

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
NOVEMBER 7, 2019**

PRESENT: Mayor Norman Schmelz and Council President Ora Kornbluth, Council members Thomas A. Lodato, Buddy Deauna, Arvin Amatorio, and 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 8:01 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 Mayor Schmelz.

MOMENT OF SILENCE FOR VENON COX
FORMER COUNCILMAN, BOARD OF EDUCATION TRUSTEE AND TOWN HISTORIAN

AGENDA CHANGES

On a motion by Council President Kornbluth, seconded by Councilperson Amatorio, and all present voting in favor, the following items were added to the agenda:

Resolution to Approve Grant Cancellation – 2019 Municipal Alliance Grant
Resolution to Approve NJDEP TWA Permit Application Form TWA-1 and NJDEP TWA Permit Application Form WQM-003 – 201 Marcotte Lane, Block 279, Lots 17.02 and 17.03

PRESENTATIONS

A. Police Department Promotions

Chief Rabboh thanked the governing body for making the promotions possible. He thanked everyone in attendance and couldn't be happier than to have the promotions for three wonderful officers.

1. Oath of Office to John T. Maggi
 - ❖ Biography of Lt. Maggi read by Police Chief Mustafa Rabboh

Police Chief Rabboh read Mr. Maggi's biography into the record.

- ❖ **Resolution 19-293**/To Promote John T. Maggi to the Rank of Captain in the Bergenfield Police Department.

Motion by Councilperson Rivera, second by Councilperson Marte, that Resolution #19-293 be approved.

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

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

Oath of Office was administered by Judge Helene Herbert.

Captain Maggi thanked the Mayor and Council, Borough Administrator Gallo, Judge Herbert, Chief Rabboh, all of his family and friends, his fellow officers, his son and his wife for their support.

2. Oath of Office to Nicholas Deleon

- ❖ Biography of Sgt. Deleon read by Police Chief Mustafa Rabboh

Police Chief Rabboh read Mr. Deleon's biography into the record.

- ❖ **Resolution 19-294**/To Promote Nicholas Deleon to the Rank of Lieutenant in the Bergenfield Police Department.

Motion by Council President Kornbluth, second by Councilperson Rivera, that Resolution #19-294 be approved.

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

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

Oath of office was administered by Judge Helene Herbert.

Lieutenant Deleon thanked the Mayor and council, Borough Administrator Gallo, work family, and his family and friends.

3. Oath of Office to Daynel A. Ozorio

- ❖ Biography of Officer Daynel A. Ozorio read by Police Chief Mustafa Rabboh

Police Chief Rabboh read Mr. Ozorio's biography into the record.

- ❖ **Resolution 19-295**/To Promote Daynel A. Ozorio to the Rank of Sergeant in the Bergenfield Police Department.

Motion by Councilperson Rivera, second by Councilperson Marte, that Resolution #19-295 be approved.

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

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

Oath of office was administered by Judge Helene Herbert.

Sergeant Ozorio thanked his friends and family and the men and women in the work force who are amazing.

Chief Rabboh thanked everyone who came out to show their support and is greatly appreciated.

COUNCIL COMMENTS

Councilperson Lodato congratulated the new captain, lieutenant, and sergeant on their promotions and extended his best wishes for their continued safe and effective service to the Bergenfield police department and residents. Good luck to you all.

Councilperson Deauna congratulated the captain, lieutenant, and sergeant. He stated that it is a great job representing Bergenfield and being a crime fighter in the Bergenfield police force.

Councilperson Amatorio congratulated the officers for a well-deserved promotion. Councilperson Amatorio stated their hard work paid off and wished them good luck.

Council President Kornbluth congratulated Captain Maggi, Lieutenant Deleon, and Sergeant Ozorio on their promotion to them and to their families also. They have the respect of their peers as is seen in the back of the council chambers. She wished them many safe years of service.

Councilperson Rivera congratulated the officers and their families for providing support in many ways. He wished them a long career and that they have a great team with the officers behind them in keeping Bergenfield safe.

Councilperson Marte congratulated the officers and their families for well-deserved promotions and thanked them for keeping Bergenfield safe. He wished them a successful career.

Mayor Schmelz congratulated the captain, lieutenant, and sergeant. He expressed that it has been great working with them in the community.

Motion by Council President Kornbluth, second by councilperson Rivera and all present voting in favor the meeting was recessed. The meeting returned to open at 8:25 p.m.

B. Department Hires

19-296/To Approve Hire – Part-time Plumbing Inspector – David Nizborski

Motion by Council President Kornbluth, second by Councilperson Rivera, that Resolution #19-296 be approved.

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

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

C. Presentation on Commuter Parking – Mary Hernandez and Sandy Borrero

No presentation was held.

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Robert Klein, Borough Engineer from Remington & Vernick, stated that the roadwork on West Central Avenue was completed, except for the railroad crossing, which is anticipated to be done in two weeks, weather permitting. The concrete roads that are funded by CDBG will be done tomorrow and therefore the milling and paving is scheduled for the following Thursday and Friday.

Borough Administrator stated that if it is too cold to pave, then the milling will not take place. The benefit is that the ground is still warm. He explained that the real concern is when there is frost.

Council President Kornbluth stated that the roads need to be done based on the conversations she has had with the County and CDBG. She expressed that the Engineers need to keep in touch with the County.

Mr. Klein stated that with the variety of roads around town, contractors will be beginning with concrete work on November 11th, and mill and pave on November 25th, if weather permits. He further stated that the sewer rehabilitation project will need to be re-bid. They are moving forward with the design for North Prospect Avenue project and the paving will be done in the spring.

Borough Administrator Gallo stated the timing is better since the underground work can be done in the winter months.

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 Administrator Gallo stated that he issued everyone a report from the Construction Official, Michael Ravenda. He explained that the report was extensive, and stated that the Board of Zoning Adjustment will proceed with whatever the Council decides to do. He stated that to summarize the report, the documentation demonstrates that pavers are looked upon at the State level and DEP, as no different than concrete and asphalt, and should be considered part of the footprint. This should not be given any consideration different from that.

Council President Kornbluth stated that the definitions should include that there are two different pavers.

Mr. Gallo stated that the other pavers have holes and are porous.

Borough Attorney Schettino stated that the Construction Official made a point to say that the impervious area should be calculated and will require inspection to make sure it works properly. Mr. Schettino stated that Mr. Ravenda wrote a very good memo, and if the definitions are included in the ordinance showing there are two different types, it will be an improvement to the ordinance.

Councilperson Amatorio stated that the ordinance should include specific definitions on what can be used and what is allowable.

Mr. Gallo stated that based on the memo, for the next meeting, John Schettino's office should incorporate the definitions into the ordinance to move it forward. Mr. Gallo stated that since there are two meetings left, he'd like to move forward on the ordinances.

Mayor Schmelz stated that the ordinances need to be very clear, that if pervious pavers are used, then it has to be inspected at each layer.

Borough Attorney Schettino stated that he will check, but typically, the Construction Official writes the number of inspections that are required, because the ordinance never specifies the number of inspections needed for the projects. The Construction Official can handle that administratively within the office, because if someone came into his office with a permit, he would write on the permit that inspections are required after the base, after the installation, and after they fill the creases. Mr. Schettino stated it is unnecessary to include that in the ordinance, because it can be handled internally administratively.

Councilperson Rivera stated there be step by step instructions in the ordinance, because then the inspections will be up to the consideration of the Construction Official.

Borough Attorney Schettino stated that he will check the ordinances, but the number of inspections is never included, because it will become more voluminous.

Mayor Schmelz stated that the problem is that people are putting in pavers, and using different type of sand.

Borough Attorney Schettino stated that if the permit is pulled, then a CO will be required. Therefore, the Construction Official can say that three inspections are required, and if they are not obtained, then you will not be given a CO. Furthermore, if the inspections are not done, then the applicant may be required to rip off the work for inspection.

Council President Kornbluth stated that for clarification purposes, if using impervious pavers, they are considered the same lot coverage as cement and asphalt, and it will be the same 30%-40% depending on the percentage of the lot coverage. She inquired if pervious pavers are used, then what is allowed?

Borough Attorney Schettino stated that it is not included in the calculation.

Councilperson Amatorio stated that the percentage was never agreed upon.

Borough Attorney Schettino stated that if 50% of pavers are pervious, even when pervious, the whole area may not be pervious, do the calculation, if 50% is covered, then 50% has to count towards coverage. Furthermore, if 75% is pervious, then 25% counts towards coverage.

Council President Kornbluth stated that the understanding is that if pervious pavers are used, then people would be given more of a lot coverage.

Borough Attorney Schettino stated the regarding the memo, using the pervious paver, it may not be 100%, only 50% of the area in which the pervious pavers are used may be pervious, and therefore you will get the percentage it works out to.

Council President Kornbluth inquired that for 100 sq. ft. of pavers, would only count towards 50%.

Borough Attorney Schettino stated that only 50% of the area is pervious, then you would get 50% of the area towards the calculation.

Mr. Gallo quoted the memo and stated that on the first page, "if the pervious system is used, it must be regulated and inspected by the Borough Engineer. A separate permit must be obtained for this system. It is also important to understand that the system must be maintained on a yearly basis to ensure that it continues to work properly."

Council President Kornbluth stated that she understands, but the question is the lot coverage.

Mr. Gallo stated that he will obtain the lot coverage and share it with everyone.

Borough Attorney Schettino stated that if the inspection comes in, and the engineer says put 1,000 sq. ft. of pavers, but only 50% is pervious, then it should be 50% of that property. If someone comes in and says 25% is pervious, then 75% will count. The formula can be that the percentage of the pavers that are pervious, do not count.

Mr. Gallo stated that he will inquire the percentage of pervious pavers will count towards coverage. He stated that presently, they do not count. However, with the change in the ordinance, it will count. Mr. Gallo stated that he will find out how this will be calculated, since the coverage was changed to 40% in a different ordinance.

No action taken.

The following ordinance published herewith was first read by title only on October 15, 2019 and posted on the bulletin board of the municipal center.

ORDINANCE 19-2558 – AN ORDINANCE AMENDING CHAPTER 282 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “TOBACCO PRODUCTS”

Public Comments on Ordinance 19-2558.

No one came forward.

Motion by Councilperson Amatorio, second by Councilperson Marte, to pass Ordinance 19-2558 on second and final reading and is hereby adopted 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>	Council President Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

B. Introduction of Ordinance

Motion that the following ordinance be introduced and passed on first reading and setting Tuesday, December 3, 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 looked over the ordinance, and noticed that the distance was changed in between the table, but there are no changes from the distance between the sidewalk and how far back the tables have to be.

Councilperson Amatorio stated that discussion was held last time.

Borough Administrator Gallo stated the locations of the table have to be 7 feet from table to the curb.

No action taken.

UNFINISHED BUSINESS

A. Bergenfield Special Improvement District

Borough Administrator Gallo stated that the business district issued a letter today requesting their fourth quarter payment, which will be given to them. Mr. Gallo stated that he was told the BSID did not authorize the fireman’s light parade. He explained that the BSID supported the parade if it could benefit them. The issue with the parade is that the Blue Law would be in effect if the parade is held on December 22nd, and most of the stores will not be open. He will work with the business district and the Fire Department to try and switch the date. Santa Claus comes to Bergenfield on December 21st with the Fire Department and that would be the ideal day to do it. The BSID will run holideals, which will be an opportunity for last minute shopping.

**B. Eagle Scout Request for Surplus Firefighting Equipment for Donations
(Tabled 10-15-19)**

Mayor Schmelz stated that they are waiting to hear from Greece, awaiting on their letter of the items they need. He further stated that there are 5-6 towns that are donating to the same cause. It was explained that the Fire Department will need to verify the value of the equipment. Some other towns have donated clothing and tools.

Council President Kornbluth stated that there were issues with donating the firetrucks without going out to bid. She inquired if there are the same issues with this or it will not be a problem since the equipment is not worth enough money.

