

**OFFICIAL MINUTES  
BOROUGH OF BERGENFIELD  
MAYOR AND COUNCIL WORK SESSION  
DECEMBER 1, 2015**

PRESENT: Mayor Norman Schmelz and Council President Thomas Lodato (8:20 p.m.)  
Council members Charles Steinel, Arvin Amatorio, Ora Kornbluth, P.  
Christopher Tully (8:15 p.m.), and Hernando Rivera

ABSENT: None.

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

The meeting was moved from the Executive Chamber to the Council Chamber.

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 Councilperson Steinel.

PRESENTATION

A. Proclamation – Mr. Edmund Leopold – In honor of his 100<sup>th</sup> Birthday

Mayor Schmelz read the proclamation into the record;

WHEREAS, Edmund Leopold was born on November 28, 1915 in New York City, the fifth of six children; and

WHEREAS, in 1922, when he was seven years old, Mr. Leopold and his family moved to 21 Mulligan Place, now Madison Avenue, in Bergenfield, the home he has continuously lived in for 93 years; and

WHEREAS, Mr. Leopold attended the local Bergenfield schools and has been a member of St. Matthew's Church since 1926; and

WHEREAS, in 1956, he married his wife of 59 years, Ellie, a teacher in the Bergenfield school system, and has been blessed with two daughters; and

WHEREAS, Mr. Leopold, a Captain in the US Army, started his military service in 1933 and during WW II, was assigned to the US Army's 113<sup>th</sup> Infantry Regiment; and

WHEREAS, Mr. Leopold has been employed in logistical support for companies such as Wood-Ridge Chemical Company, FW Berk and FL Schmidt until his retirement in 1980; and

WHEREAS, since his retirement, Mr. Leopold and his wife have enjoyed traveling throughout the US, Europe and Asia, including such places as Russia, Turkey, England, Scotland, Ireland, Spain and Portugal; and

WHEREAS, Edmund Leopold celebrated his 100<sup>th</sup> birthday on November 28, 2015; and

WHEREAS, the Borough is inspired by his long life and offer him best wishes for continued health, happiness and an abundance of love and joy;

NOW, THEREFORE, I Norman Schmelz, Mayor of the Borough of Bergenfield, on behalf of the Bergenfield Borough Council, do hereby congratulate Edmund Leopold on the occasion of his 100<sup>th</sup> birthday.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Bergenfield to be affixed on the 1<sup>st</sup> day of December in the year 2015.

The Mayor and Councilmembers presented the proclamation to Mr. Leopald.

#### COUNCIL COMMENTS I

Councilperson Steinel wished Mr. Leopald a happy birthday, and stated that after hearing all of his accomplishments, he is from the greatest generation. Thank you!

Councilperson Amatorio wished Mr. Leopald a happy birthday, and expressed that he is honored to share this milestone with a veteran that has done so many wonderful things.

Councilperson Kornbluth wished Mr. Leopald a happy birthday, and expressed that she wished to see him in ten years when he is celebrating his 110<sup>th</sup> birthday!

Councilperson Rivera wished Mr. Leopald a happy birthday, and asked everyone to sing Happy Birthday.

Motion by Councilperson Kornbluth, Second by Councilperson Steinel, to take a five minute recess. The meeting was re-opened at 8:27 p.m.

#### CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

##### A. Engineering & Inspection Status Report

The Borough Engineer David Gleassey reported that the Department of Public Works Building Roof Replacement is complete and the Borough is in the process of closing out the project.

There are monies remaining in the Cleaning and Video Inspection of Sanitary Sewer Trunk Line project, and therefore the Borough has met in order to develop a list of areas for additional cleaning and videotaping to fulfill the entire contract.

The final change order for the FY 2013 and FY 2014 NJDOT Trust Fund Resurfacing of Merritt Avenue and Phelps Avenue has been submitted to the Borough for signature. Upon Bergenfield signing, the information will be submitted to NJDOT for final review and approval.

Mr. Gleassey reported that the final "Bergen County Direct Voucher" for reimbursement has been submitted to Bergen County for the FY 2013 CDBG Resurfacing of Bradley Avenue.

He provided an update on the West Church Street/CSX Railroad Drainage agreement, and advised that a revised contract has been forwarded to CSX for their final review and approval. A pre-construction meeting will be arranged when Bergenfield and CSX approve to proceed with the agreement.

PSE&G has recently completed the relocation of their service laterals for the FY 2014 CDBG Main Street Sewer Rehabilitation Project. The contractor is scheduled to re-commence construction the week of December 7, 2015. A request for contract extension is forthcoming.

The contractor has completed the installation of the storm sewer improvements for the Reconstruction of Highgate Terrace (Phase II) project. The remainder of the work will be completed in the spring of 2016. A request for contract extension will be forthcoming for this project.

The Twin-Boro Fields Rehabilitation project has been awarded to National Fence Systems. A pre-construction meeting was held, and the work will commence the week of November 20, 2015.

The biennial certifications for the NJDEP groundwater monitoring for the Municipal Complex is due to be submitted in December 2015. Remington & Vernick has performed the monitoring and sampling, and the report has been submitted to the Borough for signature and submission to NJDEP.

Mr. Gleassey stated that he attended a meeting in Newark regarding the FY 2012 "Safe Routes to School" School Safety Project and Bikeway Extension. The application has been submitted to NJDOT for review, approval and final acceptance. Bidding and construction is anticipated for the spring 2016.

Remington & Vernick has completed the field survey and preliminary design for the ADA ramps along S. Washington Avenue. The plans were submitted to the Bergen County ADA office for review and comment.

The Borough was awarded a grant from NJDOT State Aid Program for Woodbine Street (from New Bridge to Lake Street) and North/South Front Street (from Lake Street to West Church Street). Remington & Vernick submitted a proposal have been submitted for review and consideration by governing body.

An application has been submitted to Bergen County for the FY 2015 CDBG Grant Application for Carlton Place. A proposal has been submitted for review and approval by governing body.

Glenwood Drive is in the section of town that PSE&G will be performing 'energy strong' improvements. DPW has identified a sag in the sanitary sewer system. Remington & Vernick submitted a professional service proposal to replace the sanitary main and remove the sag in the system.

United Water has completed the milling/paving of Somers and Ames Avenues. They are currently in the process of replacing their main in Woods Avenue. Construction began the week of October 19<sup>th</sup>, and they received their road opening permit to recommence their work in November.

#### 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.

##### B. Precious and Scrap Metals Ordinance

Chief Madalone stated that Lt. Doherty visited all the five precious and scrap metals establishments in town to discuss the potential ordinance, and learned that the business owners are concerned with the cost for the program. The department will be coordinating a question and answer session to help the business owners understand the importance of this program. In the survey conducted by the Police Department, two business owners responded they are against the cost for the program. Chief Madalone will extend an invitation to the meeting to the governing body.

##### C. Traffic Ordinance

Chief Madalone explained that Lt. Stapleton submitted a traffic study to the governing body for review and consideration. Chief Madalone explained that the study involves the two center lanes

designated for commuter parking. She explained that stickers can be issued, but the printing of the stickers can be costly. Therefore, the parking spots should be available on a first come first serve basis.

Councilperson Kornbluth inquired if the commuter parking lot will be restricted to Bergenfield residents.

Councilperson Tully inquired if the parking lot can be expanded to include the private lot by the gasoline station.

Chief Madalone explained that the commuter parking lot would be for anyone that arrives and finds a spot available. She further explained that previous conversations with the owner of the private lot were unsuccessful.

Borough Administrator Gallo stated that he would like to start the dialogue with the owner, since he was not a part of the initial conversations that took place pertaining the private parking lot.

## NEW BUSINESS

### A. Crude by Rail Safety Act

Mayor Schmelz explained that he brought the information to the governing body with the hope that the Borough can join the efforts of the Bergen County Freeholder Board and pass a resolution regarding the Crude by Rail Safety Act.

Council President Lodato advised that this issue has been gaining a lot of support.

Councilperson agreed that the Borough should join their efforts.

The Mayor and Councilmembers agreed that a resolution should be included at the next meeting for consideration and approval.

### B. Annual Volunteer Dinner

Mayor Schmelz expressed that the Annual Volunteer Dinner went very well, but there were less people than expected. He inquired if the governing body would like to consider extending the invitation to more volunteers in town.

Councilperson Tully expressed the same, and believed that all the Boards and Department Heads were invited to the event.

Councilperson Kornbluth explained that the invitation should be extended to all Boards and Committees like planning, zoning and environmental club.

Councilperson Amatorio stated that he was questioned as to who gets invited to the event, and he thought it was open to all volunteers.

Councilperson Tully explained that perhaps the governing should consider having a cap on the number of attendees in order to maintain the cost for the event.

Councilperson Kornbluth explained that costs can be maintained by changing the venue, which should be in town.

Councilperson Rivera inquired if there is a list of all the volunteers in town.

Borough Administrator Gallo explained that his office is working on compiling a list, and that he will oversee the event more closely next year. Since this is the first time the event is done during his tenure, the planning proceeded as it was done in previous years. He stated that the event will be improved for next year.

Councilperson Steinel inquired if anyone knew why some groups were excluded from receiving an invitation? He explained that policy may have been set years ago, and that Mr. Gallo should inquire why the list is restrictive.

Council President Lodato explained that when the dinner was first put in place, the Fire Departments, Volunteer Ambulance Corp., and OEM were invited. He explained that the guest list has been expanded to some degree, but was first organized to honor emergency services.

Councilperson Tully explained that the event should definitely be in discussion for next year, and that it should be moved into town.

#### C. Police Officer Hire

Councilperson Kornbluth requested that this item be moved and discussed in Closed Session, as it pertains to Police Department personnel.

#### D. Meeting Schedule 2016

Acting Borough Clerk Quinones explained that she provided the governing body a draft meeting schedule for their review and consideration. She asked the governing body to advise if any changes should be made, to be included for approval at the reorganization meeting.

#### ADMINISTRATOR'S REPORT

Borough Administrator Gallo explained that his office is working on compiling a list of items that have expanded their shelf life and should be auctioned. He stated that an itemized list will be provided to governing body for review and approval.

He further explained that the league sessions were very informative, particularly the classes pertaining to streetscapes and improving the community.

Mr. Gallo also stated that he is working on the operational budget, and is working with the CFO to input the figures into Edmunds and have an understanding of where we are going in 2016.

#### MAYOR & COUNCIL REPORT

Councilperson Steinel

Work is moving along well with the DPW, especially the collection of leaves. Residents should sign-up for Nixle to receive constant updates on where DPW will be collecting leaves. The OEM coordinators that were recently hired will be attending classes and obtaining their required certifications, and have started preparing for the winter season.

Councilperson Amatorio

The Shade Tree Committee is working on a tree ordinance and will keep the governing body informed of any changes.

Councilperson Lodato

The Planning Board cancelled their October meeting because there were no applications to consider. The Fire Department has responded to 569 calls, exceeding the 540

responded to by this time in 2014. On December 13<sup>th</sup>, the Fire Department will be participating in a training using Foam donated by Bergen County. They were in the process of confirming a location for this training.

Councilperson Kornbluth

The Rent Leveling Board cancelled their December 18, 2015 meeting. The Police Department started the Safe Exchange Zone and placed a sign up at the entrance of Borough Hall. The Police Department also started the "Toys for Tots" program, and has a collection box in the main lobby. The Bergenfield Volunteer Ambulance Corp (BVAC) has responded to 1,999 calls as of this morning. Three members completed their training, and two more members were welcomed to the BVAC. The BVAC will be attending a training on resuscitating dogs. The fall sports program within Recreation has come to an end, and winter sports are now commencing. The fields have been sealed and prepared for the spring. The Recreation committee started working on the annual Family Fun Day, and may join efforts with the BVAC, which will be celebrating their 75<sup>th</sup> Anniversary.

Councilperson Tully

Congratulations to the Environmental Committee for receiving the Sustainable Jersey award at the League of Municipalities. An award will be presented to Mr. Joe Verga at the next meeting.

Mayor Schmelz

I thank the DPW for all their hard work, I have been receiving positive feedback for their work. We should definitely work on encouraging more people to sign up to Nixle.

#### CORRESPONDENCE

A. J. Lodato/ Board of Fire Directors

RE: Personnel Action for Council Approval

Motion by Councilperson Rivera, second by Councilperson Steinel, and all members present voting in favor, to approve Correspondence Item A.

#### PUBLIC COMMENT

Barry Doll, 97 Highgate Terrace, thanked the Administrator for cleaning and fixing Borough Hall. The Museum Society decorated the Museum and painted the porch, to prepare for the Open House taking place on Saturday from 1:00 p.m. to 4:00 p.m., along with Holiday in the Park. Mr. Doll asked the Administrator to please donate any Borough items that may be of value to the museum, as they would like to keep as any pictures and items from the town. He also mentioned that the Chairs of the Volunteer committees and boards should be invited to the Annual Volunteer Dinner, as he understands that the costs need to be kept down. Mr. Doll is concerned with the issues that arise when new gas lines that are put into the group. He mentioned that he spoke with some of the construction workers at the Highgate Terrace job site, and learned that new gas lines were put in, which can create an issue. Mr. Doll inquired the status of the pool, and commended Mr. Dubno for a good article in the Twin Boro, where he mentions that a referendum took place where the residents opposed a town pool. He also commented that towns send Police Chiefs to Chicago to find out what not to do, and should be discouraged from attending a trip to Israel. Since the matter will be discussed in closed session, the governing body should ask about the value of the trips. He

mentioned that when he reads the Twin Boro, there are never any reports from the Bergenfield Police Department. The residents should be kept informed on the happenings of the town.

Diana Flagg, 131 Hillside Avenue, stated that she is curious about the trip to Israel, and would like to know who will be attending, how many people will be attending, the purpose for this trip, and the cost for the trip. She would also like to know if any overtime for police will be required. She stated that she does not understand why someone needs to go to Israel for training, when the town can send Police Officers to Newark for training. Ms. Flagg stated that the military is being sent to the Middle East, and there is no need for the town Police Chief to be there. She inquired the status of all the reports from DPW, Police, the Health Department, and the Recreation Committee, as no reports have been provided to the public. Ms. Flagg inquired how many members attended the Volunteer Dinner and if asked if they paid for their tickets. She inquired about the status of the Swim Club, since she learned that the board filed for bankruptcy. Ms. Flagg asked if the Borough will be receiving the monies that are owed to them from the Swim Club.

Acting Borough Clerk Quinones explained that all reports are filed in her office, and will be provided at the next Regular Public Meeting. The reports have not been approved given that the last two meetings were Work Sessions.

Borough Attorney Schettino explained that pertaining to the Swim Club, a bank receipt was filed for bankruptcy. The trustees will review their assets and what is owed to by the debtors. He stated that he expects that a very small amount if any will be paid to the town, because there will be a priority list including any judgments against the Swim Club, monies owed to the bond holders, and so on.

John Smith, 50 Hallberg Avenue, stated that a few weeks ago, he inquired about the status of the steel in the park, and was informed that the pipes were placed there temporarily and will be removed.

Borough Administrator Gallo explained that the Borough Engineer informed him the work is delayed, and the pipes need to be kept there for a few more days. PSE&G needs to complete their work in order for the Borough to proceed with their part.

Mr. Smith stated that a few months ago, he submitted an OPRA request on all field permits. He explained that in the request, there was no record of a permit for a group that uses the park every Sunday morning, where most of the license plates are from New York. He indicated that he spoke with the Administrator and informed him about the issue. Mr. Smith inquired who was the permit given to and to whom were the fees paid. He also inquired about the status of West Broad. Mr. Smith stated that he provided the Administrator with the wrong address, but followed up and gave the correct information to a Councilmember. He stated that PSE&G is completing their work and are putting black top instead of concrete. Mr. Smith he thought a new ordinance was set in place where utility companies have to return the road to their original state.

Borough Administrator Gallo stated that he personally visited the area of the address provided, and PSE&G was unaware of the work he was referring to. The correct address was provided to him in the afternoon, and the DPW Superintendent will follow-up and inspect the project.

#### OFFICIAL BUSINESS TO BE ACTED UPON:

##### A. CONSENT AGENDA

Councilperson Tully asked the Borough Attorney Schettino for clarification on his ability to vote on matters that involve grant funding from Bergen County, since he is employed by the County. Borough Attorney Schettino advised that if the matter will not benefit him or his department directly, or if his position will not have an impact on the decisions made on the County level, then there is no conflict and he can vote on the matter.

**CONSENT RESOLUTION 15-362.** 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. **15-363/**To Pay Bills
- b. **15-364/**To Approve Transfer of Appropriations
- c. **15-365/**To Authorize Cancellation of Balance – Municipal Alliance Grant
- d. **15-366/**To Rescind Resolution 15-328 – Place to Place Transfer of the Plenary Retail Consumption License #0203-33-018-005 from pocket license to Lula’s Latin Cuisine
- e. **15-367/**To Approve Transfer of the Plenary Retail Consumption License#0203-33-018-005 from pocket license to Lula’s Latin Cuisine
- f. **15-368/**To Authorize Opt-in – Bergen County Aggregate Energy Procurement Cooperative Pricing System - BCPS
- g. **15-369/**To Approve Contract Amendment – National Fence Systems, Inc.
- h. **15-370/**To Authorize Final Payment and Release of Retainage – Build Rite LLC
- i. **15-371/**To Authorize Change Order No. 1 Final – Build Rite LLC
- ~~j. **15-372/**To Approve Revised Verizon Lease~~
- k. **15-373/**To Authorize Refund of Redemption Monies to Outside Lien holder for TTL#15-00002
- l. **15-374/**To Authorize Tax Refund – Keemilt’s Petroleum, Inc.
- m. **15-375/**To Authorize Tax Refund – Block 231, Lot 13.01
- n. **15-376/**To Hire Part-Time Telecommunicators
- o. **15-377/**To Approve Police Department Civilians Association Contract
- p. **15-378/**To Approve License Renewal – Plenary Retail Distribution License #0203-44-002-007

Motion by Councilperson Steinel, Second by Councilperson Kornbluth, to approve the Consent Resolution as amended.

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

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

Motion by Councilperson Kornbluth, Second by Councilperson Rivera, to approve Resolution 15-372.

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

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

**B. RESOLUTIONS**

**15-379/**To Appoint Superintendent of DPW – Phil Neville

Motion by Councilperson Steinel, second by Councilperson Kornbluth, that Resolution #15-379 be approved.

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

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

Mr. Phil Neville thanked the governing body for this appointment, and the residents of the Borough for giving him the opportunity to serve them. Mr. Neville stated that he will continue working hard to make everyone proud of the Department of Public Works.

#### COUNCIL COMMENTS

Councilperson Steinel wished everyone a Happy Hannukah this week, and congratulated Mr. Neville on his promotion. He advised that he continue the great work, and stated that he looks forward to working with him.

Councilperson Amatorio congratulated Mr. Neville on his promotion.

Council President Lodato extended his best wishes to Mr. Neville.

Councilperson Kornbluth congratulated Mr. Neville on a well-deserved promotion.

Councilperson Tully congratulated Mr. Neville, and wished every a happy and safe holiday season.

Councilperson Rivera congratulated Mr. Neville, and wished every holiday holidays.

Mayor Schmelz congratulated Mr. Neville, and wished everyone happy holidays.

#### CLOSED SESSION

**RESOLUTION 15-380**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Personnel
  - 1. Chief of Police Contract
    - a. Educational Trip with Israel Delegation
  - 2. Superintendent of DPW Contract
- B. Collective Bargaining
  - 1. DPW Bergenfield Employees Association Contract
- C. Pending Contract Negotiation
  - 1. Shared Services Agreement

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 Kornbluth, second by Councilperson Councilperson Steinel and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:20 p.m.

#### ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Steinel, second by Councilperson Rivera and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:33 p.m.

Respectfully submitted,

Marie Quinones  
Acting Borough Clerk