

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
SEPTEMBER 4, 2018**

PRESENT: Mayor Norman Schmelz and Council President Hernando Rivera (arrived at 8:10 p.m.), Council members Thomas A. Lodato, Buddy Deauna, Ora Kornbluth, and Rafael Marte

ABSENT: Councilperson Arvin Amatorio

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

Mayor Schmelz called the meeting to order at 8:05 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 Deauna.

PRESENTATIONS

A. Departmental Promotions & Appointments

18-251/To Appoint Chief Financial Officer – Richard Cahill

Motion by Councilperson Kornbluth, second by Councilperson Deauna, that Resolution #18-251 be approved.

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	aye
Councilperson Deauna:	aye	Council President Rivera:	absent
Councilperson Amatorio:	absent	Councilperson Marte:	aye

18-252/To Hire Crossing Guards for 2018-2019 School Year

Motion by Councilperson Kornbluth, second by Councilperson Marte, that Resolution #18-252 be approved.

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	aye
Councilperson Deauna:	aye	Council President Rivera:	absent
Councilperson Amatorio:	absent	Councilperson Marte:	aye

18-253/To Hire Part-time Laborer – Carlos Toribio

Motion by Councilperson Marte, second by Councilperson Deauna, that Resolution #18-253 be approved.

Revised 9/19/18

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	aye
Councilperson Deauna:	aye	Council President Rivera:	absent
Councilperson Amatorio:	absent	Councilperson Marte:	aye

B. Planning Board Appointment

Mayor appoints the following to serve on the Planning Board for the following term:

Greg Polandick Alternate #2, unexpired 2-year term, term exp. 12/31/18

Mayor Schmelz stated that John Long has resigned from the position. Therefore, he appoints Greg Polandick to serve at Alternate #2.

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Robert Keady, Municipal Engineer, reported the following:

1. 2018 County AID Compliant ADA Curb Ramp Program – Contractors have been working with replacing the ramps on New Bridge Rd.
2. Bergen County Paving Program – The county contractor has completed paving of Washington Avenue, River Edge Rd and S. Prospect Avenue.
3. Riverside Coop Program – D & L is scheduled to mill Church Street on September 6th and pave on September 8th, with subject to CSX compliance. D & L Paving is scheduled to mill the dead end streets off of S. Prospect Ave September 14th and paving September 17th, 2018. D & L is scheduled to mill and pave on Sunrise Terrace on September 17th. D& L Paving is scheduled to work on Seminary Street on September 18, 2018.
4. PSE&G – T & M will coordinate with PSE&G for the work to be done on E. Clinton Ave and some of the work on Seminary Street is split between PSE&G and D& L Paving.

UNFINISHED BUSINESS

A. Municipal Building

18-254/To Approve Demolishing and Constructing New Municipal Building – RSC Architects

Motion by Councilperson Lodato, second by Councilperson Rivera, that Resolution #18-254 be approved.

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	nay
Councilperson Deauna:	aye	Council President Rivera:	aye
Councilperson Amatorio:	absent	Councilperson Marte:	aye

B. Tabled Resolutions

18-246/To Approve Schematic Design Phase – RSC Architects (Tabled 8-21-18)

On a motion by Councilperson Lodato, second by Councilperson Deauna, Resolution #18-246 was removed from the table.

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	aye
Councilperson Deauna:	aye	Council President Rivera:	aye
Councilperson Amatorio:	absent	Councilperson Marte:	aye

On a Motion by Councilperson Lodato, second by Councilperson Deauna, Resolution #18-246 is removed from the agenda.

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	aye
Councilperson Deauna:	aye	Council President Rivera:	aye
Councilperson Amatorio:	absent	Councilperson Marte:	aye

18-247/To Approve the Borough of Bergenfield Vision and Mission Statement (Tabled 8-21-18)

Councilperson Rivera inquired if anyone had any thoughts, recommendations for the mission statement.

Mayor Schmelz stated that he likes the mission statement, but the Borough needs to make sure that it is implemented and that it is adhered to by everyone.

Borough Administrator Gallo stated that a lot of this is already being done, since in his meeting with department heads, he fosters this sentiment.

Mayor Schmelz stated that he and this Council get along well, but that was not the case before. He expressed that everything has to be done in the best interest of the town, and the governing body cannot turn around and say its politics. The entire governing body, starting with himself, will need to adhere to the mission statement as well.

On a motion by Councilperson Kornbluth, second by Councilperson Rivera, Resolution #18-247 was removed from the table.

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	aye
Councilperson Deauna:	aye	Council President Rivera:	aye
Councilperson Amatorio:	absent	Councilperson Marte:	aye

On a Motion by Councilperson Rivera, second by Councilperson Deauna, Resolution #18-247 is approved.

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	aye
Councilperson Deauna:	aye	Council President Rivera:	aye
Councilperson Amatorio:	absent	Councilperson Marte:	aye

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

No action taken.

C. Adoption of Ordinances

The following ordinances published herewith were first read by title only on August 21, 2018 posted on the bulletin board of the municipal center.

ORDINANCE 18-2531 – AN ORDINANCE ESTABLISHING A “NO KNOCK LIST”

ORDINANCE 18-2533 – AN ORDINANCE ENTITLED “SHORT TERM RENTAL PROPERTY PROHIBITION”

ORDINANCE 18-2534 – AN ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “FIRE DEPARTMENT”

Councilperson Lodato requested that Ordinance 18-2534 be removed and tabled for further consideration.

On a motion by Councilperson Lodato, second by Councilperson Deauna, Ordinance 18-2534 is tabled.

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	aye
Councilperson Deauna:	aye	Council President Rivera:	aye
Councilperson Amatorio:	absent	Councilperson Marte:	aye

Public Comments on Ordinances 18-2531 and 18-2533.

Diana Flagg, resident, stated that this is on the consent resolution, meaning everyone is in agreement. She stated that it needs to be known before the meeting, make sure everyone is in agreement.

Mary Sullivan, resident, stated that the census workers should be allowed to knock on doors, it should be added to the ordinance.

Borough Attorney Schettino stated that any federal laws would supersede the ordinance.

Motion by Councilperson Marte, second by Councilperson Deauna, to pass Ordinances 18-2531 and 18-2533 on second and final reading, are hereby adopted, and notice of same shall be published according to law.

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	aye
Councilperson Deauna:	aye	Council President Rivera:	aye
Councilperson Amatorio:	absent	Councilperson Marte:	aye

D. Dog Park

Borough Administrator Gallo stated that he has been working with Councilperson Rivera and the Superintendent of DPW to find a location for the Dog Park. There is an area in Twin Boro Park, near the hockey field, which is clean and could be fenced in, and would serve as a good area for the dog park.

Councilperson Kornbluth inquired whether quotes have been received for the fence.

Mr. Gallo stated that he received quotes and all are under the bid threshold.

Mayor Schmelz inquired whether the Borough Engineer has looked into it, to ensure it fits in with the master plan.

Mr. Gallo stated that it could be modified if need be. He will include the plans and resolution approving the same for governing body consideration at the next meeting.

NEW BUSINESS

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

Mayor Schmelz stated that the governing body receives the reports, and is constantly reviewing safety in town.

B. Introduction of Ordinances

Motion by Councilperson Lodato the following ordinances be introduced and passed on first reading and setting Tuesday, September 18, 2018 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 Kornbluth.

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

18-2535 – AN ORDINANCE AMENDING CHAPTER 186 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “LAND DEVELOPMENT”

18-2536 – AN ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “POLICE DEPARTMENT”

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	aye
Councilperson Deauna:	aye	Council President Rivera:	aye
Councilperson Amatorio:	absent	Councilperson Marte:	aye

ADMINISTRATOR’S REPORT

Borough Administrator Gallo stated that the Borough is moving forward and making headway with all the road construction. He explained that there were minor issues dealing with CSX, but the work on Washington, Prospect and Main has gone very well. All the main corridors have now been completed. He advised that the issue with addressing all these roads, is that it further enhances how much other roads need to be done. Mr. Gallo explained that he has been diligently working on 2019, and would like to bond and be on a schedule to complete infrastructure repair work in the fall/winter, and complete the milling and paving in the spring/summer, prior to the start of the school year.

MAYOR & COUNCIL REPORT

Councilperson Kornbluth

stated that the Police Department has been conducting trainings for the Crossing Guards, and the Traffic Division did a great job handling all the traffic during all the construction. The Police Department is working with the schools to hire SLEOs for Middle School and High School. The BVAC has responded to 228 calls in August, which is a 20% increase from calls last year in August. The BVAC received an Ipad donated by the NJ Department of Health for the new electronic charting system. The members have been trained in legal issues relevant to EMS regarding the handling of deceased bodies at the monthly drill. OEM applied for reimbursement from FEMA for 3/7/18 Snow Storm. OEM is scheduled to attend the Emergency Management & Preparedness track of the NJ EMS Conference. They responded to working fires and coordinated response from all agencies. OEM also is working with Goosetown to obtain quotes to move radio equipment out of Borough Hall during renovation. The Recreation summer program was a great success. The Director is now working on fall sports program. The changes to the sprinkler system worked well, parents had positive feedback to the push button. The first movie night was held on Saturday, and the movie was Black Panther. There will be two more movie nights, one is to make up a rain date on Sunday, September 9th and will show Despicable Me 3. The Municipal Alliance sponsored the screens for the movie night.

Council President Rivera

No Report.

Councilperson Marte

No Report.

Councilperson Amatorio

Absent.

Councilperson Deauna

stated that the Rent Leveling Board held their meeting in August, had to cancel the upcoming meeting because many of the members are out of town. The Shade Tree Committee has been working diligently and planted 100 trees around town. The Committee is always addressing resident concerns. As mentioned, the Municipal Alliance has helped sponsor the Movie Nights.

Councilperson Lodato

stated the Planning Board received Site Plan application for the Taco Bell, but was adjourned to the September meeting because the review of the minor subdivision for 3 lots on Melrose Ave took a long time. The subdivision application was approved, even though each lot exceeds the minimum lot area requirements of the zoning code but are substandard to lot width and are in conformance with the other lots on the street, that are also slightly substandard. The applicant did some modification to their plans to minimize side yard variances to increase parking. The Fire Department responded to a fire on E. Clinton Avenue, there

was no personal injury, but the residents were displaced due to the damage.

Mayor Schmelz

stated that he attended the Filipino Festival at Overpeck Park when he received the phone call that there was an active fire in town. The Fire Department did a great job responding to the call, received help from other towns. The Movie Night was lightly attended, but the quality of the screen is very nice. He encourages everyone to attend. The Library held a Comic Con that was very well attended and was a lot of fun. The superheroes that put together the lemonade stand was helping to raise money for the Paramus Veterans home.

CORRESPONDENCE

- | | |
|---|---|
| A. Peters/Resident | RE: Block Party Request on Ford Court/Saturday, September 8, 2018/3:00 p.m. to 10:00 p.m. (Rain Date: 9/15/18) |
| B. Stenberg/Calvary Church | RE: Block Party Request on Arlington Avenue/Sunday, September 9, 2018/12:30 p.m. to 4:30 p.m. |
| C. Rev. Lee/Church of the Good Shepherd | RE: Outdoor Worship/Picnic/Sunday, September 16, 2018/9:00 a.m. to 4:00 p.m. |

Motion by Councilperson Kornbluth, second by Councilperson Marte, and all members present voting in favor, to approve Correspondence Items A through C.

PUBLIC COMMENT

Dave Sappleton, resident, stated that in the area of west central, there is a brook that has a lot of vegetative growth. He asked if the Borough can please clean out the brook before there is a flash flood.

Mayor Schmelz and Borough Administrator Gallo explained that unfortunately the Borough cannot clean out the brook. Permission has to be provided by the NJDEP. The Borough is working with the County to receive the necessary approvals from the State to clean the area.

John Smith, resident, stated that he asked the Borough Architects whether they are going to charge the Borough more money for the redesign of the new building, and they said no. Mr. Smith stated that in regards to the mission statement, everyone should adhere to it, including the Planning Board. He expressed that the governing body and the Planning Board need to start listening to the residents. Mr. Smith inquired why gym equipment is being purchased.

Christopher Naylis, Chief of the Fire Department, stated the fire department responded to over 500 calls year to date. There was a 3 alarm fire on E. Clinton Avenue over the weekend. The fire department assisted the Teaneck fire department, providing them an engine and fire truck. They assisted a child's foot that was stuck in a bicycle. The membership continues to train every week. They are approaching their busy seasons, with the holidays, there are more fire alarms and carbon monoxide alarms going off in people's homes. They encourage residents to call the fire department if their alarm goes off or if they have any questions.

Mary Sullivan, resident, stated that there is a brook behind her house, in which the kids like to climb into, and sometimes are stuck. Ms. Sullivan also thanked the Mayor and Council for approving the ordinance on the short term rental properties, as she believes it promotes safety and fairness.

Member of the Volunteer Fire Department, stated that when there is a house alarm, everyone should call 9-1-1. He stated that he sometimes receives phone calls at the fire house, and unfortunately, he cannot dispatch. For any emergencies, always call 9-1-1.

Diana Flagg, resident, stated that she has inquired whether the Borough will pass an ordinance on marijuana, since it will be legalized in the State. Ms. Flagg also inquired whether pool halls are allowed in town. She expressed that she has made several complaints for signs being put out all throughout the town in the Borough right of ways. Ms. Flagg noted that at the previous meeting, she questioned Councilperson Lodato with regards to his tax appeal. She further inquired who did the appraisal for the home since it was done incorrectly. She asked whether Appraisal Systems or the Tax Assessor put the wrong information on the property tax card.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 18-255. 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. **18-256/**To Pay Bills
- b. **18-257/**To Approve Tax Appeal Settlement – 162 Bergen Avenue
- c. **18-258/**To Approve Tax Appeal Settlement - 1 Marcotte Lane
- d. **18-259/**To Approve Tax Appeal Settlement – 69 Kuggas Place
- e. **18-260/**To Approve Tax Appeal Settlement – 32 Whitman Street
- f. **18-261/**To Approve Tax Appeal Settlement – 26 Lincoln Avenue
- g. **18-262/**To Approve Proposal – Survey and Elevation Certificate Preparation for Municipal Buildings - T & M Associates
- h. **18-263/**To Approve Change Order No. 1 – FY ‘ 2015 & 2016 NJDOT Trust Fund Resurfacing of Woodbine Street (Sections 2 & 3), South Front Street (Sections 2 & 3) & North Front Street – J.A. Alexander, Inc.
- i. **18-264/**To Approve Pay Certificate No. 3 - FY ‘ 2015 & 2016 NJDOT Trust Fund Resurfacing of Woodbine Street (Sections 2 & 3), South Front Street (Sections 2 & 3) & North Front Street – J.A. Alexander, Inc.
- j. **18-265/**To Accept Two (2) Year Maintenance Bond - FY ‘ 2015 & 2016 NJDOT Trust Fund Resurfacing of Woodbine Street (Sections 2 & 3), South Front Street (Sections 2 & 3) & North Front Street – J.A. Alexander, Inc.
- k. **18-266/**To Approve Shared Service Agreement – SLEO III – Bergenfield Board of Education
- l. **18-267/**To Approve Tax Refund – 40-42 Harcourt Avenue

Motion by Councilperson Kornbluth, second by Councilperson Marte, to approve the Consent Resolution.

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	aye
Councilperson Deauna:	aye	Councilperson Rivera:	aye
Council President Amatorio:	absent	Councilperson Marte:	aye

COUNCIL COMMENTS

Councilmembers Kornbluth, Marte, Deauna, and Lodato thanked all for attending and wished all a good night.

Councilperson Rivera stated that pool halls are permitted in town since 1997, and are approved by ordinance 2210.

Mayor Schmelz stated that the Mayor and Council listen to the residents. He noted that the Attorney John Smith made reference to, was the Attorney for the resident submitting the plans.

CLOSED SESSION

RESOLUTION **18-268**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

A. Contracts/Agreements

1. PBA Local 309

B. Legal

1. NAACP Consent Decree

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 Kornbluth, second by Council President Rivera and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:18 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, second by Councilperson Deauna and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:01 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk