

BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
8:00 p.m.
December 18, 2018

PRESENT: Mayor Norman Schmelz, Council members Buddy Deauna, Arvin Amatorio (arrived at 8:09 pm), Ora Kornbluth, and Rafael Marte

ABSENT: Council President Hernando Rivera and Council member Thomas Lodato

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 Kornbluth.

AGENDA CHANGES

None.

APPROVAL OF MINUTES

MOTION OFFERED by Councilperson Kornbluth, **SECOND** by Councilperson Marte, to approve minutes of the October 16, 2018 Regular Meeting, October 16, 2018 Closed Session Meeting (not to be released), November 8, 2018 Work Session Meeting, and November 8, 2018 Closed Session Meeting (not to be released), December 4, 2018 Work Session Meeting, and December 4, 2018 Closed Session Meeting (not to be released). All present voting in favor, none opposed.

PRESENTATIONS

A. Proclamation – Public Health Nurse of the Year – Patricia August

Mayor Schmelz presented the proclamation and flowers to Patricia August.

Patricia thanked everyone. She stated it's been an honor and privilege to work here and be able to do all the outreach programs to create an environment where everybody can be healthy. She thanked the New Jersey Local Board's public health and the New Jersey Public Health Nurse administrators for choosing her for the award. She thanked the universities in Northern New Jersey and New York City for reaching out to Bergenfield for internships. Bergenfield has done a very good job in keeping people healthy with the support of the Mayor and Council, the health officer and the wonderful people she works with. Patricia stated she appreciates the ongoing support.

B. Presentations by Resident Diana Flagg

Ms. Diana Flagg made a presentation to Ryan Cunningham and Police Officer Gregory Slater. The two men helped Ms. Flagg on November 6th to find her little rescue dog that had ran off. She thanked them for going above and beyond in helping her.

Ryan Cunningham thanked Ms. Flagg and stated he felt overwhelmed. He stated he and his co-workers would be willing to help any resident in any situation. He thanked everyone for supporting the DPW.

Police Officer Slater thanked Ms. Flagg also. There was no call for this but is appreciated.

Councilperson Deauna commended Ms. Flagg for recognizing the two men that helped her. He thanked Ms. August for all of her efforts.

Councilperson Amatorio congratulated Ms. August for her award. She deserves it for serving the community for a long time with such dedication and passion. He understands the sacrifice nurses make as he is married to a nurse. He congratulated the police officer and DPW for helping the residents. It is inspiring to see our kids here with the community coming together.

Councilperson Kornbluth congratulated Patricia for the well-deserved honor and is great to see her being recognized by others as they have at Bergenfield known how great she is. She thanked Patricia for going above and beyond in helping with different committees and the school. She thanked police officer Slater and Ryan for going above and beyond in helping a resident.

Councilperson Marte congratulated and thanked Patricia for her hard work and dedication to the community and to the health department. He thanked the brave ones that bond and keep us together. He thanked the children for being here. This has been one of the best occasions while being on the council in seeing so many families and people come together.

Mayor Schmelz congratulated Patricia and stated they all know how much she does. It was very nice of Diana Flagg to recognize the DPW and the police. He congratulated and thanked both of the guys that helped Diana Flagg.

Borough Administrator Corey Gallo stated a few months ago a resolution was implemented regarding the conduct and standards expected of employees. This epitomizes the standards that the governing body set forth and it is examples like this that does happen but is not always seen in public. He appreciates the award Diana Flagg presented and it sets the tone of what happens almost every day.

C. Proclamations - Little League Softball

Mayor Schmelz stated Little League started the girl's softball team a few years ago. This is the 12U girls' champions. They played against two other Bergenfield teams and other towns in the county.

Mayor Schmelz read the proclamation into the record.

One of the coaches stated it is her second year coaching and the team is amazing, hardworking, played well together, and did whatever they were told to do. They will do the same thing next year.

Mayor Schmelz stated the all-star Little League team plays other towns in the same district. Mayor Schmelz stated it wasn't an easy trip for the District 4 girls going around to other towns and practicing every day for a week or two. It is the first banner in town for the Little League girl's softball and a big honor.

Mayor Schmelz read the proclamation into the record.

Coach Stapleton thanked the Mayor and Council for the honor of recognizing the girls for their achievement. There was great team chemistry and a lot of fun. He recognized Maryann Canino for her help during the district tournament, thanked the league president, Kevin Barlow and the parents for all of their support.

D. Proclamations - Little League Baseball

Mayor Schmelz read the proclamation for the Little League boys baseball 11U team into the record.

He congratulated the Little League boys baseball 11U team for winning the NEBUS League fall championship.

One of the coaches stated at the last game the team was losing 12-3 in the bottom of the fourth inning and these kids did great in coming back to win it 13-12. He thanked all of the other coaches.

Mayor Schmelz read the proclamation for the Little League boys baseball 12U team into the record.

Mayor Schmelz congratulated the team for winning the New Jersey Suburban Spring Championship and stated the team had also gone to Cooper's Town.

John Gallagher stated the team played in the spring, went 7-3 in the regular season, beat Hillsdale 10-1, and beat a club team in the finals. Three weeks prior, the same club team had beat Bergenfield 19-1. He is so proud of the kids, their families for their commitment, and the coaches for their support. He thanked the Mayor and council for their support, the Bergenfield fire department and anyone in town that made donations for the team to go to Cooper's Town. They team came in fifth place out of sixteen teams at Cooper's Town.

Mayor Schmelz read the proclamation for the Little League boys baseball 13U team into the record.

Mayor Schmelz stated it is incredible to see five teams here and to recognize all of the kids. Mayor Schmelz congratulated the Little League boys 13U team for winning the North Jersey youth baseball league fall championship.

The coach thanked the parents for bringing the kids and a round of applause for the parents. He recognized a few of the 14U players as they did not have enough 13U players. He thanked the recreation department for funding the umpires and the league fees and the Bergenfield recreation team. The kids made a very good adjustment to moving up to a level where the pros are playing.

Motion by Councilperson Kornbluth, second by Councilperson Amatorio to recess for five minutes. The meeting was reopened at 9:01 pm.

E. Department Hires & Appointments

18-343/To Hire Per Diem Crossing Guard – Edgar Munoz

Motion by Councilperson Kornbluth, second by Councilperson Marte, that Resolution #18-343 be approved.

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

Councilperson Lodato:	<i>absent</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>aye</i>

18-344/To Appoint OEM Coordinator – Ryan Shell

Motion by Councilperson Kornbluth, second by Councilperson Deauna, that Resolution #18-344 be approved.

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

Councilperson Lodato:	<i>absent</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>aye</i>

VERBAL COMMUNICATIONS I

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

John Smith, resident, stated the volunteer dinner was well organized and well done by the administrator and Karen Glass.

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

Correspondence

A. Eaches/Bergenfield Garden Club

RE: Request to Reserve Cooper's Pond for monthly meetings for Calendar Year 2019

B. August/Public Health Nurse

RE: Request to Reserve Council Chambers in 2019 for WIC Program

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

A. CONSENT AGENDA

CONSENT RESOLUTION 18-345. 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. **18-346**/To Pay Bills
- b. **18-347**/To Schedule 2019 Reorganization Meeting (*Borough Clerk*)
- c. **18-348**/To Authorize Cancellation of Prior Year Outstanding Checks (*CFO*)
- d. **18-349**/To Approve Capital Cancellation (*CFO*)
- e. **18-350**/To Approve Transfer of Appropriations (*CFO*)
- f. **18-351**/To Approve 2019 Fixed Equipment Service Agreement – Goosetown Communications (*Borough Administrator*)
- g. **18-352**/To Approve 2019 Mobile and Portable Equipment Service Agreement – Goosetown Communications (*Borough Administrator*)
- h. **18-353**/To Approve Pay Certificate No. 5 Final – 2017 Inflow and Infiltration Sanitary Infrastructure Repairs – North American Pipeline Services, LLC (*Borough Administrator*)
- i. **18-354**/To Approve Maintenance Bond and Release Performance Guarantee – 2017 Inflow and Infiltration Sanitary Infrastructure Repairs – North American Pipeline Services, LLC (*Borough Administrator*)
- j. **18-355**/To Approve Agreement – Alcohol and Drug Abuse Testing – Valley Medical Group (*Borough Administrator*)
- k. **18-356**/To Approve Shared Services Agreement - TV Inspection – Bergen County Utilities Authority (*Borough Administrator*)
- l. **18-357**/To Approve Shared Services Agreement - Sanitary Sewer Cleaning – Bergen County Utilities Authority (*Borough Administrator*)
- m. **18-358**/To Accept Resignation – Department of Public Works Laborer (*Borough Administrator*)

- n. **18-359**/To Approve Grant Agreement – The Recycling Partnership Grant (*Borough Administrator*)
- o. **18-360**/To Approve Raffle Application 1344 (*Borough Clerk*)

Motion by Councilperson Kornbluth, second by Councilperson Marte, 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>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Council President Rivera:	<i>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

UNFINISHED BUSINESS

A. Adoption of Ordinances

The following ordinances published herewith were first read by title only on December 4, 2018 and posted on the bulletin board of the municipal center.

ORDINANCE 18-2537 – AN ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “POLICE DEPARTMENT”

ORDINANCE 18-2538 – AN ORDINANCE AMENDING CHAPTER 157 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “FIRE PREVENTION”

Public Comments on Ordinances 18-2537 and 18-2538.

No one came forward.

Motion by Councilperson Marte, **Second by** Councilperson Kornbluth, to pass Ordinance 18-2537 and 18-2538 on second and final reading and is hereby adopted and notice of same shall be published according to law.

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

Councilperson Lodato:	<i>absent</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>aye</i>

NEW BUSINESS

A. 293 Murray Hill Parking

Mayor Schmelz stated everyone knows there’s a problem with the parking there and had brought the issue up at the Freeholder’s meeting to see if the county would pave it. The grass area is owned by the town and if the council would consider letting the county pave the land. He stated he would rather have the county do it and then worry about the maintenance.

Councilperson Amatorio inquired if the property would be given away to the county and how big the property is. The borough can maintain ownership of the property and just have the county help with getting the area paved. They should collaborate on the use of the property, not giving up ownership.

Councilperson Kornbluth stated they should speak with the county first to figure out the details and logistics before it's paved. Councilperson Kornbluth stated there may be a way to lease the property to the county.

Councilperson Deauna stated the borough can get the area paved rather than giving up the property to the county.

Mayor Schmelz stated the county understands there's an issue there as some of the seniors are not attending the programs due to getting tickets. He stated he will reach out to the county.

B. Sidewalks on South Side of New Bridge Rd

Mayor Schmelz stated there are no sidewalks on the south side of New Bridge Rd and people have to walk in the street or on sloped ground. He stated it is dangerous and doesn't know if there is money in the budget or look into it for future consideration. It's from Cameron Rd and down.

Mr. Gallo stated its west of the temple heading down the hill towards New Milford.

Mayor Schmelz stated the police told him that the county will never approve a crosswalk that doesn't go to a sidewalk.

Councilperson Amatorio stated the county's responsibility is from curb to curb. The sidewalk, even though it's a county road, is always the responsibility of the town.

Mr. Schettino stated the sidewalk is the responsibility of the property owner unless the town has an ordinance that takes responsibility for the sidewalk. The town could complete a special assessment that would raise the homeowner's taxes or apply for a community development grant and use the money to put sidewalks in.

Councilperson Amatorio stated they should first find out how much it would cost and what the assessment to the homeowner would be.

Mayor Schmelz stated it's a dangerous situation with kids running across the street that is a busy road. It's from Surrey to Cameron Rd.

Mr. Gallo stated they can start the process by getting a cost estimate for the area next year.

Mr. Schettino stated the special assessment is only for the homeowners that do not have sidewalks.

C. Draft Overlay Ordinances

Mr. Schettino stated the details should be discussed in closed session. They are trying to bring the housing obligation to a conclusion. As part of any settlement, the borough has to adopt all the overlay ordinances to address the affordable housing obligation. The main component is Foster Village which allow for addition of apartments on the second floor. Another possibility would be demolishing the building and build a new center. The recommendations originated with the borough planner with input from the special master appointed by the court. The governing body has to approve it. Mr. Schettino requested everyone to look at the draft ordinances closely and he will either try to answer any questions the governing body has or bring in the planner. Any developer would have to contribute money to a fund for new construction or use for rehabilitation (replace roof, heating system). There is a restriction for a certain amount of time where they have to rent for eligible renters. It's a worthwhile program if residents take advantage. Someone from municipality is assigned to manage the funds. Mr. Schettino stated the governing body needs to let him know at the next council meeting (sine die meeting). The only difference is the density and how much more density.

Committee/Department Reports

Motion offered by Councilperson Kornbluth 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 opened the meeting to Verbal Communications II and invited the public to comment on any subject, limited to five minutes per speaker.

Michelle Morris, resident, stated she had a bad ordeal with the Bergenfield construction department. In June, she was denied a permit to build a 12 x12 porch by Harry due to the amount of property already built upon. She stated they never built on the property in the 21 years they lived there. She did receive any call backs or response when she inquired how she can get a porch built. She was given paperwork to fill out which was old and was never heard. She stated there was so much incompetence in the office, a lack of communication and mismanagement when one person is not there. She stated she is supposed to go back in January and doesn't understand how the office is operating if one person is not there.

Mr. Gallo confirmed that she was told she had to go to the zoning board since there wasn't enough coverage.

Ms. Morris stated she had the 18 pieces of paperwork to submit to the zoning board along with a copy of the certified letter that was sent to the neighbors. She came back a second time with a check for \$3,000 since she was originally told it would cost \$1,500. The return receipt was already in the package but the zoning board never received the information and she was on the zoning board agenda to be heard. It is very aggravating to go through all this. It is poor delegation that only one person in the department knows what needs to be done.

Mr. Gallo stated it is the first time he is hearing about this and needs to speak with the staff to find out where the disconnect is.

John Smith, resident, stated this person appeared before the zoning board for the first time this month. She was supposed to be heard in November according to the paperwork given to us. It was never put on the November agenda so the Zoning Board couldn't hear it and wasn't put on the December agenda. Harry has to give notice as to what goes on the Zoning Board agenda. The maximum lot coverage approved by the Zoning Board is 50% and her application is going to be back dated to December. The council needs to approve her application. She doesn't need the variance.

Councilperson Amatorio stated that the notice lapsed and she has to do it again. She was promised by the board that she would be on the January agenda.

Mayor Schmelz stated it shouldn't be put towards the Zoning Board at all.

Mr. Gallo stated there are personnel issues and will deal with it tomorrow.

Mr. Schettino stated if someone comes into the building department with an application, they should be told by the building department not to advertise until the application is complete.

Mr. Smith inquired about the pedestrian signs for Washington Avenue and why there are pedestrian signs on Prospect Avenue when it was paved after Washington Avenue. Mr. Smith suggested they spray paint like it is on Prospect Avenue.

Mr. Gallo stated the county told him the signs in writing were already there. The borough is buying them through the COOP. They were ordered and are on backorder.

Diana Flagg, resident, reminded everyone that they need to RICE employees when discussing them. Ms. Flagg inquired why all of the handicapped crosswalk slow down boxes are not all red. There were two that were not spray painted.

Mr. Gallo stated certain ones are black because they have to be ADA compliant and be a contrasting color different than red.

Ms. Flagg inquired about the signage ordinance in town and if political signs are to be removed ten days after the election. Ms. Flagg inquired why the billboard still has the vote for county executive sign up. Ms. Flagg suggested the governing body give a report of the classes they attended at the League of Municipalities during their closing statements.

Councilperson Kornbluth inquired if the billboards are part of the sign ordinance.

Mary Sullivan, resident, inquired how many of the residents with no sidewalks complained. Ms. Sullivan suggested all of the residents with no sidewalks should be asked how they feel as they will be affected by parking, assessment, insurance, etc. She questioned why the taxpayers have to pay for it. Ms. Sullivan stated the borough did a beautiful job decorating the tree in the lobby.

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

COUNCIL COMMENTS

Councilperson Deauna wished everyone a good night and a Merry Christmas.

Councilperson Amatorio thanked everyone for coming and wished everyone a Merry Christmas.

Councilperson Kornbluth thanked everyone and wished everyone a Merry Christmas and a happy new year.

Councilperson Marte thanked everyone for coming and to have a Merry Christmas.

Mayor Schmelz stated he attended a class and saved the borough \$250 in insurance. He thanked everyone for coming.

CLOSED SESSION

RESOLUTION **18-361**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

A. Personnel

1. Administrative Personnel Updates

B. Attorney-Client Privilege

1. Boards and Committees Matters

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 Councilperson Amatorio, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:55 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Marte, second by Councilperson Amatorio, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:39 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk