

BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
8:00 p.m.
January 19, 2016

PRESENT: Mayor Norman Schmelz and Council President Charlie Steinel, Council members Thomas Lodato, 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 Council Member Lodato.

AGENDA CHANGES

Consent Item R. 16-037/To Approve Stipulation of Settlement – Supervising Animal Control Officers for Bergen County was moved from Consent Agenda to Closed Session.

Resolution 15-411/To Approve McDonald's Developers Agreement under Unfinished Business removed from the Agenda.

APPROVAL OF MINUTES

Motion by Council President Steinel, second by Council Member Lodato, to approve minutes of the January 1, 2016 Sine Die 2015 Meeting and January 1, 2016 Reorganization Meeting. All present voting in favor, none opposed.

PRESENTATIONS

- A. Proclamation – Bergen United – U17 Boys Soccer

Mayor Schmelz read the proclamation into the record.

The coach of the Bergen United Soccer Club spoke about the program and stated that he had a meeting with the Borough Administrator and Mayor Schmelz. The coach mentioned that even though it is a small club, they have developed an elite program. They have great coaches, like Jonathon Gonzalez who graduated from Bergenfield High School and attended William Paterson University.

Motion by Councilperson Kornbluth, second by Councilperson Tully to take a five minute recess. The meeting was re-opened at 8:18 p.m.

- B. Proclamation in honor of Martin Luther King Jr. Day

Mayor Schmelz read the proclamation into the record.

VERBAL COMMUNICATIONS I

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

Barry Doll stated that he wanted to provide some information on his previous accomplishments. He stated that he was appointed to Barrier Free and the Stigma Free Committee. Mr. Doll previously served as the Council Liaison for the Barrier Free and served as the secretary on the Environmental Committee. At that time, the committee received a \$1,000 reward, as well as a Sustainable Jersey award. Mr. Doll apologized for the comments he made at a previous meeting, and understands that he offended some of the councilmembers. Mr. Doll recognizes that he understands the serious problems that lead in the paint can create. However, he stated that as long as it is not ingested, he does not see any harm using paint that has lead in it.

John Smith stated that he approves the purchases the Police Department made from business in town. He commented that there are still many purchases being made out of town by the Recreation department. He also inquired if Millennium Strategies will be receiving additional funds for bonds.

Borough Attorney Schettino stated that there weren't any additional monies paid for bonds.

Diana Flagg, inquired why addresses needed to be stated at the meeting. She also inquired the Borough is paying so much money to the New Milford Police Department. Ms. Flagg also questioned why the Bergenfield Police Department bought stress relievers that cost \$189. She stated that the Councilmembers should not vote on a bill list without having an understanding of the invoices.

Captain Massey stated that the stress relievers were giveaways at the Police Department open house.

Borough Administrator Gallo explained that the gas/fuel pumps had gone down over a period of time, and New Milford permitted the department to use their pumps. Mr. Gallo explained that he cannot confirm the invoices because he does not have the purchase orders in front of him.

Administrator Gallo stated that he reviews the bills on a daily basis.

Diana Flagg asked why \$65 is paid to Pacific Telemanagement Service each month for the payphone. Ms. Flagg asked why the pay phone was needed and if it was needed.

Administrator Gallo stated that residents use the payphone.

Gerard Naylis, inquired if the project on South Washington Avenue was moving forward. He asked whether the environmental mediation was alleviated.

Attorney John Schettino stated that there wasn't any work done yet. The zoning board had approved the proposal and also has to be approved by the mayor and council. He stated that unless the agreement is challenged, the project was moving forward. An individual has 45 days from the day it is publicized in the newspaper to challenge the agreement.

Gerard Naylis stated that there has been a signed post for over a year that an environmental study is being done there. Mr. Naylis asked how they would be moving forward with the project if there is contamination and whether the site needs DEP arrival.

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

CORRESPONDENCE

- A. Quinn/The Council of Irish Associations of Greater Bergen County Re: Request for Approval to hold St. Patrick's Day Parade – Sunday, March 13, 2016
- B. Lodato/Board of Fire Directors Re: Personnel Action

Motion by Councilperson Steinel, second by Councilperson Rivera, and all other members voting in favor, that items A and B are approved.

CONSENT AGENDA

CONSENT RESOLUTION 16-019. 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. **16-020/**To Pay Bills
- b. **16-021/**To Approve Raffle Applications 1293 & 1294
- c. **16-022/**To Authorize Grant Agreement – County of Bergen – Carlson Place Improvements
- d. **16-023/**To Establish Green Advisory Team
- e. **16-024/**To Authorize PSE&G 2016 Sustainable Jersey Grant Application
- f. **16-025/**To Approve Contract – Remington, Vernick, & Arango Engineers – Richard Arango
- g. **16-026/**To Approve Contract – Greg F. Paster, Esq.
- h. **16-027/**To Approve Contract – Associated Appraisal Group
- i. **16-028/**To Approve Contract – The Choi Law Group LLC – John H. Bang, Esq.
- j. **16-029/**To Approve Contract – Linda Schwager, Esq.
- k. **16-030/**To Approve Contract – Gloria Oh, Esq.
- l. **16-031/**To Approve Contract – Rogut, McCarthy, LLC – Steven Rogut, Esq.
- m. **16-032/**To Approve Contract – GJEM Insurance Agency, Inc., Division of Otterstedt Agency
- n. **16-033/**To Approve Contract – Chasen, Leyner & Lamparello, PC – John L. Shahdanian, II, Esq.
- o. **16-034/**To Approve Contract – Millennium Strategies LLC
- p. **16-035/**To Approve Contract – Lerch, Vinci, & Higgins LLP – Paul Lerch, RMA
- q. **16-036/**To Approve Contract – John Schettino, Esq.
- r. ~~**16-037/**To Approve Stipulation of Settlement – Supervising Animal Control Officer for Bergen County~~
- s. **16-038/**To Approve Tax Settlement – 37-39 South Washington Avenue

Motion by Councilperson Steinel, second by Councilperson Amatorio that the Consent Resolution be approved as amended.

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	aye
Councilperson Amatorio:	aye	Councilperson Tully:	aye
Council President Steinel:	aye	Councilperson Rivera:	aye

UNFINISHED BUSINESS

~~A. **Resolution 15-411/**To Approve McDonald's Developers Agreement~~

This resolution was removed from the agenda.

B. Recommendations and Nominations for Boards and Committee

BARRIER FREE

Councilperson Tully stated that he appreciated the comments made by Barry Doll. Councilperson Tully stated that Mr. Doll represents the town in many ways and that his comments are valuable. However, the council is confused when he questions the safety of lead. Councilperson Tully asked Barry Doll if he could clarify what he meant when he spoke about the safety of lead in paint.

Mr. Barry Doll stated that lead is handled by tradesman, sportsman, and by other professionals. They do not find it harmful. Mr. Doll wanted to illustrate the fact that lead is not harmful or hazardous unless it is ingested.

Councilperson Tully expressed his concern about Barry Doll putting lead in his mouth, especially since he had served on the Environmental Committee and did this in the presence of boy scouts.

Mayor recommends and nominates Barry Doll to serve on the Barrier Free Committee for a one-year term, term expiring December 31, 2016.

Motion by Councilperson Tully, second by Councilperson Rivera, that the nomination be confirmed.

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	aye
Councilperson Amatorio:	aye	Councilperson Tully:	aye
Council President Steinel:	abstain	Councilperson Rivera:	aye

ENVIRONMENTAL COMMITTEE

Mayor recommends and nominates Barry Doll to serve on the Environmental Committee for a one-year term, term expiring December 31, 2016.

Motion by Councilperson Tully, second by Councilperson Steinel, that the nomination be tabled.

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	aye
Councilperson Amatorio:	aye	Councilperson Tully:	aye
Council President Steinel:	aye	Councilperson Rivera:	aye

NEW BUSINESS

None.

Committee/Department Reports

Motion offered by Council President Steinel, second by Councilperson Lodato, that the Committee/Department Reports be spread upon the minutes in full and filed. 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.

Patricia Gruber, inquired what was happening with the bamboo ordinance. Ms. Gruber stated she is not giving up and wants the ordinance passed.

Administrator Gallo stated that it is being worked on. The Shade Tree Committee was given all of the information and the bamboo ordinances from the other towns. Administrator Gallo stated that they are waiting for the Shade Tree Committee to get back with the report.

Patricia Gruber inquired about getting the plaque for her son back from the Swim Club.

Administrator Gallo stated that he has made a note to get it back to her.

Barry Doll, stated that he is disappointed with the unfinished business regarding the steel and the PAL Park. These issues have been going on for quite a while. Some resolution should be passed. The swimming pool is another issue that is always left off the agenda. Mr. Doll stated he will continue to remind everyone until it is resolved.

Mayor Schmelz stated that the Swim Club was mentioned at the Reorganization meeting on January 1st and will be put on the agenda to be discussed. There is nothing about the steel.

John Smith, stated that there were no permits or fees paid when he had gotten the response back from an OPRA Request for Memorial Field. Mr. Smith stated that based on the police report, the police were notified on August 30th to investigate a group that was playing in the field. According to the police department, they had the proper permit. However, according to Borough records, there wasn't a permit issued. Mr. Smith went on to state that it amazes him that 4 council members voted for the re-appointment of the recreation director, Gillman, who does not do his job.

Mr. John Smith stated that Robert Gillman signed PAL lease in 2013. They were not an exempt status group at the time and wanted to know if the lease agreement was valid. I've asked for permits and other information. I have not received this information because there isn't any information. Shame on everyone who voted for this man. Mr. Smith stated that it is still the same issue with the steel.

Fred Sahlberg, stated that he does not agree with that but shares the frustration over the PAL field. It has been 4 years, 2 months and the steel is still there. Mr. Sahlberg inquired about the new rule that new hires have to be sworn in by the borough clerk and if that applies to elected officials.

Administrator Gallo stated that he had contacted the IRS earlier in the day and was on the telephone with them for an hour. Mr. Gallo stated that in May 2013, the 501C3 status was revoked from the PAL due to a mistake in filing. However, this was rescinded and the PAL has been in good standing ever since. The date of the exemption was retroactive. Mr. Gallo stated that the PAL always maintained 501C3 status.

Ray Johnson, Dumont resident, stated that according to NBC (Comcast), 5 out of 8 years, tax returns were not filed by PAL.

Administrator Gallo stated he had spoken with NBC and concurred that they have fluidity. Administrator Gallo stated that Bergenfield received the help from professionals who worked to clean it up. They had consistency in the 501C3 status.

Ray Johnson stated that he doesn't understand why the PAL would not be penalized for all the years they did not file. On November 21, 2011, Councilperson Steinel, Councilperson Kornbluth,

Councilperson Lodato voted to approve the project without looking at the site plan which has resulted in the steel being there all these years.

Diana Flagg, inquired whether the insurance paperwork was on file. Ms. Flagg asked if their books had been looked at. People lie on their tax returns. Ms. Flagg stated you have to make sure the decimal points are not in the wrong place. Ms. Flagg also asked if the Swim Club's books were ever looked at.

Gerard Naylis, asked that Ordinance 03-2307, Annual Registration of Two Family Rental Homes, be repealed. Mr. Naylis stated that the Borough charges \$50 for each rental unit to get inspected. However, there are very few inspections done. The goal of the ordinance originally was to identify illegal residents and students. This was never achieved. This ordinance is an invasion of privacy and discriminates against renters. The application violates the Federal Housing Act. Mr. Naylis stated that he would have to bring a lawsuit against the Borough if this ordinance does not get repealed.

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

COUNCIL COMMENTS

No comments made by Councilperson Lodato.

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

Councilperson Steinel thanked everyone for coming to the meeting. He stated that he agreed with Barry Doll when it comes to political views for nominations/appointments made to look at the totality of the person. He explained that they see the invoices before the meetings and sign them after the meeting. Councilperson Steinel stated that he remembers when the registration of the rental homes in town began and was worth following up on.

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

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

Councilperson Rivera wanted to recognize the Soccer Club for their accomplishment and was very proud of them. He stated that the soccer club was giving the town a good name. Councilperson Rivera stated that he would like to do something about the steel and getting rid of it. He thanked everyone for coming to the meeting.

CLOSED SESSION

RESOLUTION **16-039**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

1. Personnel
 - A. Police Department Personnel Matter
2. Collective Bargaining Agreements
 - A. DPW Bergenfield Association Contract Negotiation Update
3. Attorney – Client Privilege
 - A. Notice of Claim for Damages

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 Steinel, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:22 p.m.

On a motion by Councilperson Steinel, second by Councilperson Kornbluth, and all present voting in favor, the meeting was returned to open at 10:13 p.m.

There being no further business to come before the Council, on a motion by Councilperson Steinel, second by Councilperson Kornbluth, and unanimously carried to adjourn this meeting. The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Marie Quinones
Acting Borough Clerk