Borough Attorney Schettino inquired if certification was received stating that the items have no value. He explained that as long as there are diplomatic relations, they are allowed to make donations. A foreign government with diplomatic relations is treated the same as a governmental entity in the United States. The formal bidding process is not necessary in both cases. The value of the property is not required unless the Council asks for it. It would be good practice to get a list of items from the Fire Department and present why there is no longer a needed for it.

Borough Administrator Gallo stated that part of the issue is that any equipment they have, needs certification that it has no value and the borough has no use for it.

Councilperson Amatorio inquired if the Council can still ask for the value of the equipment even though it is not a requirement for the donation or for certification. The Fire Department should make a list for inventory.

C. Tabled Resolutions

1. **19-277/To Authorize Disposition of Property – 1976 American LaFrance Aerial and 1988 Hahn Pumper Fire Trucks (Tabled 10-3-19)**

Council President Kornbluth stated a letter was received stating that even more money would be given for the fire trucks.

Borough attorney Schettino stated that it is the Council's discretion, since it is a government entity. The Fire Department has certified they have no use for it. He explained that there is a value of storing, and having them pay cost of shipping, which can be quantified. Mr. Schettino stated he will prepare documents that it will be "as is", and that they will need to bear all costs and expenses with respect to the removal and delivery, and a hold harmless.

Mayor Schmelz stated there was a website that had trucks of similar age valued of \$14,000. Mayor Schmelz stated certification is needed that they will take the trucks and the borough will not be charged for any delivery fees.

Councilperson Lodato inquired what those trucks sold for.

Councilperson Amatorio stated they should establish the procedure and together with the certification send it to the country that has diplomatic relations.

Motion by Council President Kornbluth, second by Councilperson Rivera, and all members present voting in favor to remove Resolution #19-277 from the table.

Borough Attorney Schettino stated he will prepare a contract to establish the rules to certify diplomatic relations and set policy to dispose equipment.

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

NEW BUSINESS

A. Fireman's Light Parade

Cindy Naylis provided a quick update from the last meeting presented by BSID and the Fire Department regarding the holiday lights parade. She explained that the BSID does not feel they can continue to sponsor the event, but there are over 20 towns signed up already. Ms. Naylis stated she approached the Bergenfield Volunteer Ambulance Corps. and the Fire Department, and they were happy to host it. There is an alternative route and a staging area that is inclusive of the entire town.

She expressed that the Police Department is on board with the logistics. Ms. Naylis stated it was initially going to be on Washington Avenue, but the staging area is needed. The trucks do not come decorated and it takes approximately three hours to decorate with lights and inflatables. The area that is the least disruptive to the town would be the student parking on Clinton Avenue, which will only require a barricade, similar to the set up done for the wet down. She expressed that no personnel will be needed for the parade. There will be less impact on traffic with the new set-up, Ms. Naylis stated cops would be staged at the intersections, and donations will be based on the food truck and vendors present. Ms. Naylis stated people will be able to watch the trucks being decorated at the staging area. People from the other towns are happy and excited that Bergenfield is going to have a light parade, especially since Wallington is no longer having it. There is zero cost to the town. There will be no personnel needed during the staging time from 2:00 p.m.-5:00 p.m. The parade will begin at 6:00 p.m. and will be an hour. The help from the auxiliary and/or police help will be needed from 5:30 p.m. to 7:30 p.m. The parade will go down Prospect Avenue, make a left on New Bridge Road, down Woodbine Street to the other Firehouse and back on Prospect Avenue. There will be donuts and hot chocolate for everyone on N. Prospect Avenue and a few awards will be presented. There are 15 trucks signed up right now and the Fire Department is prepared to cap the number of trucks, if needed.

Motion by Council President Kornbluth, second by Councilperson Rivera, to approve the Fireman's light parade from 6:00 p.m. to 7:00 p.m.

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

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

ADMINISTRATOR'S REPORT

Borough Administrator Gallo stated that the fencing project at Memorial Field will begin next week, and noted that all of the fencing and backstops will be replaced. The Veterans Day ceremony at Borough Hall is on Monday, November 11, 2019 at 11:00 a.m. The ceremony at the High School is at 12:45 p.m. The VFW and DAV will be the pick-up locations for veterans who will not be able to get here at 10:30 a.m. The same will be done for afternoon ceremonies. SUEZ has been working aggressively throughout town to complete their work. They are presently working on Lake Street, Haring Street, and Harcourt Avenue going through lead testing. The 125th Anniversary committee has been working with the borough on the ad journal commemorating the town's 125th anniversary. The ad's conclude on November 15th. The volunteer dinner is scheduled for December 1st at the Fiesta from 5:00 p.m. to 9:00 p.m. All volunteers have been sent invitations for them and a guest. They need to R.S.V.P. and have to bring their invitation with them. Last year, 20 people had stated they were coming and did not show up. Therefore, the invitations are numbered. Mr. Gallo explained that anyone who is not a volunteer, but would like to attend the event, can purchase tickets for \$55 per person. Mr. Gallo stated Bergenfield has been awarded the bronze star again for Sustainable New Jersey. The annual luncheon will be held on November 19th in Atlantic City during the League of Municipalities. The networking part starts at 10:30 a.m., and the luncheon will follow from 12:00 p.m. to 1:45 p.m. Mr. Gallo stated he needs to know if anyone is going to attend by November 12th. The Mayor provided him a letter from the DEP regarding the preservation trust and that the state approved the Green Acres application of \$1 million. The additional grant money will go towards Twin Boro Field. He explained that the Borough has received over the past three years \$2 million in grant money to benefit the project. He further explained that \$1 million will be put aside in the capital budget to complete the project. The Borough received a pedestrian safety and improvement grant from the DOT, but the amount has not been specified. The Safety Committee will need to meet to go over plans, traffic calming measures, signs, and signage to slow traffic down.

MAYOR & COUNCIL REPORT

Motion by Council President Kornbluth, second by Councilperson Rivera and all members present voting in favor that in the interest of time there will be no Mayor and council reports.

Mayor Norman Schmelz Report:

Started off the month with to with a Ribbon Cutting in Forster Village on 10/5 then attended the Elks Pig Roast that benefits there Funding for Special Children. I attended our First Movie Night in the park we showed Captain Marvel at Hickory Field. It started to rain a little bit but the crowd stood through the rain. I helped the Recreation volunteers set up some tents they borrowed from Jr Football. On Monday the 7th I attended a press conference down at Hoover School where the Governor spoke about things that were going on involving lead in the water. We thought he was going to make an announcement on funding, but the monies have still yet to be released. That night was Service Academy Night at Bergenfield High School. Representation from the Navy, Army, Coast Guard and Merchant Marines were on hand. The next day the Councilman and I cut the ribbon at Washington Dental as they offered a free day of dentistry, Wednesday the 9th I attended the ceremony at the County Clerk's office for a student from Roy W Brown Thursday the 10th I performed a wedding at Borough hall before, the Stigma Free Committee and Zais sponsored a premier of a Mental Health movie called Werewolves. It was well received and a very powerful movie for anyone. October 12th was a busy day as we had Historic weekend at Coopers Pond. Lots of things going on that day between the Museum and the street. I went over to Dumont to read a Proclamation for an Eagle Scout as well. At night I attendee the Ghost tours of the Cemetery, Manse and Old South Church. On Sunday I started out with throwing out the polino with the Cecchino Family as the Bergenfield Bocce Club held their Memorial tournament for Councilman Cecchino. Historic day continued and I danced with the Wolk Colonial dancing group inside the Manse. Another nice crowd as church had just gotten out. The Bergenfield High School Band held their annual Band Festival and it was my honor to help the Friends of Music present awards to the Bands. When it got dark, we had our second movie night in the park where we showed Aladdin. Monday brought our Garden Club meeting. The Garden Club will be taking orders for wreaths and will have some to sell on Holiday in the Park as well. Wednesday the 16th I read at Washington School to the students during story hour. Friday the 18th I married the sister of our former Clerk, Maureen Dodd to her husband Owen. On October 19th I helped the Hoover School parents as they had Monster Bash for the second time. Third Movie Night was held and showed Goose Bumps II. I checked in but didn't stay as I attended a fundraiser for Junior Football/Cheerleading. On Sunday the 20th I walked with the Stigma Free Committee in the Out of the Darkness walk. We had 25 people in our group including the Murdock family and raised over \$3,000 for the cause. The 125 Committee met at the Library and we went over the Historic weekend, the add journal, the Spiritual Celebration as well as plans on the World Culture show. I attended my Mayors Dinner Meeting in Northvale where we had a presentation about the Greenway. They will be coming to our Council Meeting in December to give a presentation as well. October 25th, I attended Spooktackular at Jefferson School. Always a great night for the kids as they really put on a great event. I have been attending this for over 20 years as I used to help decorate when my children went there. October 26th our Recreation Department put on an incredible parade at Coopers Pond decorating the building and the trees. The kids and parents all had a great time. From there I went to the High School where we had our Home Coming Game. The Alumni was all invited on to the field and I was invited to lead the crew breaking through the paper banner. At night I attended the Filipino Appreciation Dinner for St Johns at Conlon Hall Sunday morning, I attended the Annual Lions Breakfast to raise funds for the High School scholarships they give out each year. In the afternoon I attended the wake of Former Board of Education Trustee, Former Councilman, and Bergenfield Historian Vernon Cox. On Monday October 28th I went to the Board of Education Meeting to address two items I know have been up for discussion. As Me Sullivan has brought up. "Why not ask the schools if we can park in there lots" The Board will see what they can do to help the town as we know we have an issue with overnight parking. I also asked if the town would be able to use the Hoover school gym when it is not being used to act as a Community center. They seemed to like the idea and they will get back to us. It's as simple as filling out a use of facilities request. We could then have a program run during this time allowing kids not enrolled in after school care to have a place to go. On October 31st, we had a great Trunk or Treat that the local business was very pleased with. The rain didn't put too much of a damper on the event as some folks went into the local restaurants to have a bite to eat. The restaurants seemed busy the entire event, so the purpose of the event was achieved.

CORRESPONDENCE

A. Cepeda Rojas/Consulate of Colombia **RE:** Request to Reserve Council Chamber for Satellite Office/Thursday, November 21, 2019/2:00 p.m. to 7:00 p.m.

Motion offered by Councilperson Rivera, second by Councilperson Marte, and all members present voting in favor Correspondence A is approved.

PUBLIC COMMENT

Mary Sullivan, resident, stated there have been a lot of undocumented claims with the overnight parking. She stated that she did a detailed investigation and compiled actual data to see if a problem exists. She explained that a random week of July 21st was chosen for analysis. Factual data supports there isn't an overnight parking problem in town. Ms. Sullivan stated a small number of people have a problem and for only a short period of time each year which was not adequately addressed. The vast majority, 99% of town residents, have managed to accommodate their parking needs without calling for overnight exemption. Ms. Sullivan stated when this is taken into consideration with all the other objections raised against suspension or elimination of the overnight parking ban, safety, and quality of life, a change to existing laws is not necessary and would not be in the interest of vast majority of residents. She asked the Mayor and council to continue with the overnight ban. There will be a future problem if residential construction parking requirements are not changed. Currently, single family homes are only required to have one garage and only 2 parking spaces regardless of the number of bedrooms or occupants in the house. Ms. Sullivan explained that at the Zoning Board meeting this week, an application was submitted for a 6-bedroom house with a requested waiver of the garage requirement. The waiver would have been granted if the application had not been denied on a tie vote. At some point, there will be a need for more than 2 parking spaces at this residence. The same dilemma will exist within a few years to the mega mansions being constructed with inadequate parking. The requirement for rental units is 1.8 parking spaces per bedroom that would equate to 7 spaces for a 4-bedroom unit and over 10 spaces for a 10-bedroom unit. A similar but lower requirement should be established for home construction. RSIS regulations set the home requirement at 1.5 spaces per bedroom or at least 3 spaces for a 5-bedroom home plus the garage. Ms. Sullivan stated if you need more parking, it's your responsibility and not the towns. She expressed that residents can go to the Zoning Board for a waiver and clean out your garage. Ms. Sullivan suggested stickers be given out as commuters will park there also and be for Bergenfield residents only. It is a small percentage of addresses that call in for a waiver and is only a temporary need. Ms. Sullivan stated something needs to be done with the land use.

Mayor Schmelz inquired how information is obtained for the survey, if someone that has 5 cars and can only park 3, chooses to bring it another town rather than call the police. The data does not prove anything and is conclusive because there could be a lot more people with problems. Mayor stated he had inquired at the Board of Education meeting if residents could use Board of Education property to park their cars. The Superintendent stated they have previously done that. The Board will consider it and get back to the Council. Mayor Schmelz stated it would only be for overnight parking in the Board of Education property. Mayor Schmelz inquired if there is any data from the past month, where parking was allowed during the holidays, showing the crime rate increased.

Chief Rabboh stated he has to check the data.

John Smith, resident, stated last month Mr. Schettino read something in the minutes regarding parking. There are certain board members and attorney that didn't know the law. He stated that there was a 15-minute discussion at the zoning board meeting. The information was given out by the board clerk/secretary by email to all the members. Mr. Schmelz stated parking requirements need to be discussed when making land ordinances. Attorneys state if it is not in the ordinance, they do not have to abide by it. If it's not in the ordinance, then the state law or the DEP regulations kick in for the parking and pavers. Mr. Ravenda did a wonderful job with the explanation. Mr.

Smith thought Ms. Sullivan's report was a good report. Mr. Smith stated no one is giving tickets to the commuters and the 2-hour parking restrictions is not being enforced.

Fred Sahlberg, resident, congratulated Councilwoman Kornbluth and Councilman for winning their election. He thanked Mayor Schmelz for his six years of service. Mr. Sahlberg inquired why the judge is here today. Mr. Sahlberg inquired who the administrator is working with at the VFW. The American flag has been at half staff for two weeks. Mr. Sahlberg inquired when the Colombian Consulate comes in as a satellite office, does the police lose authority to control that area and does it become a satellite of Colombia.

Borough Administrator Gallo stated the Police Officers requested that the Judge swear them in. Mr. Gallo stated he has been in touch with the commander at the VFW and the DAV about Veterans Day. Mr. Gallo explained he sent letters to both posts inviting them and advising them about the bus. The flag was supposed to be raised today because of the Congressman that died. Mr. Gallo stated he sends emails to the DPW, Police Chief, and the Deputy Police Chief when the flag is supposed to be lowered.

Mayor Schmelz stated the commander at the DAV told him that he was never invited to a meeting of the veterans committee and never hears about it.

Borough Attorney Schettino stated they have authority in the back room area. As soon as they walk out of the room, they lose protection.

Diana Flagg, resident, inquired if there will be free overnight parking on Thanksgiving weekend and Christmas, and inquired how the residents will know. Ms. Flagg stated that Councilman Rivera was almost on time tonight and she is keeping record of his punctuality and absenteeism. Ms. Flagg inquired how the people in town feel about human trafficking. She commented that the massage parlors in town give a creepy feeling. Ms. Flagg suggested the governing body consider a resolution that is against human trafficking. Ms. Flagg stated Councilman Deauna moved into a new location that she had complained to the Administrator about the signage. Ms. Flagg stated the windows are covered more than 25% and he should know the correct procedure as a councilman. There is always cardboard piled up in front of the window at one store every Tuesday morning, even though businesses are not supposed to put it out until Tuesday night. She expressed that businesses are not in compliance with the ordinances and nothing is done about it.

Borough Administrator Gallo stated if the governing body is in agreement, there will be a reverse 911 call letting residents know and post it.

Councilman Lodato stated that it is a political issue, which a lot of people have been quick to judge. It's best people take a step back and wait for the facts.

Borough Attorney Schettino expressed that human trafficking does not need a resolution because it is a criminal offense. If someone was dealing in human trafficking, they would have been arrested. It is almost impossible to believe the government is involved or pursuing a human trafficking case, and hasn't arrested whatever individuals involved. The governing body and the police department is required to follow all the laws of the state and federal government.

Ramona, resident from Westminster Avenue, stated she has been a resident of Bergenfield for 12 years and it is a wonderful town. She inquired about the playground by her home. There was a merry go round and a jungle gym/slide that was never replaced. It is a great park to play in. She just wanted to bring it to the governing body's attention for some effort be put into the park. The park is heavily used by hundreds of kids of all ages every week. There's a large space in the John Paul Park that can be utilized by all kids. She stated that parents have concerns about the roots from trees bulging out above ground in the parks and kids fall down.

Mayor Schmelz stated a similar issue came up at a previous council meeting with another park. Mayor Schmelz inquired how they determine which parks are worked on. It was also brought up that parents would like a fence put up around the park.

Borough Administrator Gallo stated one of the goals in 2020 will be assessing the need for infrastructure to upgrade various parks around town. There are some things that are broken due to vandalism.

Joel Berkowitz, resident, stated the street lights in Bergenfield are dimmer. There are people on Railroad Avenue that ride bicycles. He explained that someone shot out at 1:00 a.m. without reflectors by the bars. It is very dark on Ralph Street. There are people that ride bicycles without reflectors or helmets.

Mayor Schmelz stated they had discussed upgrades with public service.

Borough Administrator Gallo stated they want to upgrade the lighting and put LED lighting around town. The police department has a standing order and they got out every week around town checking the lights. PSE&G has a certain amount of days to respond.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 19-297. 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. **19-298/**To Pay Bills
- b. **19-299/**To Approve Raffle Application 1359
- c. **19-300/**To Request Approval for the Insertion of a Special Item of Revenue in the 2019 Budget (Chapter 159) – Drunk Driving Enforcement Fund Grant
- d. **19-301/**To Request Approval for the Insertion of a Special Item of Revenue in the 2019 Budget (Chapter 159) – Special Law Enforcement Officers (SLEO) III
- e. **19-302/**To Approve Transfer of Appropriations
- f. **19-303/**To Authorize Tax Refund – 107 Greenwich Drive
- g. **19-304/**To Approve Interlocal Agreement – Maintenance and Repair of Vehicles – Borough of Paramus
- h. **19-305/**To Approve Extension Agreement – Hornrock Properties and SUEZ
- i. **19-306/**To Approve Retirement – Jeffrey Kugler

Motion by Councilperson Rivera, second by Councilperson Marte, to approve the Consent Resolution.

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

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

B. Resolutions

19-307/To Approve Agreement – Asst. to the Administrator

Motion by Council President Kornbluth, second by Councilperson Rivera, that Resolution #19-307 be approved.

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

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

Councilperson Amatorio: *aye* Councilperson Marte: *aye*

19-308/To Approve Agreement – Tax Assessor

Motion by Councilperson Marte, second by Councilperson Deauna, that Resolution #19-308 be approved.

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

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

19-309/To Approve Bid Specifications – New Municipal Building

Motion by Councilperson Rivera, second by Councilperson Deauna, that Resolution #19-309 be approved.

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

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

19-310/To Approve Grant Cancellation – 2019 Municipal Alliance Grant

Motion by Council President Kornbluth, second by Councilperson Rivera, that Resolution #19-310 be approved.

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

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

19-311/To Approve NJDEP TWA Permit Application Form TWA-1 and NJDEP TWA Permit Application Form WQM-003 – 201 Marcotte Lane, Block 279, Lots 17.02 and 17.03

Motion by Council President Kornbluth, second by Councilperson Marte, that Resolution #19-311 be approved.

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

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

COUNCIL COMMENTS

The Mayor and council thanked everyone for coming to the meeting and wished all a good night.

CLOSED SESSION

RESOLUTION 19-312/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

A. Attorney-Client Privilege

1. Legregni v. Bergenfield Status Update
2. Country Club Tax Status

B. Personnel

1. DPW Personnel Matters

C. Contracts/Agreements

1. Police Chief Contract
2. DPW Supervisors Contract
2. Borough Clerk 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 Kornbluth, second by Councilperson Rivera and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 10:18 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Marte, second by Councilperson Lodato and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:42 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk