

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
OCTOBER 3, 2019**

PRESENT: Mayor Norman Schmelz and Council President Ora Kornbluth, Council members Thomas A. Lodato (8:20 p.m.), Buddy Deauna, Ora Kornbluth, Hernando Rivera, and Rafael Marte

ABSENT: No one.

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

Mayor Schmelz called the meeting to order at 8:05 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 Marte.

AGENDA CHANGES

On a motion by Council President Kornbluth, second by Councilman Amatorio, and all present voting in favor, the following changes are made to the agenda:

- Breast Cancer Awareness Month Proclamation
- LED Streetlights
- Democratic Committee Request to Reserve Cooper's Pond
- 19-281/To Approve Raffle & Bingo Applications
- 19-282/To Approve Addendum – Shared Services Agreement for SLEO IIIs
- 19-283/To Approve Preliminary Engineering/Construction Agreement between Bergenfield & CSXT
- 19-284/To Approve PLA Agreement

PRESENTATIONS

A. Proclamation – Breast Cancer Awareness Month

Mayor Schmelz read the proclamation into the record.

B. Department Hires & Appointments

19-267/To Hire Confidential Assistance to the Borough Administrator – Conall C. O'Malley

Motion by Council President Kornbluth, second by Councilperson Deauna, that Resolution #19-267 be approved.

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

Councilperson Lodato:	absent	Council President Kornbluth:	aye
Councilperson Deauna:	aye	Councilperson Rivera:	aye
Councilperson Amatorio:	aye	Councilperson Marte:	aye

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Mr. Bob Klein, Borough Engineer from Remington & Vernick (RVE), reviewed the 2019 road program. He explained that the first project on West Central Avenue is complete, and RVE is working on the close out. The second part of the project is the CDBG program that includes Madison, Hughes, Demott, Annex, and Irving Place. Mr. Klein stated that construction has started. The third project includes a variety of other roads, in which RVE has received bids and are on the agenda for award. Mr. Klein explained that the fourth part of the project is the sewer rehabilitation project, which bids have been received for, but pricing came in 28% higher than expected. Mr. Klein commented that the Borough will re-bid this project, since more bidders should encourage better pricing. He discussed N. Prospect Avenue and commented that the design phase started, and noted that all five of the CDBG roads will be paved this month. Mr. Klein stated that once the contractor is awarded, they will be onboard for the rest of the non-grant roads, and they will have a better idea of what can be done this year.

Borough Administrator Gallo stated that CSX is requesting a retainage fee to allow the borough to complete roadwork for 20 feet on both sides of the railroad tracks. He requested confirmation whether the work can be completed in 2019, in order to decide whether or not to pay the retainage fee to CSX, which will be for the flaggers and other items, at a cost of \$12,000 to \$14,000. Mr. Gallo advised the contract is on the agenda for Council approval and authorization, but it will not be executed unless the work can be done in 2019.

Mr. Klein stated the water companies have been notified and they will give a schedule on a weekly basis.

ORDINANCES

A. Adoption of Ordinances

The following ordinance published herewith was first read by title only on June 18, 2019 and posted on the bulletin board of the municipal center. **(TABLED 8-20-19)**

ORDINANCE 19-2552 – AN ORDINANCE AMENDING CHAPTER 186 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “LAND DEVELOPMENT”

Borough Attorney John Schettino stated that the Planning Board reviewed the ordinances and commented on each one. He explained that the Planning Board feels there is a distinction between certain types of pavers. Some are pervious and some are impervious. They are recommending pervious pavers be used by residents, and if they use impervious pavers, they should be able to go up to only 45% lot coverage. He explained that the Board recommends the limit coverage to 45%. If you use pervious pavers, you should be permitted total lot coverage of up to 45%. The planner stated his intent for having different coverages was to prevent mini mansions.

Mayor Schmelz stated there was a problem with the definition, because the ordinances do not include the distinct definitions. He explained that there are three different types of pavers, one where grass grows through holes. The inspector would need to make sure the residents are using that type throughout the process. Therefore, there needs to be a different definition for each one. Mayor commented that all pavers were being classified into one definition, which is wrong. He explained that if this is done properly, it is done according to the recommendations in the ordinance. He commented that if the residents use silica, nothing will run through. He expressed that the process needs to be watched. Mayor Schmelz stated that the Planning Board recommendation was that it would have to be standard with the pervious system.

Borough Administrator Gallo commented that he is unsure how the ordinance can be clearer. He explained that anything over the complete lot coverage cannot exceed 45%. Mr. Gallo stated that the ordinance is going to be tabled, so the definitions can be changed, and the use of silica sand be listed as impervious coverage.

Council President Kornbluth stated the lot coverage, if there is no use of pavers, is less than 45% right now.

Councilman Amatorio stated the use of synthetic sand can be another issue. He commented that if a different kind of sand is used, it defeats the purpose.

John Smith, resident, stated that the total lot coverage percentage should be reviewed. He explained that if the residents put in a concrete or asphalt driveway, the Zoning Board will tell them to use the pavers. He commented that Ron Mondello was misquoted in stating that the Zoning Board wanted 100% pavers, he stated it's 50%. He further commented that the residents with more land in the R5 zone are being punished, because residents in the R6 zone are receiving a bonus, even though they have smaller land. Mr. Smith expressed that a percentage should be decided on, and it should be the same straight across the board, regardless of the zone. He also expressed that the inspector should inspect each layer before the pavers are put down.

Richard Morf, resident, stated there are two applications for the Zoning Board to review Monday. One lot is 51x 93 in the R5 zone and the other application has a lot size of 75x102. The smaller lot gets 40% coverage, but the larger lot is being held with less coverage. He expressed that this is not fair to the applicant. A number should be decided on and it should be the same for all of the zones. There is lot coverage and maximum improved lot coverage.

Councilman Lodato stated historically the purpose of the R6 zone and the lower percentage was because the R6 was supposed to be in a more open area and space between the houses.

No further action taken.

The following ordinance published herewith was first read by title only on July 16, 2019 and posted on the bulletin board of the municipal center. **(TABLED 9-3-19)**

ORDINANCE 19-2554 - AN ORDINANCE AMENDING "SCHEDULE B" OF THE CODE OF THE BOROUGH OF BERGENFIELD, CHAPTER 186 ENTITLED "LAND DEVELOPMENT"

Borough Attorney Schettino stated this ordinance is increasing the height for the B1 & B2. He explained that the overlay zone recommended, was a 4-story structure. The Planning Board is recommending 50ft and 5 stories. Foster Village is in the overlay zone.

Mr. Gallo stated there should be no changes made to this ordinance, since it was done by the planner. He further stated this ordinance was put through in 2018 and was approved by the boards, Council and sent to the County. The ordinance was created to complete the "schedule" for the Zoning Officer and Construction Officer to use as a guide off the existing ordinance.

Mayor Schmelz stated there is a misunderstanding. He stated they are talking about ordinance 19-2556 and 19-2557. The 50 ft. increase in height has to do with the overlay zone. The Planning Board thought the incentive for the overlay zone should go up to 50 ft. and to increase the zone on Washington Avenue all the way to the railroad tracks.

Mr. Schettino suggested to leave the ordinance the way it is with a 40 ft. height, which is what was recommended by the planner and approved by the special master.

Motion by Council President Kornbluth, Second by Councilperson Rivera to remove Ordinance 19-2554 from the table.

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

Councilperson Lodato:	aye	Council President Kornbluth:	aye
Councilperson Deauna:	aye	Councilperson Rivera:	aye
Councilperson Amatorio:	aye	Councilperson Marte:	aye

Public Comments on Ordinance 19-2554.

John Smith, resident, wanted to confirm the height will be left at 40 ft. and agreed that it be left at 40 ft. There will be someone who will always want to increase it to more.

Motion by Councilperson Marte, second by Councilperson Rivera, to pass Ordinance 19-2554 on second and final reading and are 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	Council President Kornbluth:	aye
Councilperson Deauna:	aye	Councilperson Rivera:	aye
Councilperson Amatorio:	aye	Councilperson Marte:	aye

The following ordinances published herewith were first read by title only on September 3, 2019 and posted on the bulletin board of the municipal center.

ORDINANCE 19-2556 – AN ORDINANCE TO AMEND, SUPPLEMENT, AND REVISE THE CODE OF THE BOROUGH OF BERGENFIELD, CHAPTER 186 ENTITLED “LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF BERGENFIELD, NEW JERSEY”

ORDINANCE 19-2557 – AN ORDINANCE TO AMEND, SUPPLEMENT, AND REVISE THE CODE OF THE BOROUGH OF BERGENFIELD, CHAPTER 186 ENTITLED “ZONING”

Mayor Schmelz provided clarification that these two ordinances were recommended from the special master, the planner, and the Borough Attorney that would allow an overlay zone on Washington Avenue and Foster Village.

Public Comments on Ordinances 19-2556 and 19-2557.

John Smith, resident, inquired if Portland Avenue and up to the railroad tracks would be included. Mr. Smith stated they are going to build two- and three-bedroom apartments, and inquired where people will be parking their cars. He expressed that there will be a parking problem. Mr. Smith explained that the planner stated the Zoning Board does not have to abide by this. He commented that the Zoning Board has requested the planner to come to a meeting and he hasn't shown up.

Mayor Schmelz stated it does not, since the recommendation made by the Planning Board. He explained that it goes from Clinton Avenue all the way down to the Dumont border. This was an agreement made with the special master to satisfy our fair share housing, unmet needs and future needs. The Planner has a conflict with Monday nights. Someone else was asked to come to a meeting, but they could not come either.

Mr. Schettino stated there is a lower parking requirement. The requirement is 1.8 parking space per bedroom. The town pays for the planner. If the board has an application and they feel there is a need an expert opinion from a planner on the variances requested, the board would state they want their board planner and the applicant would have to pay the money. Mr. Schettino stated he would get in touch with the planner to attend the zoning board meeting. There are state wide standards for residential parking called the IRSI standards. He read the standards for dwellings and apartments.

Mary Hernandez, resident, stated there is a continuous parking issue. She would like to know the plan for parking in general.

Motion by Councilperson Marte, second by Council President Kornbluth, to pass Ordinances 19-2556 and 19-2557 on second and final reading and are 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	Council President Kornbluth:	aye
Councilperson Deauna:	aye	Councilperson Rivera:	aye
Councilperson Amatorio:	aye	Councilperson Marte:	aye

B. Introduction of Ordinances

Motion that the following ordinance be introduced and passed on first reading and setting Tuesday, October 15, 2019 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Council Chambers of the Bergenfield Borough Hall as the place for a hearing on said ordinance. **(TABLED 8-20-19)**

ORDINANCE 19-2555 – AN ORDINANCE ADOPTING REGULATIONS FOR OUTDOOR DINING

Council President Kornbluth stated Mike Ravenda had made some recommendations, but she did not understand them.

Mr. Gallo stated in order to help businesses, Mike wanted to shrink the space between the tables to 2 ft. of space instead of 4 ft.

No action taken.

UNFINISHED BUSINESS

A. Bergenfield Special Improvement District

No further action taken.

B. Project Labor Agreement

Councilman Amatorio stated they are waiting to hear back from the project manager.

Mr. Gallo stated the project manager said he does not see it as a complete structure. He explained that one of the concerns expressed was that this might limit the different kinds of contractors that would bid on it, because not all contractors use union shops. Mr. Gallo expressed that another concern is that the bids can come in higher. The project manager has no experience with PLA.

Council President Kornbluth inquired if the bids will come in higher if they don't do this.

Mr. Schettino recommended it be done by resolution. He explained that if the bids come in too high or the Borough does not receive many bids because of the PLA, then the Borough can re-advertise and remove the PLA requirement.

Motion by Councilperson Amatorio, second by Councilperson Lodato, that Resolution #19-284 be approved.

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

Councilperson Lodato:	aye	Council President Kornbluth:	aye
Councilperson Deauna:	aye	Councilperson Rivera:	aye
Councilperson Amatorio:	aye	Councilperson Marte:	aye

C. Board & Committee Appointments

LIBRARY BOARD

Mayor appoints the following to serve on the Library Board of Trustee for the following term:

Crystal Choonoo 5-year unexpired term, term exp. 12/31/21 (L. Michelson)

Motion by Councilperson Marte, second by Councilperson Deauna, that Fanny L. Cruz Betesh be appointed to serve on the Library Board of Trustee for the 5-year unexpired term, term expiring December 31, 2021.

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

Councilperson Lodato:	aye	Council President Kornbluth:	aye
Councilperson Deauna:	aye	Councilperson Rivera:	aye
Councilperson Amatorio:	aye	Councilperson Marte:	aye

NEW BUSINESS

A. Borough Parks

Mayor Schmelz stated there have been complaints about the basketball court and hoops at Jacoby Park. Mayor Schmelz inquired how they determine which parks will be worked on next.

Mr. Gallo stated he has been working with DPW and looking at the parks to try and pick which parks need improvement. They have been making improvements at Coopers Pond, which includes putting in a gym. He met with the residents at Council President Kornbluth's event in May and they requested he look at Jacoby Park because of the roots growing into the basketball court. They have been looking to get quotes. They are looking at the tennis courts and all the parks that need improvements in 2020. Mr. Gallo stated they will try to use a plastic coating surface put over the basketball court that is used in a lot of parks. They are going to test it at Jacoby Park. Preston Court definitely needs renovation. He has been using old capital monies to clean up the parks.

Mayor Schmelz inquired what the process is. He had brought up Preston Court last year because it does not have basketball courts.

B. Traffic Safety Committee Appointments

Borough Administrator Gallo stated he sent the Council four names for membership.

Mayor appoints the following to serve on the Traffic Safety Committee for a one-year term expiring December 31, 2019:

Jacquelyn Romney
Vincent Sto Tomas
Elysha Garibaldi
Cynthia Lee

On a motion by Councilperson Rivera, second by Council President Kornbluth, and all present voting in favor, the appointments are approved.

Mayor Schmelz inquired who will lead the group. He commented that it is up to the Council to decide.

Mr. Gallo stated he will call for a meeting and have everyone involved attend the meeting if the Council agrees to it.

Councilperson Amatorio suggested before the meeting the members be told that the Council intends to have the Borough Administrator as the head of the committee.

C. LED Streetlights

Borough Administrator Gallo stated PSE&G is going to start a program, where they will change all of the street lights to LED lights. He commented that there should be no cost to the Borough, although he knows it will be included in the bill. He further commented there is a cost for the fixture, which is expensive. It's PSE&G's poles.

Councilperson Rivera stated there was discussion a while back, that money would be given back to the town if all of the lights were changed.

Mayor Schmelz stated they placed beautiful LED lights on Prospect Avenue, but missed one, which was the most important one by the school crossing.

ADMINISTRATOR'S REPORT

Mr. Gallo stated the 125th Anniversary committee have been working on the ad journals that have been distributed. The Mayor and Council will have a page. The journal will be distributed at the volunteer dinner on December 1st at the Fiesta. The invitation will be extended to outside groups such as the benevolent associations who will pay \$55. Historic district weekend will be October 12th and 13th and will be celebrating the museum, Old South Church, and Franklin School. There will be walking tours, lawn games and a lot of other activities on October 12th. There will be a barber shop quartet singing at Coopers Pond and a lecture by a professor about the revolution on Old South Church on October 13th. They are working with RSC to get the specifications together for the new building and by the next council meeting should be approved by the state. Once it is approved by the state, he will ask authorization from the council to go out to bid. They will be positioned to start in the spring of 2020. Today and on November 13th, employees of the borough are attending training on mental health first aid sponsored by the county. It's an intense course for department heads and managers. Mr. Gallo stated they are getting work all around town and are having some issues with people not receiving notification of postings. They met with vendors telling them residents need to be give advanced notice. The DPW is installing gym equipment, working in Jacoby Park, and going to work at Memorial Park. The bid specs for the fencing at Memorial Park is on the agenda tonight. They already put in the pavers at Coopers Pond and need to put in the flooring for the gym equipment. Another benefit of the automated garbage is it allows the DPW workers to do other work in town and not use contractors to do the work. The veteran's day ceremony will be on November 11th at 11:30am. The high school will have their ceremony at 1:00pm. The League of Municipalities conference is November 19th-21st, 2019. The CDBG road funding for 2020 is available now. There are a couple of streets that are in disrepair. CDBG money can only be in select areas. The biggest road that is in disrepair is N. Railroad Avenue. There are only four roads right now that qualify. The town gets half a road.

MAYOR & COUNCIL REPORT

Council President Kornbluth

stated the recreation department has the 2nd annual movie nights in October at Hickory Field at 7pm. Bergenfield Junior Football stands will be open. Residents are asked to bring their own chairs and blankets. The Halloween Parade is scheduled at Coopers Pond on Saturday, October 26th, 2019. The Trunk or Treat will be on Thursday, October 31st from 3pm-7pm on Washington Avenue. BVAC has 1,720 calls year to date. They have seen an increase with injuries in auto accidents. They have been trained in LUCAS. They continue to carry albuterol and have used it four times in the past month. OEM is working on the Trunk or Treat. DPW had a issue with one of the garbage trucks that took

the whole came out and not sure if it was electrical.

Councilperson Rivera

no report.

Councilperson Marte

stated the Bergenfield Special Improvement District met and rejected the council's offer of providing additional money for the lighting. They made a motion to decide at their next meeting to shut down.

Councilperson Amatorio

stated the VFW had a pig roast on September 21st, 2019. It was a success with a lot of people. They will start selling Christmas trees starting Thanksgiving weekend in the VFW parking lot. Money will be donated to the post. The Zoning Board tabled the application in which the applicant is going to build apartments on 51 East Main Street since the attorney resigned.

Councilperson Deauna

stated he missed the Board of Health committee meeting. The Shade Tree committee met and Dan Muller is the new chairman.

Councilperson Lodato

stated the Fire Department had a mandatory training that needed to be completed by December 1st. A bill was passed recently in the assembly which would permit courses taken at the academy by a firefighter to use towards college credit at state schools. The planning board spent a lot of time reviewing the ordinances and approved two subdivision applications. There will be another application coming up this month.

Mayor Schmelz

stated the following into the Record:

Started off the month with Back to School Walk with the Mayor, where I encouraged all the kids to come out the night before school started.

On September 5th it was great to have a Ribbon Cutting at Taco Bell as it opened to the public.

On September 7th I started off at St Mary's Church as they had the last day of their 8-day celebration of Saint Mary, and then that night I attended the Williams Family Fundraiser at Conlon Hall which had a great crowd and a happy feel as their little girl had already had her Kidney replacement by the time of the event. On Sunday I started off in NYC as the Family of RJ Sy asked me to come to St Patrick's with them as the Cardinal was saying a mass for their son on the third anniversary of his death. In the afternoon I checked in on our Bicycle Clinic going on at the High School. Thank you to the Environmental Club, Troop 180 Boy Scouts and of course our Bergenfield Police Department. I then went to check on the new Challenger Football/ Cheerleading program that kicked off that day. Last Sunday was the last session of this 4-week event.

Monday the 9th brought me to the 125-committee meeting and then the Garden Club where they had a fantastic presentation on Butterfly's. Tuesday the 10th I attended my monthly meeting with Bergen County Mayors and that night we had the Candle Light Vigil for Suicide Awareness Day. We had a very large crowd as the Stigma Free Committee led the way.

On 9/11 Alert Firehouse once again had a Remembrance Ceremony for all those who lost their lives that day and since to the cowardly act of terrorism.

Thursday the 12th I attended the Library meeting and Friday brought Varsity Soccer game and Junior Football opening night.

Saturday the 14th was a busy day as it started off with the Garden Club Mum Sale, I then cut the Ribbon at our new Zai's Dessertery; where Chief Rabboh , Mayor of Teaneck attended as well as many people from our community. I then drove over to New Milford where I participated in the Darren Drake Walk. Darren was run over by a terrorist in NYC and his parents contacted me last year about giving a scholarship to a Bergenfield Graduate attending something other than College. After that I headed back to Bergenfield to do the Ribbon cutting for Burger IM another new Business in the renovated Forster Village Shopping Center.

Sunday the 15th was another busy day when I attended the Friendship walk in Teaneck and helped cut the Ribbon for the kickoff. In the afternoon I attended the Bergenfield Library as part of the 125 Celebration they had Professor Michael Birkner of Gettysburg College give a lecture on Bergenfield's history. It was very well attended and a great afternoon.

Monday the 16th I went on a bus to Villa Roma with the Mayors Senior Citizen Advisory Committee. It was great to see all the seniors having a great time and we watched an ABBA cover band.

On 9/17 before our Council Meeting, I went to Hoover School Parents Association meeting to meet the new board and talk to the parents.

Wednesday brought Walk with the Mayor. Friday the 20th I attended the POW/MIA ceremony at Bergen County Plaza, a great turnout to support those who gave so much for our country.

Bergenfield Junior Football and cheerleaders had their annual Pep Rally the same night and all the Teams came out by name and each cheerleading group did a routine.

September 21st was a very busy day as I started out at the Library as part of Hispanic Heritage month and helped with donations to Bloom Empowerment who was giving out Ice Cream to the kids. Our Assemblyman was there as well as a couple of BOE Trustees. I then went to the Armory where St Anthony's Church was running their food truck fundraiser. They invited the Bergenfield High School Marching Band who played their half time show to kick off the event. At Conlon Hall they celebrated the Indian Onam festival and I was asked as Mayor to give out their annual awards. I also attended the Pig Roast that day at VFW supporting the Fundraiser for the Bergenfield Post.

On Sunday I stopped in at Jacoby Park for a local picnic by Ohr HaTorah Synagogue.

Monday September 23 was a busy day as I met with the 125 Committee, Sid Board, Parents Associations of all the schools in reference to World Culture, Planning Board Sub Committee to talk about pavers ordinance and then the Planning Board meeting that night.

Wednesday brought Walk with the Mayor and then I met with Washington School Parents Association.

Friday, I stopped downtown at one of our local restaurants who was having an Octoberfest Celebration and Saturday I was at the Elks in the afternoon for East Central Day and then back at night for a Fundraiser for Former Councilman George Korobin. His girls give out scholarships in his name to keep his memory alive.

Yesterday we had Walk with the Mayor for Breast Cancer Awareness Month and you will notice the lights have been changed to Pink and I read a Proclamation before as well.

Ending my month, I attended the Stigma Free Meeting earlier as we talked about next week's movie screening of Werewolves a documentary on Mental Health. That will be shown at Zai's next Thursday at 7:00pm on West Johnson Ave.

CORRESPONDENCE

A. Herrera-Martel/Bergenfield Democratic Committee

RE: Request to Reserve Cooper's Pond/
Saturday, November 2, 2019 – Tuesday,
November 5, 2019

Motion by Councilperson Martel, second by Councilperson Lodato, and all members present voting in favor, Correspondence Item A is approved.

PUBLIC COMMENT

John Smith, resident, stated he has previously complained about traffic being backed up on Washington Avenue, as a result of the County allowing people to make turns into McDonald's, Wendy's and Taco Bell. He was at Matthew's Diner Saturday and noticed ten people made left hand turns into Taco Bell, since the concrete barrier is only two inches high. Mr. Smith inquired whose responsibility is it, the town or the county, to reinforce this. Mr. Smith stated resolution 19-280

urges voters to support veterans or widowed spouses who reside in continuing care retirement communities. He knows three members of the post that have children living with them that are disabled. He inquired about the disabled child that is living in the home. Mr. Smith suggested the council should put their influence in trying to get support for the veterans disabled (dependent) child.

Councilperson Lodato suggested perhaps they can have them correct this if their performance bond is not funded.

Mayor Schmelz stated the building department needs to check to make sure they did what they were supposed to do.

Mary Sullivan, resident, stated in ordinance 19-2557, there is no restriction on overnight parking from 7pm until 7am in the municipal lots, and therefore the spots can be applied to a future development. She expressed that people are parking there now, and a lot of out of town people park there overnight. Her suggestion would be to have a cut off time up until businesses close for anyone to park there, and then have a sticker for residents only to park their cars overnight.

Ray Gorman, resident, inquired if Dumont used the PLA agreement and if they had an issue with it.

Mary Hernandez, resident, inquired if there was any progress made with the number of parking spots in town. She inquired if anyone is monitoring to see if overnight parking is a problem since there isn't overnight parking from now to October 24th. Ms. Hernandez inquired what kind of safety measures can be taken to prevent people getting hit by the trains. Ms. Hernandez inquired about the swim club and expressed that she loves the dog park.

Mr. Gallo stated he will follow up with the Chief of Police about the parking spots. Mr. Gallo stated CSX controls the railways and the Borough cannot be involved, as CSX has expressed that in the past. He commented that in terms of the pool, the plan is to have it filled in to create two soccer fields.

Mayor Schmelz stated that it's sad because people have access to the tracks. It's not our property and we have no control, not even cut the leaves.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 19-268. 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. **19-269/**To Pay Bills
- b. **19-270/**To Request Approval for the Insertion of a Special Item of Revenue in the 2019 Budget – Chapter 159 - Community Development Block Grant for W. Clinton Avenue Roadway Improvements
- c. **19-271/**To Request Approval for the Insertion of a Special Item of Revenue in the 2019 Budget – Chapter 159 – FY 19 Bulletproof Vest Partnership Grant
- d. **19-272/**To Approve Cancellation of Balance – Drive Sober or Get Pulled over Grant
- e. **19-273/**To Approve Pay Certificate No. 2 – FY2017' & 2018 NJDOT Municipal Aid Program – West Central Avenue – A. Takton Concrete Corp.
- f. **19-274/**To Approve Tax Refund – 211 E. Johnson Avenue
- g. **19-275/**To Authorize the Placement of a Lien to Recover the Costs of Demolition Incurred by the Borough of Bergenfield – 243 West Broad Street
- h. **19-276/**To Approve Tax Exemption Status – Zion City Alliance Church Inc. - 10 McDermott Place

- i. ~~19-277/To Authorize Disposition of Property—1976 American LaFrance Aerial and 1988 Hahn Pumper Fire Trucks~~
- j. **19-278/To Approve Bid and Award Contract – 2019 Road Improve Program – AJM Contractors**
- k. **19-279/To Reject Bids and Authorize Re-bid – Sanitary & Storm Sewer Rehabilitation Program**

Council President Kornbluth requested that Item I, resolution #19-277, be removed from the consent agenda for discussion.

Motion by Council President Kornbluth, second by Councilperson Rivera, to approve the Consent Resolution as amended.

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

Councilperson Lodato:	aye	Council President Kornbluth:	aye
Councilperson Deauna:	aye	Councilperson Rivera:	aye
Councilperson Amatorio:	aye	Councilperson Marte:	aye

Councilperson Amatorio inquired if there is a way the borough can avoid the property from going to bid, since the Council wants to sell it instead.

Borough Attorney Schettino stated that once it is determined there is some value, the statute provides a list of exemptions, which eliminate the need for public advertising. He stated that the Council will then be able to sell it outright. He further stated that he would look into the different categories of who would qualify and who it can be sold to without advertising. He will provide the Mayor and Council with a list of entities. If a town is exempt from public advertising, the town can establish the price.

Councilperson Amatorio suggested the resolution be tabled, since everyone agrees they would rather see the truck be used by an organization as a fire apparatus as it is a lifesaving equipment.

Council President Kornbluth stated she will advocate to give the truck to a town that needs it.

Motion by Councilperson Amatorio, second by Council President Kornbluth, and all members present voting in favor, Resolution #19-277 is tabled.

B. Resolutions

19-280/To Urge Voters to Support the Referendum on the Election Ballot in November, that Veterans or Widowed Spouses of Veterans who Reside in Continuing Care Retirement Communities (CCRC) will be Eligible for Property Tax Deduction

Motion by Councilperson Amatorio, second by Councilperson Marte, that Resolution 19-280 be approved.

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

Councilperson Lodato:	aye	Council President Kornbluth:	aye
Councilperson Deauna:	aye	Councilperson Rivera:	aye
Councilperson Amatorio:	aye	Councilperson Marte:	aye

19-281/To Approve Raffle & Bingo Applications – RA1357, RA1358, and BA182

Motion by Councilperson Lodato, second by Councilperson Rivera, that Resolution 19-281 be approved.

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

Councilperson Lodato:	aye	Council President Kornbluth:	aye
Councilperson Deauna:	aye	Councilperson Rivera:	aye
Councilperson Amatorio:	aye	Councilperson Marte:	aye

19-282/To Approve Addendum – Shared Services Agreement for Special Law Enforcement Officers III School Resource Officer

Motion by Councilperson Amatorio, second by Councilperson Rivera, that Resolution 19-282 be approved.

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

Councilperson Lodato:	aye	Council President Kornbluth:	aye
Councilperson Deauna:	aye	Councilperson Rivera:	aye
Councilperson Amatorio:	aye	Councilperson Marte:	aye

19-283/To Approve Preliminary Engineering/Construction Agreement between Borough of Bergenfield and CSXT

Motion by Council President Kornbluth, second by Councilperson Marte, that Resolution 19-283 be approved.

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

Councilperson Lodato:	aye	Council President Kornbluth:	aye
Councilperson Deauna:	aye	Councilperson Rivera:	aye
Councilperson Amatorio:	aye	Councilperson Marte:	aye

COUNCIL COMMENTS

The Mayor and council thanked everyone for coming and wished everyone a good night.

CLOSED SESSION

RESOLUTION **19-285/**Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Attorney-Client Privilege
 - 1. Notice of Tort Claim
 - 2. Legregni v. Bergenfield

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 Marte, second by Councilperson Amatorio and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 10:12 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Council President Kornbluth, second by Councilperson Lodato and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:04 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk