

BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
8:00 p.m.
May 17, 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 8:09 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

Borough Administrator Gallo requested that the Geese Eggs and Nests be removed from the agenda, since there is no report.

APPROVAL OF MINUTES

Motion by Council President Steinel, second by Councilperson Kornbluth, to approve minutes of the April 19, 2016 Regular Public Meeting, April 19, 2016 Closed Session (not to be released), May 3, 2016 Work Session, May 3, 2016 Closed Session (not to be released). All members present voting in favor, none opposed.

PRESENTATIONS

A. Proclamation in honor of Elks National Youth Week

Mayor Schmelz stated that the Proclamation was presented to the students during their mock council prior to the meeting.

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, inquired if the governing body had answers to his questions regarding the lights at Memorial Field. He stated that prior to approving the grant application, the governing should review the engineering report. Mr. Smith further stated that the Mayor inquired if the drawings were completed, and asked for the complete cost of the project, including the installation. Mr. Smith stated that it would have been easier to readjust the lights, given that the cost will be over \$300,000. He stated the funds could be used to fix the roads.

Diana Flagg, resident, inquired if Millennium Strategies were awarded the grants for the roads. She stated that Thames Avenue was a good project.

Borough Administrator Gallo confirmed that the grant consultants applied for the grants on behalf of the Borough.

Barry Doll, resident, inquired why the closed session minutes are not available upon approval. He stated that the closed session minutes should be public information to allow more transparency.

Borough Attorney Schettino stated that the closed session minutes are reviewed periodically by the Borough Clerk to determine which ones can be approved to be released. He further explained that the matters discussed are not made available to the public because negotiations are pending until the matters are concluded upon council approval. Mr. Schettino explained that anything discussed in closed session regarding litigation can't be released until the appeal time has been exhausted.

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

CORRESPONDENCE

- | | |
|----------------------------------|---|
| A. Lodato/Board of Fire Officers | Re: Block Party Request – Ralph Street in Between Cleveland Street and W. Church Street – May 30, 2016 from 2:00 pm to 6:00 pm |
| B. Lodato/Board of Fire Officers | Re: Personnel Action for Council Approval |
| C. Gautier/Sugden Street | Re: Letter of Resignation – Board of Health – Effective July 1, 2016 |

Motion by Council President Steinel, second by Councilperson Amatorio, and all other members voting in favor, that items A through C are approved.

A. CONSENT AGENDA

CONSENT RESOLUTION 16-150. 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. **16-151/**To Pay Bills
- b. **16-152/**To Authorize Purchase – 2017 Police Interceptor Utility - \$34,925.00
- c. **16-153/**To Authorize Purchase – 2017 Police Interceptor Utility – \$33,506.00
- d. **16-154/**To Accept Grant Award – Bergen County Open Space Trust Fund for Multi-purpose Field Lighting Improvements - \$80,000
- e. **16-155/**To Request Approval to Insert Funds – Bergen County Open Space Trust Fund for Multi-purpose Field Lighting Improvements - Chapter 159
- f. **16-156/**To Approve Tax Settlement – Block 162 Lot 20
- g. **16-157/**To Approve Tax Settlement – Block 162 Lot 2
- h. **16-158/**To Authorize Refund – Block 210 Lot 4
- i. **16-159/**To Authorize Refund – Block 216 Lot 32
- j. **16-160/**To Authorize Refund – Block 231 Lot 10
- k. **16-161/**To Authorize Refund – block 339 Lot 3
- l. **16-162/**To Authorize Refund of Redemption Monies to Outside Lien Holder for TTL#15-00019
- m. **16-163/**To Approve Proposal – RSC Architects Site Feasibility Study – Borough of Dumont
- n. **16-164/**To Move Richard Chipman to Motor Broom Operator in the DPW

- o. **16-165**/To Move Peter Marsilio to Assistant Supervisor in the DPW
- p. **16-166**/To Hire Kyle Smith – Full-time Laborer in the DPW
- q. **16-167**/To Authorize Hire – Two Temporary Part-time Laborers in the DPW
- r. **16-168**/To Accept Retirement Proposal – Cheryl Scalora

Councilperson Tully requested clarification from Borough Attorney Schettino to ensure he can vote on a County grant application, given his position in the County. Mr. Schettino advised that as long as his department has no direct involvement, he may vote on the application.

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

B. Resolutions

16-169/To Appoint Mike Ravenda – Interim Construction Code Official

Motion by Councilperson Rivera, second by Councilperson Tully, that Resolution #16-169 appointing Mike Ravenda as Interim Construction Code Office be approved.

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

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

UNFINISHED BUSINESS

A. Swim Club

No report.

B. Goose Eggs and Nests Management

No report - removed from the agenda.

NEW BUSINESS

A. Introduction of Ordinance

Motion that the following ordinance be introduced and passed on first reading and setting Thursday, June 9, 2016 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Executive Chambers of the Bergenfield Borough as the place for a hearing on said ordinances.

ORDINANCE 16-2494 - AN ORDINANCE AMENDING CHAPTER 17, ARTICLE 30 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED "DEPARTMENTS"

Motion by Council President Steinel, second by Councilperson Rivera, to pass Ordinance 16-2494 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>aye</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Tully:	<i>aye</i>
Council President Steinel:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>

B. Recommendations and Nominations for Boards and Committee

Board of Health

Mayor recommends and nominates Jojy Cheriyan to serve on the Board of Health effective July 1, 2016, and term expiring December 31, 2018 (Gautier exp. 12/31/18).

Motion by Council President Steinel, seconded by Councilperson Lodato, and all present voting in favor, the nomination is confirmed.

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 where the minutes were for the Recreation Committee meeting. She stated that the Borough compensates a secretary and a director, and therefore the minutes should be provided. She further inquired if a civil service test is required for the Deputy Chief position, and if a raise will be provided. She expressed her concern that if a raise is given, then the Police Chief will also have to be given a raise because she has to be a percentage over the highest salary. Ms. Flagg also inquired what the geese eggs matter is. She ended her comments by reading a poem written by former Borough Administrator Norman Gust in honor of Memorial Day.

Borough Attorney Schettino explained that there is no active list for the position. He further explained that the position would be a provisional appointment. Mr. Schettino stated that depending on whether there are multiple candidates on the list, Civil Service may call for a test. Otherwise, the promotion is based on the application. Civil service makes the determination.

Borough Administrator Gallo explained that he was in communication with a company pertaining to their geese egg management, but they have not provided the necessary information. He stated that the matter should be removed from the agenda.

John Smith, resident, stated that all the members on the dais should be familiar with the Open Public Meetings Act. He stated that at the April 5th meeting, the Borough planner made a presentation and questions were raised on the Master Plan. Mr. Smith explained that he was under the impression that the planner was supposed to report back to the Planning Board regarding the questions raised, and stated that the Planning Board meeting was cancelled because there were no items on the agenda. Mr. Smith further explained that as per an OPRA request, there were no minutes or recordings for the meeting in October when the Master Plan was approved. He stated that he spoke with the Prosecutor pertaining to the same. Mr. Smith advised the Council to inform the Planning Board attorney that a public meeting must be held to discuss the Master Plan.

Councilperson Kornbluth inquired if a meeting was held to discuss the master plan, and where are the minutes. She further inquired if someone can follow-up with the Planning Board attorney to hold another meeting.

Councilperson Lodato explained that there should be minutes for the meeting held in October.

Borough Attorney Schettino stated that minutes should be comprehensive, but meetings do not have to be recorded. He advised that the Planning Board may compile minutes based on their records and recollection. Otherwise, the Planning Board can reissue a notice and hold another meeting.

Council President Steinel stated that he reviewed the e-mails, and questioned why the Planning Board attorney handles their meeting notices. He advised the Borough Administrator to look into the matter further, because the Planning Board secretary should be send the notices, record the meetings, and prepare the minutes.

Barry Doll, resident, thanked Diana Flagg for reading the poem. Mr. Doll thanked John Smith who served and fought in Vietnam and is still fighting for us. Mr. Doll further stated that he had written a letter in the Twin Boro News regarding the Marchbank properties and the lead found in the paint. Mr. Doll inquired what was being done about the lead in the paint. Mr. Doll inquired about the porta johns for Cooper's Pond. Mr. Doll inquired when the Borough was going to be audited.

Attorney Schettino stated that the borough engineer should look into it and determine if it is hazardous.

Administrator Gallo stated that the auditors would be coming beginning May 23rd, 2016.

Mary Sullivan, resident, inquired where the listing of holidays are posted on the website and why the Borough has 13 holidays. Ms. Sullivan stated that DPW always picks up vegetative waste the beginning of March and this past year was later. Ms. Sullivan stated that she had cleaned her property and did not know what to do with it since DPW was not going to pick it up yet.

Attorney Schettino stated that it is part of the collective bargaining and it is difficult to take away a holiday from staff. The only way to add or remove a holiday in someone's contract is during negotiations. Mr. Schettino explained that if you take away a holiday you have to give them something in return.

Administrator Gallo told Ms. Sullivan that if she cleaned up her property, she could give DPW a call and see if they could pick up the vegetative waste. Mr. Gallo stated that vegetative waste pickup needs to be flexible. The schedule needs to be looked at as well the weather conditions to be able to evaluate what month vegetative waste will be picked up.

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

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 Kornbluth. All in favor, none opposed.

COUNCIL COMMENTS

Councilperson Lodato thanked everyone for attending the meeting.

Councilperson Amatorio thanked everyone for attending the meeting, and reminded the public that the Memorial Day Parade will be on Monday, May 30th. Councilperson Amatorio explained that the parade should have a great turnout as the committees received many memberships and an overall growing response. He explained that there will be a ceremony at 11:30 a.m. in front of Borough Hall, and the parade is scheduled to start at 2:00 p.m.

Council President Steinel thanked everyone for attending the meeting and stated that he will see everyone at the Parade.

Councilperson Kornbluth thanked everyone for attending the meeting.

Councilperson Tully thanked everyone for attending the meeting and wished all a good night.

Councilperson Rivera thanked everyone for attending the meeting.

Mayor Schmelz thanked everyone for attending the meeting and stated that he hopes to see everyone at the Parade.

CLOSED SESSION

RESOLUTION **16-170**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

A. Legal/Contracts

1. School Resource Officer (SRO) Grant

B. Collective Bargaining

1. Bergenfield DPW Employees Association Contact
2. Bergenfield FMBA Local No. 65 Contract

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 Kornbluth, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:09 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Council President Steinel, second by Councilperson Kornbluth, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Marie Quinones
Acting Borough Clerk