

**OFFICIAL MINUTES OF THE  
BOROUGH OF BERGENFIELD  
MAYOR AND COUNCIL WORK SESSION  
September 9, 2008**

I. Meeting called to order at 8 p.m.

II. ROLL CALL

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON	X			
GILLMAN				excused
RABBITT	X			
LODATO	X			
DRISCOLL	X			
ADM/CLERK	X			
ATTORNEY	X			

III. CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

Joe Pomante presented the engineering status report, attached.

IV. PRESENTATIONS/COMMUNICATIONS

1) Retirement Dinner for Rev. Thomas W. Pinnel on Sunday, September 28, 2008, At Colonial Inn at 2 p.m. RSVP 201 384 8932.

C/M Doll asked if it is customary for the borough to assume the cost of taking a table to have the Mayor, Council President and maybe one or two other representatives attend.

B/A Steinel responded that she doesn't know what is customary but in other municipalities they have for someone who has been such a long standing community leader. C/P Carlson said that sometimes you get an honorary ticket.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

1. Fire Official – Proposed Ordinance 08-2409 to Amend Fees

B/A Steinel said that has been discussed previously to bring the fees to par with other communities as they haven't been increased in some time.

**PRELIMINARY MEETING AGENDA – September 23, 2008**

1. PROCLAMATION

2. CONSENT RESOLUTION 08-\_\_\_\_\_

1) 08-\_\_\_\_\_ To Approve Communications

**UNFINISHED BUSINESS**

**NEW BUSINESS**

6. INTRODUCTION OF ORDINANCE 08-2409  
AN ORDINANCE AMENDING CHAPTER 157 OF THE CODE OF THE  
BOROUGH OF BERGENFIELD, ENTITLED "FIRE PREVENTION".

7. **RESOLUTION 08-\_\_\_\_\_** To Pass Ordinance 08-2409 on first reading.
8. **RESOLUTION 08-\_\_\_\_\_** To Establish Eligibility for Medical Benefits and To Remove Ineligible Part-Timers (tabled).

B/A Betesh said the issue is enrollment rather than who is paying for it. Anybody that puts in more than 30 hours can be enrolled regardless of payment and if they work less than 30 hours then they would not be allowed to be enrolled regardless of who is paying.

C/M Rabbitt is waiting for the letter from the state saying that it is illegal. She would like Mr. Lerch to explain this at the next meeting.

C/M Lodato said that Mr. Lerch is not our legal counsel and the Borough Attorney should do the interpretation of the law. She wants to see it in writing.

C/P Carlson said that additional consideration should be just not what the state requires, but what we want to do as town.

B/A Steinel said if we decide to approve this, it will apply to anybody in our contracted plan. Full-time employees do contribute to their medical benefits. As contracts move forward, they have negotiated increases.

9. **RESOLUTION 08-\_\_\_\_\_** To Pay Bills

#### VII. ADMINISTRATION/BOROUGH CLERK'S REPORT

1. Restoration of the Metzler's Brook – Discussed under engineering report.
2. Board of Education, Wide Area Network, Right of Way Approval  
Requires governing body approval as they need to run lines in the public right of way to network the schools all together, so the borough attorney will have to prepare a resolution to authorize this. Mayor said that they are going to give us access running a fiber optic line in here which we can put phone service on.
3. Giants of Generosity – Use of Borough Community Van to transport family to fund raiser for injured borough resident. Need authorization for bus driver to drive the van and payment. **MOTION OFFERED** by C/P Carlson to approve the bus but the organization should pay for our employee to drive it, **SECONDED** by C/M Doll. All in favor. **MOTION carried.**
4. Volunteer Dinner scheduled for Sunday, November 9<sup>th</sup> at Clinton Inn.
5. Municipal Court – Request to attend League of Municipalities. They can receive some CEUs. C/M Doll wonders if everyone should stay for the whole 3-4 days. We can limit them to the days that their association gives classes.

#### VIII. MAYOR & COUNCIL REPORT

C/P Carlson: Police Department – Commended them on apprehending an individual responsible for a lot of car breakins. Library meeting is coming up. Zoning Board met last night w/short agenda.

C/M Doll: DPW – Ned is managing but they are short of manpower, and are taking on additional work at Foster Village with the bulk shipment. Old equipment in back of garage is in process of being scraped.

Senior Citizens – Active with trips to restaurants in Saddle Brook in September and in October, North Haledon, and the Christmas Party is Sunday, December 7<sup>th</sup> at the VFW.

Barrier Free Committee – Secretary's salary needs a resolution as the committee was inactive. Mayor questioned if this committee is needed as the

Zoning Board has an ADA requirement, and the Planning Board does the same thing. He said the purpose of the Barrier Free Committee is to make the town as friendly as possible to people w/handicaps; such as the handicapped parking spaces on Washington Avenue. C/P Carlson believes we need the committee but do we need a secretary with pay. Could an individual from the committee take the minutes. B/A Steinel feels that it is not just minutes, but also letters going to the storeowners advising them of barrier free issues. **MOTION OFFERED** by C/M Doll to continue the barrier free committee meetings and authorize annual salary for secretary, **SECONDED** by C/W Rabbitt. All in favor. **MOTION carried.**

Museum Society – Have had meetings and feel that Historic Preservation Committee would be a better title because they feel there is a bigger picture here and want to give attention to other historic areas in town. Their next meeting is on the 24<sup>th</sup>. C/W Rabbitt asked about the society being able to store some items into certain areas in the building. Mr. Betesh said there is liability until the document gets signed. B/A Steinel said Bill wants to meet with society to sign a restricted one whereby Mr. Hatch says we can only go in one area of the building.

C/W Rabbitt – Spoke about the rumor going around privatizing the DPW. Because of the apartment garbage and bulk collection, B/A Steinel responded that we are doing a feasibility study whether or not bringing on staff is cheaper and more efficient than to bid it out. We do not have the appropriate contract in place with these apartment buildings on the method for which we are paying and do not have the stats on the cost if we did it ourselves and the law says that we are obligated to pay them based on them what it would cost us to do it. We cannot clearly get a proper tonnage out of them because they are not properly recycling.

C/M Mulligan – Spoke about a letter from the Mayor of Westwood about Pascack Valley Hospital asking for support for a certification for the hospital which will be called HUMC North at Pascack Valley. They are going to open up October 1<sup>st</sup> as an emergency room only and will only have 12 beds available. The governing body agreed to include it on tonight's agenda, number 13. **MOTION OFFERED** by C/M Mulligan, **SECONDED** by C/W Rabbitt, All in favor. **MOTION carried.**

C/M Lodato – Planning Board is scheduled to meet this month, the last two or three meetings were cancelled due to lack of applications.

Fire Department – Drafting Committee has been meeting in order to continue towards a recommendation for the dry hydrant at the Coopers Pond site; however, due to the cost of a dry hydrant, it has been determined that portable pump is more economical and equally efficient. One of the career-staff has started a required fire inspector class. The Fire Department is also continuing their request to fill 3 vacancies on the full time staff. B/A Steinel said we are waiting for the fingerprint checks to come back.

Open Space Trust Committee – There was \$961,000 in grant money available to the towns in the northern valley region. Eleven towns submitted applications in varying amounts, and 4 towns received 100% of request for ADA compliance. Bergenfield is going to receive 56% of \$225,000 to rehabilitate six parks, \$126,750., and is a matching grant.

IX. PUBLIC COMMENT (10 minutes)

1) **ALFREDO CARDENAS**, 78 Seminary Street

His street has not been repaved since the 1940s and needs repair. Spoke about the need to replace Seminary Street and Clinton street sign. On Marcotte Lane, as soon as you hit Bergenfield there are big holes.

Joe Pomante said that Seminary Court is scheduled for drainage repair and repaving.

Mayor Driscoll said that we have 60 streets in need of repair. B/A Steinel said we have about \$145,000 for streets and we are looking at other streets to reconsider for funding such as Windsor Road, north of New Bridge, along with Judith and Greenwich.

2) **CHRISTINE HOMAYOUNIFAR**, 190 Marcotte Avenue

Also spoke about the need for repair as the amount of landscapers that travel through as a cut thru hit that bump.

3) **RESIDENT**

Corner of Seminary Street, making a left turn into Marcotte Lane. Has tripped several times when walking because of the unevenness of the road. Become a cut thru for many people going to or from Knickerbocker. Even the garbage trucks from Tenafly in addition to the landscapers use these roads.

4) **JOHN HICKEY**, 28 Willett Street

Asked if the engineer looked at the previous survey for Metzler Brook. Storm water is coming from Tenafly cascading down through his area...Englewood, for example, has their stormwater goes into a sewage treatment plant. If there was a catch basin put up in the PAL field to catch the deluge of water.

Joe Pomante said it would more like a retention basin.

5) **VERNON COX**, 116 Highview Avenue

Said 30 years ago the higher section of brook in Tenafly was open and a deal between Tenafly, Cresskill and the County of Bergen to make Knickerbocker Road drainage improvements enclosed that portion of the brook in Tenafly underground so it all flumes out to Bergenfield and does not percolate to the soil in Tenafly whatsoever. It was suggested to take legal action against Tenafly and the County. There was talk about a retention basin at the PAL complex that would pull water back during the high storm periods and only release lesser amounts. The undeveloped area between the Pony League Field and Johnson Avenue is at least two acres and could be looked at for that particular subject of trying to provide some retention. When a garage that was built over the brook was taken down, more people got flooded. He feels the town needs easements from the wide properties on Brookview Terrace to widen the brook to flow down into the area behind the golf course.

6) **GEORGE HOPERSKY**, 99 Seminary Street

There are no storm drains whatsoever on Marcotte Lane on the Bergenfield side. All that water runs all the way down to Seminary and Seminary Court within 10 minutes of a steady downpour, they are flooded.

Joe Pomante said they are flooding because of a piping issue at the intersection of Marcotte and Seminary and that is being changed because it is a choking point.

7) **KRISTA DOHENY**, Spouse of Disabled DPW Worker

Asked about Medicare reimbursement.

B/A Steinel said husband is receiving health benefits pursuant to the DPW contract and your phone call has generated a discovery that if you receive the reimbursement you have to come off the borough's health benefits per their contract. Told her to send a copy of the deductions on his paycheck.

8) **DIANA FLAGG**, 131 Hillside Avenue  
 When is the reval starting and do we have a signed contract. Will make an OPRA request for this.  
 Mayor Driscoll said tax maps have to be approved and they had a minor amendment.

9) **COUNCIL COMMENTS**  
 C/M Doll read letter from his neighbor, Phil Friedman, regarding the budget.

X. **OFFICIAL BUSINESS TO BE ACTED UPON**

1. **PROCLAMATION** – Ovarian Cancer Awareness Month – September 2008  
 (announced at 08/20/08 meeting – enclosed for the record)

2. **CONSENT RESOLUTION 08-0276**

- 1) **08-0277** To Approve Communications
- 2) **08-0278** To Authorize Extending the Grace Period for the 3<sup>rd</sup> Quarter 2008 Taxes to September 26, 2008.
- 3) **08-0279** To Authorize Tax Refund for Assessment Reversal to 4 North Washington Avenue in the amount of \$834.21.
- 4) **08-0280** To Authorize Credit for Interest Payment on Taxes by Landmark Equities in the amount of \$2,008.04 and \$1,258.25.
- 5) **08-0281** To Approve Liquor License Renewal of John W. Meyers Inc.0203-33-12-010 for 2008-2009 term.
- 6) **08-0282** To Approve Bingo License for St. John the Evangelist R.C. Church, BL154, 10/01/08-09/30/09.
- 7) **08-0283** To Approve Bingo License for Transfiguration Academy, BL 155, 10/05/08-09/27/09.
- 8) **08-0284** To Approve Off-Premise 50/50 Raffle for St. Anthony Orthodox Church, RL 1117, to be drawn on November 10, 2008.

**OFFERED** by Councilman Doll

**SECONDED** by Council President Carlson

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON	X			
GILLMAN				X
RABBITT	X			
LODATO	X			
DRISCOLL				

**RESOLUTION** adopted.

3. **PUBLIC HEARING ON ORDINANCE 08-2408**

**MOTION OFFERED** by Council President Carlson that the hearing on Ordinance 08-2408 “**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**”, be opened to the public. **SECONDED** by Councilman Mulligan. All in favor. **MOTION** carried.

Mayor Driscoll asked if anyone present wished to be heard.

There being no one who wished to be heard, Mayor Driscoll closed the time of the hearing.

4. **RESOLUTION 08-0285** To Adopt Ordinance 08-2408, **OFFERED** by Council President Carlson, **SECONDED** by Councilman Mulligan, attached.

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON	X			
GILLMAN				X
RABBITT	X			
LODATO	X			
DRISCOLL				

**RESOLUTION** adopted.

5. **RESOLUTION 08-0286** Authorizing the Issuance of \$520,000 Special Emergency Notes of the Borough of Bergenfield, in the County of Bergen, New Jersey and Providing for Other Matters in Connection Therewith (Revaluation) **OFFERED** by Councilman Doll, **SECONDED** by Council President Carlson, attached.

Roll Call	Yes	No	Abstain	Absent
MULLIGAN		X		
DOLL	X			
CARLSON	X			
GILLMAN				X
RABBITT		X		
LODATO	X			
DRISCOLL				

**RESOLUTION** adopted 3 ayes – 2 nays – 1 absence.

6. **RESOLUTION 08-0287** To Authorize Emergency Temporary Appropriations, **OFFERED** by Council President Carlson, **SECONDED** by Councilman Lodato, attached.

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON	X			
GILLMAN				X
RABBITT	X			
LODATO	X			
DRISCOLL				

**RESOLUTION** adopted.

7. **RESOLUTION 08-0288** To Authorize Execution of Developers Agreement with EDEN Bergenfield Realty Partners LLC (Walgreens), **OFFERED** by Councilman Doll, **SECONDED** by Councilman Mulligan, attached.

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON	X			
GILLMAN				X
RABBITT	X			
LODATO	X			
DRISCOLL				

**RESOLUTION** adopted.

8. **RESOLUTION 08-0289** To Authorize Entering Into Contract with Pinnacle Wireless-Warner Communications to Upgrade Fire Department Communications Equipment in the amount of \$16,843.20, State Contract #A5385, **OFFERED** by Councilman Lodato, **SECONDED** by Councilwoman Rabbitt, attached.

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON	X			
GILLMAN				X
RABBITT	X			
LODATO	X			
DRISCOLL				

**RESOLUTION** adopted.

9. **RESOLUTION 08-0290** To Authorize Entering Into Contract with IBM Corporation, Tempe, AZ to Upgrade Police Department the Computer Server and Related Equipment in the amount of \$3,917.28, State Contract #A63311, **OFFERED** by Council President Carlson, **SECONDED** by Councilman Mulligan, attached.

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON	X			
GILLMAN				X
RABBITT	X			
LODATO	X			
DRISCOLL				

**RESOLUTION** adopted.

10. Mayor Driscoll recommends and nominates Michelle Kohn to fill the unexpired term of Chris Denis on the Zoning Board of Adjustment, term expiring 12/31/08.

**MOTION** that the nomination be confirmed, **OFFERED** by Council President Carlson, **SECONDED** by Councilwoman Rabbitt. All in favor. **MOTION** carried.

**RESOLUTION 08-0291** To Confirm Appointment of Michelle Kohn to Zoning Board of Adjustment, unexpired term expiring 12/31/2008.

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON	X			
GILLMAN				X
RABBITT	X			
LODATO	X			
DRISCOLL				

**RESOLUTION** adopted.

11. Mayor Driscoll recommends and nominates Dr. William Miller to fill the unexpired term of James Kneisler on the Board of Health, term expiring 12/31/10.

**MOTION** that the nomination be confirmed, **OFFERED** by Council President Carlson, **SECONDED** by Councilman Doll. All in favor. **MOTION** carried.

**RESOLUTION 08-0292** To Confirm Appointment of Dr. William Miller to Board of Health, unexpired term expiring 12/31/2010.

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON	X			
GILLMAN				X
RABBITT	X			
LODATO	X			
DRISCOLL				

**RESOLUTION** adopted.

12. **RESOLUTION 08-0293** To Pay Bills, **OFFERED** by Council President Carlson, **SECONDED** by Councilman Lodato, attached.

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON	X			
GILLMAN				X
RABBITT	X			
LODATO	X			
DRISCOLL				

**RESOLUTION** adopted.

13. **RESOLUTION 08-0294** To Urge the State of New Jersey Department of Health to Expedite the Certificate of Need Application of Hackensack University Medical Center to Re-establish a Hospital at the former Pascack Valley Hospital location, **OFFERED** by Councilman Mulligan, **SECONDED** by Councilwoman Rabbitt, attached.

Roll Call	Yes	No	Abstain	Absent
MULLIGAN	X			
DOLL	X			
CARLSON	X			
GILLMAN				X
RABBITT	X			
LODATO	X			
DRISCOLL				

**RESOLUTION** adopted.

XI. **CLOSED SESSION - Personnel Matters/Legal/Litigation**

**RESOLUTION 08-0295** Authorizing the Governing Body to Enter Into Closed Executive Session at 9:41 p.m. to discuss personnel and legal/litigation:

**Police Chief – Department Manning**

**OFFERED** by Councilman Mulligan, **SECONDED** by Councilman Doll, attached. All in favor. **RESOLUTION** adopted.

C/M Mulligan and C/W Rabbitt left the meeting at 9:41 p.m.



**MOTION** To Reconvene at 10:52 p.m., **OFFERED** by Councilman Doll, **SECONDED** by Council President Carlson. All in favor. **MOTION** carried.

Roll Call:

Roll Call	Yes	No	Abstain	Absent
MULLIGAN				X
DOLL	X			
CARLSON	X			
GILLMAN				X
RABBITT				X
LODATO	X			
DRISCOLL				

XII. ADJOURNMENT

**MOTION** To Adjourn at 10:52 p.m., **OFFERED** by Council President Carlson, **SECONDED** by Councilman Doll. All in favor. **MOTION** carried.

Respectfully submitted.

Carole Chamberlain-Berman  
Deputy Clerk

---

Catherine Navarro-Steinel, RMC/CMC/CPM