the project on October 5th, 2019, and will take 20 weeks to 5 months to complete, weather permitting. He will need 10-15 people to complete the project, and will recruit family and troop members. He listed the materials, supplies, and tools he will need for the project. He will be requesting to borrow the tools from DPW. Mr. Budiman already reached out to the Board of Education and received authorization to work on the property. Safety precautions will be taken.

Councilperson Amatorio congratulated him on his project. He expressed that his only concern is liability.

Borough Attorney Schettino stated there is no liability to the Borough since the project will take place on school property.

Mayor Schmelz clarified that Chris is requesting to borrow tools from DPW.

Councilperson Deauna stated he was very impressed with Chris, who is concerned with the town. He is hoping the Mayor and Council can give some monetary help with the endeavor.

Councilperson Amatorio explained that Mr. Budiman is not requesting money. He is just asking to borrow tools from DPW, which everyone agreed to. He suggested that if anyone would like to donate money, it can be done privately. It would be more complicated if it came from the Borough's budget.

Motion by Councilperson Amatorio, second by Councilperson Marte to approve the eagle scout project and use of tools from DPW. All present voting in favor, none opposed.

VERBAL COMMUNICATIONS I

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

John Smith, resident, stated that the BSID decorated street lights at the crosswalks on Washington Avenue, by Clinton Avenue, are terrible. He explained that you cannot see people in the crosswalks because of the yellow lights. He commented that it should be addressed with Public Service, and expressed that they should be told to change the lights to LED lights.

Mr. Gallo stated the lights on Washington Avenue are going to be the Borough's investment and would have to pay for the fixtures.

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

Correspondence

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| A. Meneses/Mercy Church | RE: Request to have Drive-thru Prayer/Foster Street/Saturday, October 26, 2019/10:00 a.m. to 3:00 p.m. |
| B. Neira/WIC Supervisor
St. Joseph's Healthcare | RE: Request to Reserve Council Chambers for WIC Program/2 nd and 4 th Monday of every month in 2020/9:00 a.m. to 4:00 p.m. |
| C. Berkowitz/Bergenfield
Republican Club | RE: Request to Reserve Cooper's Pond/Thursday, October 17, 2019/ 6:30 p.m. to 10:00 p.m. |
| D. Polandiek/Life Scout
Life Scout Troop 1345 | RE: Request for Surplus Firefighting Equipment for
Donation for Eagle Scout Project |

On a motion by Councilperson Rivera, second by Councilperson Marte, and all present voting in favor, Correspondence Item D is tabled.

MOTION OFFERED by Councilperson Rivera, **SECOND** by Councilperson Deauna, to approve Correspondence Items A through C. 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.

B. Introduction of Ordinances

Motion that the following ordinance be introduced and passed on first reading and setting Thursday, November 7, 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.

Motion by Councilperson Amatorio that the following ordinance be introduced and passed on first reading and setting Thursday, November 7, 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 Rivera.

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

ORDINANCE 19-2558 – AN ORDINANCE AMENDING CHAPTER 282 OF THE CODE OF THE BOROUGH OF BERGENFIELD ENTITLED “TOBACCO PRODUCTS”

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

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

A. CONSENT AGENDA

CONSENT RESOLUTION 19-286. 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. **19-287/**To Pay Bills
- b. **19-288/**To Authorize Grant Application - NJ Transit Section 5310 Program for FY'2018 and FY' 2019
- c. **19-289/**To Authorize RFQ for 2020 Professionals
- d. **19-290/**To Award Bid and Approve Contract – Memorial Field Backstop and Fencing Improvements – The LandTek Group
- e. **19-291/**To Approve Retirement – DPW Supervisor – Peter Field

Motion by Councilperson Amatorio, second by Councilperson Rivera, that the Consent Resolution be approved.

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

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

UNFINISHED BUSINESS

A. Bergenfield Special Improvement District

Borough Administrator Gallo reported that the SID director has officially resigned from his position. He explained that the BSID would like to proceed with the installation of lighting. He explained that they BSID is working on improving their Budget, and no longer want to hold the Holidеals event. Instead, they are requesting to have a light parade on December 22, 2019. He explained that the one idea is to hold the event on Washington Avenue around 5:00 p.m. or 6:00 p.m. The event should be kept in the business district on Washington Avenue. Mr. Gallo stated that the BSID will need permission from the County to close the street. He further explained that the money the BSID will save from the Holidеals marketing, will enable them to do the lighting.

Mayor Schmelz stated the other idea was to start parade at Prospect Fire House, come down Clinton Avenue, make a left onto Franklin, past Church Street, and end up at Cooper’s Pond, with festivities at Cooper’s Pond.

Councilperson Amatorio expressed that having the event on Washington Avenue is a good idea, as it will encourage the businesses to decorate and put up more lights. The BSID will be saving money by forgoing the Holideals.

Motion by Councilperson Marte, second by Councilperson Rivera, to close Washington Avenue on December 22, 2019 from 4:30pm to 8:00pm. All present voting in favor, none opposed.

B. Tabled Resolutions

1. **19-277**/To Authorize Disposition of Property – 1976 American LaFrance Aerial and 1988 Hahn Pumper Fire Trucks (**Tabled 10-3-19**)

Borough Attorney Schettino stated that the Borough can provide equipment to a foreign country with diplomatic Relations with the United State without going through the public bidding/advertising process. Mr. Schettino stated they have to pay the cost to moving the vehicle. It would be the approval of the sale of the vehicle to the Dominican Republic, and the sale price is associated with the relocation or moving the vehicle from here to there. Mr. Schettino stated he will do the agreement. The value or the cost, is the cost for them to remove it. If the organization is identified as a public entity, then the Borough does not have to go through the bidding process and is allowed to establish a value, and the appraisal is not needed. However, the Borough cannot pay to have the vehicle removed.

Mayor Schmelz stated they were going to donate the pumper to the Dominican Republic and inquired if they can proceed. Mayor Schmelz inquired who would write the contract. The council is donating the vehicle and the organization will pay to move it from here.

Councilperson Amatorio stated that they should first set up the process and find out the cost of the move, as it will now be sale. Councilperson Amatorio stated when you find out whether the council can dispose of it, does it mean they are only skipping the bidding, and have to sell it or donate it to a foreign entity.

Councilperson Rivera stated the equipment can be donated with no cost, but the entity will have to pay the cost for moving it. The entity can get another organization to pay the cost to move it.

No action taken.

NEW BUSINESS

A. 2019 Best Practices

Rich Cahill, CFO, stated the best practices inventory is a series of questions the Division of Local Government Services comes up with every year. He explained that it is a self-assessment of how well the Borough is doing. There were 84 questions in the survey, 31 of them were not subject to score, but the other 53 were. You had to score at least 30 points to secure eligibility for funding from the State. The Borough scored a 39 and is able to receive all of our state aid. There is a reduction in final state aid if a municipality scored below 30.

B. Bergen County Municipal Joint Insurance Fund Lost Time Accident Frequency Report

Mayor Schmelz stated the numbers are improving. The numbers are better than in the past few years and the average number has been going down. Good job to Mr. Byrnes, who is the safety coordinator.

Committee/Department Reports

Motion offered by Councilperson Marte that the Committee/Department Reports be spread upon the minutes in full and filed. Second by Councilperson Amatorio. All in favor, none opposed.

Mr. Gallo reminded everyone that on Thursday, October 24th, a Suez will have an information session for public officials on lead in the water systems from 5:00 p.m. to 6:00 p.m. at Felician College. He commented that the session will be open to the public from 6:00 p.m. to 8:00 p.m. at the Rutherford campus.

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.

John Smith, resident, commented that at the last council meeting, the Borough Attorney and different people had stated that the planner for fair share housing should be present at the next Zoning Board meeting. Mr. Smith stated that the planner did not show up, nor did anyone from his office. Mr. Smith recommended that the planner does not get paid. He explained that the Zoning Board of Adjustment approved the application for Main Street to build the 26 units. The affordable housing set aside is going to be at 15% only. Mr. Smith stated the 40% was approved across the board for land use, but has not been made into an ordinance yet. He stated that one application was denied for Sussex Rd and Briarcliff. The application was for a six-bedroom house without a garage. They are going to reapply. He expressed that the ordinances need to be reinforced with the garages. The property on Hallberg Avenue had a three-car garage prior to the construction. The house is finished and there is no garage. The residents went to the Zoning Board and all they did was renovate the house. It puts the burden on the code official. Mr. Smith stated there is only one handicapped parking spot on Washington Avenue. Mr. Smith inquired if that is the County's responsibility. The borough should go to the County and ask for more handicapped parking spaces.

Mayor Schmelz questioned the Zoning Board enforcing ordinances the Council creates and adopts them into law. Code Enforcement has to send them to the Zoning Board, stating it does not meet the criteria. There are handicapped parking spots behind the stores.

Councilperson Amatorio stated there are medical facilities that are also asking for handicapped parking spots. He asked Mr. Gallo if they can reach out to the County to see if they are allowed to request a certain number of spots on Washington Avenue. They have to communicate officially with the County.

Fred Sahlberg, resident, directed his inquiry to Councilperson Deauna and Councilperson Amatorio, and inquired what happened to the debate at the League of Women's Voters was going to put together for them. He explained that the reason he is asked, is because the Mayor is often accused of not being transparent, and feels that citizens have a right to know. Mr. Sahlberg stated that he has been coming to the meeting for years, and never has argued or screamed at the Council. Mr. Sahlberg further stated there were two bicycles secured to the pole on Washington and Clinton Avenue and a Harley parked on the sidewalk. He commented that there was not four feet separating the bicycles and the Harley. Mr. Sahlberg stated that they need to make sure the Avenue is clear all the way around. He also inquired what the procedure is for lowering the flag. Mr. Sahlberg stated if the borough joins American flag poles, an email will be sent with notification of when the flag pole should be lowered. Mr. Sahlberg inquired who lowers and raises the flag pole. By flag etiquette, only the President can have the American flag lowered.

Councilperson Amatorio stated this is a political question and commented that it is sad that political questions are being asked during a Council meeting. He explained that the League of Women's Voters never reached out to the candidates and was never asked about the date. There was also a conflict during the Jewish holiday and one of the candidates wasn't going to be available. He expressed that there was never any communication or offer for an alternative date. Councilperson Amatorio stated that he had asked some members of the library board regarding this and they did not know about it.

Mayor Schmelz stated that all the candidates were notified by the Borough Administrator in an email. He expressed that it was never said that the democrats reneged. It was said the democrats

had a scheduling conflict. Mayor Schmelz stated he had inquired if there was another date and the librarian had said no because the library couldn't schedule another date.

Councilperson Deauna stated he respectfully declined to answer the question as this is not the appropriate venue to discuss it.

Mr. Gallo explained that notification is provided to the Police Department when the flag has to be lowered. He explained that there are instances in which the Mayor receives notification. Mr. Gallo stated in most instances DPW will lower and raise it, and the Police Department does it as well.

Mary Sullivan, resident, explained that Eagle Scouts are responsible for their entire project, including fundraising. She further explained that Eagle Scouts are not to ask for funding and must do all the work on their own. It is acceptable to borrow the tools from the DPW.

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 19-292/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Contracts/Agreements
 - 1. Police Chief Contract
 - 2. Tax Assessor Contract
 - 3. Borough Clerk Contract

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 Councilperson Amatorio, second by Councilperson Rivera, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:40 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Amatorio, second by Councilperson Rivera, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk