

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
NOVEMBER 8, 2018**

PRESENT: Mayor Norman Schmelz, Council members Thomas A. Lodato, Buddy Deauna, Arvin Amatorio and Ora Kornbluth

ABSENT: Council President Hernando Rivera and Council member Rafael Marte

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

Mayor Schmelz called the meeting to order at 8:03 p.m. with the reading of the Open Public Meetings Act Statement, "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. Meeting dates for the year are confirmed at the Annual Meeting. The Annual Notice is sent to the Record, Star Ledger, Twin Boro News, and Cablevision, placed on two Municipal Bulletin Boards and is on file in the Office of the Borough Clerk."

The Salute to the Flag was led by Councilperson Lodato.

PRESENTATIONS

A. Fire Prevention Week – Poster Contest Winners

Kevin Cook thanked everyone for being at the meeting. There were 6 winners from the poster contest that were presented with \$50 gift cards and most of them were already given a ride to school in the fire truck. The theme of the contest was "Look, learn, listen".

Councilperson Lodato congratulated the individuals that participated in the poster contest and thanked the members of the fire department for promoting the event.

Councilperson Deauna congratulated the participants who were imaginative at their tender age that was inspired by the fire department.

Councilperson Amatorio applauded the fire department for having this activity to help kids get more involved and to be aware of what is necessary for the safety of the community and home. He congratulated all of the participants, especially the winners for using their creativity in expressing themselves.

Councilperson Kornbluth thanked the fire department for bringing awareness to the different schools and congratulated the participants in using their talents.

Mayor Schmelz stated he is proud of the children in being involved in the town and to their parents for getting them involved. He thanked the fire department. It's always important to know two ways to escape when there's a fire.

B. Department Hires

18-315/To Hire Full-time Career Firefighter – Nicholas Garofano

Motion by Councilperson Amatorio, second by Councilperson Lodato, that Resolution #18-315 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>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

Oath of office was administered by Councilperson Lodato.

Councilperson Lodato welcomed Firefighter Garofano to Bergenfield and wished him a long, safe career with the Bergenfield Fire Department.

Councilperson Deauna welcomed Firefighter Garofano to Bergenfield and told him he has joined the finest men of Bergen County with an energetic Chief Naylis

Councilperson Amatorio congratulated Firefighter Garofano and wished him a long, healthy, and safe career.

Councilperson Kornbluth welcomed Firefighter Garofano to Bergenfield and wished him a long, safe career in Bergenfield.

Mayor Schmelz congratulated Firefighter Garofano and welcomed him aboard.

18-316/To Hire Crossing Guards

Motion by Councilperson Deauna, second by Councilperson Lodato, that Resolution #18-316 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>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

On a motion by Councilperson Kornbluth and second by Councilperson Amatorio, the meeting was recessed. The meeting was reopened at 8:25 p.m.

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Rob Keady, T & M Associates, stated the 2018 county ADA ramp program is substantially complete and the punch list has been issued to the contractor. The Riverside Coop program is substantially complete and the punch list was also sent to the contractor. The PSE&G paving is also complete. Mr. Keady stated when a project is complete, it will put on paper, then cleared off for the next month and then just the active projects will be seen.

UNFINISHED BUSINESS

A. Quasquicentennial Committee

Mayor Schmelz stated Mr. Berger was supposed to do a presentation, but is not here tonight.

A. Tabled Resolution

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

Motion by Councilperson Lodato, second by Councilperson Deauna, to remove Resolution #18-123 from the table.

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>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

Motion by Councilperson Amatorio, second by Deauna, that Resolution #18-123 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>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

B. Tabled Ordinance

ORDINANCE 18-2534 – AN ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “FIRE DEPARTMENT” (Tabled 9-4-18)

Motion by Councilperson Lodato, second by Councilperson Kornbluth, that Ordinance #18-2534 be removed from the table.

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>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

Motion by Councilperson Lodato that the following ordinance be introduced and passed on first reading and setting December 4, 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 Deauna.

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

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

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>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

NEW BUSINESS

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

Mayor Schmelz stated they have been sending out the Lost Time report to let everyone know they

are serious about safety in Bergenfield and we were lucky to get a dividend for the Borough's safety record.

B. Best Practices Inventory

Richard Cahill, Bergenfield CFO, explained the Best Practices Inventory Report is a series of questions the Division of Local Government comes up with each year. It's an evaluation of the practices done at the Borough. The Borough is required to answer each of the questions and then is provided with a score. Based on the score, they determine whether the Borough will receive all of the allocated state aid for the calendar year. The Borough has a passing score and is entitled to all of the state aid for the current year.

Borough Administrator Gallo stated the Best Practice survey is an overview, snapshot, to ensure we are conducting the initiatives, such as shared services, making sure we're using best practices with purchasing, in compliance with accounting requirements, and have tightened up everything.

C. Veteran's Advisory Committee Appointment

Mayor recommends and nominates the following to serve on the Veterans Advisory Committee for a one-year term, unexpired term, expiring December 31, 2018.

Fred Sahlberg

On a motion by Councilperson Amatorio, second by Councilperson Lodato, and all present voting in favor, the nomination is confirmed.

ADMINISTRATOR'S REPORT

Borough Administrator Gallo stated that Veteran's Day ceremony will be this Sunday, November 11th at 11:00 am at Borough Hall. All are welcome. The disabled Veteran's Committee is hosting a ceremony at the Old South Church on November 11th at 2:00 pm. They are honoring Edward Anderson. The Board of Education will have a ceremony on Monday, November 12th at 12:45 pm at the high school. Mr. Gallo stated that the work for the area for the dog park has begun. The area designated at Twin Boro Park has been cleaned and the numbers for the fence were finalized today. They will be awarded at the next meeting. The pricing went up because the dimensions and the size are different. The food crawl and Trunk or Treat went very well. There were no incidents reported. The storeowners were extremely pleased with the turnout during the day as well as the carry-over from the event itself for the restaurants. It was a positive experience and there should be some data analytics from the social marketing that was done by the SID for the next meeting.

MAYOR & COUNCIL REPORT

Councilperson Lodato

stated he does not have a report but the Trunk or Treat event was very successful.

Councilperson Deauna

congratulated Michael Merlo, Chairman of Municipal Alliance, for receiving a one-time increase of \$3,552 for the fiscal year 2018-2019 from the County Alliance Committee because of involvement in the entire community. The Rent Leveling Board did not meet because there wasn't a quorum. The Shade Tree Committee will not remove a healthy tree even if it is requested by a resident. There were 3 tree removals approved

due to the trees dying. There were requests for trees to be trimmed. There were 16 new requests. There has been a request from the committee for additional man power as they are short-handed.

Councilperson Amatorio

stated that the Zoning Board met last Monday. Landmark requested an extension for additional six months which was declined. The Board of Education will have a Veterans celebration on Monday. The Veterans Committee will have a celebration on Sunday at 11:00 am. Nelson Reynoso and Lupe Ruiz-Catala will be joining the Board of Education next year. He congratulated the police and fire departments for joining the Halloween celebration and for making the parents and their kids a lot safer. A great job was done with the coordination of all the departments to make sure the event was successful.

Councilperson Kornbluth

stated that the Recreation Committee worked on the Halloween parade and the Trunk or Treat, which were both successful. The BVAC went on 129 calls in October and 1,926 calls year to date. OEM set up a meeting with the houses of worship and thanked the police and sheriff's department, after what happened in Pittsburgh for dispatching more police officers to keep the houses of worship protected.

Mayor Schmelz

stated the Trunk or Treat was a huge success. The Halloween parade at Coopers Pond was a lot of fun. The DPW did a great job in putting down planks by the water. Some parents decorated the swamp. The avenue was packed and the restaurants were all full. The owner from the school of dance was excited to have new people sign up for lessons. Stigma free has an event at the high school on Thursday. He encourages everyone to go. It is a free seminar to educate people in town.

PUBLIC COMMENT

George Lahood, resident, stated he is a local minister that lives in the senior housing building managed by the Housing Authority of Bergen County. He noted that the management has no respect for the people living there. He explained that he has an order against a man who wanted to harm him, and the county claims they have the right to lower the charges. Mr. Lahood stated there are women who are threatening his life. He indicated that he requested protection from the Police Department, but they didn't do anything when he called them. Mr. Lahood inquired that if he were to show the order to the Police Department, would they be able to execute the order and arrest the man that is threatening him.

Borough Attorney Schettino reviewed Mr. Lahood's paperwork, and explained that it is not an order, but a complaint that was issued. Mr. Schettino stated that the complaint refers to a no contract order dated December 2017. Mr. Schettino stated that the police department should look into the matter and determine which complaints are outstanding. He further stated that the police department should let Mr. Lahood know the status of the complaints, and advise they are in order and in effect.

John Smith, resident, stated the tables were supposed to be taken off Washington Avenue and Church Street and the tables are still there. He stated he will file a complaint against the business owner and the governing body if the tables are still there tomorrow. The governing body is not enforcing and upholding the borough ordinances. Mr. Smith stated he sent a couple of council members an email indicating that a member of the VFW Post is being honored by another borough with a Medal of Honor winner. It will be tomorrow at 11:00 am in the Tenafly Park.

Francene Oprihory, resident of Upper Saddle River, stated she is a medical technician, and stated that the first cones for a detour should be placed at least 80 feet back in traffic. The cones yesterday at the intersection of New Bridge Rd and Prospect were placed too close to the detour and she almost hit the police officer there. There isn't an ample amount of time to stop. She requested that her message be relayed to the person who will be putting the cones up tomorrow.

Robert Beyea, resident, stated that Alert Fire Company had a lengthy discussion at their company meeting Tuesday night, and they do not understand why there is a rush to push Ordinance #18-2534 through, when the ordinance hasn't been discussed on a department level. He advised that a letter was sent explaining their opposition, but no Board of Fire Officers meeting was held. He explained that it is not up to them, but up to the entire department.

Fred Sahlberg, resident, stated he couldn't hear what Mr. Lahood said. Mr. Sahlberg stated he heard fear and concern by listening to his voice. No one in Bergenfield should feel that someone is going to intimidate him and is sure the police department will find out if it is warrantless or not.

Jason Lanzilotti, representative from Fire Company #2, wanted to echo Robert Beyea and stated that the members of Fire Co. #2 also had a meeting. He noted that they are in favor of some things proposed in Ordinance #18-2534, but is also opposed to some other points. There should be further review and discussion. Mr. Lanzilotti said that there is no reason to rush the ordinance and requested that it be withdrawn.

Jerry Naylis, president of Prospect Fire Co. #1, stated that the ordinance that will be considered at the next meeting has been under discussion and review for over 5 years. He explained that every item in the ordinance was discussed. Mr. Naylis stated that this is the time to move forward and further explained that there are components in the existing ordinance that do not comply with state law and need to be changed. He urged the governing body to move forward and pass the ordinance.

Ed Saracino, member of the Alert Fire Co., stated that they have been looking at the ordinance for the past 5 years and rushing through it doesn't matter as much as looking at the facts. The Chief has worked hard in formulating a lot of the information for the ordinance. He explained that there are about 5% of the changes that the fire company does not agree with. He indicated that there wasn't a quorum to conduct business at the board meeting, and that the entire fire department needs to have input. Mr. Saracino requested the ordinance be tabled until the entire fire department can discuss it, as they are willing to work with the Chief.

Christopher Naylis, Fire Chief, stated there were some facts to what was previously stated by members and also some inconsistencies. There is no rush as the ordinance has been looked at in the past five years. Due to ineffective leadership within the Bergenfield Fire Department, information does not get disseminated on a timely basis. There was a quorum at the meeting, but he chose to have an informal discussion about the ordinance with the officers of the fire

department. Chief Naylis stated that certain positions should be based on training and knowledge. In 2005, there was a catastrophe and the Chief was ill equipped. He requested that the ordinance be passed at the next reading.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 18-317. 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. **18-318**/To Pay Bills
- b. **18-319**/To Approve Raffle Application 1342
- c. **18-320**/To Approve Transfer of Appropriations
- d. **18-321**/To Amend Resolution #17-355 – Electronic Recyclers International, Inc.
- e. **18-322**/To Authorize Tax Refund – Veteran’s Tax Exemption – 86 Madison Avenue.
- f. **18-323**/To Approve Rules and Regulations – Bergenfield Police Department

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

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>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

COUNCIL COMMENTS

Councilperson Lodato thanked the residents for casting their votes in favor of him and Councilperson Rivera. It is a pleasure to serve and looking forward to the next three years. He commended the Mayor on his campaign. He attended the last fire department meeting and there was only one item that was addressed which was this ordinance. He thought it was agreed that the various members would go back to each company to discuss further. The proposed ordinance changes have been requested and considered for years and this ordinance was on the agenda and tabled. Everyone had notice. Perhaps the last changes, whether 5% or more, should be discussed before final adoption.

Councilperson Deauna congratulated all the candidates for the past election. It was a well done campaign with friendly competition. He congratulated Councilperson Rivera and Councilperson Lodato.

Councilperson Amatorio congratulated Councilperson Lodato, Councilperson Rivera, and Mayor Schmelz for a good campaign. He agrees with Councilperson Lodato in there being time to hammer out any issues there are with the fire department ordinance. The fire department should work together to come up with an agreement before the next meeting and need to be done properly.

Councilperson Kornbluth congratulated Councilperson Lodato and Rivera on their win and for their campaign. Councilperson Kornbluth stated they look to the fire department for their leadership to guide the governing body. The ordinance was on the table for months and there was no response. It would be silly to delay it when there are safety concerns.

Mayor Schmelz congratulated Councilperson Lodato and Rivera. He stated they love the fire department and hope they can work things out and are all one unit. He would like to see the ordinance finished by the end of the year.

CLOSED SESSION

RESOLUTION **18-325**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Attorney-Client Privilege
 - 1. Tax Office Personnel Matter
 - 2. Police Department Litigation Matter Update

- B. Collective Bargaining/Agreements
 - 1. P.B.A. Local 309 Agreement
 - 2. DPW Superintendent Agreement
 - 3. Borough Administrator Agreement

- C. Contracts/Agreements
 - 1. Update on Municipal Building Construction

- D. Personnel
 - 1. Building Department Personnel Matter

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 reopen the public meeting.

On a motion by Councilperson Kornbluth, second by Councilperson Amatorio and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:27 p.m.

On a motion by Councilperson Kornbluth, second by Councilperson Deauna and all present voting in favor, the meeting was reopened to the public meeting at 10:12 p.m. in the Executive Chambers.

18-324/To Hire Temporary Building Inspector – Anthony Ambrogio

Motion by Councilperson Amatorio, second by Councilperson Deauna, that Resolution #18-324 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>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

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 10:15 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk