

BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
7:00 p.m.
April 17, 2018

PRESENT: Mayor Norman Schmelz and Council President Arvin Amatorio, Council members Thomas Lodato, Buddy Deauna (arrived at 7:52 p.m.), Ora Kornbluth, Hernando Rivera (arrived at 7:58 p.m.), and Rafael Marte

ABSENT:

ALSO PRESENT: Borough Administrator Corey Gallo
Borough Attorney John Schettino
Deputy Borough Clerk Hilda Tavitian

Mayor Schmelz called the meeting to order at 7:21 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.

CLOSED SESSION

Resolution 18-128/Authorizing the Governing Body to Enter into Closed Session to discuss:

- A. Attorney-Client Privilege
 - 1. Building and Acquisition Update

Motion Offered by Councilperson Marte, Second by Councilperson Lodato 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 Amatorio, Second by Councilperson Rivera and all present voting in favor, the meeting was returned to the Open Session in Council Chambers.

The Salute to the Flag was led by Councilperson Marte.

AGENDA CHANGES

Councilperson Kornbluth made a motion to add Wine Tasting Classes at Cooper's Pond by the Environmental Committee on 4/28/18, 5/26/18, 6/23/18, 6/23/18, 7/25/18, and 8/25/18 on the agenda.

APPROVAL OF MINUTES

MOTION OFFERED by Councilperson Deauna, **SECOND** by Councilperson Rivera, to approve minutes of the March 20, 2018 Regular Meeting, March 20, 2018 Closed Session Meeting (not to be released), April 3, 2018 Work Session Meeting, and April 3, 2018 Closed Session Meeting (not to be released). All present voting in favor, none opposed.

PRESENTATIONS

None.

VERBAL COMMUNICATIONS I

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

No one came forward.

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

Correspondence

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| A. Goldsmith/Resident | RE: Block Party Request on Harriet Avenue from 62 Harriet Avenue to 80 Harriet Avenue/Sunday, May 6, 2018/11:00 a.m. to 7:00 p.m. |
| B. Haag/Bergenfield High School Baseball Team | RE: Baseball Team Request to Hold Coin Toss/Sunday, April 22, 2018/8:00 a.m. to 2:00 p.m. |
| C. Koperwies/Bergenfield Special Improvement District | RE: Request to Hold Spring Treasure Chest Event on Bedford Avenue/Saturday, May 19, 2018 |
| D. Lodato/Bergenfield High School Football & Cheerleading Parent Association | RE: Request to Hold Coin Toss/Saturday, June 16, 2018 and Saturday, July 21, 2018/9:00 a.m. to 1:00 p.m. |
| E. Clark Jr./Environmental Committee | RE: Introduction to Viticulture, Wine & Winemaking Class at Cooper's Pond/Various Dates/3:00 p.m.-5:00 p.m. |

Motion Offered by Councilperson Kornbluth, SECOND by Councilperson Rivera, to approve Correspondence Items A through E. All present voting in favor, none opposed.

A. CONSENT AGENDA

CONSENT RESOLUTION 18-129. 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. **18-130**/Pay Bills
- b. **18-131**/To Approve Raffle Application 1330, 1331, 1332, and 1333
- c. **18-132**/To Approve Carnival Application
- d. **18-133**/To Support Arbor Day – April 27, 2018
- e. **18-134**/To Authorize Request for Approval for the Insertion of a Special Item of Revenue in the 2018 Budget – Bergen County ADA Cooperative Curb Ramp Construction Program
- f. **18-135**/To Authorize Request for Approval for the Insertion of a Special Item of Revenue in the 2018 Budget - Distracted Driving Crackdown Grant
- g. **18-136**/To Authorize Membership & Approve Inter-local Agreement - Houston-Galveston Area Council (HGAC) National Cooperative
- h. **18-137**/To Approve Capital Purchase – Two (2) Fire Apparatus – Base Model TA03-Enforcer 107FT Aerial Ladder and Base Model TC06-Enforcer Pumper from Pierce Manufacturing Inc. through Houston-Galveston (HGAC) National Cooperative
- i. **18-138**/To Approve Change Order – Various Improvements to Veterans Memorial Park – Quality Electrical Construction Co.
- j. **18-139**/To Approve Pay Certificate No. 2 Final – Various Improvements to Veterans Memorial Park – Quality Electrical Construction Co.
- k. **18-140**/To Approve Maintenance Bond and Release Performance Guarantee – Various Improvements to Veterans Memorial Park – Quality Electrical Construction Co.

- l. **18-141**/To Approve Proposal – Construction Administration and Inspection Services association with the 2018 Riverside Co-op Paving Project – T&M Associates
- m. **18-142**/To Approve Contract – Supplying and Planting of Trees under Community Stewardship Incentive Program (CSIP) Grant – Victoria’s Nursery
- n. **18-143**/To Approve Contract – Remove Existing Concrete Crosswalks and Repave with County Provided Asphalt – T.R. Weniger, Inc.
- o. **18-144**/To Approve Budgetary Contingency Costs for ADA Cooperative Curb Ramp Construction Program

Motion by Council President Amatorio, second by Councilperson Lodato, 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>aye</i>
Council President Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

UNFINISHED BUSINESS

A. Tabled Resolutions

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

No action taken.

NEW BUSINESS

A. Review Zoning Designations

Borough Administrator Corey Gallo stated as part of the review, he asked the council to look at various different zones. There were many zones, such as Woodbine and Front Streets, zoned in certain ways that was prohibiting businesses from operating. Mr. Gallo stated there was one business that took warehouse space and was utilizing the space for storage and owns a restaurant. They wanted to do prep work but can't because the area is zoned for storage only. The zones may be outdated and should be looked at by the governing body to determine if changes should be made.

Councilperson Kornbluth inquired if Mr. Gallo has a list of zones that are allowed in that area.

Mr. Gallo stated he believes it's a R-5 zone.

Councilperson Kornbluth stated R-5 is a residential zone. She stated there was confusion among businesses since many businesses were given permits by the building department for improvements and when the improvements were done, they were told they couldn't do the improvement.

Mayor Schmelz stated there's confusion between the business owners and code enforcement.

Mr. Gallo stated the business owner is told by the zoning officer what an area is used for when they submit their application. If they are told the area is industrial, they will interpret it as they are able to put a sink in and do prep work for their restaurant.

Mayor Schmelz stated there is a daycare center right there, someone selling retail and other businesses that are not industrial. The Planning Board had in their master plan discussed the different things about the zones that did not exist 20 years ago. There is a subcommittee that is

supposed to be meeting on these routine things and make easy changes. Code enforcement is giving businesses only a week to shut down their operations and this is unfair.

Mr. Gallo stated the health department called to get an inspection done and tipped off the idea that you can't do this kind of work there since it's not zoned for it. The health inspection services are being run by the county.

Borough Attorney John Schettino stated health services are looking at it from a health perspective. The zoning officer is the one looking for zoning issues.

Mr. Gallo stated the town is looking to attract business and in order to do that the Mayor and Council need to look at the zones.

Mr. Schettino stated it involves the master plan when changes to a zone need to be made. The Planning Board can be asked to look at zone R-15 and ask them to consider permitting blank uses in that zone. The Planning Board would ask the Planner to reexamine the master plan and if there would be any zone changes to be made. Mr. Schettino stated the council can make suggestions to make changes in the zones but it is the Planning Board that makes the zone change. The master plan is the zone. The council can make the changes to the zoning ordinance. Changing zones is only done through a master plan review.

Mayor Schmelz stated a reexamination of the master plan was just done. There were a lot of items in the master plan that were never addressed by the council. As a council, there was a subcommittee that was put together at the beginning of the year. There were some zone changes on Washington Avenue. The days of the big warehouses are gone. The master plan should be looked at and the necessary changes should be made.

Councilperson Rivera stated a lot of the ordinances are outdated and need to be updated to reflect and deal with the issues of the present day. Councilperson Rivera stated they need to get together with the building department so they can make some suggestions.

Mr. Schettino stated there needs to be a committee if the council wants changes made to the zones. A recommendation should be made to the Planning Board to review the master plan and determine if a blank zone should include blank uses as permitted uses.

Councilperson Kornbluth inquired if all of the businesses need to be shut down until the changes are made.

Mr. Schettino stated the council can inform the building department that it's the council's inclination to have the uses permitted in the zone and hold off any enforcement until a decision is made by the governing body and the planning board.

Council President Amatorio stated they are trying to see if they can help the businesses and at the same time protect the public as there are rules that need to be observed and enforced by the building department.

Mr. Schettino stated any construction work should be given permits and inspected. It's the use that's an issue. You have to find out the uses. If the uses are presently there and are the ones you are considering to expand, then that's the first step. After it's decided to be permitted, the next step would be for the council to approve it by vote.

Councilperson Kornbluth inquired if the council could ask the building department to hold off enforcing for the next two weeks until the council reviews everything and makes a decision.

Mr. Schettino stated the council could request it with the understanding that the council is reviewing the uses in the zone and expanding the permitted uses.

Mr. Schettino stated Washington Avenue has a mixed use, retail and residential. The issue at times with zones is the services type of a business.

Council President Amatorio suggested the council have a special meeting to discuss further.

Councilperson Kornbluth inquired if the council could meet an hour before the next meeting to discuss.

Mayor Schmelz stated it's almost two years since the master plan was done and there are definitions and verbiage that needs to be changed. Mayor Schmelz requested that Hilda or Marie send the council a copy of the master plan, a copy of the schedule and uses of the zones, and a copy of the zoning map. The planner should be invited to the meeting as well as the zoning officer.

B. Parking

Mayor Schmelz stated parking comes up a lot in the master plan. He received a complaint about parking spots being eliminated on Merritt Avenue. People are having trouble parking their cars.

Council President Amatorio stated the signs were not changed even though it was approved to make changes. For example, the one by Main Street and N. Williams Street, was not changed. The signs by Sylvan Avenue were also not changed.

Mr. Gallo stated that will be looked at this week and should have already been done.

Councilperson Kornbluth stated she was reading about Uber and Lyft pools by public transportation. Some towns are getting together with Uber or Lyft and offering \$1.50 within town to transport residents from their house to a bus stop, for example to Port Authority. It's saving people money. Four to five people are able to carpool together at a certain time. It's something to look into.

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. John Smith, resident, stated people are coming before the Zoning Board and inquiring what can be built in the R-5 and R-6 zones. Those zones need to be changed. Mr. Smith presented the council three pictures of Rector Court showing where the proposed temple will be built. A motion was made by the Zoning Board to kick it back to the Site Plan Committee due to problems. The Borough engineer has not seen the plans. The Site Plan Committee members won't get the plans until Monday night, shortly before their meeting. The fire chief doesn't have copy of it either. Mr. Smith inquired if the public will be invited and will be able to comment at the Site Plan meeting.

Mr. Schettino stated it's a public meeting and it's up to the Site Plan committee to allow the public to make comments.

Mr. Gallo stated it's a committee meeting to review the plan presented. It's not appropriate for the public to make comments when the professionals are discussing the plan.

Mr. Schettino stated it is not the governing body's decision to make if the Site Plan Committee is going to allow public input or not. Someone on the Site Plan committee can make a motion to allow the public to speak if they decide to allow it.

Mr. Ray Gorman, resident, thanked the council for passing the Parkinson's Disease Awareness Proclamation at the last meeting.

Ms. Melissa Fried, resident, stated their block on Laurel Court is in desperate need of repaving. There are an abundance of kids and elderly people on the block and it's an imminent danger to wait a year or two to get it repaved as she was told.

Mr. Gallo told Ms. Fried there are other roads in town that are in worse shape than Laurel Court. There's been a lot of work done in that area of the community. In the last three years, over 50 roads were done in town with a good portion done in that area. Mr. Gallo stated infrastructure issues also need to be addressed besides repaving and will be looked into for 2019.

Councilperson Kornbluth inquired if filling in some of the potholes would help.

Mr. Gallo stated they are filling in the holes and looking at better means. They will go out there and will do more work. The plan for paving this year is already set. Mr. Gallo stated Laurel Court is already on the list along with 10-12 other streets to be evaluated for next year.

Mayor Schmelz stated the DPW, the borough administrator, and the borough engineer will look at each street and discuss the plan of what needs are in need of repaving and then it's presented to the council.

Council President Amatorio stated they could at least make sure the potholes are filled to a level of safety.

Ms. Fried stated they would appreciate it if Laurel Court was prioritized.

A resident stated the corner of Willet Street and Bradley Avenue is in need of repair also.

Mr. Gallo stated it will be looked at and evaluated. The plan for this year is to do all the ADA ramps on Washington Avenue from Teaneck to Dumont, on Prospect Avenue from New Bridge Rd to River Edge Rd, from River Edge Rd to New Milford, and West Main Street from Prospect Avenue to Tenafly. Mr. Gallo stated they are trying to prioritize the streets and have \$2,000,000 to spend hypothetically.

Mayor Schmelz stated the infrastructure cost more than the paving on Bogert Place. He stated they will definitely look at Willet Street and Bradley. Anyone can send an email if they have any concerns to the borough administrator.

Councilperson Kornbluth stated there is a meeting with CDBG tomorrow night and this street might qualify for funds that beginning to be released.

Mr. Ercolano, resident, stated the DPW does a great job when we have a problem with the road and they patch it up, but it's like a band aid. The road has only been paved once in the past 35 years. There's a drainage problem in the area and there's probably more involved. As time changes, there's more traffic causing the condition of the road to worsen. Public Works even gets frustrated for coming again and again. It's right after the brook.

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

COUNCIL COMMENTS

Councilperson Lodato thanked everyone for coming and wished everyone a good night.

Councilperson Deauna stated the residents need to be a little patient as the town is trying to address all of the street repair issues.

Council President Amatorio thanked everyone for coming, especially the residents for coming to vent their frustrations. The council is trying to repair all the roads if there is money to do it.

Councilperson Kornbluth thanked everyone for coming and to have a great night.

Councilperson Rivera thanked everyone for coming forward with their concerns. There is a plan for the next ten years and the council is working on it. Now there is hope and glad everyone was here.

Councilperson Marte thanked everyone for coming.

Mayor Schmelz stated there is a nice article coming out April 29th in the New York Times about the good things happening in Bergenfield. There was a daycare opening on Washington Avenue last week, the Little League opening day ceremony, and cleanup day at Cooper's Pond. The council has been putting a lot of money into the streets the past few years. We check with the utility companies and the infrastructure to make sure the streets last for fifty years.

CLOSED SESSION

RESOLUTION **18-145**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

A. Personnel

1. DPW Personnel Matters

B. Attorney-Client Privilege

1. Tax Department Personnel Matters

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

On a motion by Councilperson Kornbluth, second by Councilperson Rivera, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:05 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, second by Councilperson Lodato, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:04 p.m.

Respectfully submitted,

Hilda Tavitian
Deputy Borough Clerk