

**BOROUGH OF BERGENFIELD**  
**MAYOR & COUNCIL REGULAR MEETING**  
**7:00 p.m.**  
**January 16, 2018**

PRESENT: Mayor Norman Schmelz and Council President Arvin Amatorio (7:05 p.m.), Council members Thomas Lodato, Buddy Deauna, Ora Kornbluth, and Rafael Marte

ABSENT: Councilmember Hernando Rivera

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

Mayor Schmelz called the meeting to order at 7:00 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. Notice of this meeting by the Friday, January 12, 2017 Sunshine Notice has been sent to the Record, Star Ledger, Twin Boro News and Cablevision and posted on two municipal bulletin boards."

CLOSED SESSION I

**Resolution 18-020**/Authorizing the Governing Body to Enter into Closed Session to discuss:

- A. Contracts
  - 1. Borough Engineers

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 Council Chamber to resume the Regular Public Meeting.

On a motion by Councilperson Kornbluth, second by Councilperson Deauna, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 7:02 p.m.

On a motion by Councilperson Kornbluth, second by Councilperson Lodato, and all present voting in favor, the meeting returned to open session at 8:12 p.m.

The Salute to the Flag was led by Councilperson Lodato.

AGENDA CHANGES

Borough Administrator requested that Resolution #18-041 be removed from the agenda.

APPROVAL OF MINUTES

Motion by Council President Amatorio, second by Councilperson Deauna, to approve minutes of the January 1, 2018 Sine Die 2017 Meeting and January 1, 2018 Reorganization Meeting. All members present voting in favor, none opposed.

PRESENTATIONS

## A. Recognitions in honor of Borough Retirees – Robert Kirsch and David Volpe

Mayor Schmelz stated David has worked for the town forever and is a special guy. Dave was always there when he had a question.

Mayor Schmelz presented the plaque to Health Official, David Volpe.

Mr. David Volpe stated there has been so many faces he's gotten to know over the years. His family moved to Bergenfield in 1958 and he's worked on and off for Bergenfield for 33 out of his 40 years. Mr. Volpe stated that he noticed that everyone is doing it from their heart, whether they are a democrat or republican arguing over the little things, such as taxes. Bergenfield was a great place to grow up and raise children. He thanked everyone and stated it was a great honor in his life.

Fire Chief Chris Naylis, read the biography on Captain James Kirsch into the record.

Mayor Schmelz stated it's a happy night but a sad night in Bergenfield. We are losing two great people. They have been here forever and are family. You are going to be missed.

Mayor Schmelz presented the plaque to Captain James A. Kirsch.

Captain James Kirsch thanked the Mayor and Council and congratulated David Volpe on his retirement. They have been through a lot of scenes together over the years. Captain Kirsch thanked everyone who took the time to come here tonight, his family and friends. He couldn't thank his wife and kids enough for their love and support throughout the years. Captain Kirsch stated he is proud of both the career and volunteer guys. We have been through a lot of serious fires over the years with having the small career staff here during the days. We were able to keep the fires in check with the guys that have been here over the years. Captain Kirsch stated he is proud to be a part of that.

### COUNCIL COMMENTS

Councilman Lodato congratulated David Volpe on his retirement. It has been a pleasure working with him throughout the years on the Board of Health. He wished him the very best. Councilman Lodato told Captain Kirsch he will be missed and he will be remembered as not only as a leader in the department but also as a friend to the residents. He thanked him for his service and wished him the very best in retirement.

Councilman Deauna told Captain Kirsch that he is truly a hero in Bergenfield and will be missed. He thanked him for his services and he is an inspiration for younger ones to follow in his footsteps.

Council President Amatorio thanked David Volpe and Captain Kirsch for their long years of service and they will both be missed by the residents and the Mayor and Council.

Councilwoman Kornbluth thanked David Volpe and Captain Kirsch for all of their years of service. It's nice, like the Mayor stated, to see Bergenfield residents come and honor those who have served the Borough for such a long time. Good luck and congratulations.

Councilman Marte congratulated David Volpe and Captain Kirsch. He thanked them both for their service to the town and they made an impact in Bergenfield over the years.

Mayor Schmelz congratulated David Volpe and Captain Kirsch. He thanked everyone for coming to see

On a motion by Councilperson Kornbluth, second by Council President Amatorio, and all present voting in favor, the meeting was recessed for five minutes. The meeting re-opened at 8:43 p.m.

## VERBAL COMMUNICATIONS I

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

Mr. Barry Doll inquired if the \$1,000 for the Barrier Free Committee Trust Fund included in Resolution#18-026 – Approve Transfer of Trust Fund Monies. Mr. Doll inquired if Gregg F. Paster was recently involved with Dumont and recently released.

Borough Administrator Corey Gallo stated he will speak to the Chief Financial Officer and get an answer.

Mayor Schmelz stated Gregg F. Paster was the Assistant Borough Prosecutor last year and is being re-appointed.

Borough Attorney John Schettino stated Gregg Paster was the only one who submitted a RFQ for the position. He did a good job when he was here. He just didn't have the time to do it last year.

Mr. Gallo stated Resolution #18-026 is for the Barrier Free. It is for the governing body to move the transfer of Veterans Park Dedicated Fund to Barrier Free for the Play for All.

Mr. John Smith stated the minutes for the Zoning Board are wrong and weren't approved. The secretary of the board didn't inform the council or the Borough clerk that the December meeting minutes weren't approved at the January 8<sup>th</sup> meeting. She resubmitted it two days later and I told her it was still wrong since I listened to the tape. Mr. Smith stated the Special Improvement District is before us again. Every year they come and promise changes. Mr. Smith inquired what changes and improvements they have made in the business district. We lost ACME, another big business in town. The Special Improvement District is supposed to take care of businesses in town. Mr. Smith stated they were going to improve the lighting. Parking is still an issue. There should be a resolution to do away with the Special Improvement District since they don't do anything but take money from taxpayers. The taxpayers are the business owners who are not receiving profits from this. Mr. Smith stated the governing body should think about the promises the Special Improvement District made last year and did not keep before approving their budget tonight.

Ms. Diana Flagg stated at the last work meeting, the governing body approved a resolution in which the state was trying to pass a bill involving business improvement districts and to increase alcohol sales. Ms. Flagg stated the Special Improvement District budget is part of the resolution passed by the state and so the governing body will have to support the Special Improvement District budget.

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

### A. CONSENT AGENDA

**CONSENT RESOLUTION 18-021.** 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. **18-022/**To Pay Bills
- b. **18-023/**To Oppose Concealed Carry Reciprocity Act of 2017
- c. **18-024/**To Appoint Clean Communities Coordinator – Dixie Rainey
- d. **18-025/**To Authorize Refund of Redemption Monies to Outside Lien Holder for TTL#17-00003
- e. **18-026/**To Approve Transfer of Trust Fund Monies

- f. **18-027**/To Approve Transfer of Appropriation Reserves
- g. **18-028**/To Approve Amending Resolution #17-157 and Approve Separation Pay to former Lieutenant David Doherty
- h. **18-029**/ To Approve Amending Resolution #17-207 and Approve Separation Pay to former Lieutenant Gerald Stapleton
- i. **18-030**/To Approve Borough Attorney Contract – John L. Schettino, Esq.
- j. **18-031**/To Approve Borough Auditor Contract – Lerch, Vinci, & Higgins LLP – Paul Lerch, RMA
- k. **18-032**/To Approve Bond Counsel Contract – Rogut McCarthy LLC – Steven Rogut, Esq.
- l. **18-033**/To Approve Risk Manager Contract – GJEM Insurance Agency, Inc., Division of Otterstedt Agency
- m. **18-034**/To Approve Labor Counsel Contract – Chasen Lamparello Mallon & Cappuzzo PC – John L. Shahdanian II, Esq.
- n. **18-035**/To Approve Tax Appeal Counsel Contract – The Choi Law Group LLC – John H. Bang, Esq.
- o. **18-036**/To Approve Borough Prosecutor Contract – Gregg F. Paster & Associates
- p. **18-037**/To Approve Alt. Borough Prosecutor Contract – Gloria Oh Law Group LC
- q. **18-038**/To Approve Borough Appraiser Contract – Associated Appraisal Group
- r. **18-039**/To Approve Municipal Advisor Contract – Phoenix Advisors
- s. **18-040**/To Approve Grant Consultant Contract – Millennium Strategies LLC

Motion by Council President Amatorio, second by Councilperson Deauan, that the Consent Resolution be approved.

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

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

## UNFINISHED BUSINESS

### A. Professional Appointments and Execution of Contracts

Council President stated that the Council would like to proceed to make two appointments for Borough Engineers.

Motion by Council President Amatorio, Second by Councilperson Deauna, to appoint T and M Associates as Borough Engineer, and Remington & Vernick Engineers as Special Projects Engineers.

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

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

## NEW BUSINESS

### A. 2018 Bergenfield Special Improvement District Budget

1. **18-041**/To Introduce 2018 Budget of the Bergenfield Special Improvement District

Councilperson Lodato inquired whether the members that have a conflict relative to the Special Improvement District can vote to introduce their budget.

Borough Attorney John Schettino stated that there are currently three individuals that have a conflict relative to the Special Improvement District, given that they either rent or own property in the district. He explained that since the budget requires a vote in the majority, meaning that it requires four affirmative votes, and the Mayor cannot vote since he can only vote to break a tie, the doctrine of necessity applies, and the members with a conflict can participate in the matter. The doctrine of necessity provides that all members can participate in the discussion and vote on the matter.

Motion by Councilperson Marte, second by Council President Amatorio, that Resolution #18-041 be introduced and set forth the public hearing date.

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

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

#### Committee/Department Reports

Motion offered by Council President Amatorio that the Committee/Department Reports be spread upon the minutes in full and filed. Second by Councilperson Kornbluth. 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.

Mr. Barry Doll stated he had mentioned to a friend that he was disappointed the council did not have the additional taxes residents had to pay for the added and omitted assessments on the agenda voluntarily. It is something very important and is not a routine situation. Mr. Doll stated its \$830,000 taxpayers were missing or didn't get into the treasury due to various reasons. Mr. Doll stated each resident was affected by this for more than two years. The council hired an outside attorney to look into this that is costing the town money. Mr. Doll stated the residents deserve to have full transparency and information given voluntarily from the council. Mr. Doll stated he is not asking for names, any investigation, results but just asking to know what is going on with the taxes and how much was collected. What is going to happen to those who didn't pay?

Mayor Schmelz stated it was routine. The council saw there was a need for a special investigation and hired a special investigator to do an investigation that is being done. Taxes were served to the people and they need to pay their bills. If they don't pay their bills, they pay interest.

Mr. Gallo stated there were 171 added assessments, 45 omitted assessments and 1 new construction, totaling 217 properties. A total dollar amount was \$808,701. Out of 26 appeals, 19 received a partial reduction or a full reduction. The total reduction amount was \$69,224. The total number of parcels billed was 173. 126 of the parcels have been collected with a total of \$616,943 collected as of today. There is a remaining balance of \$122,532.97 and 47 parcels. It is a standard practice and state law. Any uncollected money per parcel up to \$1,500 will pay 8% interest and 18% interest on money in excess of \$1,500. Mr. Gallo stated any money not collected will result in a tax sale in October as which time someone can pick up the lien as that is standard practice.

Ms. Joan Fazio Cohen stated the ice skating was delightful and her family was very grateful for it. Ms. Cohen stated there are a lot of public safety issues with the roads on W. Church Street in which DPW can't patch up anymore. They have been waiting for years to have W. Church Street paved. There are two trees in front of the neighbor's tree at 80 W. Church Street that have been decaying,

dropping big branches the thickness of a person's waist size, is very dangerous and the neighbor is reluctant to take care of it. Someone is bound to get hurt. Ms. Cohen stated she did not call about the tree in the past since it is on private property. Ms. Cohen presented pictures of the tree.

Mr. Gallo stated Phil Neville is the tree expert and he will look at the tree. Mr. Gallo stated if the tree is unsafe, code enforcement will have to speak with the property owner to cut the tree.

Borough Attorney Schettino stated if the tree is causing imminent danger, the Borough can remove the tree and back charge the property owner. It needs to be determined by a tree expert.

Ms. Diana Flagg stated she thinks Bergenfield along with other communities are facing a potential marijuana crisis with the swearing in of the new governor. Ms. Flagg inquired if the council is going to do anything about this problem, work with the police, and having marijuana shops in town. Ms. Flagg inquired if the town is pro-marijuana, if there will be dispensaries, and if something should be done before the governor makes it law. Ms. Flagg stated she noticed the crossing guards on Church Street and Washington Ave shoveling the sidewalk. Ms. Flagg inquired if that is the landlord's responsibility to have the sidewalks shoveled.

Mr. Gallo stated he spoke with the chief and he is obtaining statistical data from the Colorado Police Department since they have been legalized for a couple of years.

Ms. Mary Sullivan inquired what Bergen County is charging the Borough for taking over the responsibility of the health officer who has now retired. It's less than half of the \$91,000 salary of the health officer. Ms. Sullivan stated she's noticed there is always people standing outside the door in the back of the building smoking. She proposed to the council that they ban smoking on Borough property.

Mr. Gallo stated it is a little more than \$36,000 and under \$45,000. Mr. Gallo stated smoking is limited because of contractual obligations. Employees are given 15 minute breaks at different points but can move the smoking designation. He will take it under advisement.

Mr. John Smith inquired about the Washington Avenue crosswalks and it's a safety issue.

Mr. Gallo stated they will be paving the road in the spring.

Deputy Chief Massey stated the county is going to pave it shortly and we cannot do it ourselves.

Mr. Smith stated it is state law there is no smoking within 20-25 feet of a public entrance of a public building. The employees do smoke on the stoop. Mr. Smith stated he had brought up five years ago the council pass an ordinance for no smoking on Borough property and parks. Mr. Smith stated it's up to each town to pass law for no smoking in the parks.

Fire Chief Naylis stated the fire department has responded to 55 calls of service year to date which is less by 12 calls than from same time last year. The fire department has completed classroom and practical training on the new extrication equipment. All Borough apparatus are currently in service, except for the 1976 ladder truck. Chief Naylis stated training for annual membership for 2018 has begun. They have logged 220 hours of training year to date. There's a new carbon monoxide detector built and has been signed into law.

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

#### COUNCIL COMMENTS

The governing body thanked all for attending the meeting and wished all a good night.

CLOSED SESSION

RESOLUTION **18-042**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Attorney-Client Privilege
  - 1. Properties Update
  
- B. Personnel Matters
  - 1. Fire Department Personnel Matters
  - 2. DPW Personnel Matters
  
- C. Collective Bargaining Agreements
  - 1. PBA Local 309

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 Amatorio, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:32 p.m.

On a motion by Councilperson Kornbluth, second by Council President Amatorio, and all present voting in favor, the meeting returned to open session at 10:00 p.m.

On a motion by Council President Amatorio, second by Councilperson Lodato, and all present voting in favor, the Borough Clerk has authorization to advertise Request for Qualifications for Public Defender and Alternate Public Defender.

ADJOURNMENT

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

Respectfully submitted,

Marie Quinones  
Borough Clerk