

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR & COUNCIL WORK SESSION
8:00 p.m.
November 10, 2015**

PRESENT: Mayor Norman Schmelz and Council President Thomas Lodato Council members Charlie Steinel, Arvin Amatorio, Ora Kornbluth, P. Christopher Tully, and Hernando Rivera

ABSENT: None.

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

Mayor Schmelz called the meeting to order at 8:08 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 Mayor Schmelz.

CAPITAL IMPROVEMENTS/ BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Borough Engineer Dave Gleassey explained that the DPW roof replacement was complete. The final change order for the maintenance bond of the video inspection sanitary sewer was this coming Thursday, November 12, 2015. The council signed the final change order for the Merritt and Phelps Avenue. Mr. Gleassey stated that they would discuss having additional cleaning and videotaping done.

Mr. Gleassey stated that he was going to submit the final voucher to Bergen County for reimbursement after the Mayor and Council signed tonight for the Resurfacing of Bradley Avenue.

Mr. Gleassey explained that United Water has been replacing the water main on Somers Avenue and Ames Avenue. The work on Somers Avenue has been completed. The work on Ames Avenue was delayed due to weather conditions. The milling and paving will be done on Friday. The paving on S. Vivyan Avenue and S. Prospect Avenue will be done this Friday, November 13, 2015, also. United Water was in the process of replacing the water mains on Woods Avenue. However, the work has stopped since authorization of permits is required. There is ongoing discussion with the Borough as well as the contractor. The completion of the work of the house lateral with Main Street will be determined when the permits are obtained.

Mr. Gleassey stated that there needs to be a revision in the insurance liability prior to proceeding with the CSX Railroad project with regards to pollutants in order to execute the agreement. They are awaiting comment prior to executing.

Mr. Gleassey explained that PSE&G has completed the relocation of their home services on Main Street.

Mr. Gleassey stated that the contractor, Gotthold Paving, has been in the field and has completed the installation of the storm sewer regarding the reconstruction of Highgate Terrace, Phase II. The remainder of the work will be completed in spring of 2016. Mr. Gleassey stated that there will be a pre-construction meeting with the contractor, National Fence Systems, on November 12th, 2015 at 10:00 am regarding Twin Boro Fields. The work for that project should start immediately.

Mr. Gleassey explained that they will have the documents for the safe routes to school ready for final review and will submit to the Board next week. The field survey was completed and the preliminary paperwork for Washington Avenue for ADA will be submitted to Bergen County for review at the beginning of next week. 2015 Municipal Aid Grants – Mr. Gleassey stated that additional funding was requested for Woodbine Street and North Front Street. \$149,000 was received for the railroad project. Mr. Gleassey stated that there was also a grant application submitted for CDBG and for 2016 municipal aid. Mr. Gleassey stated that the grant was submitted for the Bergen County Open Space and currently awaiting a response. A proposal was submitted for 2015 Carlton Place. Mr. Gleassey stated that monitoring was performed and awaiting for the sample for the Municipal Complex groundwater under the Biennial Certification. Mr. Gleassey stated that other issues have been tabled.

UNFINISHED BUSINESS

A. Tabled Ordinance

1. Ordinance 15-2480

ORDINANCE 15-2480 – AN ORDINANCE CREATING THE POSITION OF FIRE DIRECTOR OF THE BERGENFIELD FIRE DEPARTMENT – Tabled on August 4, 2015

No Action Taken.

NEW BUSINESS

A. Precious and Scrap Metals Ordinance

Chief Madalone stated that she had sent Administrator Gallo and Councilperson Kornbluth sample ordinances. She explained that the software is run by the company and that they would come to do training. Chief Madalone explained that the cost would be \$250 per business and that these companies serve the entire nation. It's searchable countrywide. The ordinance needs to be changed to include payment of \$250. The company will come and do the training once payment is made.

Councilperson Steinel asked how the police department would benefit from this.

Chief Madalone explained that it would be an essential asset for the police department. Chief Madalone stated you can use key words, list nicknames, tattoos, addresses with the software and burglars who stole from different counties would come up.

Councilperson Steinel asked how many businesses would be included.

Chief Madalone stated that there are 6 businesses, 1 is out of business, and 1 is a scrap yard with metals.

Mayor Schmelz asked Chief Madalone if she had spoken to any of them.

Chief Madalone had responded that she had not.

Councilperson Kornbluth asked whether other towns pay the fee or pass it on to the businesses.

Chief Madalone stated that other towns pass it onto their businesses.

Councilperson Steinel asked if other businesses pay a separate business registration fee.

Chief Madalone stated that a business would have to pay a \$25 fee, make a photocopy of their license and fax a form created for them. Each county is asked to do this.

Mayor Schmelz asked if this needs to be done.

Chief Madalone responded that it would be beneficial to the police department.

ADMINISTRATOR'S REPORT

Administrator Gallo stated that United Water will be conducting work on a portion of Ames Avenue on November 13, 2015. Mr. Gallo explained that all outstanding engineering work will be completed before winter. The projects will begin again in early spring.

Administrator Gallo stated that hopefully the school grants that we are waiting for will come to fruition and the projects will move forward once it is received. The Department of Transportation held us up. It would also better to complete the school projects when school lets out in the summer.

Administrator Gallo stated that DPW has started leaf collection. The lease of new equipment and the purchase of the jaw will help with the accumulation and disposal of leaves more efficiently.

Mr. Gallo stated that there is still ongoing work being done in Borough Hall. The heating was just put on as two pipes were fixed. However, there are some sections of the building in which there still isn't any heat.

Administrator Gallo stated that we have been in communication with the borough attorney regarding CSX. Administrator Gallo explained that John Schettino had sent a letter regarding the agreement. However, there has been no response. Senator Corey Booker's office has even been in contact with CSX. The other towns have also had meetings with Senator Booker regarding this issue. Mr. Gallo stated that legal action may be taken to get CSX to clean up the properties.

Borough Attorney John Schettino suggested having the building department issue summons.

Administrator Gallo stated that he was at the fire on Sugden Street on Sunday. He stated that there were no injuries and the dog was saved. The Dumont, New Milford, and Tenafly and Fire Departments had responded to the call.

Administrator Gallo explained that the building department will be sending the registration renewal forms for one and two family homes that are rented. The new inspector will be more aggressive with having these homes inspected which hasn't been done in the past. There are a lot of homes that are not occupied, one family homes where rooms are being rented, and multiple people living in two family homes. This has a great impact on DPW and other services provided by the town. The building department and the borough will make a strong effort to clean this up.

Administrator Gallo reminded everyone that the Veteran's Day ceremony was going to be tomorrow and that there were going to be tents set up in case of rain.

MAYOR & COUNCIL REPORT

Councilperson Kornbluth stated that there was a great turn out at the recreation department's Halloween Party. The Special Improvements District did not come through at the Halloween party as promised. The special needs soccer program was a success and was on news 12. Councilperson Kornbluth stated that the fall sports are coming to an end. Councilperson Kornbluth stated that the

Bergenfield Volunteer Ambulance Corps. responded to 1,805 calls up to date including fires. The police department will be having an open house tomorrow from 10:00 a.m. to 2:00 p.m.

Councilperson Kornbluth explained that she met with two county engineers to look at three county roads in Bergenfield. The first one was on New Bridge Road where the crossing guard was injured. The second suggestion was to install a 4 way traffic light at South Washington Avenue and New Bridge Road. The third road is Main Street. There are turning lanes but there aren't any turning lights. It was suggested that getting a turning light would stop the problems there.

Councilperson Steinel suggested that everyone should look at the borough webpage and sign up for Nixle to get messages to find out where and when DPW would be collecting leaves. It is helpful to know ahead of time so that it is easier for leaf clean up. Councilperson Steinel stated that two trucks are out being modified for the winter. There will be tents set up in case of rain for the Veteran's Day service. The senior citizen's report has been submitted. The Senior Citizen's will have a Christmas Party on December 13th, 2015 at 1:00 p.m. at the VFW. Councilperson Steinel stated the Office of Emergency Management plan has been approved by the state and is good for the next 5 years.

Councilperson Amatorio stated that the Board of Education Veteran's Day ceremony will be tomorrow at 1:00 p.m. at the Bergenfield High School. Councilperson Amatorio reported that the Shade Tree Committee serviced 20 trees and had received 13 requests last month. Councilperson Amatorio stated that the builder had cut down the tree at 595 South Prospect Avenue not being aware of the ordinance. DPW had suggested the builder should donate \$1500 for cutting the tree down. Councilperson Amatorio asked who on behalf of the Borough is authorized to determine what the penalty should be.

Administrator Gallo stated that the Shade Tree Committee uses a state guide in determining the value of a tree. The tree guide is used by everyone in the state. Administrator Gallo stated that the Shade Tree Committee is reducing the cost for the value of the tree. Mr. Gallo further explained that if the valuation of a tree is \$10,000, it is being reduced to a 4" caliber tree. Mr. Gallo stated that there is a reduction in the true value cost of the tree and that the town of Paramus charges full price for a 12" caliber tree that is taken down.

Councilperson Steinel stated that the Shade Tree Commission could only do so much on their own. Councilperson Steinel suggested that Mr. Gallo look at the ordinance in place Paramus has and present some paperwork regarding it to the council. Councilperson Steinel stated that once an ordinance is put in place, then the judge would be able to charge a penalty when a tree is cut down.

Administrator Gallo stated that he will look into it and present the council with paperwork. Councilperson Amatorio stated that he will look at the ordinance Paramus has in place as well.

Councilperson Tully congratulated the Environmental Committee for receiving an award. This award will be presented to them at the League of Municipalities on Tuesday, November 17th, 2015 at 12:00 p.m. Councilperson Tully also stated that the Capital Budget meeting was going to be held in December and the capital budget would be introduced by January 2016.

Councilperson Lodato stated that the Planning Board had approved the master plan re-examination report at their October meeting. Councilperson Lodato stated that it was recommended that the Mayor and Council address the commuter parking issue. The Planning Board had suggested building a commuter structure. The next Planning Board meeting that is scheduled for November 16th, 2015 is cancelled. The library meeting and the Board of the Fire Department meeting is tomorrow night, November 11th, 2015. Members of the fire department will be taking a mandatory training on Bloodborne Pathogens on November 18th, 2015. The Veteran's Day Ceremony at Borough Hall will be at 1:00 a.m. and the ceremony the Board of Education is hosting is tomorrow at 1:00 p.m.

Mayor Schmelz stated that the SID Board had met last night and had questioned if there was a council person who wanted to be a liaison for the SID Board.

CORRESPONDENCE

A. Pfannen/ 198 Carlson Place

RE: Resignation from Zoning Board

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

PUBLIC COMMENT – Please be advised there will be a limit of five (5) minutes per speaker and each may speak only once.

John Smith, 50 Hallberg Avenue, asked whether anyone had been at the PAL Complex at Whittaker Park. He stated that there were twelve (12) large concrete, cylinder tubes. He asked if these pieces of concrete belong to the Borough.

Administrator Gallo explained that the storm drain was broken and that PSE&G was working there. The pipe was placed there temporarily so it would not get damaged. The work should be done by next week.

John Smith, 50 Hallberg Avenue, asked why the transfer of appropriations for the recreation department was needed.

Administrator Gallo stated that it could have been for extra expenditures needed for children's recreation services.

John Smith, 50 Hallberg Avenue, inquired about the expenditures for the cleaning of leaves in the park and if DPW workers were receiving overtime for picking up leaves. He asked whether there were any plans for the sale of the steel.

Diana Flagg, 131 Hillside Avenue, stated that there weren't any parking spots available in the parking lot when she had stopped by at Borough Hall earlier in the day. She expressed her concern that commuters are parking in the parking lot. There was only 1 person at the tax office. The parking lot was full tonight as well. She asked why there isn't parking for the taxpayers. Ms. Flagg also stated that the administrator was out of the office when she had stopped by to express her concern. She stated that she was told that he was working from home in the morning. She inquired whether this was in his contract and was curious how this came about. She asked if it was approved by the council. Ms. Flagg asked if comp time was used for the afternoon.

Administrator Gallo stated that he did work from home that morning and used comp-time in the afternoon.

Ms. Flagg asked if this was documented in the personnel files.

Administrator Gallo stated that it is. He also stated that he had worked until 9:20 p.m. the previous evening and worked many more hours over the week.

Ms. Flagg stated that people are still living in and above garages. The signage on Washington Avenue is a disgrace. Washington Avenue looks terrible. The incense shop burns incense outside of their shop. If a child is not looking, he or she can get burned. Ms. Flagg asked if we are going to clean up Bergenfield. She congratulated Mayor Schmelz, Councilperson Lodato, and Councilperson Rivera for winning the election.

Barry Doll, from the Museum society, stated that the museum railing and porch were painted. He stated that the Museum will have an open house on December 5th during Holiday in the Park.

Everyone is welcome. They will be serving refreshments. The Barrier Free group has painted no parking in the no access lanes. Mr. Doll inquired as to what was happening with the pool. He suggested having a referendum. Mr. Doll asked who is on the committee.

Mayor Schmelz stated that Councilperson Amatorio, Councilperson Kornbluth, and Councilperson Lodato are on the committee.

Councilperson Lodato stated that they are in the process of getting an estimate from the engineer as to what the cost would be to repair the damage and make other upgrades necessary to re-open the pool. They are looking to see what operating costs would be. He would like to know how interested the public is. If there is significant interest, then it would be worth pursuing. Councilperson Lodato stated that if there is little interest, then it would not be worth pursuing.

Councilperson Kornbluth stated that it is not feasible to take a poll and that it is expensive to have a referendum.

Chief Madalone stated that the police department will be having an open house at 10:00 a.m. to 2:00 p.m. on Tuesday, November 11, 2015. The first clergy meeting will be held on Tuesday, November 17, 2015 at 7:00 p.m. All denominations are welcome to attend. The fire department and the ambulance corps. were great during the fire. Chief Madalone thanked Administrator Gallo for coming.

Phillip Lehr, 145 Merritt Avenue, asked if there were any council members who were interested in becoming a liaison on Special Improvements District committee. He asked if any council members gave any consideration and as to why the silence. He stated that it would be prudent to have a council member as a liaison. The Special Improvements District committee did great work in Englewood. Mr. Lehr stated that the Special Improvements District committee has not lived up to its expectations in this town and that letting them go on their own is a mistake. Mr. Lehr asked if Mayor Schmelz would consider being the liaison.

Mayor Schmelz stated that he is already on the Board.

Wendy Lesinski, from the Challenger Program, thanked everyone for their participation and support with the special needs soccer program. Ms. Lesinski stated that it not only helped kids from Bergenfield, but also from different towns. It helped the children learn the fundamentals of sports who are normally not able to participate in and would recommend the program to other people. Ms. Lesinski hopes to have a social event organized in the future for special needs children along with Stigma Free.

Fred Sahlberg, 32 Merritt Avenue, congratulated Councilperson Lodato, Councilperson Rivera, and Mayor Schmelz on their re-election. Mr. Sahlberg stated that he remembers that either in the late 1970's or early 1980's, there was a case in Teaneck in which a couple of detectives had gone to the Bronx to five different pawn shops and found that it was the same burglar who had stolen from several different towns. Mr. Sahlberg stated that the problems with burglars would be solved if the precious metal ordinance was adopted. Mr. Sahlberg stated that it is a great idea, would save on man power, and victims would be able to get their precious metals back.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 15-341. 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. **15-342**/To Pay Bills
- b. **15-343**/To Approve RFQ for 2016 Professional Services
- c. **15-344**/To Approve Raffle Application #1290
- d. **15-345**/To Approve Goosetown Communications Equipment Lease Agreement
- e. **15-346**/To Accept Resignation – Fire Prevention Specialist
- f. ~~**15-347**/To Approve Pay Certificate 2 – Resurfacing of Merritt Ave (Section 2 & 3) and Phelps Avenue (Section 1 & 2) – AJM Contractors, Inc.~~
- g. ~~**15-348**/To Approve Change Order – Resurfacing of Merritt Ave (Section 2 & 3) and Phelps Avenue (Section 1 & 2) – AJM Contractors, Inc.~~
- h. ~~**15-349**/To Approve Revised Verizon Lease~~
- i. **15-350**/To Adopt Safe Exchange Program
- j. **15-351**/To Request Approval to Insert Funds – Chapter 159
- k. **15-352**/To Authorize Transfer of Appropriations
- l. **15-353**/To Authorize Cancellation of Unused Balance – Refunding Bond Ordinance
- m. **15-354**/To Authorize replacement of DPW Salt Shed
- n. **15-355**/To Authorize Bid for the Purchase of 2015 Ford Truck
- o. **15-356**/To Authorize Police Department Application to Participate in the 1033 Program
- 15-357**/To Authorize Application – 2015 Drive Sober Get Pulled Over Year End Holiday Crackdown Grant Program
- p. **15-358**/To Approve Place to Place Transfer – Plenary Retail Consumption License – Lula’s Latin Cuisine
- q. **15-359**/To Authorize RFP for 2016 IT Consultant Services
- r. **15-360**/To Authorize Agreement to Share Donated Firefighting Foam Concentrate with the County of Bergen

Motion by Councilperson Rivera, second by Councilperson Steinel that the Consent Resolution be approved.

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

Councilperson Steinel:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Tully:	<i>aye</i>
Council President Lodato:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>

Motion by Councilperson Rivera, second by Councilperson Kornbluth that Resolutions #15-347 & #15-348 be approved.

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

Councilperson Steinel:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Tully:	<i>recuse</i>
Council President Lodato:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>

Motion by Councilperson Kornbluth, second by Councilperson Rivera that Resolution 15-349 be approved.

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

Councilperson Steinel:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Tully:	<i>aye</i>
Councilperson Lodato:	<i>recuse</i>	Councilperson Rivera:	<i>aye</i>

COUNCIL COMMENTS

Councilperson Kornbluth stated that there were some comments made last few week about the extravagant vacations she took. Councilperson Kornbluth stated that she used her frequent flyer mileage when she traveled to Alaska. Councilperson Kornbluth stated that she drove down to the New Jersey Shore in her own car for Passover. Councilperson Kornbluth also stated that perhaps vacation time should be removed from the payroll if the Mayor feels that council members should not be taking vacations. Did the Mayor deduct from his payroll when he went to North Carolina and Seaside Heights. Councilperson Kornbluth went on to state that even though she was on vacation she had still answered Borough related phone calls and dealt was Borough related issues. It can't be both ways.

Councilperson Rivera thanked everyone for their support during the campaign and coming tonight. Councilperson Rivera wished everyone a good night.

Councilperson Steinel stated that he was disappointed with how people conducted themselves during the elections. Councilperson Steinel stated that he had heard rumors people were spreading that residents at the South end of the town did not pay taxes and that the DPW was not picking up any vegetative waste material anymore. Councilperson Steinel stated all of this is crap and immaterial. The courts have given birth to all this slander. Councilperson Steinel stated that he takes personal offense to all of the bashing of Hudson County. Councilperson Steinel stated that he agrees with Ms. Flagg regarding the signage and hopefully the inspector that was hired will make it a priority. There will be a re-organization meeting with the Special Improvement District Board in January. Councilperson Steinel wished everyone a good night and hoped to see everyone in front of Borough Hall tomorrow at 11:00 a.m. for the Veteran's Day Ceremony.

Councilperson Amatorio wished everyone a good night and thanked everyone for coming to the meeting.

Councilperson Tully wished everyone a good night.

Councilperson Lodato thanked everyone for coming and the voters for their support and stated he was looking forward to another year of service.

Mayor Schmelz stated that the Garden Club was going to have a wreath sale during Holiday in the Park on December 5th, 2015. Mayor Schmelz thanked everyone for their support during the election and wished everyone a good night.

CLOSED SESSION

RESOLUTION **15-361**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Personnel Matters
 - 1. Police Chief Contract
 - 2. Police Department Clerical Personnel Matters

- B. Collective Bargaining Agreements
 - 1. DPW Bergenfield Employees Association Contract Negotiation 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 Steinel, second by Councilperson Kornbluth, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:10 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, second by Councilperson Tully, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:28 p.m.

Respectfully submitted,

Marie Quinones
Acting Borough Clerk