

**BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
8:00 P.M.
JULY 17, 2018**

PRESENT: Mayor Norman Schmelz and Council President Hernando Rivera, Council members Thomas Lodato, Buddy Deauna, Arvin Amatorio (arrived at 9:10 pm), Ora Kornbluth, and Rafael Marte (arrived at 8:15 pm)

ABSENT: No one.

ALSO PRESENT: Borough Administrator Corey Gallo
Borough Attorney John Schettino
Deputy Borough Clerk Hilda Tavitian

Mayor Schmelz called the meeting to order at 8:07 p.m. with the reading of 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. In case of an emergency, exits are to the rear and your left. Please turn off all cell phones.

The Salute to the Flag was led by Councilperson Lodato.

Agenda Changes – Borough Administrator Gallo stated State Health Insurance, a legal matter, was added to Closed Session.

Approval of Minutes

Motion by Council President Rivera, second by Councilperson Deauna, to approve minutes of the June 19, 2018 Regular Meeting, June 19, 2018 Closed Session Meeting (not to be released), and July 9, 2018 Special Meeting. All present voting in favor. None opposed.

Presentations

A. 2017 Annual Audit Report – Rich Cahill, CFO

Mr. Rich Cahill, CFO, stated there are two resolutions on the agenda. One is to accept the 2017 annual audit report and the second is to accept the corrective action plan prepared regarding the audit. The audit reflects the Borough is in great financial situation. There have been significant strides and improvements in the finance department with having only one finding in 2017 compared to having five findings and recommendations in 2016. The one finding in 2017 was an oversight related to the sanitary sewer emergency in which we neglected to pass a resolution.

Capital Improvements/Borough Engineer

Antonios, from RSC Architects, stated the milling of Washington Avenue has been completed from Teaneck to Dumont border. They started paving at the Teaneck border up to Tulip Street. The paving to be done this week weather permitting. The county is upgrading the ADA ramps on River Edge Rd, which will be completed this week and then begin on Prospect Avenue at the end of this week. There will be a few more crosswalks added to Prospect Avenue. It is being coordinated with the county and then it will be coordinated with

the police department.

Mayor Schmelz stated the concern is there isn't a crosswalk between Main Street and Clinton Avenue even though the school is right there.

Mr. Gallo stated he and the DPW superintendent walked it today and more crosswalks were added and spoke with the county engineer about it. More crosswalks were also added on the southern end. A crosswalk is needed 15-20 feet behind a bus stop so people are able to cross without the bus blocking anybody's view.

Antonios stated the Riverside Coop Project is being coordinated with a contractor to get a schedule. PSE&G will be finishing up their paving for this year.

Mr. Gallo stated there isn't anything happening with the Twin Boro Field Improvements. The state is giving a pass until next round. The plans will be presented at the next meeting. The grant calls for the development of the ball field. The Borough was awarded a \$1 million grant.

Councilperson Kornbluth stated she doesn't remember authorizing the engineer to make the plans. The \$1 million grant was awarded last year. She inquired if the other engineer was supposed to do it when the grant was originally awarded.

Mayor Schmelz stated the idea was to look at the park and get a general idea going forward. T & M was supposed to do it. They went there February 5th, 2018.

Mr. Gallo stated the other engineer provided the grant writers a cost on the potential design for the fields. The estimate was incorrect and there isn't enough funding to move the project forward.

Verbal Communications I

Mayor Schmelz opens the meeting and invites the public for comments on agenda items only and asks if anyone present wishes to be heard. Please be advised there will be a limit of five (5) minutes per speaker.

Diana Flagg, resident, stated it is hard to believe there was only one deficiency in the 2017 audit. It is time to get a new auditor since there is only one deficiency.

John Smith, resident, inquired why the engineer's report and the CFO who gave the audit report before the verbal. They should go after us since we need time to think about what was said. The engineer and CFO have left the meeting. Mr. Smith inquired if anyone checked the depth of the blacktop.

Mr. Gallo stated the Borough Engineer checked it and can even tell you the temperature of the road.

Mr. Smith stated there are big puddles at the corner of Lilac at McDonald's from the curb two feet out. There shouldn't be puddles if the road is level as they are supposed to be doing. The curbs are busted and looks beautiful but the road are going to be torn up within six months. Mr. Smith inquired if the borough attorney is going to get a new fee for revising resolution 18-225 RSC Architect Pre-Design Agreement. It costs money every time you revise the plan.

Mr. Gallo stated the plan revision is not going to impact the cost.

Mr. Smith had inquired about the cost overrun and there will be because of the recommendations being made about the additional offices, break room, and the cost of the furniture is not included in this. Mr. Smith inquired why looking for security cameras for all of the parks were not looked at together before going out to bid for security cameras. In resolution 18-227, you are now adding Hickory Park.

Mr. Gallo stated it was added because there was money available. The anticipated cost was higher for all parks to be done at the same time.

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

Correspondence

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| A. Rainey/Clean Communities | RE: Request to Reserve Memorial Park for Cleanup/Wednesday, August 15, 2018/8:00 a.m. to 1:00 p.m. |
| B. Gregory/Resident | RE: Request to Reserve Memorial Park Pavilion/Saturday, July 28, 2018/2:00 p.m. to 6:00 p.m. |
| C. Naylis/Board of Fire Officers | RE: Personnel Action Letter/July 12, 2018 |

Motion offered by Councilperson Marte, second by Council President Rivera, to approve Correspondence Item A through C. All present voting in favor, none opposed.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 18-215. 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. **18-216**/Pay Bills
- b. **18-217**/To Certify 2017 Audit
- c. **18-218**/To Approve Corrective Action Plan for Calendar Year 2017 Audit
- d. **18-219**/To Approve Raffle Applications 1336 and 1337
- e. **18-220**/To Authorize Participation in Electronic Tax Sale
- f. **18-221**/To Authorize Electronic Tax Sale – Fees for Notice of Tax Sale
- g. **18-222**/To Approve Change Order No. 1 –FY2016 CDBG Bergen Avenue Improvements – AJM Contractors
- ~~h. **18-223**/Hire Part Time Summer Recreation Counselors~~
- i. **18-224**/To Authorize Cancellation of Tax Sale Certificate #09-00028
- ~~j. **18-225**/To Amend RSC Pre-Design Agreement~~
- k. **18-226**/To Approve Green Acres Program Enabling Resolution
- l. **18-227**/To Amend Ritco Camera Systems Agreement
- m. **18-228**/To Authorize Bid – One (1) 2018 Ford F350 Regular Cab & Chassis 4X4 6.2L V-8 Gasoline 6-SPD Automatic with 9’ 2-3 Yard Dump Body
- n. **18-229**/To Approve Change Order No. 1 – Bergen County ADA Ramp Program – Remington & Vernick Engineers
- o. **18-230**/To Authorize Refund of Redemption Monies to Outside Lien Holder for TTL# 16-00008

- p. **18-231**/To Authorize Refund of Redemption Monies to Outside Lien Holder for TTL# 13-00012

Motion by Council President Rivera, second by Councilperson Kornbluth that the Consent Agenda be approved.

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

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

Motion by Councilperson Kornbluth, second by Councilperson Marte that Resolution **18-223** be approved.

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

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

Councilperson Kornbluth stated she had asked the borough engineer and the borough administrator at the last meeting, before the Pre-Design agreement was approved, if all the departments were ok with the design. They said the police department was ok with the numbers. The Police Chief hadn't even seen the plan when she spoke with the Chief. She had confirmed that with other councilmembers as well.

Mr. Gallo stated they have seen the plans. They might have not been happy about the size but the police department has been accommodated. This is just the pre-design and how it's configured is up to the police department.

Motion by Councilperson Lodato, second by Councilperson Marte that Resolution **18-225** be approved.

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

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

Unfinished Business

A. Tabled Resolutions

18-123/To Approve Contract – Municipal Court Administrator (**Tabled 4-3-18**)

No action taken.

B. Review of Zoning Designations

Borough Attorney Schettino stated that the information everyone has before them is the ordinance, which includes the recommendations from the 2005 report. He stated that there were recommendations in the 2017 report that were not included. He inquired whether the

governing body wanted to incorporate the 2017 recommendations with the 2005 recommendations, or just work off 2017. He also advised that there are several areas within the recommendations that do not provide sufficient detail from the planner. Mr. Schettino explained that the recommendations advise the Borough have impervious coverage limitations in the residential zones, but does not state what it should be. He inquired whether he should continue working on the ordinance based on recommendations that are clearly defined, or wait to receive clear input from the planner.

Mayor Schmelz stated that we should proceed on the easy items.

Mr. Schettino explained that he will include the clean items that need no clarification or further input. He inquired whether the governing body wanted to incorporate both recommendations.

Mayor Schmelz stated that if the recommendations are simple, they be included. A copy of the suggestions can be sent to everyone for input.

Mr. Schettino stated that he can have the information to everyone by the end of the week, now that he has a format.

Councilperson Kornbluth stated that on the R15 on single family residential and R6/R5 on two family residential never made sense to her because the R5 is under 6,000 sq. ft. and R6 is above 6,000 sq. ft. A larger house can be built in a 5,000 sq. ft. lot than in a 6,000 sq. ft. house, based on the information.

Mayor Schmelz recommended that the information be given to the attorney, so he can give it to the planner with any other items that need clarification. The Borough definitely would like to change Woodbine to B1.

Mr. Schettino stated that Woodbine and New Bridge will be changed to B1 zone. He further stated that he can have the information to everyone by the end of the week, he can contact the former planner for input, and have all their questions addressed. He advised that he will produce a clean draft for the next meeting, to be introduced. Once introduced, the ordinance will go to the Planning Board for review and comment. Since some of the zoning changes occur on the border of town, he will send out proper notice to the adjoining municipalities. The ordinance can essentially be adopted at the meeting that follows, and can potentially be done in 60 days.

Councilperson Kornbluth inquired what is R15. Mr. Schettino responded it is residential area with 15,000 sq. ft. She inquired why an R6 zone is 35,000 sq. ft., and stated that she does not understand why the Borough is specifying one of the Rs as only 15,000 sq. ft. She explained there are two by 40, two by 35 and one by 30. Councilperson Kornbluth inquired why the zones are not all the same.

Mr. Schettino understood from one of the comments that all the zones should be limited to the impervious coverage identified.

Councilperson Marte inquired whether all the changes have to be made before review from the planning board. Mr. Schettino explained we have to hear back from the planning board within 45 days, otherwise, they miss their opportunity to review and comment.

Mr. Schettino stated that he understands Councilperson's Kornbluth question. He stated that why all the difference in lot coverage, and if the Borough will proceed with one, which will it be? The lower or higher one?

Councilperson Lodato advised that the R6 zone would require the same front rear setbacks only for the purpose of not over building.

Mr. Schettino stated that he would include the changes as is, and then include a note to the planner, inquiring why the impervious coverage is not the same in each of the R zones. He advised that the planner's comments will be circulated, and explained that the governing body has the right to disagree with the planner. He explained that if the governing body feels that the impervious coverage should be the same in all the zones, then the changes can be made during the introduction.

Councilperson Kornbluth explained that her question is why does an R5 have 40% impervious coverage, and then an R6 has 35%. R15 is also 40%. She stated that a 50 by 120 is an R6, and a 50 by 100 is an R5. So, a 50 by 120 can have 7 ½ foot setback, to build 35% lot coverage. On a 50 by 100, you need 5 foot setback, for a 40 wide, and build a 2,000 square foot house. Councilperson Kornbluth stated that the person can build a much larger house in a smaller footprint.

Mr. Schettino explained that in reviewing the zones, it could be that the homes are closer to that type of coverage. So in other words, using 50 by 100, coverage is 35%, maybe because most of the homes that are 50 by 100 have 35% coverage. He explained that when the planner did the master plan review, he must have studied the neighborhood and noticed that the homes have that lot coverage. He further explained that smaller lots tend to have more coverage, because you want to have a certain size home, but you do not have the land, and therefore have it built a certain size. Mr. Schettino stated that in neighborhoods like R6 zones, most of the newer homes are in that size.

Councilperson Kornbluth stated that when she was on the Zoning Board, many people would come from the R6 zone to request the extra 5% lot coverage, and they would get it.

Mr. Schettino explained that when the master planner is putting together the plan, they review the activity of the board. If many people from that zone were coming before the board for variances, and were being granted the variances, than the planner would feel that the town is okay with it, and make the change.

Councilperson Kornbluth stated that is her point, there is no recommendation to make that change.

Mr. Schettino stated that he will request clarification.

Mayor Schmelz stated that the ones that are more complicated may take more time.

Mr. Schettino stated he will only include the ones that are clear cut.

Councilperson Rivera inquired whether the height for 2.5 stories is 28 feet – the highest is 28 or 30.

John Smith, resident, stated that 28.6 was approved on Rector Ct. The Zoning Board should be asked on this, not the Planning Board.

Mr. Schettino explained that legally, the town has to send it to the Planning Board, it is not a choice. The statute requires this to go before the Planning Board.

Councilperson Lodato explained that we have a Board of Adjustment so that these requests can be considered on a case to case basis. The ordinance has a lot width requirement, not lot depth requirement.

New Business

A. Introduction of Ordinances

Motion that the following ordinances be introduced and passed on first reading and setting August 21, 2018 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time in the Council Chambers of the Bergenfield Borough Hall as the place for hearing on said ordinance.

ORDINANCE 18-2529 AN ORDINANCE AMENDING CHAPTER 227 OF THE CODE OF THE BOROUGH OF BERGENFIELD ENTITLED "PEDDLING AND SOLICITING"

ORDINANCE 18-2530 AN ORDINANCE AMENDING CHAPTER 208 OF THE CODE OF THE BOROUGH OF BERGENFIELD ENTITLED "MASSAGE THERAPY"

Motion by Councilperson Kornbluth, second by Council President Rivera that ordinances 18-529 and 18-2530 be introduced.

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

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

B. Short Term Rental Property Prohibition

Borough Administrator Gallo stated that the basis for the short term rental ordinance is to address the ongoing issue that we are having in town with rentals under 30 days. The ordinance will close the gap on this issue.

Councilperson Kornbluth inquired if the ordinance is pertaining to Airbnb. It was confirmed that the ordinance will address Airbnb.

Mr. Gallo explained that is the whole basis of it. Other towns have already done this, and it is becoming more and more of an issue. As a result of citizen comments, we started researching, and there are probably 10 to 12, 15 at any time in Bergenfield that are out there.

Councilperson Kornbluth inquired whether the town can be challenged by Airbnb, and whether other towns have been challenged.

Borough Attorney Schettino stated that no other towns have been challenged because it does not restrict Airbnb, it just focuses on rentals less than 30 days. The reason its 30 days is because of tenancy, you can rent an apartment for 30 days. Under 30 days is not an

arbitrary number, it is consistent with the intent of Zoning Ordinances that the rentals are not overnight or boarding house in an apartment building. He further explained that he does not think the ordinance will be challenged, but if another town is challenged, the Borough can simply amend its ordinance and make sure we are compliant with the ruling.

Councilperson Amatorio inquired whether we received other ordinances from towns and communities to compare notes.

Mr. Schettino explained that we received the ordinances from other communities and made it into ours. He expressed that at this point, he has not seen any challenges on restriction of rentals for less than 30 days.

Councilperson Kornbluth inquired what would happen if someone wanted to build a hotel.

Mr. Schettino stated there is a Zoning Ordinance in place for that, and so they would have to comply with the ordinance. Mr. Schettino further stated that the ordinance will be prepared for introduction at the next meeting.

C. Lost Time Accident Frequency Report for the Bergen County Municipal Joint Insurance Fund

Mayor Schmelz stated that he likes to put this item on the agenda every month to show the Borough and let the employees know the governing body is watching for their safety. The Borough's rate is dropping, which is good because it means the Borough has not been involved in an accident, but there is room for improvement.

Committee/Department Reports

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

Verbal Communications II

Mayor Schmelz opens the meeting to Verbal Communications II and invites the public to comment on any subject, limited to five (minutes) per speaker.

Christine Denning, resident, stated that she and her neighbors are concerned about home on 55 E. Johnson Avenue. She stated that the home had six occupants, renovations were done with no notice, workman's cars were in my drive way. She stated there are five cars in one small drive way, and one vehicle rear is out on the curb. Ms. Denning believes there is a state regulation against this.

Borough Administrator Gallo stated that he will look into the matter, and advised that she can always contact the Police Department to address the issue.

Mayor Schmelz also stated that she can e-mail and the matter will be addressed right away.

John Gallagher and wife, residents representing the Bergenfield Little League, the 12 year olds that were selected to attend a trip to Cooperstown. He stated that on March 20th a letter was presented to the Mayor and Council seeking a donation. At the time, the governing body was enthusiastic about making a donation. He mentioned that Jerry Naylis and the Fire

Department also gave a generous donation. He further stated that John Smith had mentioned that this is a great opportunity and the Borough should donate money. Mr. Gallagher summarized the March 20th meeting minutes indicating that they should continue fundraising and return to the governing body to request a specific amount. The Bergenfield Little League has raised over \$9,000. The trip is about \$13,000 and the Bergenfield Little League has raised over \$9,000. The parents have also contributed \$200 to \$300, and the new uniforms include a Bergenfield logo to represent the town. Mr. Gallagher inquired what the next step is and whether the governing body plans to donate, because the team is leaving on July 28th.

Mayor Schmelz inquired what the shortfall is. Mr. Gallagher stated \$3,200.

Councilperson Kornbluth inquired about the amount each parent has contributed to the bus.

Mr. Gallagher stated that each parent contributed \$300 per person, but the cost does not include outside lodging.

Councilperson Kornbluth inquired whether the uniforms were \$300. Mr. Gallagher clarified that the uniforms were not \$300, but most of their monies went towards the uniforms. There were also outside expenses like pins that say Bergenfield Little League to be traded with other teams. Each child will get about 20-25 pins each. Pins cost \$850-\$900 and the uniforms were roughly \$1,300.

Councilperson Amatorio stated that he congratulates the kids for playing in this level and for receiving the opportunity to go to Cooperstown, and also congratulated the parents for supporting and encouraging the kids to participate. He stated that he fulheartedly supports the team and is very proud of them and their parents. However, he stated that he hopes the Little League understands the Council's concern for the contribution. Councilperson Amatorio asked the Borough Attorney whether the Borough can participate in this concept, and is the governing body authorized to disperse the funds for a donation.

Borough Attorney Schettino stated that he was involved with Little League where he grew up all his life as a Coach, President, and his kids played. He stated that from his personal and emotional perspective, he wishes he could provide a different answer. He advised that his legal perspective is that the governing body will face many obstacles. He noted that the budget has been adopted, and a donation was not put in the budget. Furthermore, he noted that the Bergenfield Little League does not fall under the auspices of the Recreation Department, it is a separate organization. The benefit is that the Little League is a non-profit organization, because if it was for profit, there is no way the Borough can make a contribution. However, the main concern is that if the Council gives money to one organization, next week, the soccer and football program could ask for funding. He stated that there is no legal basis to say yes to the Little League, and no to them. Mr. Schettino suggested that at the beginning of the budget process, the Borough allocate monies for all sports programs, if they are willing to do this, to avoid the question as to why one organization is receiving funding over another. Mr. Schettino clarified that the issues remain how will the governing body differentiate one organization from another, second the budget has already been adopted, and the governing body needs to make sure that if they are inclined to do this, the CFO will need to certify that the funds are available prior to allocating any amount of money.

Mayor Schmelz stated that he is confused because a few years ago, the Borough gave a similar team \$800. He advised that the donation went through the Recreation Department.

Also, UGals, as Mr. Smith stated, would receive \$4,000 to \$5,000 each year from the town, through the Recreation Department. The Recreation Department had their budget and would divvy the monies and provide them funding. This support led to the question, why charge children to participate if the town is providing the funding?

Mr. Schettino explained if the town provided the funding to the Recreation Department, they have the authority to renovate fields. Mr. Schettino stated that he is unsure whether legally, the Recreation Department should have done that. He further stated that the Recreation Department could be provided a certain amount to sponsor programs that fall under their umbrella, but do not have the authority to say, that they want to give that money to a program that falls outside of their umbrella.

Mayor Schmelz inquired that the Recreation Department umbrella does not have PAL and UGal, which is the problem.

Council President Rivera stated that he learned that in 2015, the Borough did the same thing. Mr. Gallagher explained that 2015 was the last time Bergenfield had to take the team up there. This event does not happen every year and not every team is invited.

Council President Rivera inquired what was the amount provided. Mr. Gallagher stated that he tried to research it, and on the report it only states - Bergenfield Borough Hall \$800.

Councilperson Amatorio inquired if there is a way to find out whether it was Recreation?

Mr. Schettino stated that the Recreation Committee should be able to figure that out. Most teams would join Recreation to be part of the department, under their own auspices, to be able to receive the funding. He explained that if Little League is part of Recreation, each year, Recreation can allocate a lump sum to them.

Mr. Gallagher explained that the Recreation and the Little League are becoming one, and are working together more since the Little League uses all Recreation fields. Recreation sponsors softball, but it's becoming one program.

Mr. Schettino stated that it's easy for Recreation to do it, since the Little League would keep their own identify, but fall under the jurisdiction of Recreation.

It was clarified that Little League is part of Recreation, and attends the meetings.

Mayor Schmelz stated the Borough also has a lease agreement.

Schettino inquired why did the request come to the governing body and not the Recreation Department.

Mr. Gallagher explained that when the request was considered in March, Little League was told to come back. Otherwise, they would not have wasted their time. He also inquired why the conversation did not take place in March, on whether a donation is even legal.

Borough Administrator Gallo stated that \$2,000 was put into the Little League budget line item and most of the line item has already been appropriated. Last year, it was \$500 and the lease agreement, this year it was increased to \$2,000.

Mayor Schmelz inquired if the Council decide whether they want to sponsor them and move

forward.

Councilperson Marte inquired whether the Council can approve a transfer from Recreation to the Little League.

Mr. Schettino stated that the transfer cannot be done now, it can only be done at the end of the year. He explained that the Borough can advise Recreation how much money is in their budget, and advise that if they support this trip, the budget line item will be reimbursed during the transfers in November. For example, \$2,000, assuming there is money available, a transfer can be done for the \$2,000 in November.

Councilperson Kornbluth inquired what the money has been spent on.

Mr. Gallagher inquired who the money is sent to, because he never received payment.

Mr. Gallo explained there is a line item for field work, and it has definitely been used. He further stated that the last time he checked, there was \$700 in the line item.

Mayor Schmelz inquired if there is any monies left in the Recreation trust account.

Councilperson Kornbluth suggested that the Borough Administrator or CFO check the Little League line item, to see how much money is left.

Councilperson Amatorio stated they can use whatever monies are left and their internal budget.

Mr. Schettino stated that if there is an appropriation of \$2,000, which is allocated to the Little League, then the executive call is to say that whatever monies are left will go towards this trip, and then the rest can come from the Recreation line item, and reimbursement will be done during the transfers.

Mrs. Gallagher inquired why these questions never came up in March. She stated that the Council agreed to be supportive, and asked the Little League to return for a donation. Now, this conversation takes place when Little League needs the funding.

Mr. Gallagher stated that it was Councilperson Kornbluth's suggestion to have the Little League come back with their short fall.

Council President Rivera inquired if there is money in the trust account, can the governing body move forward.

Mr. Schettino responded that if there is a certification of funds, then yes. He advised the Council to be mindful that whatever they do for one local organization, they will have to do the same for another organization. Otherwise, the Borough is opening themselves to a liability. He provided the example that if an all girls team comes up requesting a donation, and the governing body says no, they can turn around and say that the Borough denied their request because it's an all girls team. He advised that a criteria be set for donations, this way an organization can be denied for not meeting the criteria.

Mr. Gallagher inquired that since 2015, how many organizations have asked for donations for an opportunity like this. He noted that the governing body should not be concerned with other teams.

Councilperson Kornbluth stated there is no problem giving a donation, because it is a once in a lifetime experience. However, she disapproves a donation in the amount of \$2,800, because she feels that it sets a bad precedent.

Councilperson Marte stated that if this is something that has been done before, then he will approve.

Councilperson Deauna stated that if the Borough gives the donation, the Borough is opening up a can of worms to other organizations that may need funding, and the Little League should understand that.

Council President Rivera made a motion to donate \$2,000 to the Bergenfield Little League for the trip to Cooperstown.

Councilperson Kornbluth stated that she would motion to go to the Recreation Department, and see their amount of surplus to be funded, prior to approving the contribution.

Mr. Schettino stated that the motion is to endorse or support the contribution in the amount to be confirmed through the Recreation Department budget.

Mayor Schmelz stated this was never approved by the Recreation Committee, it used to be decided by the Director.

Borough Administrator Gallo stated that in fairness, we know that the money that has been allocated to the Recreation Department, will be spent. He noted that the funds will run till October and the Recreation budget will be spent.

Councilperson Amatorio stated that the Recreation Department line item will deplete what has not been spent. However, to resolve the issue, complete the transfer.

Councilperson Schettino stated that the motion is to endorse or support the contribution in the amount of \$2,000, with the understanding that the funds are certified and that the Recreation Director will prepare the purchase order. Also, the Recreation Department should put together a criteria to fund these trips.

Councilperson Rivera inquired whether another amount can be considered.

Mr. Schettino explained that the motion on the table is for \$2,000. He can motion to reconsider the amount once the donation is approved.

Motion by Councilperson Kornbluth, second by Councilperson Amatorio, to approve a donation to the Bergenfield Little League in the amount of \$2,000.

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

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

Council President Rivera made a motion that the donation be changed to \$2,800 instead of \$2,000.

Councilperson Kornbluth would like to discuss the donation, and inquired whether Little League will continue fundraising for the rest of the amount.

Mr. Gallagher stated that everyone has already contributed. He explained that the Little League ran a go fund me, received donations from restaurants, held events at Tommy Fox's and Green Spot, the Fire Department stepped up and provided a generous donation, and the Little League held several coin tosses. He noted that the Little League was asked to come back to request the donation. He also noted that 12 days is not enough time to continue fundraising.

Councilperson Korbbluth advised that one thing that was never said was that the Borough would pay the entire shortfall. She noted that the Borough is setting a bad precedent.

Motion by Council President Rivera, second by Councilperson Marte, to approve a donation in the amount of \$2,800 instead of \$2,000.

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

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

Councilperson Kornbluth stated that for the record, she would like to the Borough to receive an expense report as to how the funds are being used.

Erika Gershuni, resident, I was here over a year ago, to discuss the street crossings on New Bridge Road and Westminster. This is where the crossing guard had the accident.

Councilperson Kornbluth explained that she actually had a meeting with the County two weeks ago, the Police Chief and the Administrator were present for the meeting, and learned that many steps are being put into place. She explained that the plans include moving the crosswalk from Westminster to Surrey Lane, and installing a crosswalk sign with a button to be pressed when someone needs to cross. Councilperson Kornbluth explained that the process has been delayed because the synagogue has been doing construction, and so the County and the Borough are waiting for the final plans, and for the handicap ramps to be placed.

Ms. Gershuni stated that it has been over a year, and there should be other solutions. She advised that if the changes will happen in 2019, she suggests an interim solution. Ms. Gershuni asked whether there will be additional features other than moving the crosswalk, such as a streetlight.

Borough Administrator Gallo stated that there is a sign that will go in 2019, and the ADA ramps will be paved in 2018. He stated that the paving of the roadway will be done in 2019, then the sidewalks will be added. He mentioned that part of the issue of the flashing lights, is that they become part of the landscape.

Ms. Gershuni also inquired with regards to the new Synagogue application that went before the Zoning Board. Ms. Gershuni stated that she received no notice, and is concerned of the parking situation and foot traffic it will cause in the area.

Borough Attorney Schettino explained that if the matter is in front of zoning board, the

governing body has no authority to act on it.

Diana Flagg, resident, stated that the governing body should be aware that they cannot donate taxpayer dollars. She inquired that on the corner property of the auto repair, halfway down the street, there is a cut out. Ms. Flagg stated that she is unsure of the work that is being done, but it is weird that there is a cut out in the middle of the property, and the sidewalk is very high.

Borough Administrator Gallo stated that the sidewalk is set up for the height, and will be graded when it is paved. He explained that the County has gone out there, and the Borough inspector has been there as well. He noted that the County will not pave unless the sidewalk is ADA compliant.

Ms. Flagg inquired how much was spent at the special meeting in July.

Mr. Gallo explained that it was an emergency meeting for an emergency repair, and the number of expense was not going to exceed \$50,000.

John Smith, resident, stated that he does not want to harp on the Recreation Trust Fund, but the fund is not taxpayer money. He stated that the fund was set up to accept donations from other people, and the last count was over \$25,000. He stated that the governing body approves all other budget items, and is worried about \$2,800 donation. Mr. Smith stated that he submitted an OPRA request, and there were several restaurants without permits for seats outside, and learned that only two had their permits. He noted that the Code Official has issued summonses for high grass, parking on sidewalks, etc. However, the Borough is losing money with the businesses that have no permits or summonses. Mr. Smith stated that the Borough approved the BSID budget, rushed through the renovations for the building, but take long for other week. He explained that the tables at the restaurants are not 4 feet apart, and are in the Borough Right of Way. He stated that the ordinances need to be changed. Mr. Smith inquired if the Borough is doing away with the parking requirement in certain zoning districts.

Borough Attorney Schettino stated that the problem can deny a house of worship because of lack of parking. He explained that absence of that, it is very hard to disapprove.

Mayor Schmelz explained that there should be no parking requirements in the business district. He mentioned that is difficult to require business to have certain parking spaces for the number of seats, which is the reason the businesses leave for other towns.

Mr. Schettino explained that if the parking requirement is lifted for the business district, then it has to be done all throughout. He explained that the houses of worship would say that they are being discriminated against, because you are enforcing a parking requirement, which would not be the case if they were a business. He advised that a recommendation is to change the parking requirement from seating to square footage.

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

Council Comments

Councilperson Lodato thanked everyone for attending and wished all a good night.

Councilperson Deauna thanked everyone for attending and wished all a good night.

Councilperson Amatorio thanked everyone for attending and wished all a good night.

Councilperson Kornbluth stated that she is not against spending \$2,800 to support the Little League. She stated that she believes there should be full accounting of the money spent, and how the Little League will be using those funds. Councilperson Kornbluth noted that she fully supports the Little League, and agrees that the program should be part of the Recreation Department, but there has to be checks and balances. She stated that other teams will want to come to the governing every time they have a shortfall. She explained that the governing body needs to sit and decide what the policy will be in, and have a policy in place for the future.

Council President Rivera stated that the Borough should create a line item in the budget for these type of requests. He wished all a good night.

Councilperson Marte thanked everyone for attending and wished all a good night.

Mayor Schmelz stated that he has had conversations with the Borough Administrator, and expressed the need to look into the Recreation programs. He stated that there are times he does not know what the Little League and PAL do, because they are each their own entity. He advised that perhaps all the programs should be brought under Recreation and put it under one umbrella to create better sports programs. He further stated that if Little League is asked to break down the money spent, the Council will see that most of the funds will go to lodging. Mr. Schmelz also stated that when John Schettino sends out the zoning ordinance, everyone should review and give feedback right away. He encouraged everyone to please look into it so that the matters can be addressed.

Closed Session

RESOLUTION **18-232**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Contracts/Agreements
 - 1. PBA Local 309
- B. Negotiations
 - 1. Avalon Teaneck
- C. Legal
 - 1. State Health Insurance

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 Rivera, second by Councilperson Deauna, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 10:10 p.m.

Adjournment

There being no further business to come before the Mayor and Council, on a motion by Councilperson Marte, second by Councilperson Kornbluth, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:55 p.m.

Respectfully submitted,

Hilda Tavitian
Deputy Borough Clerk