

BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
8:00 p.m.
February 16, 2016

PRESENT: Mayor Norman Schmelz and Councilmembers Thomas Lodato, Ora Kornbluth, P. Christopher Tully, and Hernando Rivera

ABSENT: Council members Charlie Steinel and Arvin Amatorio

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

Mayor Schmelz called the meeting to order at 8:06 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 Tully.

AGENDA CHANGES

None.

APPROVAL OF MINUTES

Motion by Councilperson Kornbluth, second by Councilperson Tully, to approve minutes of the January 19, 2016 Regular Meeting, January 19, 2016 Closed Session (not to be released), February 2, 2016 Work Session, and February 2, 2016 Closed Session (not to be released). All members present voting in favor, none opposed.

PRESENTATIONS

A. Proclamation – Amaya Baez

Mayor Schmelz read the proclamation into the record.

Ms. Amaya Baez thanked the State of New Jersey, County of Bergen, and the Borough of Bergenfield for all their love and support every step of the way.

Mr. William Fleming, Principal of Hoover School in Bergenfield, stated that he met Ms. Baez when she introduced herself and welcomed him to the school when she was in the 3rd grade. Mr. Fleming explained that the Hoover School motto is that their scholars "think" by learning with tenacity, high expectations, integrity, no excuses, and kindness. He stated that Ms. Baez is no better exemplar of these attributes, and congratulated her on her accomplishments.

B. Proclamation in honor of Black History Month

Mayor Schmelz read the proclamation into the record.

On a motion by Councilwoman Kornbluth, second by Councilperson Tully, the meeting was recessed at 8:17 p.m. The meeting reopened at 8:24 p.m.

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, Hallberg Avenue, referenced correspondence Item B. Mr. Smith inquired if anyone checked the Bergenfield United Soccer website. He asked that the Mayor and Council hold their decision until the next meeting to confirm the status of Bergenfield United Soccer. He stated that on their website, they are listed as being affiliated with the PAL, because people that register for soccer are automatically registered with the PAL. He inquired if the PAL receives part of the registration fee, since the Bergenfield United Soccer fee lists that the registration covers their insurance. He explained that there are Bergenfield players that left to play with other towns because they were receiving limited playing time. Mr. Smith stated the governing should seek answers to these questions prior to approving the coin toss.

Barry Doll, Highgate Terrace, commented on the ordinance creating the Tree Climber position, inquiring what happens to the salary scale after 2019. He inquired if the salary scale has a limit. He also commented on the salary scale for the Assistant Supervisors position and inquired why the person will earn a 15% increase in two years, when no else is receiving those type of increases.

Administrator Gallo explained that the position was created because there is a need for additional supervision. He further explained that a second tier was created, where the Assistant Supervisor will make less than the Supervisors, but more than the employee earning the highest salary, which is a diesel mechanic. Mr. Gallo stated that the change will save the Borough money because it eliminates a Supervisor's position. He explained that the Tree Climber position salary scale is based on market conditions. The positions are contractual, and the salaries will have to be reconsidered when the contracts terminate.

Diana Flagg, Hillside Avenue, indicated that she reviewed the bill list and noticed the high payment for PSE&G invoices. Ms. Flagg stated that many lights have been out on Washington Avenue since before Christmas time. She stated that someone should follow-up with PSE&G since the Borough is paying for lights that have been out. Ms. Flagg also commented that someone should communicate with the PAL, and tell them to have someone available when PSE&G makes an appointment to read the meters. She explained that the Borough is being invoiced based on estimate readings.

Administrator Gallo stated that the matter was brought to his attention by the Police Department, and learned that there is something growing under the bulb. He explained that anyone can call the Police Department and report the outages.

Galo, owner of Empanada Mania, thanked the Mayor and Council for considering his request to place his food truck on Bedford Avenue for the St. Patrick's Day Parade. He explained that Bedford Avenue is closed for the parade, and so the foot traffic will help the truck have visibility and successful business.

Councilperson Kornbluth advised Galo to speak with Chief Madalone, to ensure the truck would not cause any issue with traffic.

Chief Madalone stated that she will visit the area with Galo to ensure the located is safe.

Mayor Schmelz inquired if the request can be approved.

John Schettino explained the governing body can authorize the location based on approval from Police Department.

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

CORRESPONDENCE

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| A. Haag/BHS Baseball Program | Re: Coin Toss Request – April 16, 2016 – 8:00 a.m. – 3:00 p.m. |
| B. Inglis/Bergenfield United Soccer | Re: Coin Toss Request – April 23, 2016 and May 21, 2016 – 9:00 a.m. – 2:00 p.m. |
| C. Galo/Empanada Mania | Re: Request of location for Food Truck at St. Patrick's Day Parade |
| D. Kamilaris/Lampousa Cypriot American Association | Re: Request to use Memorial Park Pavilion – June 26, 2016 – 10:00 a.m. – 5:00 p.m. |
| E. Lodato/Board of Fire Directors | Re: Personnel Action for Council Approval |

Item B will be considered at the next meeting. Councilperson Kornbluth stated that she will follow-up with the Recreation Director to inquire the status of the Bergenfield United Soccer Club. Councilperson Lodato inquired if there is a direct association between the Bergenfield United Soccer Club and the PAL. Mayor Schmelz stated that he is unsure about the dues, but understands that the Bergenfield United Soccer players also have to play for the PAL soccer team.

Item C is approved upon careful consideration and approval from the Police Department.

Motion by Councilperson Tully, second by Councilperson Kornbluth, and all other members voting in favor, that correspondence items are approved as amended.

CONSENT AGENDA

CONSENT RESOLUTION 16-055. 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. **16-056**/To Pay Bills
- b. **16-057**/To Authorize Mayor to Execute Service Agreement with the BCUA – Certified Recycling Professional Tonnage Grant Assistant Program
- c. **16-058**/To Approve Raffle Applications 1297 & 1298
- d. **16-059**/To Authorize Tax Refund – Double Tax Payment – 250 North Washington Avenue
- e. **16-060**/To Authorize Tax Refund – Redemption Monies – Outside Lien Holder TTL#15-00001
- f. **16-061**/To Approve Agreement - Bergen County Municipal Shared Services Defense Agreement
- 16-062**/To Authorize Transfer of Appropriation Reserves
- g. **16-063**/To Authorize Temporary Emergency Appropriation

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

UNFINISHED BUSINESS

- A. Swim Club

Councilperson Lodato stated that he received the Haworth Swim Club information, and learned the situation is very different from Bergenfield. He explained that Haworth has no repairs, and their operating costs are \$220,000. Councilperson Lodato stated that he will make copies for the governing body, but the information has nothing that enlightens him.

B. Taping of Council Meetings

Mayor Schmelz explained that he made a few phone calls, and is awaiting information from other towns.

C. Commercial Garbage Collection

No update.

D. Adoption of Ordinances

Councilperson Kornbluth stated that Ordinance 16-2488 should be modified to state that the parking ban from 5:00 a.m. to 6:00 p.m. is for garbage collection, whereas 2:00 a.m. to 5 p.m. is for safety purposes.

The following ordinances published herewith were first read by title only on February 2, 2016, and posted on the bulletin board of the municipal center.

ORDINANCE NO. 16-2485 – AN ORDINANCE CREATING THE POSITION OF TREE CLIMBER IN THE DEPARTMENT OF PUBLIC WORKS AND ESTABLISHING A SALARY RANGE FOR THE NEWLY CREATED POSITION.

ORDINANCE NO. 16-2486 – AN ORDINANCE CREATING THE POSITION OF ASSISTANT SUPERVISOR OF THE DEPARTMENT OF PUBLIC WORKS AND ESTABLISHING A SALARY RANGE FOR THE NEWLY CREATED POSITION.

ORDINANCE NO. 16-2487 – AN ORDINANCE AMENDING CHAPTER 344 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “SOLID WASTE REFUSE AND GARBAGE DISPOSAL”

ORDINANCE NO. 16-2488 – AN ORDINANCE AMENDING CHAPTER 299 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “VEHICLES AND TRAFFIC”

ORDINANCE NO. 16-2489 – AN ORDINANCE AMENDING CHAPTER 215 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “NOISE”

Public Comments on Ordinances 16-2485, 16-2486, 16-2487, 16-2488, and 16-2489.

Barry Doll, Highgate Terrace, inquired if the noise ordinance can include restrictions to landscapers. He explained that when multiple landscapers are working at the same time, it is very noisy. He inquired if that type of noise is covered anywhere in the ordinance.

Chief Madalone stated there is a breakdown in the ordinance.

Administrator Gallo stated that there should be no noise before 8:00 a.m.

Mr. Doll inquired about the decimals.

Chief Madalone explained that decimals are not checked, but no one can make noise before 8:00 a.m. She further explained that is the noise occurs within the time frame, the department can speak to residents about staggering the times their lawns are mowed.

Motion by Councilperson Kornbluth, Second by Councilperson Lodato, to pass Ordinances 16-2485, 16-2486, 16-2487, 16-2488, and 16-2489 on second and final reading and is hereby adopted and notice of same shall be published according to law as amended.

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

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

NEW BUSINESS

None.

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.

Anthony Bruno, Deerfield Street, stated that he is concerned with the garbage collection schedule. He explained that no one reads the calendar, and there is always confusion about when to put out the garbage. He explained that the town is a mess, especially his quadrant. Mr. Bruno stated that there are no more communication and supervision.

John Smith, Hallberg Avenue, stated that Councilperson Steinel requested that a letter be sent to the Swim Club, and now it cannot be sent because they are in default. He explained that since taxpayers need to pay their taxes, the Swim Club should have made payments to their lease. He asked that the governing body review the PAL bylaws, and confirm that Bergenfield players need priority playing time. He indicated that since the Mayor stated the steel belongs to the Community Center, there should be a lease on file to use the property. Mr. Smith stated that the PAL must provide financial statements as per state statute.

Barry Doll, Highgate Terrace, inquired if the Community Center is bankrupt. Mr. Doll stated that the Community Center should be asked to remove the steel, or they should be changed for the space. Mr. Doll inquired if there are any dates for the introduction of the budget.

Councilperson Tully stated that the governing body is hoping to introduce the budget at the next meeting, if not, definitely mid-March.

Diana Flagg, Hillside Avenue, stated that she reviewed the Police Department report, and noticed that there were only 2 reviews completed out of 12 applications for fire arms. She inquired what the mental health check includes for a fire arm. Ms. Flagg stated that she always reads the reports, although she never receives reports from Recreation. She inquired why his job is not advertised each year like the Borough Attorney position.

Chief Madalone explained that it's a very long process, and the application process and review takes about two months to complete, and is based on where the person has lived. The mental health check includes a review of their health records.

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

Committee/Department Reports

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

COUNCIL COMMENTS

Councilperson Lodato stated that he reviewed the lease, and there is a state statute where organizations that are 501C3 have to submit their financials to the Borough. Mr. Lodato stated that neither lessee have been doing this, and the Borough should be regulating and enforcing this.

Mayor Schmelz inquired if they all need to submit their information. He inquired about the Little League.

Administrator Gallo stated that would include all of them, including Fire and BVAC.

Attorney Schettino stated that all 501C3s should be submitting a statement that includes their purpose and tax status. He advised that a letter be sent to each organization in January for their records.

Councilperson Kornbluth recommended that it be a form with a checklist. She thanked everyone for attending and wished all a good night.

Councilperson Tully thanked everyone for attending, and thanked Amaya Baez and her family for representing Bergenfield.

CLOSED SESSION

RESOLUTION **16-064**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Personnel
 - 1. Police Department Personnel Matters
 - 2. DPW Personnel Matters
 - 3. Building Department Personnel Matters
 - 4. Administrative Personnel
- B. Collective Bargaining
 - 1. Contract Negotiations 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 Kornbluth, second by Councilperson Tully and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:10 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, second by Councilperson Tully, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:08 p.m.

Respectfully submitted,

Marie Quinones
Acting Borough Clerk