

**BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING**

**8:00 p.m.
April 19, 2016**

PRESENT: Mayor Norman Schmelz and Council President Charlie Steinel, Thomas Lodato, Arvin Amatorio (8:15 p.m.), P. Christopher Tully, and Hernando Rivera

ABSENT: Councilperson Ora Kornbluth
Borough Administrator Corey Gallo

ALSO PRESENT: Borough Attorney John Schettino
Acting Borough Clerk Marie Quinones

Mayor Schmelz called the meeting to order at 8:12 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

Consent Agenda Item C., 2016 Local Municipal Budget, was moved to the first item on the agenda.

C. 2016 Local Municipal Budget

1. 16-128/Read Budget by Title Only

Motion by Council President Steinel, second by Councilperson Tully that Resolution #16-128 be approved.

On a roll call, the vote recorded as follows:

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

2. Public Comments of Adoption of 2016 Local Municipal Budget.

Barry Doll, commented that the budget is a decent budget. Mr. Doll indicated that his first question is pertaining to the Municipal Clerk's salaries and wages, and inquired why the budget has a big increase. Mr. Doll further inquired why the Police Department budget increased by \$205,000, and asked if the actual increase in the Police Officer's salary is 4% or 5%. He also inquired if there is a minimum or maximum amount of money that must be in surplus, given that there is a surplus of \$7,000,000. He commented that \$2,000,000 of the surplus could be used to benefit the residents, rather than keep it in the bank and raise taxes. Mr. Doll inquired why there wasn't any money used from the \$5,000,000 in the capital account towards the upkeep of the Marschbank property. He also inquired how much control the Board of Education has regarding the school budget. Mr. Doll stated that someone should look into it.

Mayor Schmelz stated that the Municipal Clerk's budget shows an increase because it now includes the salaries of three employees, including the Municipal Clerk, Assistant and Secretary.

Police Chief Madalone explained that contractually, there is a 2% increase for all officers.

The Borough Auditor, Paul Lerch, explained that 2% is never 2%. Mr. Lerch explained that even though it said the increase is 2%, it equates more in dollar amount.

Chief Financial Officer, Rich Cahill, stated that the police officer's salaries are determined by a contractual increase. Mr. Cahill further explained that all taxes have not been collected, being that there were homes in foreclosure that were not included in the tax sale. Mr. Cahill also explained that there is no minimum or maximum amount of surplus that is required, but a municipality never wants to have 0 surplus. Mr. Cahill explained that the surplus will be used to pay county and school taxes.

John Smith, resident, inquired who the Liaison to the Library Board is. Mr. Smith expressed his concern pertaining to the Library budget, and noted that 77% of the \$1,500,000 of the budget was spent on salaries for personnel. He stated that the salaries for part-time employees increased to 110%. He further noted that the Library Budget was prepared based on 2014 figures, and comparisons done with other towns that are much different to Bergenfield, such as Paramus, Englewood, and Mahwah. Mr. Smith stated that the Friends of the Bergenfield Public Library should be the taxes for the Library, not the residents.

Councilperson Tully explained that there aren't as many full-time employees working at the Public Library.

There being no one else who wishes to be heard, Mayor Schmelz closed public comments.

3. 16-129/Adopt 2016 Local Municipal Budget

Motion by Council President Steinel, second by Councilperson Tully that Resolution #16-129 be approved.

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

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

APPROVAL OF MINUTES

Motion by Council President Steinel, second by Councilperson Tully, to approve minutes of the minutes of the March 15, 2016 Regular Meeting, March 15, 2016 Closed Session (not to be released), April 5, 2016 Work Session, and April 5, 2016 Closed Session (not to be released). All members present voting in favor, none opposed.

PRESENTATIONS

A. Proclamation in honor of Earth Day 2016

The proclamation was read into the record by Mayor Norman Schmelz.

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, resident, stated that there is no verbiage in Ordinance #16-2492 pertaining to the fee the residents have to pay to use the parks and fields. Mr. Smith explained that there was an issue over the weekend where a wedding party taking pictures at Cooper's Pond had no access to bathrooms, and had to return to St. John's Church to use the bathrooms.

Diana Flagg, resident, inquired why the Borough is hiring additional summer help for the DPW, when only one man is needed for the new automated garbage trucks. She inquired about the cost-savings of hiring summer help, and whether all the DPW employees went on vacation on the same week. Ms. Flagg also inquired why there is a need for a Deputy Chief in the Police Department, when the position had been eliminated many years ago. She explained that if the position is created, then there will be a need for another Sergeant, another Lieutenant, and other positions in the Police Department.

Council President Steinel stated that the summer help will be filling in for employees that will be on vacation.

Councilperson Amatorio stated that the Chief of the Police Department made a presented the Deputy Chief position to the Mayor and Council, explaining how it would help make the department more efficient.

Barry Doll, resident, inquired if a port-a-john can be placed at Cooper's Pond for people that walk in the park. Mr. Doll stated that he did not understand why there wasn't a description included for the introduction of Ordinance 16-2493. He also stated that if a Deputy Chief was hired, there would be a need for another captain. Mr. Doll explained that someone should earn and achieve their position, and it should be kept competitive. He stated that he would like to see someone in writing pertaining to the Deputy Chief position.

Borough Attorney Schettino stated that the Ordinance creating the position is an introduction. He explained that once the ordinance is introduced, the ordinance will be advertised, and then public will have an opportunity to review.

Mary Sullivan, resident, indicated that she had an inquiry pertaining to the noise ordinance that was adopted at the last meeting.

Council President Steinel explained that the Ordinance was adopted because of garbage pick-up in the mornings.

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

CORRESPONDENCE

- A. Siciliano/Girl Scouts Troop of Bergenfield **Re:** Request for an Overnight Camp Out Memorial Park – May 7, 2016 at 3:00 p.m., into the morning of May 8, 2016 *(Held 4-5-16)*
- B. Lodato/Board of Fire Directors **Re:** Personnel Action for Council Approval
- C. Goldsmith/Harriet Avenue **Re:** Block Party Request – Harriet Avenue – May 29, 2016 from 11:00 a.m. to 7:00 p.m.

Motion by Council President Steinel, second by Councilperson Tully, and all other members voting in favor, items B and C are approved.

CONSENT AGENDA

CONSENT RESOLUTION 16-119. 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. **16-120**/To Pay Bills
- b. **16-121**/To Authorize Contract – Garden State Fireworks, Inc. – Family Fun Day Fireworks Display
- c. **16-122**/To Authorize Contract – Fun Time Entertainment, LLC – Family Fun Day Rides
- d. **16-123**/To Authorize Hiring for Various Positions of Employment
- e. **16-124**/To Authorize Fee for Tax Payments Returned for Insufficient Funds
- f. **16-125**/To Authorize Application to Electronic Tax Sale Program
- g. **16-126**/To Approve Formation of a Bi-Partisan Committee to consider sharing a Joint Complex

Motion by Councilperson Tully, second by Councilperson Rivera 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>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Tully:	<i>aye</i>
Council President Steinel:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>

C. Resolution

- 1. 16-127/To Appoint Harry Hillenius – Construction Code Official

Motion by Council President Steinel, second by Councilperson Lodato to approve Resolution #16-127, appointing Harry Hillenius to the Construction Code Official position.

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

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

UNFINISHED BUSINESS

A. Swim Club

No report. Councilperson Amatorio stated that there was no meeting scheduled. He also stated that the committee is waiting for a response from the State as to which particular areas of the pool are Green Acres, in addition to the bankruptcy report.

B. Goose Eggs and Nests Management

No report.

C. Adoption of Ordinance

The following ordinances published herewith were first read by title only on April 5, 2016 and posted on the bulletin board of the municipal center.

ORDINANCE 16-2492.– AN ORDINANCE AMENDING CHAPTER 233 OF THE CODE OF THE BOROUGH OF BERGENFIELD ENTITLED “PARKS AND PLAYGROUNDS”

Public Comments on Ordinances 16-2492.

John Smith, stated that there is no verbiage in Ordinance #16-2492 pertaining to the fee the residents have to pay to use the parks and fields.

Motion by Council President Steinel, second by Councilperson Tully, to table Ordinance 16-2492.

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

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

NEW BUSINESS

A. Introduction of Ordinance

Motion that the following ordinance be introduced and passed on first reading and setting Tuesday, May 3, 2016 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 as the place for a hearing on said ordinances.

ORDINANCE 16-2493 - AN ORDINANCE AMENDING CHAPTER 17, ARTICLE 11 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED "POLICE DEPARTMENT"

Council President Steinel requested that language be included in the Ordinance to limit the position to no more than one captain and thirty-five police officers.

Motion by Councilperson Amatorio, second by Councilperson Tully, to pass Ordinance 16-2493 on first reading as amended, 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>absent</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Tully:	<i>aye</i>
Council President Steinel:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>

Committee/Department Reports

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

Diana Flagg, resident, inquired what the salary was going to be for the new position being created in the Police Department, including the present salary and the new salary. Ms. Flagg also inquired if the salary for the new position is higher than the current salary for Police Chief, will the Police Chief be increased. Ms. Flagg commented that there are no reports for the Recreation Department. She also inquired who will be on the Bi-Partisan Committee to consider a joint municipal complex.

Mayor Schmelz explained that the salary for the new position has not been considered. He also explained that the minutes of the Recreation Committee meetings are placed on the website. Mayor Schmelz stated that Councilperson Tully, Councilperson, and he will be on the Bi-Partisan Committee.

Barry Doll, resident, commended the Mayor and Council for meeting with the Mayor of Dumont. Mr. Doll stated that this is an excellent opportunity for the towns to move forward on a common ground.

David, resident, indicated that he previously spoke with the Police Department regarding the illegal activity taking place on East Main Street. The resident expressed his concern that cars are being sold illegally from a home on East Main Street. He explained that the residents of the condominiums located on East Main Street pay their taxes and fees, and should not have to put with noise and traffic that result from the illegal activity.

John Smith, resident, commented that at the last meeting, it was mentioned that the master plan was drafted and considered by the Planning Board in October 2015. He explained that as per his recent OPRA request, the Planning Board did not have a meeting in October. Mr. Smith stated that the meetings should be advertised and residents should be kept informed. Mr. Smith also expressed his concern that the lights at the field were on until 11:00 p.m., and suggested that the Borough consider placing times that can be used to switch the lights on and off. He also stated that the Recreation Minutes are not up to date on the Borough website. He noted that a response was never given on whether or not the United Soccer program gives money to the PAL.

Mayor Schmelz commented that a meeting was held to discuss the master plan, and that the meeting was advertised.

Mary Sullivan, resident, stated that only the minutes from the first meeting in March were posted on the Borough website, and expressed that the minutes should be posted more promptly. She also expressed the need to tape the meetings for people who are unable to attend the meetings. Mrs. Sullivan stated the Borough website needs maintenance, as information is difficult to find.

Mayor Schmelz explained that the meeting minutes have to be approved at a Regular Public Meeting by the Mayor and Council prior to being posted on the Borough website.

Barbara Gerin, resident, inquired what needs to be done to get the information for the Swim Club from Green Acres. Ms. Gerin further inquired if any action will be taken before the Green Acres issue is resolved.

Councilperson Tully stated that further information is needed to confirm whether the Swim Club is Green Acres property. He further explained that the Borough has reached out for more information and is awaiting a response.

Councilperson Lodato explained that information pertaining to Green Acres is relevant if the property is going to be redeveloped. Until the information is confirmed, there is no need to take action.

Fred Sahlberg, resident, explained that he saw two men at the VFW who had applied for employment, and were questioned if they were Bergenfield residents. Mr. Sahlberg explained that when hiring Police Officers, the Borough should refer to the Civil Service list to provide the job opportunity to Bergenfield residents, as well as veterans.

Ray Johnson, Dumont resident, inquired if the Mayor, Council, and Borough Attorney listened to the recording of the March 15th meeting. He explained that he has met with every Bergenfield Police Chief to discuss the current situations in town. Mr. Johnson expressed that he Mayor and Council made the right decision in appointing Chief Madalone to the position, and that he has respect and admiration for Chief Madalone.

Jim Kirsch, Captain of the Fire Department, thanked and acknowledged the Mayor and Council for helping him complete the fire services program. Captain Kirsch stated that he will be completing the program next year and is looking forward to representing Bergenfield once he completes the program.

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

COUNCIL COMMENTS

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

Council President Steinel stated that there isn't anything abnormal in hiring DPW summer help. He explained that DPW vacations are contractual. Council President Steinel stated that he will speak with Phil Neville about placing porta johns at Cooper's Pond. He also stated that he witnessed the lights at the field were on at 10:30 p.m., and is following up on the matter. Councilperson Tully thanked everyone for coming to the meeting.

Councilperson Rivera stated that you need to be a resident in order to be an elected official. He thanked everyone for coming to the meeting.

CLOSED SESSION

RESOLUTION 16-130/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Legal
 - 1. Multi-Family Residential Garbage Collection

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 Council President Steinel, second by Councilperson Tully, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:37p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Council President Steinel, second by Councilperson Rivera, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:03 p.m.

Respectfully submitted,

Marie Quinones
Acting Borough Clerk