

BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
8:00 p.m.
December 15, 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 8:05 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 Lodato.

AGENDA CHANGES

New Business Item A moved to be presented after Verbal Communications II.

APPROVAL OF MINUTES

Motion by Councilperson Steinel, Second by Councilperson Rivera, to approve minutes of the October 20, 2015 Regular Meeting, October 20, 2015 Closed Session (not to be released), November 10, 2015 Work Session, November 10, 2015 Closed Session (not to be released), December 1, 2015 Work Session, and December 1, 2015 Closed Session (not to be released). All present voting in favor aye.

PRESENTATIONS

No Presentations.

VERBAL COMMUNICATIONS I

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

John Smith, 50 Hallberg Avenue, asked for an explanation regarding the time extension for the Main Street project. He inquired why the project was being extended until April 2016, when it is supposed to be completed by the end of this year. Mr. Smith stated that the Borough should seek a refund from the contractor.

Borough Attorney John Schettino stated that the extension is based upon the engineer's recommendation because the delay was beyond the control of the contractor. Mr. Schettino stated that he would find the reason for the delay and forward the information to the Borough Administrator.

Mr. Smith also inquired as to why the discussion regarding Special Improvement District was being going to be held in closed session.

Borough Attorney Schettino explained that the Council asked for legal opinion on an issue regarding Special Improvement District, and therefore the update is covered under Attorney-Client privilege.

Councilperson Tully asked whether the Special Improvement District committee was going to be present.

Borough Attorney Schettino stated that the Special Improvement District committee will not be present.

Barry Doll, 97 Highgate Terrace, stated that it is difficult for him to understand Resolution 15-391 authorizing a time extension for the reconstruction of Highgate Terrace due to the weather. He explained that the weather has been terrific, and the residents were told that the project would be complete by the end of the year. Mr. Doll stated the Council should look into this, and learn whether or not the postponement of the project will cost additional monies.

Borough Administrator Gallo stated that the extension would not cost any additional money. Mr. Gallo explained that no one can foresee what the weather. The project cannot be done in the winter because salt and snow can damage the cement.

Mr. Doll stated that the residents were misled where being told that the job would be completed by the end of the year, however, there were no intentions of completing the job by the end of the year.

Rich Goddin, 418 West Avenue, Northvale, NJ, auxiliary police thanked the Police Chief and the Mayor and Council for the approval of the body armor for the auxiliary police.

Myrna Guzman, 180 Roosevelt Avenue, thanked the police chief and the Mayor and Council on behalf of the whole police auxiliary unit for the approval of the body armor.

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

CORRESPONDENCE

A. Washington School Parents Association
Bergenfield School District

RE: Collection Box in Borough Hall for School
Volunteer Efforts

Motion by Councilperson Lodato, second by councilperson Steinel, and all other members voting in favor, item A is approved.

CONSENT AGENDA

CONSENT RESOLUTION 15-381. 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. **15-382/**To Pay Bills
- b. **15-383/**To Approve Transfer of Appropriations
- c. **15-384/**To Approve Cancellation of Outstanding Checks
- d. **15-385/**To Approve Cancellation of Improvement Authorizations
- e. **15-386/**To Approve Raffle Application – RA 1291
- f. **15-387/**To Approve Raffle Application – RA 1292

- g. **15-388**/To Approve Proposal – Remington Vernick & Arango - Cataloging of Sanitary Sewer Maps
- h. **15-389**/To Authorize Time Extension – Gemrose Utility, LLC - FY’ 2014 Main Street Sewer Rehabilitation
- i. **15-390**/To Authorize Pay Certificate – Gemrose Utility, LLC - FY’ 2014 Main Street Sewer Rehabilitation
- j. ~~**15-391**/To Authorize Time Extension – Gotthold Paving, LLC – Reconstruction of Highgate Terrace~~
- k. **15-392**/To Award Contract – 2015 Ford F450 4x4 – Schultz Ford Lincoln Inc.
- l. **15-393**/To Authorize Refund – Redemption Monies – Outside Lien Holder – TTL#15-00009
- m. **15-394**/To Authorize Refund – Redemption Monies – Outside Lien Holder – TTL#15-00020
- n. **15-395**/To Authorize Refund – Tax Overpayment – Block 260, Lot 1
- o. **15-396**/To Authorize Tax Settlement – 125 East Clinton Avenue 7A
- p. **15-397**/To Authorize Tax Settlement – 115 East Clinton Avenue 5A
- q. **15-398**/To Authorize Tax Settlement – 50 South First Street 6A
- r. **15-399**/To Approve 2015 Tax Refunds
- s. **15-400**/To Approve Agreement for 2016 – Edmunds & Associates
- t. **15-401**/To Authorize Strategic Plan for Funding Municipal Alliance
- u. **15-402**/To Approve Agreement between the Borough of Bergenfield and Phil Neville, DPW Superintendent
- v. **15-403**/To Approve Agreement between the Borough of Bergenfield and Cathy Madalone, Chief of Police
- w. **15-404**/To Approve Cancellation of Grant Funds – 2015 CDBG Bradley Avenue
- x. **15-405**/To Urge the Passage and Approval of the Crude-By-Rail Safety Act

Motion by Councilperson Kornbluth, second by Councilperson Rivera that the Consent Resolution be approved as amended.

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 Steinel, second by Councilperson Tully that Resolution #15-391 be approved.

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

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

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 was taken.

NEW BUSINESS

Motion by Councilperson Tully, second by Councilperson Kornbluth and all other members voting in favor, that item A be moved and presented after Verbal Communications II.

A. Environmental Committee Presentation – Sustainable Jersey Award

Joe Verga along with Barry Doll presented the Sustainable Jersey award. Mr. Verga thanked the Mayor and Council for their support along with other departments and committees, including DPW, Shade Tree Committee, Health Department, Special Improvement District, Fire Department, and the Environmental Committee. Mr. Verga stated that this was the second time Bergenfield has been given the bronze award for Sustainable Jersey and called the “Friendly Community”.

B. Hearing on the Person to Person and Place to Place Transfer of Liquor License No. 0203-44-002-007 located at 5 South Washington Avenue; Akshat Convenience Store Inc. to Bergenfield Liquors Enterprise, LLC

No one came forward.

C. Resolution

1. **15-406**/To Approve the Person to Person and Place to Place Transfer of Liquor License No. 0203-44-002-007 located at 5 South Washington Avenue; Akshat Convenience Store Inc. to Bergenfield Liquors Enterprise, LLC.

Motion by Councilperson Steinel, second by Councilperson Rivera that Resolution #15-406 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>

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.

Patricia Gruber, 195 N. Vivyen Street, inquired the status of the Bamboo ordinance. Ms. Gruber stated she had spoken to Councilperson Steinel as to the reluctance of passing an ordinance for bamboo. She stated that there should be no reason the ordinance should not be passed because Bergenfield has a serious bamboo problem. She indicated her neighbor removed the bamboo roots from around their deck area in their yard, but did not removed the roots from the tree in her yard. Ms. Gruber stated as a tax payer, she is concerned about her property.

Administrator Gallo stated that the Shade Tree Committee had their meeting last night and had an extensive discussion regarding the bamboo. They are looking at other towns’ bamboo ordinances and are trying to create that will include bamboo. Mr. Gallo explained that it is a process, but the Shade Tree Committee will be reporting back to the governing body.

Mayor Schmelz stated the meeting minutes from the Shade Tree meeting are available to whoever wants to read them.

Ms. Patricia Gruber stated that it is going to cost her a lot of money to remove the bamboo and would like something done by the town.

John Smith, 50 Hallberg Avenue, asked Councilperson Steinel to confirm whether leaf collection is completed, and whether it would be extended.

Councilperson Steinel confirmed that the DPW completed their last collection, but if there are leaves on the road, they will be picked up.

Mr. John Smith stated that his neighbor's landscaper stopped in to clean the leaves, and because of the wind, the leaves ended up on his property. He commented if he will be responsible for the leaves until the winter. He stated that the landscaper should pay a fine for dumping leaves after the deadline, and therefore, the ordinance should be reconsidered. Mr. Smith also stated that the concrete was still at Whittaker Park, after he was told at the last meeting that it would be removed. He also commented that he submitted an OPRA request to obtain information on the group that uses the field on Sunday mornings, and no permit was on file. He explained that there is no record of who is using the field and paying the permit. He further inquired about the status of the pile of steel at the PAL field.

Fred Sahlberg, 32 Merritt Avenue, stated that he heard a rumor that the Bergenfield Police Department is hiring lateral transfers. Mr. Sahlberg stated that the lateral transfers do not help municipalities with financial problems. He explained that the police officers transfer from other to towns after serving for 19 years, retire from Bergenfield, and then the Borough is responsible if their pension and medical benefits. Mr. Sahlberg stated that there are many young men and women who were former service men who are seeking jobs, and are not hired because the Civil Service exams are unavailable to them.

Councilperson Kornbluth inquired if the lateral position was advertised.

Chief Madalone confirmed the position was advertised.

Barry Doll, 97 Highgate Terrace, felt that Councilperson Steinel's statement regarding the leaf collection was inappropriate. He stated that residents need a better reason for the termination of leaf pick-up. He explained that landscapers should be aware of the deadline and be fined when they do not comply. Mr. Doll inquired about the status of the pool, and stated that the town should sell it to developers. Mr. Doll inquired whether there were any resolved issues the council could discuss from previous closed sessions.

Fire Chief Gerald Naylis, 21 South Taylor Street, thanked the Mayor and Council for passing Resolution 15-405, the approval of crude by rail safety act. Chief Naylis also thanked the county executive for approving it and stated that this resolution is another step in the right direction.

Patricia Gruber, 195 N. Vivyan Street, stated that she would like to take back the bronze plaque that is hung at the swim club to commemorate her son.

Administrator Gallo stated he will get it back to her.

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

Committee/Department Reports

Motion offered by Council President Lodato that the Committee/Department Reports be spread upon the minutes in full and filed. Second by Councilperson Steinel. All in favor, none opposed.

COUNCIL COMMENTS

Councilperson Steinel stated that all the dates for leaf pick up were published in December. Leaves cannot be left in the street due to the weather. You can't dump leaves. Councilperson Steinel stated

that his comments were appropriate. Councilperson Steinel wished everyone a Merry Christmas and Happy Kwanzaa.

Councilperson Amatorio wished everyone a happy holiday and thanked everyone for coming to the meeting.

Councilperson Lodato wished everyone a happy holiday.

Councilperson Kornbluth congratulated the Environmental Committee and thanked everyone for coming to the meeting.

Councilperson Tully congratulated the Environmental Committee and wished everyone a happy holiday as well as a happy, healthy new year.

Councilperson Rivera wished everyone a happy holiday and thanked everyone for helping the community.

Mayor Schmelz thanked everyone for coming to the meeting and wished everyone a happy holiday.

Councilperson Kornbluth stated that her husband was asked to help with the radios for the Office of Emergency Management on a voluntary basis from time to time. Councilperson Kornbluth asked whether she had to recuse herself from voting on Office of Emergency Management matters.

Attorney Schettino stated that as long as her husband was not a member of the Office of Emergency Management, Councilperson Kornbluth did not have to recuse herself.

CLOSED SESSION

RESOLUTION **15-407**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Collective Bargaining Agreements
 - 1. DPW Bergenfield Employees Association Contract Negotiation Update
- B. Personnel
 - 1. Police Department Personnel
- C. Attorney-Client Privilege
 - 1. Special Improvement Districts 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 Tully, second by Councilperson Rivera, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 8:52 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Rivera, second by Councilperson Kornbluth, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:50 p.m.

Respectfully submitted,
Marie Quinones
Acting Borough Clerk