

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
MARCH 5, 2019**

PRESENT: Mayor Norman Schmelz and Council President Ora Kornbluth, Council members Thomas A. Lodato, Buddy Deauna, Hernando Rivera (7:43 p.m.), and Rafael Marte

ABSENT: No one.

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

Mayor Schmelz called the meeting to order at 7:30 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 Amatorio.

CLOSED SESSION I

RESOLUTION 19-091/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Contracts/Agreements
 - 1. RSC Architects Proposal

Motion Offered by Councilperson Lodato, Second by Council President Kornbluth and all present voting in favor, the meeting was adjourned to the Closed Session in Executive Chambers.

RETURN TO OPEN SESSION

Motion Offered by Council President Kornbluth, Second by Councilperson Lodato and all present voting in favor, the meeting was returned to the Open Session in the Executive Council Chambers.

PRESENTATIONS

- A. Environmental Committee Presentation

Cristina Bontia, resident of Tenafly and science teacher at Transfiguration Academy, stated she started an environmental club with middle school students at Transfiguration Academy. They had come up the idea of creating a pollinator garden in Bergenfield. It would beautify the community and to bring awareness to students for educational purposes. Students have researched the species of the plants and what the cost would be.

Niharika Nath, resident, biologist and a member of the Environmental Committee, stated Coopers Pond is a great place and location to start. There was an existing vineyard that is not currently being used. This is educational, brings awareness and could grow further where more students in the community can be involved. Other students from other high school schools are welcome. Ms. Nath stated they are looking to start planting the garden May 15th. They will have volunteers during the summer and fall to help maintain the garden.

Barry Doll, Environmental Committee member, stated there's \$500 in the environmental committee's budget. Mr. Doll stated the program will be open to all students.

Mayor Schmelz inquired if the governing body wants to give access to the garden for the project and if the Environmental Committee is willing to help fund it.

Councilperson Amatorio stated it's not just a matter of funding, but also the use of government property and government funds. He inquired if government funds can be used to fund a private project for a private organization.

Mayor Schmelz inquired what happened to the grapevines as they are gone.

Mr. Doll stated no one has been attending to the grape vines for months and noted that this would be an Environmental Committee project. It is not a Transfiguration Academy project. The Environmental Committee is a committee of the town. Mr. Doll stated it would be better if individuals with expertise explained the project to the governing body.

Borough Attorney John Schettino stated that the project would be acceptable if it is an Environmental Committee's project and the committee is retaining the services on a volunteer basis.

Ms. Nath stated that she had spoken with Barry Doll about a project because it is local, handable, and educates children. The only science teacher she knew that taught students at a middle school level was at Transfiguration Academy.

Councilperson Amatorio inquired how other students from Bergenfield would be able to join and participate.

Ms. Bontia stated that the students do the research and have the enrichment program in school during school hours. She is open to having other students.

Mr. Schettino stated it is a problem if you have a limited time and place in which only Transfiguration Academy students can participate in.

Councilperson Amatorio stated it has to be removed from making it a private activity, because then it will open it up for every private entity to seek money from any committee in Bergenfield.

Borough Administrator Gallo stated all students would be able to participate if the activity takes place after school hours or on a Saturday and includes more entities.

Mr. Schettino stated the conditions would be that it is the Environmental Committee's project and it has to be held at a time and location for all the children in the community to be able to participate.

Council President Kornbluth stated they can't approve it without the specific details and a proper proposal.

Mayor Schmelz stated they should come back in two weeks with an updated proposal with specific details on how the program is open to everyone.

Mr. Schettino stated they would be covered because it's a town sponsored activity if it's under the Environmental Committee.

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER
A. Engineering & Inspection Status Reports

Paul Cray, from Remington & Vernick, stated the 2019 road program project is mostly funded by the NJDOT. In the meantime, they are working with DPW on checking the scope of the sewers, since the roads will involve more than just paving. Mr. Cray stated that the video was completed and will be reviewing the tapes and reporting back to the governing body. He stated that the NJDOT will need to receive all the paperwork prior to going out to bid.

ORDINANCES

A. Adoption of Ordinances

The following ordinances published herewith were first read by title only on February 19, 2019 and posted on the bulletin board of the municipal center.

ORDINANCE 19-2541 – AN ORDINANCE ENTITLED “VACATING AND TERMINATION OF SANITARY SEWER EASEMENT”

ORDINANCE 19-2542 – AN ORDINANCE ENTITLED “CREATION OF UTILITY EASEMENT FOR MAINTAINING DRAINAGE AND WATER STRUCTURES”

Public comments on Ordinances 19-2541 and 19-2542.

No one came forward.

Motion by Councilperson Rivera, second by Council President Kornbluth, to pass Ordinances 19-2541 and 19-2542 on second and final reading and 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:	<i>aye</i>	Council President Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

B. Introduction of Ordinances

Mayor Schmelz stated that the ordinance pertaining to solid waste indicates that the cans should be placed on the curb by 6:00 p.m. He suggested that the time be changed to 2:00 p.m. on Sundays, to give residents the opportunity to place the can on the curb after they're done mowing their lawns.

Borough Administrator Gallo stated that the purpose for the ordinance is to make the changes that were made to garbage collection, to recycling collection.

Borough Attorney Schettino stated that the Council needs to motion to make the change to the ordinance.

On a motion by Council President Kornbluth, Second by Councilperson Marte, and all present voting in favor, the time in the ordinance is changed from 6:00 p.m. to 2:00 p.m. on Sundays. No one opposed.

Motion by Councilperson Amatorio that the following ordinances be introduced and passed on first reading and setting Tuesday, March 19, 2019 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Council Chambers of the Bergenfield Borough Hall as the place for a hearing on said ordinances. Second by Council President Kornbluth.

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

ORDINANCE 19-2543 – AN ORDINANCE AMENDING CHAPTER 223 OF THE CODE OF THE BOROUGH OF BERGENFIELD ENTITLED, “PARKS AND PLAYGROUNDS”

ORDINANCE 19-2544 – AN ORDINANCE ON AMENDING CHAPTER 266 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “SOLID WASTE” AS AMENDED

ORDINANCE 19-2545 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

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

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

UNFINISHED BUSINESS

A. Tabled Resolution

1. 19-088/To Approve Proposal – RSC Architects (Tabled 2-19-19)

Motion by Councilperson Amatorio, second by Councilperson Rivera, and all present voting in favor, Resolution #19-088 is removed from the table.

Motion by Councilperson Rivera, second by Councilperson Lodato, that Resolution #19-088 be approved.

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

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

B. 2019 Bergenfield Special Improvement District Budget (Discussed 2-19-19)

1. Public comments on BSID 2019 Budget

John Smith, resident, stated they are going to come back again and they haven't shown any improvement.

Fred Sahlberg, resident, stated he disagrees with John Smith and that the BSID budget should be approved. Mr. Sahlberg stated they have been open and honest. The liaison should report back to the governing body on their progress. Hopefully, if it's not approved, you have someone to replace them.

Ray Gorman, resident, read from the Bergenfield mission statement “the borough creates an environment that fosters a partnership between its government and local businesses”. Mr. Gorman stated last year the director had asked the governing body if they had any issues and there were no comments. In December, during the budget hearing, comments were requested of the governing body and there were no comments again. Councilperson Marte nor any other councilmember commented about any concerns with the BSID. The concerns you have now should have been addressed at every work session prior to today.

Council President Kornbluth stated she has brought up her issues publicly during many meetings.

Councilperson Amatorio stated that the concerns have been brought up at meetings when the matter is on the agenda. He has also reached out to board members outside of the council meetings.

Councilperson Marte stated that he is the liaison for the BSID and that there is always a disagreement towards the end as the council expects changes and progress. He shares that information with the board and has inquired how progress is measured. The council is trying to work together with the BSID to bring it to another level. Councilperson Marte stated that he is waiting for the board to report something different.

Mayor Schmelz stated that it is disrespectful to the business owners that run this, the borough administrator, and himself since they all sit on that board. The business owners can come and talk at any of the meetings since they are open to the public. He stated that few business owners have come to the board and there was not alot of discussion or suggestions. Council President Kornbluth and Councilperson Lodato has been against the BSID for a long time. The council can't judge the BSID on things when you aren't giving them the money for.

Councilperson Deauna stated the BSID was created for the purpose of improving the business district. He suggested that the Chamber of Commerce be resurrected. The businesses would contribute their fees. He hates to see people getting a salary on the BSID.

Mayor Schmelz stated that by ordinance, there are certain things that need to be completed by someone who needs to be paid.

Diana Flagg, resident, inquired what the alternative would be to the BSID. The Christmas decorations on the avenue should be included in the budget. The economic development district means every homeowner will be taxed to fix up stores on the avenue, and residents should not have to pay for that. The council should have questioned the BSID budget back in December.

Joseph Shade, resident, stated he goes to every BSID meeting and has only seen a council liaison at the BSID meeting only once in the past year and a half.

Tom O'Reilly, BSID member, stated he has had conversations with Council President Kornbluth and Councilperson Amatorio this past weekend. The BSID does take the spending of the money seriously and the upcoming budget is a projection that may not be spent, but needs the ability to do that.

Stuart Koperweis, Executive Director of BSID, stated that in the last two years, \$187,000 was spent, of which \$182,000 was the assessment. The BSID had carried over funds and expended the funds due to lack of approval for budgets in prior years. The BSID had to increase that assessment to match the spending in 2017 and 2018. The budget of \$162,000 has been the norm for past twenty years. It has come to our attention, the council would like the budget reduced to \$144,000, which results in a \$43,000 increase and a 12% decrease over the past twenty years. He stated that the BSID has increased their expenditures and programming. This is a partnership that requires communication, trust, and the ability for each individual to act responsibly and understand they are working together for the betterment of the population of Bergenfield. The retail environment is changing drastically. More and more improvement districts are being adopted to create an environment of investment and growth.

On a motion by Council President Kornbluth, Second by Councilperson Amatorio, and all present voting in favor, the public hearing on the BSID budget is closed.

Council President Kornbluth stated that the Council has a counter budget to offer for the BSID from \$197,000 to \$144,000.

2. **Resolution 19-089**/To Adopt the 2019 Budget of the Bergenfield Special Improvement District as amended

Motion by Council President Kornbluth, second by Councilperson Marte, that Resolution #19-089 be adopted to approve the \$144,000 BSID Budget as amended and set forth on the worksheet.

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

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

Borough Attorney Schettino clarified that that BSID budget does not pass. He explained that the BSID budget needs four (4) votes in the affirmative. Otherwise, a vote is required to abolish the BSID.

On a motion by Councilperson Amatorio, Second by Council President Kornbluth, and all present voting in favor, the BSID budget will be reconsidered.

Borough Attorney Schettino stated that a motion and a roll call is needed for the reconsideration to vote on the budget. He clarified that Councilperson Lodato cannot vote.

Borough Administrator Gallo stated it cost about \$25,000-30,000 to shut down the BSID. He stated that the BSID has no funds available. Mr. Gallo explained that two audits were needed to close out 2018 and 2019, even though they did business for a month. He further explained that attorneys need be hired to close the corporation down.

Motion by Councilperson Amatorio, Second by Council President Kornbluth, to reconsider the BSID budget.

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

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

Council President Kornbluth stated she has been voting against the BSID since the beginning and she still has some issues. She expressed that she felt this budget is a compromise to cut a lot of the administrative costs.

Councilperson Amatorio stated that every year is a struggle to approve this budget because of the excess in the budget. He expressed that the council's concern was the amount that goes to the administration. The council doesn't want taxpayers to take the bill.

Councilperson Marte stated he is in favor of the BSID and his position is still yes.

Councilperson Deauna stated he has been voting in favor of the BSID for the past two years. He wants to do the right thing.

Motion by Council President Kornbluth, Second by Councilperson Amatorio, to adopt and approve the \$144,000 BSID Budget as amended and set forth on the worksheet.

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

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

Borough Administrator Gallo stated the BSID has no funds and needs their first quarter assessment. Mr. Gallo inquired if the BSID budget is approved, if the governing body will approve giving funds from the borough funds and then be reimbursed and to do this tonight.

Borough Attorney stated it needs to be done by resolution.

Stuart Koperweis stated he received a letter today in anticipation of the first quarter assessment. He will sign the purchase order.

Council President Kornbluth inquired what will happen if the BSID board does not accept the council's offer.

Mr. Koperweis stated his suggestion to the BSID board will be to accept the funding because they have obligations to the programs that will be starting in the spring.

Borough Administrator Gallo stated that the BSID needs to vote on their end, whether or not they approve the changes. He also explained that the BSID needs their 1st quarter assessment in order to use their funds to pay bills. Therefore, he requested that approval be given to issue a purchase order and authorize payment.

Motion by Councilperson Marte, Second by Councilperson Deauna, to authorize payment to the BSID for their first quarter assessment.

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

Councilperson Lodato: *recuse* Council President Kornbluth: *aye*
Councilperson Deauna: *aye* Councilperson Rivera: *aye*
Councilperson Amatorio: *aye* Councilperson Marte: *aye*

NEW BUSINESS

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

Mayor Schmelz stated that it is still not going in a positive direction, but hopefully will be better this year. He doesn't know if there was anything in January and February.

B. Girls Scouts Silver Star Project

Mayor Schmelz stated he met with two girl scouts earlier and they are looking to do their Silver Star project. They want to save the geese at Coopers Pond and would like a sign put up showing geese crossing. They would like to present at next council meeting.

C. 2019 Municipal Budget

19-092/To Introduce Municipal Budget for Calendar Year 2019 and Advertise Public Hearing to be held on April 2, 2019

Motion by Councilperson Amatorio, second by Council President Kornbluth, that Resolution #19-092 be approved.

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



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

D. 2019 Temporary Capital Budget

19-093/ To Approve 2019 Temporary Capital Budget

Motion by Councilperson Marte, second by Councilperson Rivera, that Resolution #19-093 be approved.

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

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

E. Introduction of Bond Ordinance

Motion by Councilperson Rivera that the following ordinance be introduced and passed on first reading and setting Tuesday, March 19, 2019 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Executive Chambers of the Bergenfield Borough Hall as the place for a hearing on said ordinance. Second by Councilperson Deauna.

BOND ORDINANCE 19-2546 - BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF BERGENFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,700,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

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

ADMINISTRATOR'S REPORT

Borough Administrator Gallo stated that \$1,783,000 will be used for road work, not including grant money, CDBG and DOT money. There is also open space money that will be utilized to replace the fencing at Memorial Park. The roads that will be done this year are W. Central Ave, Froehlich, Van Houten, Irving Place, Demott, Annex, Highview and East Englewood Avenue depending on funding. There were two changes made by the zoning board. The first was changing the zoning code to reflect that pavers would no longer be considered 100% impervious. The board decided the pavers should be considered 50% impervious. The second change the zoning board is requesting eliminating the requirements that homeowners in the R-5 district that have more than 5,000 sq. ft. lot must adhere to the R-6 requirements. The board felt that the old requirements were outdated. The board is looking for the Mayor and Council to move forward with these.

Borough Attorney Schettino stated if the Mayor and Council are in favor, either the planning board needs to review the changes or the Council can propose an ordinance and send it to the planning board for comment. It will be quicker to do it by ordinance. The zoning ordinance has a percentage of what is permissible of impervious coverage. The impervious coverage is what you can't build on. The size of the homes will be reduced if the impervious coverage is reduced.

John Smith, resident, stated the Council can listen to the tape for the reasons the board is requesting the changes. Residents are using the pavers to get around the variances. Water is not going into the ground and is running off the pavers into the road.

Mr. Gallo stated that the St. Patrick's Day parade is this weekend. The ceremony starts at 1:00 pm at Roy Brown Middle School. A meeting will be held on Thursday to finalize all the details. He explained that he has been in touch with the county to get the snow removed from the road. The recycling program will be starting April 1st, 2019. The garbage cans will be delivered in the next two weeks to homes with information on the program. There is information on the website and a video will be uploaded to the website for guidance and education on recycling. The trucks are coming in next Tuesday. The Fire Department will be inspecting their trucks next week. They are looking at July 6th as the date for their traditional Fire Wet Down. There was a meeting held today regarding the April 7th Government day. The different departments had discussed what they will be doing on April 7th. There will be some food trucks to make it a more festive event.

MAYOR & COUNCIL REPORT

Council President Kornbluth

stated DPW has done a great job clearing the roads during the storms. OEM opened the emergency operations center for the 3/3/19 snow storm. There weren't any major incidents. The BVAC had 340 total calls year to date. Members were recertified in CPR. A crew member saved a patient who was having a severe allergic reaction with an epi pen that BVAC carries. BVAC spends approximately \$3,000 annually to keep this medicine stocked. The recreation department has been meeting with the 125th anniversary committee. They set dates for safety courses at Rutgers for coaches. They are working on the Easter egg hunt and family fun day. Winter sports are coming to an end and spring sports are in the process of being started.

Councilperson Rivera

No report.

Councilperson Marte

stated the Board of Education met on February 11th to discuss the assessment of asbestos in the building and to discuss the playgrounds that will be supplemented by state funds at Franklin and Hoover schools.

Councilperson Amatorio

stated the Zoning Board met last night. The engineer was changed to Pennoni Engineering Firm. They retained the attorney, Ron Mondello and changed the clerk to Hilda Tavitian who works for the borough. The board voted to keep the synagogue with the Zoning Board. There is a Rent Leveling Board meeting scheduled for tomorrow. There are still vacancies on this board.

Councilperson Deauna

stated the Barrier Free committee met on February 19th but was unable to attend as I was away. The Shade Tree committee met yesterday. Aspen contracting accidentally cut down two borough trees in which Jules Orkin is asking for \$5,000. Contractor is willing to \$2,500. There will be another meeting tomorrow to discuss with committee members who were not there. They will give me an update of the results.

Councilperson Lodato

stated the Planning Board meeting was cancelled this month as there weren't any pending applications. The Fire Department training is ongoing. The Library Board meeting is next week. He requested again that the sign ordinance be amended. Old signs need to be removed when businesses close.

Councilperson Amatorio stated Ohr Ha Torah is seeking variances.

Mr. Smith stated the zoning officer rejected the application. Ohr Ha Torah wanted to go to the planning board. The issue is with the skylight. The zoning board is more qualified to look at it than the planning board.

Mr. Gallo stated the height of the building and the coverage of the skylight exceeds the 38 feet and that's why it is going before the zoning board.

Mayor Schmelz

stated he attended the Riverkeeper volunteer dinner and presented proclamations to volunteers of the year. He attended the Elks Charity Ball in Garfield and the library meeting. There was a press conference in Ridgefield Park to protest the gas generating plant they are trying to build in North Bergen that will pollute the air. The Challenger League program at their Valentine's Day dance at the Elks. Troop 180 had their pasta dinner for the scouts at Firehouse #2. They once again discussed the budget at the SID meeting. The grand marshal and aids were sworn in for the St. Patrick's Day parade this Sunday at the Bergen Irish dinner. Mr. Neats and Joe Verga were honored. The Go Bergenfield 125th anniversary committee met to discuss the April 7th event and family fun day. The Mayor's dinner was the other night where they learned about energy and phone audit consultants. He attended the Greenway Event in Demarest this afternoon and met with the two girl scouts and their leaders to discuss their Silver Star project.

CORRESPONDENCE

A. Baby/St. Mary's Syriac Orthodox Church

RE: Request to Reserve Borough Parking Spots/Saturday, April 6, 2019/9:00 a.m. to 5:00 p.m.

Motion by Councilperson Amatorio, second by Councilperson Marte, and all members present voting in favor, to accept Correspondence Item A.

PUBLIC COMMENTS

Mayor Schmelz opened the meeting and invited the public to comment on any subject, limited to five minutes per speaker.

Dr. Nelson Reynoso stated he is a board member of the Board of Education and is the council liaison. He is also on the Board of the library. He stated he is looking forward to working with everyone.

Mayor Schmelz stated he is also the Vice Chair of the library committee.

John Smith, resident, stated there already is a pothole on the corner of Main Street and Washington Avenue between Payless and the Metro cell phone place. People are still getting splashed by water at the bus stop while waiting for the bus. Mr. Smith inquired if the signs are still on backorder. Mr. Smith inquired why they are not recycling at Roy W. Brown, but residents are forced to do it. He didn't get the letter regarding his complaint against the zoning board until this morning. He had said he had lied and the council is stating they were misstatements. This letter was supposed to be read and discussed at the zoning board meeting last night but wasn't. Mr. Smith inquired if it's the law for the board not being required to utilize the fair and open process in regards to RFQ's.

Borough Attorney Schettino stated the board does not have to follow the fair and open process. The RFQ process is not legally required. Professional appointments are exempt under the statute. You can make appointments under the exception to the public bidding law. What was incorrect was that they stated they didn't have it. The chairman can't make a unilateral decision. It has to be brought to the full board and the board makes the decision whether to utilize the RFQ process. Mayor Schmelz stated an alternate can't vote, but can be involved in the discussion.

Mary Sullivan, resident, stated the zoning board minutes have been sorely lacking and hope they will be more accurate with Hilda. There are complaints that people are paving stone their entire yards and turning the whole neighborhood into cement. 50% of impervious coverage is a good compromise. Ms. Sullivan stated they should consult with DPW prior to changing the time garbage pails can be put out, since the street sweepers are out there during that time. Ms. Sullivan felt a sign for geese crossing is not needed.

Barry Doll, resident, complimented John Smith on the zoning board for representing the residents and making good points. He is happy to see a zero increase in the budget. Mr. Doll stated the playground was approved and hopefully it will be done by May. He is going to go to Chris Tully and tell him about the environmental project presented tonight so all students can be involved with it and ask for money.

Fred Sahlberg, resident, stated the street sweeper has to go around the cars on the street. You can't put a garbage can out if you have two cars. Mr. Sahlberg suggested the council should have a meeting in private if there are problems with the zoning board members.

Diana Flagg, resident, inquired if the flag salute is in the wrong place on the agenda and commented that it's always done with the public. Ms. Flagg stated the public used to vote on the Board of Education budget and this has been taken away from them. Ms. Flagg inquired how come when contractors come to town, water and utility companies, there aren't any policemen. Ms. Flagg inquired if the town is getting any money from the Avalon apartments in Teaneck. Ms. Flagg inquired about where the iPads for the council members are. She inquired about the signage in the store windows on Washington. Some people are covering more than 25% of the glass. Ms. Flagg

inquired about the debacle with the police department and the raffle tickets are. Ms. Flagg stated Seminary was paved in October and it was ripped up twice already.

Borough Administrator Gallo stated they are going to correct everything they touched. It's all in the bid. That is why New Bridge Rd is going to be paved in the spring. They are waiting for that to be finished.

Ms. Flagg also inquired how the Police Department was able to hold the raffle, and inquired if anyone knew about it.

Mr. Gallo stated the PBA never submitted a raffle application to the borough. No one had any knowledge of it.

Ray Gorman, resident, stated the borough should do something to control the geese population at Coopers Pond. They mess the field at Franklin school and then the kids go out and play in it.

Mr. Gallo stated they are looking at another measure, a yellow light that strobes that doesn't allow them to land. The borough has to take down trees that are dying, put sprinklers back in and re-sod the park, but can't because of the geese. The borough has been trying to address it.

Police Deputy Chief Massey stated the PBA and the Police Department are two separate entities. The PBA is a union and the Police Department is under the borough. The PBA made an error in judgement and did not do their research. They were notified by the state police and the prosecutor's office that they were unable to raffle off guns, and so the PBA made arrangements to refund the money and apologized to the public. The police administration was not aware of the raffle until earlier in the week.

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

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 19-094. All matters listed below are considered by the Governing Body to be routine in nature. There will be no separate discussion of these items. If any discussion is desired by the Governing Body, that item will be removed from the Consent Agenda and considered separately.

- a. **19-095**/To Pay Bills
- b. **19-096**/To Approve Bingo Application 180
- c. **19-097**/To Rescind Resolution 19-077
- d. **19-098**/To Adopt By-Laws – Municipal Alliance Committee
- e. **19-099**/To Approve Public Defender Contract – Kristopher Beralo, Esq.
- f. **19-100**/To Approve Alt. Public Defender Contract – Steven Sciancalepore, Esq.
- g. **19-101**/To Approve Tax Refunds - 15 McKinley Place, 202 Marcotte Lane, 106 Cameron Road, and 4 Gordon Road

Motion by Council President Kornbluth, second by Councilperson Deauna, to approve the Consent Resolution.

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

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

B. Resolutions

19-102/To Hire Per Diem Nurse – Liesl Forames

Motion by Councilperson Deauna, second by Councilperson Marte, that Resolution #19-102 be approved.

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

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

19-103/To Certify Compliance with the EEOC Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 and sign Group Affidavit (CFO)

Motion by Council President Kornbluth, second by Councilperson Lodato, that Resolution #19-103 be approved.

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

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

19-104/To Approve Hire – Full-time Telecommunicator – Andre Astudillo

Motion by Councilperson Rivera, second by Council President Kornbluth, that Resolution #19-104 be approved.

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

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

COUNCIL COMMENTS

The Mayor and Council thanked all for coming and wished all a good night.

CLOSED SESSION

RESOLUTION **19-105/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:**

- A. Contracts/Agreements
 - 1. Borough Administrator Contract

Minutes will be taken of the meeting and released to the public at the time that the matter is resolved. After Closed Executive Session, the Mayor and Council will reconvene in the Executive Chambers to adjourn this public meeting.

On a motion by Councilperson Lodato, second by Councilperson Deauna and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 10:35 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Amatorio, second by Councilperson Deauna, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:11 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk