

BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
8:00 p.m.
March 20, 2018

PRESENT: Mayor Norman Schmelz and Council President Arvin Amatorio, Council members Thomas Lodato, Buddy Deauna, Ora Kornbluth, Hernando Rivera (arrived at 8:30 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 8:04 p.m. with the reading of the Open Public Meetings Act Statement, "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. Meeting dates for the year are confirmed at the Annual Meeting. The Annual Notice is sent to the Record, Star Ledger, Twin Boro News, and Cablevision, placed on two Municipal Bulletin Boards and is on file in the Office of the Borough Clerk.

The Salute to the Flag was led by Councilperson Deauna.

AGENDA CHANGES

Councilperson Kornbluth motioned that the request from the Baseball 12U Team be added as Correspondence Item F, and that Resolution #18-111 to hire Part-time Laborer in the Department of Public Works be removed from the agenda. Also, the Oath of Offices that will be administered to the Police Officers were changed, so that Mr. Baptiste is sworn-in first, and Mr. Lopez second.

APPROVAL OF MINUTES

MOTION OFFERED by Council President Amatorio, **SECOND** by Councilperson Marte, to approve minutes of the February 20, 2018 Regular Meeting, February 20, 2018 Closed Session Meeting (not to be released), March 6, 2018 Work Session Meeting, and March 6, 2018 Closed Session Meeting (not to be released). All present voting in favor, none opposed.

PRESENTATIONS

A. Proclamations - Bergenfield United Soccer

Mayor Schmelz presented proclamation to the Bergenfield United Soccer Girls U11 team. Mayor Schmelz congratulated the team.

Mayor Schmelz presented proclamation to the Bergenfield United Soccer Girls U14 team. Mayor Schmelz stated this is the next high school team and will be the powerhouse of the league. They will be playing in the highest division next year and congratulated the team.

B. Fire Department Presentation

Fire Chief Chris Naylis explained, on March 6, 2018, Firefighter Kevin Shade observed a black duffle bag while traveling on W. Clinton Ave. He noticed it was a body lying in the parking area as he got closer. The young female was unresponsive and was going in and out of consciousness. Firefighter Shade's quick action of utilizing his emergency responder training saved the young female's life. Fire Chief Naylis presented firefighter Kevin Shade the Fire Department's Life Saving Award.

C. Police Department Presentation

1. Oath of Office to Daniel Jean Baptiste

- ❖ Biography of Daniel Jean Baptiste read by Police Chief Madalone

Police Chief Madalone read Mr. Baptiste's biography into the record.

- ❖ **Resolution 18-093**/To Hire Daniel Jean Baptiste to the Rank of Police Officer in the Bergenfield Police Department.

Motion by Councilperson Kornbluth, second by Councilperson Marte, that Resolution #18-093 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>	Councilperson Rivera:	<i>absent</i>
Council President Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

Mayor Schmelz administered the Oath of Office to Officer Daniel Jean Baptiste.

2. Oath of Office to Oscar Lopez

- ❖ Biography of Oscar Lopez read by Police Chief Madalone

Police Chief Madalone read Mr. Lopez's biography into the record.

- ❖ **Resolution 18-092**/To Hire Oscar Lopez to the Rank of Police Officer in the Bergenfield Police Department.

Motion by Councilperson Kornbluth, second by Council President Amatorio, that Resolution #18-092 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>	Councilperson Rivera:	<i>absent</i>
Council President Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

Mayor Schmelz administered the Oath of Office to Officer Oscar Lopez.

COUNCIL COMMENTS

Councilperson Lodato recognized all of the commendations made and congratulated the U11 and U14 girls' soccer team for their success. Their families and coaches must be very proud of them. He congratulated the policer officers appointed and wished them a safe and long career. He saluted and thanked Kevin Shade for his service.

Councilperson Deauna congratulated the firefighter and the young kids playing on the Bergenfield United soccer team. It's encouraging to see young kids participating in sports. He congratulated the new police officers and stated they have joined the finest police force in Northern New Jersey.

Council President Amatorio welcomed the new police officers and wished them a safe, long career. He thanked the firefighter for his volunteerism and for making the fire department and Bergenfield proud. He congratulated the kids on the soccer team for their exemplary performance over the past years. The council want to provide them with the best support in all of their activities.

Councilperson Kornbluth congratulated the two soccer teams and for girl power. She thanked Kevin Shade for his incredible volunteerism, welcomed the two new police officers to a great force and a great town, and wished them long careers.

Councilperson Marte congratulated the girls on the soccer teams, their coaches, and the parents for their commitment and time. He thanked firefighter Kevin Shade for his commitment and welcomed the two new officers.

Mayor Schmelz stated the soccer teams are great and he is always there to support them on and off the field. The Borough is putting more money into the fields and they are great advocates for the fields. He congratulated Kevin Shade and it doesn't come as a surprise. He congratulated the new officers and wished them a long, safe career.

On a motion by Councilperson Kornbluth, second by Council President, and all present voting in favor, the meeting was recessed at 8:36 p.m. The meeting reopened at 8:50 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.

Diana Flagg, resident, questioned the item listed under New Business pertaining to alternate side street parking. Ms. Flagg also questioned why the salaries of the new police officers hired were not listed in the resolution. She further questioned the resolution to approve the grant agreement for Hughes and Madison Avenue.

Mayor Schmelz stated that he received a complaint from a resident that lives on Howard Drive, and therefore would like to discuss the matter with the governing body.

Borough Administrator Gallo stated that the comment on the resolution is duly noted, and that salaries will be listed in the future.

Councilperson Kornbluth explained that the grant agreement for Hughes and Madison is part of the County CDBG program, which requires the Borough to select a road to improve in a specific area in order to qualify for the program. She further explained that there is a point system and percentages that the Borough must receive in order to proceed.

Barry Doll, resident, expressed his content with the governing body and the Borough Administrator receiving the change orders from the engineers, saving the taxpayers monies.

Mayor Schmelz stated that the Borough Administrator and the Department of Public Works have a great job, and are always out inspecting the jobs.

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

Correspondence

A. Rocco/Franklin School 5th Grade Committee

RE: Request to Reserve Memorial Park for Franklin School 5th Grade Picnic/Thursday, June 7, 2018 (Rain Date: Tuesday, June 12, 2018)/All-day

B. Boyce/Washington School 5th Grade Committee

RE: Request to Reserve Ross Applegate Park for 5th Grade Picnic/Friday, June 15, 2018 (Rain Date: Monday, June 18, 2018)/All-day

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|-------------------------------------|---|
| C. Rainey/Clean Communities Cleanup | RE: Request to Reserve Cooper's Pond/Saturday, April 14, 2018/ 9:00 a.m. to 12:00 p.m. |
| D. Haag/BHS Baseball | RE: Coin Toss Request/Saturday, April 7, 2018 |
| E. Naylis/Board of Fire Officers | RE: Personnel Action Letter/March 15, 2018 |
| F. Gallagher/Bergenfield 12U Team | RE: Request for Support & Donation for Baseball World Tournament/July 28, 2018 to August 3, 2018 |

Borough Administrator Gallo requested discussion on Item F and stated that Bergenfield 12U Team will be attending a special trip to Cooper's Town, which is also very costly. He explained that the cost for each child that participates is about \$700 to \$800. Mr. Gallo further explained that the team is requesting a donation from the Borough for the expenses.

John Smith, resident, stated the team will save money on the umpire fees if they provide their own umpires. He agreed it is an incredible experience and the games are even televised. \$10,000 would be a good donation.

Councilperson Kornbluth advised that the team fundraise first and then come back to the governing body to request the donation.

MOTION OFFERED by Council President Amatorio, **SECOND** by Councilperson Lodato, to approve Correspondence Items A through F. All present voting in favor, none opposed.

A. CONSENT AGENDA

CONSENT RESOLUTION 18-094. 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. **18-095/**To Pay Bills
- b. **18-096/**To Approve Raffle Applications 1327 and 1328
- c. **18-097/**To Support the Preservation of Community Development Block Grant Program (CDBG) Funding FY 2018-2019
- d. **18-098/**To Approve Temporary Emergency Appropriation
- e. **18-099/**To Approve Transfer of Appropriation Reserves
- f. ~~**18-100/**To Approve Grant Agreement for CDBG Funding – Hughes and Madison Avenue~~
- g. **18-101/**To Approve Proposal – MS4 Stormwater Pollution Prevention Plan – T & M Associates
- h. **18-102/**To Approve Change Order No. 1 – FY' 2017 Riverside Cooperative Road Improvement Program – D & L Paving Contractors, Inc.
- i. **18-103/**To Approve Change Order No. 3 – 2017 Inflow & Infiltration Sanitary Infrastructure Repairs – North American Pipeline Services LLC
- j. **18-104/**To Approve Disposition of Surplus Property
- k. **18-105/**To Approve Tax Refund – 35 Thames Boulevard
- l. **18-106/**To Authorize Refund of Redemption Monies to Outside Lien Holder for TTL#10-00040
- m. **18-107/**To Authorize Refund of Redemption Monies to Outside Lien Holder for TTL#15-00010
- n. **18-108/**To Authorize Refund of Redemption Monies to Outside Lien Holder for TTL#15-00011
- o. **18-109/**To Approve Contract – Affordable Housing Planner – Burgis & Associates

Council President Amatorio requested that Resolution #18-100 be approved separately.

Motion by Council President Amatorio, second by Councilperson Deauna, that the Consent Resolution be approved as amended.

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>aye</i>
Council President Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

18-100/To Approve Grant Agreement for CDBG Funding – Hughes and Madison Avenue

Motion by Councilperson Kornbluth, second by Councilperson Rivera, that Resolution #18-100 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>aye</i>
Council President Amatorio:	<i>recused</i>	Councilperson Marte:	<i>aye</i>

B. Resolutions

18-110/To Promote Laborer to Full-time – Craig Von der Osten

Motion by Councilperson Kornbluth, second by Councilperson Lodato, that Resolution #18-110 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>	Councilperson Rivera:	<i>aye</i>
Council President Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

UNFINISHED BUSINESS

A. Tabled Resolutions

1. **18-073/To Approve Developer's Agreement (Tabled 2-20-18)**

No action taken. Borough Attorney Schettino stated that the matter should be resolved for the upcoming meeting.

B. 2018 Bergenfield Special Improvement District Budget

1. Public comments on BSID 2018 Budget

John Smith, resident, stated everything the Bergenfield Special Improvement District said they did is done by the recreation department. They have not done anything to improve the businesses in town. The money for Easter Egg Hunt, Family Fun Day, and Holiday in the Park is already budgeted in the recreation budget. There aren't any improvements. The business owners never get a survey to complete and residents never get the results of the survey because there isn't one.

Barry Doll, resident, stated the recreation committee has all events in their budget. There needs to be some kind of organization to run the businesses and make sure their needs are met. If the SID goes away, what will replace it?

Council President Amatorio stated it is a preemption of what the results would be to answer that question as the council has not voted on the SID budget yet. He wouldn't be able to answer the question as the result of the vote is not known. If the vote says otherwise, then there would have to be a replacement or a resolution to help the business district.

Councilperson Marte stated if the vote will be no, then it would have to be replaced.

Mary Sullivan, resident, stated she participated in the sticker program and was asked how many stickers she wanted. There was only one business owner who took the time to try to get her to come back and that was the only sales pitch. It was a lost opportunity and a poorly executed program. Someone who has better marketing expertise might be needed. No one with marketing experience told the business owners to use the opportunity to get people to come back.

Borough Administrator Gallo stated the focus of the sticker program was to build a data base. They are starting to send emails through all of their programs and highlighting 5 businesses each month. Mr. Gallo stated she should look at where the Special Improvement District started and where they are now in less than seven months. They have established programs that they are building on going forward.

Dr. Elmo Randolph, resident, stated he is happy to see what's going on at Foster Village. He doesn't know anything about business district in Bergenfield. Why does he have to go to Englewood to buy food?

Diana Flagg, resident, stated the council had voted two weeks on a resolution from the state regarding a bill pertaining to a SID or a BID. If the council supported that bill, then the council must support the SID. The council should keep it in the business district and should not pay for the BID.

Mayor Schmelz stated if the BID is not supported, the taxpayers will pay more money if it is decided to put up holiday lights and if is decided to clean up the avenue.

Council President Amatorio stated some members of the council have a conflict of interest.

Borough Attorney Schettino stated there are six council members present. If three members of the governing body have conflicts of interest, then the doctrine of necessity would apply. The SID budget requires a majority of the full membership of the council. The mayor can't vote unless there's a tie which requires at least four members being eligible to participate. If there are three members of council that have conflict of interest, they would be permitted to participate based on the doctrine of necessity.

2. Resolution 18-078/To Adopt the 2018 Budget of the Bergenfield Special Improvement District

Motion by Councilperson Kornbluth, second by Councilperson Lodato, that Resolution #18-110 be approved.

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>aye</i>
Council President Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

C. Adoption of Ordinances

The following ordinance published herewith were first read by title only on March 6, 2018 posted on the bulletin board of the municipal center

ORDINANCE 18-2522 – AN ORDINANCE AMENDING CHAPTER 136 OF THE CODE OF THE BOROUGH OF BERGENFIELD ENTITLED “CONSTRUCTION CODES, UNIFORM”

ORDINANCE 18-2523 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Public Comments on Ordinance 18-2522 and 18-2523.

No one came forward.

Motion by Council President Amatorio, **Second by** Councilperson Rivera, to pass Ordinance 18-2522 and 18-2523 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>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>
Council President Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

D. Adoption of Bond Ordinance

The following ordinance published herewith were first read by title only on March 6, 2018 posted on the bulletin board of the municipal center

BOND ORDINANCE 18-2524 – BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND NEW AUTOMOTIVE VEHICLES AND NEW FIRE ENGINES, 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 \$4,000,000 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 SUCH BONDS.

Public Comments on Bond Ordinance 18-2524.

Fire Chief Chris Naylis stated he encourages the governing body to vote yes. Chief Naylis explained included in the bond ordinance would be two vehicles, replacing a 42 year old ladder truck and a 30 year old pumper truck being held together with duct tape and bubble gum. It would advance the fire department in continuing its mission and bring it light years ahead of where they are now.

Motion by Council President Amatorio, **Second by** Councilperson Marte, to pass Ordinance 18-2524 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>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>
Council President Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

NEW BUSINESS

A. Introduction of Ordinance

Motion by Councilperson Rivera that the following ordinance be introduced and passed on first reading and setting Tuesday, April 3, 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 Council President Amatorio.

18-2525 – AN ORDINANCE ENTITLED “ESTABLISHMENT OF RULES AND REGULATIONS FOR DOG PARK”

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

B. Changes to Minor Work Provisions in UCC

Mr. Gallo asked the Construction Official, Mike Ravenda, to review how the changes DCA made may adversely impact the Borough. Mr. Mike Ravenda stated he sent the council a packet. The Department of Community Affairs have changed some rules of the Unified Construction Code, the laws that govern the building department. Some of them affect the revenue of the permits collected over the past years. The bolded words are all new changes made. The ones on the front page are ones that states which permits are no longer needed. Mr. Ravenda stated he doesn't necessarily agree with what they did. A roof permit isn't needed for one to two family homes. The homeowner can be robbed by a bad contractor and there isn't anybody to police them to make sure the roof is done properly.

Mr. Gallo stated the main concern is safety and the most alarming one is the roofs.

Councilperson Kornbluth stated they were trying to save the consumers money by not having the Borough nickel and dime them.

Council President Amatorio inquired about a federal regulation requiring permits. For example, if the minimum wage for the entire country is a certain amount, then the state or town can regulate on a stricter level but not lower than what the federal regulations state. If the state allows us not to require a permit, maybe the town can pass a stricter measure.

Councilperson Lodato stated the state is creating exemptions for the taxpayer and he doesn't think the Mayor and Council can override that.

Borough Attorney Schettino stated the Mayor and Council can impose a permit process when the state is exempting them from the permit.

Mr. Ravenda stated it was effective immediately, on March 6th, 2018.

Councilperson Kornbluth stated they should be educating the residents about the dangers of putting on layers of siding.

Mayor Schmelz inquired if the council can petition the state for a resolution.

Mr. Gallo stated that council should sent a letter to the Department of Community Affairs.

Mr. Ravenda stated a zoning permit can be acquired for roofs and siding for \$25 and be able to keep an eye on it. Revenue would be lost moving forward.

Councilperson Deauna stated it is standard procedure for homeowners to seek permits from the Borough. It is a friendly requirement but can be an additional burden to homeowners.

Mayor Schmelz stated people understand how to do things and will do it themselves but other people may get a shady guy that takes advantage. It helps some people but hurts others.

Council President Amatorio stated it's not just revenue, but a safety issue also.

Councilperson Lodato inquired if a homeowner could be penalized if they put on a third layer. Perhaps, the borough ordinance should be amended accordingly.

Borough Attorney Schettino stated a homeowner could be. Someone can't do whatever they want even if they do not need a permit. The UCC is saying you don't have to apply for a permit to do the work. That doesn't mean there aren't standards and regulations with respect to the roof. The contractor should understand he can't put a third roof on. Mr. Schettino will look into other options.

C. Alternate Side Street Parking During a Snowstorm

Mayor Schmelz stated he received a complaint from the last snowstorm from someone on Howard Drive. They stayed home and they got a ticket since there is alternate side street parking in effect. She doesn't know where she is supposed to park since she is not supposed to be parked on the street.

Councilperson Kornbluth inquired what happens when there is no street parking allowed when it snows.

Mayor Schmelz stated they are still allowed to park on one side on Howard Drive.

Deputy Chief Chris Massey stated parking is only allowed on one side of the street to allow the Department of Public Works to plow the roads and the next day on the other side.

Councilperson Rivera stated there are not enough physical parking spots available for everyone if everyone stays in their apartment when it snows. There are 620 apartments and 225 parking spots in Foster Village. That's why there is parking on the street. Parking spots can be maximized and can be remodeled if cars can be parked on a diagonal. Families have grown and each family can have up to 3 cars.

Deputy Chief Chris Massey suggested Phil Neville be asked for his opinion since DPW does the snow removal.

Council President Amatorio stated it's a choice between parking a car and cleaning the snow. There has to be a balance. There is nowhere to park but DPW needs to clean the street. They request assistance from the police department to enforce the law. Do you want to prefer cleaning the street versus accommodating parking. Can one side of the street with no parking be cleaned and give them some time, two or three days, to move their car in order to clean the street.

Councilperson Kornbluth stated some of the streets are narrow and if you have cars on both sides, no one will be able to get through.

Mr. Gallo stated when you plow down it, the snow builds up to the windows of the car. When the person digs that car out, they are throwing the snow back into the street. At least, if there is one side of the street open the snow will be pushed up into the curb. The DPW has done a tremendous job with working with the police department to try to accommodate those residents.

Councilperson Rivera inquired how many tickets were given in the last storm in that area.

Deputy Chief Massey stated he wasn't sure about how many tickets. There were 40 tickets given in the whole town, not just at Foster Village.

Councilperson Marte inquired if DPW can join the police department in accessing the area for a solution as the issue keeps coming back.

Mr. Gallo stated DPW is out all the time. The second the snow starts, the patrol will call DPW in. In the next hour or two, DPW will be out salting overnight so the base coat doesn't stick. They are in constant communication with the police department, fire department and the ambulance corps. If there is a fire call or if the EMS needs to get through. Mr. Gallo stated the reason the issue keeps coming back is because there are more cars than spots.

Council President Amatorio stated the streets need to be clear for safety issues. Emergency vehicles need to be able to get into the tight spots. It's a tough decision because we want it clean and clear so everyone can pass at the same time we want to accommodate the cars. The police department and the DPW can provide some suggestions.

Councilperson Kornbluth stated the cars are being accommodated. That's the only part of town you can park on the street during snow.

Mayor Schmelz stated everyone should think about it and come back to it at another time. It's needs to be addressed at some point.

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, resident, stated he met with a resident this evening and has a problem she would like to speak about.

Ms. Esther Seegar, resident, stated the landlord had replaced a short pipe and he had not put in the tiles by the faucet where the knob is. Her son put a piece of wood in front of the window. The landlord told her the next morning that her lease was up and she had to leave. She has never been late with paying rent in the past 18-19 years.

Borough Attorney John Schettino stated the council can't give her legal advice. New Jersey has strong tenant rules. She needs to call legal services in Bergen County. A landlord can't just evict a tenant whether there is a lease or not. You have significant rights as a tenant even if you don't a lease, maybe more rights without a lease. Mr. Schettino stated she can contact legal services and they will have an attorney speak with her about what her rights are. In order for a landlord to remove a tenant, they have to go to court and you have to get a notice in the mail. If you get a notice, make sure to go to court. As long as you're paying your rent, it is very difficult for a landlord to remove you.

Mayor Schmelz told Ms. Seegar she doesn't need to wait for a meeting to have her issue addressed. She can speak with the borough administrator to get the information she needs.

Council President Amatorio stated code enforcement could check whether they did a bad job in the process.

Mr. Barry Doll stated he wanted to make the council aware of issues with the Zoning Board. It is affecting the whole atmosphere of the town. The proposed synagogue planned on Rector Court requires 250 parking spaces. They're willing to give five off street parking spaces to accommodate their services and congregation. Rector Court is one block and there's a resident spending money in legal services to protect her home. It is not right for a building of that size to be on her block. Other residents, who are Jewish, have pointed out it's not just on Saturday people are attending the temple, but almost every day where there are services in the morning and evening. The Mayor and Council needs to be aware as the Zoning Board has gotten the idea they can do whatever they want in town. Mr. Doll stated Bergenfield is a Tree City and is obligated in protecting the trees. There are 30 trees that they be removed on the property and they will only replace 4-5 trees. It is a violation of the Tree City standards. The environmental committee spoke up and had agreed the trees shouldn't be removed. The Zoning Board is exceeding the rules and regulations of the planning board. They approved the building of a house that is going to be 16,000 square feet. The developer wanted to go 31 feet but were talked down to 28.9 feet, still above the building code. There isn't a limit anymore. They meet here and the council is paying for their meeting here and for their clerk.

Fire Chief Naylis stated the fire department has responded to 169 calls to date. Most of the department has completed the required training for the year. The entire department should have completed the required training by May. The fire department received a \$6600 grant from the Bergen County 200 Club for a forcible entry door stimulator. The Bergenfield Fire Department was selected over 69 other fire departments in the county. It was because of the commitment of the members to training. He is very proud of their accomplishments. Chief Naylis thanked the council for approving the purchase of the extrication equipment last year and for voting yes on the bond.

Mr. Fred Sahlberg, resident, stated if it's going to snow as much as it in the forecast, it is going to be challenging to venture out with your car. You will have an idea on what they are talking about on Howard Drive if you venture there in your car. It will take three days to plow if there are cars on both sides. The architect and the attorney for the resident of the house stated it will be the largest house built in Bergenfield. Mr. Sahlberg stated he doesn't know why they couldn't cut it down in size.

Ms. Diana Flagg, resident, stated a couple of weeks ago she had asked if anyone was doing anything about the possibility of marijuana being sold in town and hasn't heard anything about it. Ms. Flagg stated they should be concerned about marijuana being legalized and the rampant alcoholism. Other towns are preparing for it. Ms. Flagg hasn't heard anything about where the Passover garbage truck will be. Ms. Flagg inquired if anything has happened with the investigation to find out why people weren't correctly assessed. Ms. Flagg stated she had mentioned a while back about a house that tore down a delapidated garage and built a new two story garbage and they haven't had their assessment changed. Nothing has been done about it.

Councilperson Lodato stated regulating it will be premature until a state law is passed. Municipalities have certain abilities to regulate alcohol consumption.

Mayor Schmelz stated the council has had discussions with the police department. The police department feels it would not be good for Bergenfield.

Mr. Gallo stated they haven't decided on where the garbage truck will be placed. It will be posted on the website and on Nixle. It will be advertised in a manner that is for Bergenfield residents only. Mr. Gallo stated the investigation is still ongoing. Mr. Gallo stated it is duly noted about the new garage built. The committee is meeting and discussing it. The attorney has been in contact. It will become public when the review is done.

Mr. John Smith, resident, thanked Councilperson Lodato and Councilperson Kornbluth for saying no to the Bergenfield Special Improvement District budget. The other council members had stated they would give the Bergenfield Special Improvement District one more year. They have made no changes in the past year and the council needs to stop playing nepotism games. Mr. Smith stated he had spoken to the council about ordinance 186-63 last October. It has to do with businesses with tables outside. Tables are still out on the street and the tables are touching each other. They are supposed to be four feet apart. The ordinance states there's no outside cooking and there's barbeque pits outside. Mr. Smith inquired how much they have to pay prior to being approved. Wendy's has tables outside. It is nepotism. The Bergenfield Special Improvement District should keep the businesses informed.

Mr. Gallo stated the plan for Wendy's had to go before the Zoning Board prior to construction.

Mr. Jerry Naylis, resident, stated the changes the Department of Community Affairs made to the building code was a process that took two years. It went through the building codes council, several hearings, a public hearing last year in November, and was published for adoption earlier this year. As a homeowner and property owner, he feels it's fabulous to identify certain work is miscellaneous and minor work that no longer requires a permit. Mr. Naylis stated when he went to put a roof on, he had to pay for a roof permit with a stamp that said he had to call for final inspection or pay penalty. He was told that roofs were not inspected but a roof permit was still required. He never got an inspection. Most roofing contractors are reputable. You have Department of Community Affairs and consumer affairs for protection. A number of people in the state recognized how onerous this was and nothing more than a money grab from hard working property owners to try to supplant the budget of municipalities.

Ms. Mary Sullivan, resident, inquired why \$29,500 was paid to New Jersey Sports and Exposition Authority for road work.

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

COUNCIL COMMENTS

The governing body members thanked everyone for attending the meeting and wished all a good night. Councilperson Kornbluth stated that the St. Patrick's Day parade was a great success and commended everyone who worked on putting the event together. She also commended PSE&G for their efforts in Bergenfield during the last snow storm. Mayor Schmelz announced that the Easter Egg Hunt is this upcoming Saturday, March 24th, and invited all to attend.

CLOSED SESSION

RESOLUTION 18-111/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Police Department Matter
- B. Attorney-Client Privilege
 - 1. Building and Acquisition Update
 - 2. Municipal Court Professionals
- C. Contracts/Agreements
 - 1. PBA Local 109 Update

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 Marte, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 10:29 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Rivera, second by Councilperson Lodato, unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:51 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk