

BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
8:00 p.m.
April 16, 2019

PRESENT: Mayor Norman Schmelz and Council members Thomas Lodato, Buddy Deauna, Rafael Marte and Hernando Rivera (9:05 p.m.)

ABSENT: Ora Kornbluth and Arvin Amatorio

ALSO PRESENT: 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 Deauna.

AGENDA CHANGES

None.

APPROVAL OF MINUTES

Motion by Councilperson Marte, Second by Councilperson Deauna, to approve minutes of the March 19, 2019 Regular Meeting, March 19, 2019 Closed Session Meeting (not to be released), and April 2, 2019 Work Session Meeting. All present voting in favor, none opposed.

PRESENTATIONS

A. Proclamation – Transfiguration Academy Basketball Program

Mayor Schmelz read the proclamation into the record and presented the 5th and 6th girls Liberty Division Champions team with certificates. The players on the team are: Ava Fajardo, Alexis Ching, Rachel Paton, Lucie Ortiz, Jennie Carmona, Abigail Inglis, Joey Hakim, and Paityn Salvaggio.

Mayor Schmelz read the proclamation into the record and presented the 7th and 8th grade boys National Division champions team with certificates. The players on the team are: Brian Ramirez, Joshua Naviamos, Kyle Nelson, Thomas Lapinig, Auggie Isley, Michael Icarangal, Dylan de Leon, David Justin Lugo, Owen Aviles, and Zahmir Pringle.

Mayor Schmelz read the proclamation into the record and presented the 7th & 8th grade girls Liberty champions team with certificates. The players on the team are: Maria Perricone, Kayla Savoia, Natasha Leal, Megan Pro, Isabella "Belly" Melendez, Celine De La Rosa, Isabella "Isa" Javier, and Mia Gonzales.

B. Proclamation – PAL Basketball Travel Team

Mayor Schmelz read the proclamation into the record and presented the Bergenfield Bears 7th grade travel team with certificates. The players on the team are: Brian Pita, Che Koonce, Dale Toribio, Elijah Maria, Gabriel Perez, Jacob Fernandez, Jael Martinez, Jeffin Jacob, Jordan Martinez, Joseph Alvarez, Justin Munoz, Marcus Knowles, Owen Aviles, and Ryan Alberto.

On a motion by Councilperson Deauna, second by Councilperson Lodato, and all present voting in favor, the meeting was recessed. Meeting reopened at 8:35 p.m.

CLOSED SESSION

On a motion by Councilperson Marte, second by Councilperson Deauna, and all present voting in favor, the meeting entered into Closed Session at 8:35 p.m.

RETURN TO OPEN SESSION

On a motion by Councilperson Marte, second by Councilperson Lodato, and all present voting in favor, the meeting returned to Open Session at 8:40 p.m. R.C.

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 why there were no monies budgeted for tax appeals in the 2019 budget. He also inquired why the Borough Administrator and Borough Clerk's office could not hold on until the move to purchase the new computers. Mr. Smith commented that the sports programs in the Board of Education should hire parents as volunteers to keep them and their families involved, to encourage a successful sports program.

Borough Attorney Schettino explained that the funds may be under the reserve for uncollected taxes.

Barry Doll, resident, inquired whether matters can be approved with only three members present. He also inquired whether the ordinance for the acquisition of 230 N. Washington under eminent domain is preliminary. Mr. Doll also inquired how much the owner was seeking and if it was premature to vote on it tonight. Mr. Doll inquired if Avalon is going to be given the right of way for the easement.

Borough Attorney Schettino stated that four votes are required for the bond ordinance and budget adoption. All other matters need a vote of the majority present. He also explained that the ordinance provides the Borough leverage in negotiating with the property owner. Mr. Schettino stated that the matter has not settled, but he is optimistic that the property will sell for the negotiated price. Otherwise, the Borough will acquire the property under eminent domain. Mr. Schettino stated the owner was seeking \$1.4 million. Mr. Schettino stated the property would be used for public purposes. They are being given the easement which is just to have the right to have access to the road for emergency purposes. It may never be used. The borough can still use it and anyone else that needs access. The individual will improve and maintain that part of the roadway and return it to its original condition. The borough retains ownership. It's only a portion of land that's in Bergenfield.

Diana Flagg, resident, inquired if they are required to put grass pavers for snow removal and if residents living in the apartments at Avalon Teaneck will have access to the road. Ms. Flagg stated everyone should have been aware when the Teaneck planning board was planning this. Ms. Flagg inquired who needs the new four computers. The budget should be put on the ballot for vote.

Mayor Schmelz stated it will be locked and the Bergenfield fire department and Teaneck will have the key.

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

CORRESPONDENCE

None

ORDINANCES

A. Adoption of Ordinances

Councilperson Lodato requested that the sixth paragraph in Ordinance 19-2548 be revised from "report" to "offer."

The following ordinances published herewith were first read by title only on April 2, 2019 and posted on the bulletin board of the municipal center.

ORDINANCE 19-2547 – AN ORDINANCE AMENDING CHAPTER 291 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED "TREES"

ORDINANCE 19-2548 – AN ORDINANCE AUTHORIZING THE PURCHASE OF BOROUGH PROPERTY LOCATED AT 230 N. WASHINGTON AVENUE, BLOCK 13 LOT 2 IN THE BOROUGH OF BERGENFIELD THROUGH EMINENT DOMAIN AS AMENDED

Public comments on Ordinances 19-2547 and 19-2548.

No one came forward.

Motion by Councilperson Lodato, Second by Councilperson Deauna to close public comments.

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

Councilperson Lodato:	<i>aye</i>	Council President Kornbluth:	<i>absent</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>absent</i>
Councilperson Amatorio:	<i>absent</i>	Councilperson Marte:	<i>aye</i>

Motion by Councilperson Marte, Second by Councilperson Deauna, to pass Ordinances 19-2547 and 19-2548 on second and final reading and is hereby adopted and notice of the same shall be published according to law as amended.

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

Councilperson Lodato:	<i>aye</i>	Council President Kornbluth:	<i>absent</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>absent</i>
Councilperson Amatorio:	<i>absent</i>	Councilperson Marte:	<i>aye</i>

A. CONSENT AGENDA

CONSENT RESOLUTION 19-134. 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. **19-135/To Pay Bills**
- b. **19-136/To Approve Tax Refund – 196 Merritt Avenue**
- c. **19-137/To Authorize Capital Purchase – Computers for Administration and Clerk’s Office**
19-138/To Authorize Request for Approval for the Insertion of a Special Item of Revenue in the 2019 Budget (Chapter 159) – New Jersey Department of Transportation Grant for North Prospect Roadway Rehabilitation Project
- d. **19-139/To Authorize Request for Approval for the Insertion of a Special Item of Revenue in the 2019 Budget (Chapter 159) – Bergen County Utilities Authority 2019 Recycling Enhancement Grant**

- e. **19-140/**To Authorize Request for Approval for the Insertion of a Special Item of Revenue in the 2019 Budget (Chapter 159) – Bergen County Open Space Trust Fund Grant for Memorial Field Backstops and Fencing
- f. **19-141/**To Approve Easement Agreement – pertaining to paper street Maiden Lane – Avalon Teaneck LLC

Motion by Councilperson Deauna, second by Councilperson Marte, 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>	Council President Kornbluth:	<i>absent</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>absent</i>
Councilperson Amatorio:	<i>absent</i>	Councilperson Marte:	<i>aye</i>

B. Resolutions

Councilperson Lodato requested that paragraph seven in the contract be amended to read pursuant to N.J.S.A. N.J.S.A. 40A:9-138.

19-142/To Approve Contract – Borough Administrator

Motion by Councilperson Lodato, second by Councilperson Deauna, that Resolution #19-142 be approved as amended.

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

Councilperson Lodato:	<i>aye</i>	Council President Kornbluth:	<i>absent</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>absent</i>
Councilperson Amatorio:	<i>absent</i>	Councilperson Marte:	<i>aye</i>

UNFINISHED BUSINESS

Mayor Schmelz stated that the BSID met last night and decided to continue out the year with special events and marketing. They voted and decided they want to stay.

Borough Attorney Schettino stated there was a lawsuit by a property owner challenging his inclusion in the SID. The superior court judge ruled in our favor and a couple of days ago the decision was received from the appellate division. The complaint from the property owner to be excluded from the BSID was denied.

Mayor Schmelz stated that the BSID can only spend what the council approved. The letter from the BSID dated April 8th is no longer valid.

Councilperson Marte stated he had spoken with Stuart Koperweis and he stated that the Bergenfield SID will continue despite the budget.

Councilperson Lodato stated there should be a written notice from the BSID stating they will continue to remain active.

Borough Attorney Schettino stated that they need to tell the governing body in writing they are going to continue for funding purposes.

NEW BUSINESS

None.

Committee/Department Reports

Motion offered by Councilperson Lodato that the Committee/Department Reports be spread upon the minutes in full and filed. Second by Councilperson Deauna. 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.

John Smith, resident, handed out comments to the governing body and read the comments he had written into the record. He requested that the comments be included in the minutes. Mr. Smith stated the council is aware of the Zoning Board Chairman's misconduct, and has not taken any action to have him removed from the board. Mr. Smith stated that the BSID should submit a letter in writing about their status and decision to remain active.

Diana Flagg, resident, commented on the Borough Administrator's new contract and expressed that the Borough has become a wealthy community between the multi-million dollar Borough Hall, computers for Administration, contract and benefits. Ms. Flagg inquired where the Borough Administrator is and commented that he is to attend all meetings as stipulated in his contract. She also inquired the PAL contract has been reviewed, since it expired on December 31, 2018.

Councilperson Lodato stated that the Borough Administrator is entitled to vacation and sick time.

Mayor Schmelz stated he will speak with the Borough Administrator about the PAL contract when he returns.

Barry Doll, resident, commented that the Borough Administrator is entitled to his vacation. He expressed that the Borough Attorney should have been aware about the PAL contract, and should have advised with regards to its expiration. Mr. Doll also expressed that there are monsters being built in the Borough, and commented that no is keeping track of the rules and regulations.

Borough Attorney Schettino stated that the Borough Attorney's is not responsible to monitor every contract. He explained that he is only involved if there is an issue with the contract.

Ray Gorman, resident, commented that he passed by a sign that said that Ally is doing an environmental investigation including soil and groundwater contamination with petroleum compounds filled or leaking from underground storage tanks. Mr. Gorman inquired whether this was a requirement from the State and if the Borough was aware given the close proximity to Borough Hall. He also inquired the status of Adheek Tennis Club, since he read an article in the paper that the Borough was trying to bring them back. Mr. Gorman questioned whether the cost of steel will change the cost of the new building. He further inquired about the layout of the new parking lot, and stated that the Borough should have the lines drawn to see the length and width of the new lot. He also commented on Suez replacing the pipes in several towns, and suggested that the Council adopt a resolution to speed up the process.

Mayor Schmelz stated there are wells being monitored on Borough property due to contamination from the gas station, but it is not the responsibility of the governing body to monitor them. Mayor Schmelz stated that having the article online will hopefully help boost membership for Adheek Tennis Club. He expressed that the idea is not to close the tennis courts, but hopefully help the private business be successful and remain open. Mayor Schmelz stated that the Borough Administrator said there were several new memberships.

Borough Attorney Schettino stated that the town does not decide to replace the pipes, Suez does it on their own. Suez identifies where there is exposure and will contact those communities.

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

COUNCIL COMMENTS

Councilperson Lodato stated that he knows John Smith's position. He commented that he doesn't have the correspondence to and from and the decision from the Local Finance Board, but does have a letter from Mr. Smith. He listened to part of the tape of the January Zoning Board of Adjustment meeting. He stated that while there was discussion, there was no action taken. Councilperson Lodato commented that he is unsure what the Local Finance Board based their decision on, and Mr. Smith's comments. He expressed confusion on the matter.

Mr. Smith stated that the Zoning Board Chairman had stated there were no RFQ's when there were.

Councilperson Deauna stated he agrees with Councilperson Lodato. He would like to look into this issue further. He hopes they can resolve the issue and come to the right conclusion.

Councilperson Rivera asked Ms. Flagg if her taxes have increased over the past two years, and whether she she's seen the changes in the quality of town with the same amount of money. Councilperson Rivera stated that they have been making improvements with the same amount of money and working to make things better for future generations. He wished everyone a Happy Easter.

Councilperson Marte thanked everyone for coming and wished everyone a good night.

Mayor Schmelz stated the BSID meeting was last night and he was the only one from the council who was present. He could added the matter to the beginning of the agenda, but the agenda was set on Friday. There is a sunrise service at Coopers Pond on Easter morning that begins at 6:15 a.m. He further commented that the budget at the Board of Education will be a zero budget as well. Mayor Schmelz congratulated the school board on their budget. He thanked everyone for coming to the meeting and wished all a good night.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Lodato, second by Councilperson Deauna, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk