

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
AUGUST 2, 2016**

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

ABSENT:

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

Mayor Schmelz called the meeting to order at 8:04 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.

PRESENTATIONS

Police Captain Mustafa Rabboh thanked the Mayor and Council for their time and support. He explained that unfortunately, Police Chief Madalone is unable to attend. Captain Rabboh stated that she sends her sincere congratulations and best wishes to everyone. Captain Rabboh stated that it is a special day, since he is able to announce the promotions of colleagues he considers friends. He also mentioned that is difficult, because he must discuss the loss of a friend, Brian Monaghan. Captain Rabboh explained that Brian Monaghan was promoted to Lieutenant in 2013, and retired two years later. He later learned that he had lung cancer and lost his battle this year at age 49. Captain Rabboh noted that Brian Monaghan's family, including mother, wife and children were in attendance. He asked everyone to please stand and offer a moment of silence in memory of Brian Monaghan.

A. Police Department Promotions

1. Oath of Office to Robert Boria (*Police Chief*)
 - ❖ Biography of Mr. Boria read by Captain Mustafa Rabboh

Biography of Mr. Boria was read into the record by Captain Rabboh.

- ❖ **Resolution 16-227**/To Promote Robert Boria to the Rank of Lieutenant in the Bergenfield Police Department.

Motion by Councilperson Kornbluth, second by Councilperson Rivera, that Resolution #16-227 be approved.

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

The oath of office was administered by the Borough Attorney.

2. Oath of Office to Eric Ost (*Police Chief*)

- ❖ Biography of Mr. Ost read by Captain Mustafa Rabboh

Biography of Mr. Ost was read into the record by Captain Rabboh.

- ❖ **Resolution 16-228**/To Promote Eric Ost to the Rank of Sergeant in the Bergenfield Police Department.

Motion by Councilperson Kornbluth, second by Councilperson Rivera, that Resolution #16-228 be approved.

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

The oath of office was administered by the Borough Attorney.

3. Oath of Office to Nicholas Deleon (*Police Chief*)

- ❖ Biography of Mr. Deleon read by Captain Mustafa Rabboh

Biography of Mr. Deleon was read into the record by Captain Rabboh.

- ❖ **Resolution 16-229**/To Promote Nicholas Deleon to the Rank of Sergeant in the Bergenfield Police Department.

Motion by Councilperson Kornbluth, second by Councilperson Tully, that Resolution #16-229 be approved.

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

The oath of office was administered by the Borough Attorney.

COUNCIL COMMENTS I

Councilperson Lodato congratulated Lt. Boria, Sgt. Ost and Sgt. DeLeon on their promotions. He stated that the presence and attendance in the room is imminent of their service, and wished them a long and safe career in Bergenfield.

Councilperson Amatorio congratulated Lt. Boria, Sgt. Ost and Sgt. DeLeon, and thanked their families as well. He explained that without their families they all would not be here today. He also stated that their performance speaks for itself, and it is the reason they received their promotion. He wished them a safe and long career in Bergenfield.

Council President Steinel congratulated Lt. Boria, Sgt. Ost and Sgt DeLeon. He stated that the officers were focused on their promotions, and now can focus on using their positions to lead the officers to continue doing a good job in town.

Councilperson Kornbluth expressed her congratulations to the officers and their families, and wished them a long and safe career in Bergenfield. She also thanked the Monaghan family, and noted that their father, husband, and son's legacy will live on in the Bergenfield Police Department.

Councilperson Tully stated that the respect and admiration in the room shows a lot about their character. He congratulated the officers and wished them the best during their service in Bergenfield. Councilperson Tully thanked the Monaghan family as well.

Councilperson Rivera stated that it is with great pleasure to see the promotions, which is proven of the fact that they are growing wiser. He thanked them each for their service and wished them all the best.

Mayor Schmelz congratulated Lt. Boria, Sgt. Ost, and Sgt. DeLeon on their promotion, and thanked them for their service. He stated that they are a part of a great department, and wished them a long and safe career.

Motion by Councilperson Kornbluth, second by Councilperson Tully to recess the meeting. The meeting re-opened at 8:38 p.m. R.C. All present.

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Borough Engineer David Gleassey stated that the first part of the report includes pending proposals such as the Memorial Field Lighting Project, traffic beacon at the firehouse on Church Street, and the truck wash facility within the DPW garage area.

Mr. Gleassey stated that the final design plans and specifications are currently being developed for utility repair work and milling and paving for Woodbine Street, South and North Front Street. However, with the shutdown of all work funded by the Transportation Trust Fund still in-place, any submission to NJDOT for their review and authorization to go to bid is on hold.

He also reported that the final design plans and specifications have been signed and have been sent to CDBG for their review and authorization to go to bid for Carlton Place Improvements project.

Mr. Gleassey stated that the ADA sidewalk improvement project was awarded to D&L Paving on June 9th, and a pre-construction conference was held and July 5th was set for the start of construction. Construction is essentially complete; punch list items remain to be complete. PSEG/Tilcon have completed paving their streets; and the sewer repairs under the 2016 Various Sanitary Sewer Improvements have been completed; the milling/paving under the Riverside Coop program can start. The road improvement project (under the Riverside Coop program) is being done by Schifano Construction; a pre-construction conference was held on June 22nd and June 25th was set for the start of construction. Milling/paving has commenced milling is complete. The Borough/RVA will walk the project with the contractor to identify all curb repairs prior to final paving. Paving is expected to be completed the week of August 7th. Cameron Road will also be paved by the Borough at this time, and will be reimbursed by SUEZ.

He also noted that all sanitary sewer main repairs have been completed to date; restoration of adjacent properties will be completed in the fall. He stated that with regards to Murry Hill Terrace roadway improvements, the design plans and specifications will be developed for utility repair work and milling/paving sidewalk ramp work.

Mr. Gleassey explained that the Borough is awaiting the return of the signed agreement from CSX to commence with the West Church Street/CSX Railroad Drainage project. He is preparing the Certificate of Insurance and other documents to start the project.

He indicated that a meeting will be held to progress with the "Safe Routes to School" project. The final plans, specifications, estimate and schedule have been submitted to NJDOT, as well as letters of permission executed by affected property owners. Authorization to bid is anticipated from NJDOT shortly.

Mr. Gleassey also reported that National Water Main Cleaning Co., has completed the final locations of cleaning/TB work under the original cleaning/TV contract to use the remaining funds. Project close-out/final invoice is being processed.

Mayor Schmelz inquired on the status of handicapped ramps on Washington Avenue. He also inquired if the project will be completed this year.

Mr. Gleassey explained that he is awaiting authorization to proceed with the project.

Borough Administrator Gallo stated that he was told that the project would be completed before the end of summer. The details and designs have been submitted to the County for approval, the Borough is awaiting the final numbers.

Mayor Schmelz also inquired the status of the Murray Hill Terrace project.

Mr. Gleassey explained that the utility work has been separated from the milling and paving. Therefore, one has to be completed prior to other and the Borough is awaiting final approval from NJDOT. Once approval is received, the project will move forward.

Borough Administrator Gallo also explained that the goal is to use cooperative pricing rather than go out to bid for the project.

Mayor Schmelz inquired if the project will proceed before the start of the school year.

Borough Administrator Gallo explained that probably not, because the Borough is trying to consolidate the infrastructure work to try and get better pricing for the project.

UNFINISHED BUSINESS

A. Swim Club

Councilperson Lodato stated that there is nothing further to report at this time. He explained that the estimate that was previously submitted by the engineers was high, and given the unknown factors, no action can be taken.

B. Adoption of Ordinance

The following ordinance published herewith were first read by title only on July 19, 2016, posted on the bulletin board of the municipal center.

ORDINANCE 16-2497 – A CAPITAL ORDINANCE OF THE BOROUGH OF BERGENFIELD IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE ACQUISITION OF A VEHICLE CAMERA SYSTEM FOR THE POLICE DEPARTMENT IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$60,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE BOROUGH'S CAPITAL IMPROVEMENT FUND.

Public Comments on Ordinances 16-2497.

No one came forward.

Motion by Councilperson Tully, Second by Councilperson Kornbluth, to pass Ordinance 16-2497 on second and final reading and is hereby adopted and notice of same shall be published according to law.

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

Councilperson Kornbluth stated that she had a question for the Borough Attorney. She explained that a meeting was held in the Borough Hall council chamber with Congressman Scott Garrett. She further explained that the room reservation never received governing body approval, nor was the public permitted in the meeting. Councilperson Kornbluth inquired if this is permitted, given that the public was unable to be a part of the meeting.

Borough Attorney Schettino explained that once approval is given beyond non-profits, then the governing body must allow all requests to use the room. He further explained that an ordinance can be drafted to list all organizations that have permitted use of the room, and list any responsibilities and fees for additional staff/services.

Councilperson Kornbluth stated that the police department had to be called to stop the protestors outside of the meeting.

Mr. Schettino further explained that when the public is excluded, the event becomes a private function, and could become an issue.

Council President Steinel stated that he also had a question for the Borough Attorney on a different issue. He stated that he understands there is an issue regarding the meeting where the Planning Board considered the Master Plan. Council President Steinel indicated that there is an e-mail where the Clerk of the Planning Board stated that there are no minutes because there was not public meeting on the Master Plan. He inquired if the governing body has the authority to look into this with regards to the issue of the minutes.

Mr. Schettino explained that since the Planning Board is a separate entity, the Mayor and Council can request that the process and procedures be reviewed to ensure the governing body is comfortable with how the matter was handled. He further explained that the governing body can take a vote to have the matter investigated, and based upon the information found, can strongly recommend the Board have another meeting. Mr. Schettino stated that the information can be sent to his office for a legal opinion.

Councilperson Kornbluth inquired if there is any other way this matter can be addressed without obtaining a legal opinion.

Mr. Schettino stated that all the information can be forwarded to the Borough Administrator for his review. The Borough Administrator could also meet with the Clerk of the Planning Board to discuss the matter further.

Councilperson Lodato stated that the issue not complicated. The meeting was part of the annual meeting schedule which is advertised in the beginning of the year. He stated that all the members recall being part of the meeting.

Mayor Schmelz inquired if the Clerk of the Planning Board will have to be subpoenaed.

Councilperson Rivera inquired if the governing body can authorize the Borough Administrator to investigate the matter at this meeting.

Councilperson Tully stated that in the absence of minutes, another meeting should be held.

Councilperson Lodato explained that the minutes were in fact found.

Councilperson Tully explained that the Borough planner came to a meeting, and the governing body raised their concerns. He stated that the Planning Board adopted the Master Plan in October, but the plan was not presented to the governing body until this year. Councilperson Tully stated that both Councilperson Lodato and Mayor Schmelz agreed to hold another meeting.

Councilperson Kornbluth inquired if the concerns raised have been brought to the Planning Board.

Councilperson Lodato stated that the information was not forwarded to the Planning Board. He recalls the concerns regarding the parking issue. Councilperson Lodato explained that the planner was not directing or suggesting how it should be done, only provided information that was in a previous report.

Council President Steinel stated that he advised the planner to footnote the information that was in the previous report.

Councilperson Amatorio inquired if there will be revisions and whether the governing body will be adopting the same.

Mr. Schettino explained that the Planning Board could amend the Master Plan to reflect the concerns raised by the Council. He further explained that the Planning Board should have a public hearing on the amendments, and adopt the amended version. He advised that the governing body should adopt a resolution listing all of their concerns for Planning Board consideration.

Motion by Council President Steinel, second by Councilperson Kornbluth, to authorize the Borough Administrator to review and investigate the matter pertaining to Planning Board minutes for the meeting adopting the Master Plan.

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

ADMINISTRATOR'S REPORT

Borough Administrator Gallo stated that with regards to the Carlton Place project, he received unfortunate news that the Borough will need to Bid this project. Unfortunately, the Borough cannot use pricing through the Riverside Co-op.

He reported that the 9/11 ceremony will start at 7:00 p.m. on Sunday, September 11th. Mr. Gallo explained that the ceremony will be starting earlier to avoid darkness. It will also highlight the monument which was brought to the Borough by an Eagle Scout.

Mr. Gallo stated that he met with the CFO and the Auditors to review the audit/corrective action plan, which will be presented to the Mayor and Council at the next meeting.

MAYOR & COUNCIL REPORT

- Councilperson Lodato the Planning Board met on July 25th and adopted the minutes of the two previous meetings. Discussion of master plan house on The Board of Fire Directors will meet on August 8th, the Stigma Free Committee will meet on August 18th, and the Planning Board will meet on August 15th.
- Councilperson Amatorio a meeting was held on the 9/11 ceremony, and the Veteran's Committee, the Bergenfield Volunteer Ambulance Corp. and the Volunteer Fire Department are closely participating to organize a more sophisticated ceremony.
- Council President Steinel nothing to report, will be meeting with the DPW and Zoning Board.
- Councilperson Kornbluth the Police Department Youth Academy will be starting on August 15th. The Police Department is also working with other emergency services on the 9/11 ceremony. The Recreation Committee met last night and reported that the summer camp has been a huge success. The Arts & Crafts program at the Public Library, which serves as an alternate to sports, has also been successful. The committee is hoping to continue the program in the fall. The BVAC has responded to 1,014 calls to date, and held a joint drill with the Borough of Dumont on vehicle safety.
- Councilperson Tully the Finance Committee is status quo, will be meeting to discuss the Audit. The Library Board is on break for the summer. The Environment Committee is working on moving the Borough to Silver status. With regards to the CSX meeting, will be working with Councilperson Kornbluth on creating an ordinance regarding the rental of public facilities.
- Councilperson Rivera no report.

CORRESPONDENCE

- A. Manlapaz/18 Morgan Street **Re:** Request to use Memorial Park Pavilion for Picnic & Mass – Sunday, September 4, 2016 from 8:00 a.m. to 5:00 p.m. (Held 7-19-16)
- B. Shin/Blessed Community Church **Re:** Request to use Memorial Park Pavilion for Church Picnic – Sunday, September 25, 2016 from 9:00 a.m. to 4:00 p.m.
- C. Khan/Alex's Lemonade Stand **Re:** Request to use Hickory Field to raise funds for Pediatric Cancer – Friday, August 12th & Saturday, August 13th, 2016 from 12:00 p.m. to 5:00 p.m.

D. Gallione/Bocce Tournament

Re: Request to use John A. Aversa Bocce Grove in Memorial Park – Annual Carlo Cecchino Bocce Tournament – Saturday, October 16, 2016 from 8:00 a.m. to 3:00 p.m.

E. Lodato/Bergenfield Jr. Football & Cheerleading

Re: Coin Toss Request – Washington/Clinton, Washington/Main, New Bridge/Windsor, New Bridge/Warren, and Clinton/Prospect – Saturday, September 3, 2016 and Saturday, September 24, 2016

Motion by Council President Steinel, second by Councilperson Amatorio, and all members present voting in favor, to approve Correspondence Items A through E.

PUBLIC COMMENT

Diana Flagg, resident, stated that she is proud that she was able to hear everyone during the Police Department promotions. She inquired if the governing body knew how much monies did the Borough has in bond anticipation notes. Ms. Flagg stated that this information is more important than the Master Plan. She also inquired why the governing body was giving the Acting Borough Clerk a \$15,000 raise. Ms. Flagg stated that no one in this society is receiving a \$15,000 raise, and yet the Borough continues to have promotions and spend money. Ms. Flagg noted that she never heard a report on the fiasco with Dumont on the joint municipal building.

John Smith, resident, thanked a Police Department Officer for the good deed last week, as he observed the Officer sweeping up the debris from a car accident to avoid a traffic jam. He also thanked Councilperson Tully for attending the Planning Board meeting. Mr. Smith explained that there were several things wrong with the minutes adopted at Planning Board minutes. He further explained that a motion had to take place to change the date and include the attendance of the attorney. He stated that with regards to resolution 16-239, the costs will be much higher than the estimates. He noted that there will be a significant difference in cost, and that the lights have to be readjusted to work properly. Mr. Smith advised the governing body to review all versions of the Master Plan and compare them.

Joel Berkowitz, resident, stated that a rally will be held to bring attention to the trains coming through town, and advised the Council to have someone look into the safety issue.

Ray Johnson, Dumont resident, thanked the Borough Administrator for using the Riverside Coop and explained that the Borough will see reductions. He explained that the Mayor has been told about the Riverside Coop since 2012, and the Borough never acted on it. He invited everyone to look at the condition of the roads in town. Mr. Johnson noted that he continues to receive feedback from the residents on Farview Avenue, and mentioned that they do not feel safe.

Borough Administrator Gallo explained that Marie Quinones' increase in pay is for the QPA position. He further explained that given that the position is filled, the Borough will be able to raise the threshold from \$17,500 up to \$40,000, meaning less items will have to be bid. Mr. Gallo stated that this will make the Borough much more efficient and effective because items will be purchased based on quotes. Mr. Gallo also stated that the Borough was going to pay \$20,000 to \$25,000 for a QPA through shared services, and that other towns smaller than the Borough pay \$60,000 for the position.

Mr. Gallo noted that there is no report on Dumont because it is in the preliminary stages. An evaluation is being completed on how much space the Borough needs and the costs for the project. Then the Borough will determine whether to move forward.

He also explained that the pricing varies for the Riverside Coop due to outside factors. The fact that other towns are bidding on the same projects and the cost of fuel has decreased, the Borough has the opportunity to move forward in an aggressive manner to work on the road program.

Mr. Gallo stated that the electricians inspected the lights at Memorial Field, and the issue has nothing to do with the position of the lights. He explained that the poles are obsolete and must be pulled out. Mr. Gallo stated that the lights will probably last another three years, and therefore the Borough has to plan accordingly.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 16-230. 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. **16-231/**To Pay Bills
- b. **16-232/**To Request Approval to Insert Funds – Pedestrian Safety Grant – Chapter 159
- c. **16-233/**To Request Approval to Insert Funds – Hackensack Interlocal Agreement – Chapter 159
- d. **16-234/**To Request Approval to Insert Funds – Sustainable Jersey Grant – Chapter 159
- e. **16-235/**To Approve Tax Settlement – Block 268 Lot 4
- f. **16-236/**To Approve Tax Settlement – Block 306 Lot 19
- g. **16-237/**To Approve Tax Settlement – Block 21 Lot 2
- h. ~~**16-238/**To Authorize One (1) New Fire Hydrant – West Englewood Avenue – SUEZ Water New Jersey Inc.~~
- i. **16-239/**To Approve Trust Fund Project Contract – Memorial Field Lighting Project – County of Bergen

Motion by Council President Steinel, second by Councilperson Kornbluth to table Resolution #16-238. All present voting in favor, none opposed.

Motion by Council President Steinel, second by Councilperson Tully, to approve the Consent Resolution as amended.

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

B. RESOLUTIONS

16-240/To Appoint Qualified Purchasing Agent – Marie Quinones

Motion by Councilperson Tully, second by Councilperson Kornbluth, that Resolution #16-240 be approved.

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

16-241/To Appoint Acting Municipal Clerk – Marie Quinones

Motion by Councilperson Tully, second by Councilperson Rivera, that Resolution #16-241 be approved.

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

COUNCIL COMMENTS

The Mayor and Councilmembers thanked everyone for attending the meeting, and wished all a goodnight.

CLOSED SESSION

RESOLUTION 16-242/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Safety Measures
 - 1. Police Department Report (*Police Chief*)

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 9:47 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, second by Council President Steinel and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:59 p.m.

Respectfully submitted,

Marie Quinones
Acting Borough Clerk