

**OFFICIAL MINUTES OF THE
BOROUGH OF BERGENFIELD
MAYOR & COUNCIL
September 23, 2008**

I. Special meeting called to order at 7:10 p.m.

II. Roll Call:

Roll Call	Yes	No	Absent
COUNCILMAN MULLIGAN	X		
COUNCILMAN DOLL	X		
COUNCIL PRESIDENT CARLSON	X		
COUNCILMAN GILLMAN	X		
COUNCILWOMAN RABBITT	X		
COUNCILMAN LODATO	X		
MAYOR DRISCOLL	X		
ADMINISTRATOR/CLERK			X
ATTORNEY	X		

Also present: William Betesh, Office of the Borough Attorney
Carole Chamberlain-Berman, Deputy Clerk

III. **MAYOR DRISCOLL'S STATEMENT – OPEN PUBLIC MEETINGS ACT**

Notice of this meeting was provided on September 19, 2008. It was mailed and/or faxed to The Record, The Star Ledger, Twin Boro News and Cablevision, and placed on the Municipal Bulletin Board for Public Notices, and is on file in the Office of the Borough Clerk. Exits are to the rear and your left. Please turn off all cell phones. There were 40 residents in attendance.

IV. Salute to the Flag led by Councilman Mulligan.

V. The purpose of the Special Meeting is to make Police Promotions and Hire New Police Officer.

1. **POLICE PROMOTIONS**

MOTION OFFERED by Council President Carlson, **SECONDED** by Councilman Gillman, that Police Sergeant Cathy Madalone be promoted to Police Lieutenant. All in favor. **MOTION carried.**

RESOLUTION 08-0296 To Promote Sergeant Madalone to Lieutenant, **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.

Chief McGarrill read brief biography of Lt. Madalone.

Lieutenant Madalone is sworn in by Councilman Thomas Lodato, Esq.

COMMENTS – Congratulations were extended from all members of the governing body.

2. **MOTION OFFERED** by Councilman Gillman, **SECONDED** by Councilman Mulligan, that Police Officer Gerald Stapleton be promoted to Police Sergeant. All in favor. **MOTION carried.**

RESOLUTION 08-0297 To Promote Police Officer Stapleton to Sergeant, **OFFERED** by Councilman Gillman, **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.

Chief McGarril read brief biography of Sgt. Stapleton.

Sergeant Stapleton is sworn in by Councilman Thomas Lodato, Esq.

COMMENTS – Congratulations were extended from all members of the governing body.

3. **MOTION OFFERED** by Councilman Mulligan, **SECONDED** by Councilman Doll, that Marc Rispoli be hired as a Bergenfield Police Officer from the Statewide Eligibility List. All in favor. **MOTION carried.**

RESOLUTION 08-0298 To Hire Marc Rispoli as a Bergenfield Police Officer, effective immediately, **OFFERED** by Councilman Mulligan, **SECONDED** by Councilman Doll, attached.

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

RESOLUTION adopted.

Chief McGarril read brief biography of Police Officer Rispoli.

Police Officer Rispoli is sworn in by Councilman Thomas Lodato, Esq.

COMMENTS – Congratulations were extended from all members of the governing body.

VI. **MOTION OFFERED** by Councilman Mulligan, **SECONDED** by Councilman Doll, to take a short recess. All in favor. **MOTION carried.**

VII. **MOTION OFFERED** by Council President Carlson, **SECONDED** by Councilman Doll, to call the council meeting to order at 8:13 p.m. to order and resume the regular order of business.

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

All in favor. **MOTION carried. All present.**

VIII. **MOTION OFFERED** by Councilman Mulligan, that the minutes of the work session of August 6, the special meeting of August 13 and the regular meeting of August 20, 2008 be approved, **SECOND** by Councilman Doll. All in favor_____. **MOTION carried.**

PROCLAMATION

Rev. Thomas W. Pinnel Recognition Day
September 28, 2008

CONSENT RESOLUTION

1. **CONSENT RESOLUTION AGENDA #08-0299.** 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.

OFFERED by Council President Carlson **SECONDED** by Councilman Mulligan

- 1) **08-0300** To Approve Communications
- 2) **08-0301** To Approve 2008-2009 Liquor License Renewal of M&V Inc. dba Murray's Sportsmens Lounge 0203-33-017-002
- 3) **08-0302** To Authorize Capital Alternatives Corporation To Prepare, Assemble, Submit Application to Bergen County Community Development Block Grant Program for Reconstruction of Railroad Avenue.
- 4) **08-0303** To Confirm Endorsement of a Bergen County Community Development Grant of \$171,050 for Reconstruction of South Railroad Avenue.
- 5) **08-0304** To Approve Calendar Raffle for BHS Graduating Class of 2009.

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

RESOLUTION adopted.

VERBAL COMMUNICATIONS

IX. Mayor Driscoll opened the meeting to Verbal Communications, and asked if anyone present wished to be heard. Please be advised there will be a limit of five (5) minutes per speaker.

1) **ALFREDO CARDENAS**, 88 Seminary Street

Spoke about condition of roads and the potholes on Seminary Street and Marcotte Lane that were discussed as the work session. At the corner of Seminary and Marcotte was brought to the attention of the Mayor and Council and it was explained to him that they didn't the money at this point to pave all the streets that require paving and they were going to do the ones with the biggest problems. At this point, it has become an embarrassment when hit Bergenfield from Tenafly as you are going to jump all over the place and to say you don't have enough money just to patch it up, is unacceptable. Was it discussed, do we have to do it ourselves, because it is pretty bad right now.

Mayor Driscoll said that the DPW was supposed to look at that and patch it, so he will remind them again.

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

Mayor Driscoll advised Mr. Cox that they have authorized them to take a team in there to look at that building and to call the DPW office for someone to accompany him.

Mr. Cox said that the Planning Board is making a recommendation to the Mayor and Council for an ordinance to include the Cooper/Marchbank property into the park zone, the P- public zone to end any controversy over the zoning issues regarding that parcel. It was contemplated in the original master plan when it was updated a few years ago and that was before the property was actually purchased before it changed hands so nothing could be done at that point in time. It's something that has to be updated now.

Spoke about street improvements. It is never a good idea to pave over concrete roads with macadam because it just bounces back up again.

He thanked the Mayor and the Borough Attorney and Councilman Gillman for sitting down with himself and Councilman Doll as his position as liaison to the Museum Society so they can begin the process of negotiating a contract for the use of the Mill House at the historic Tunis R. Cooper property. He is in the process of responding to the document that was asked for as far as their critique of the proposed document but he is wondering whether or not the borough attorney has the opportunity to look at the particular information being the deed that the borough was conveyed in the purchase of the property because there are a lot of conditions in that thing with State Historic Trust and the other items were most definitely the codicils within the Green Acres grant and the Open Space grant that was given. Quite a number of the powers that the Borough is thinking they can assume as the landlord actually belong to the state because of those conditions and some of the items that were requested like putting a sprinkler system into a 200-year-old house is probably not going to be

permitted by the state. That's part of the review that would have to be done afterwards by those agencies because they have to approve it.

C/W Rabbitt said that the council spoke about this in the back about scheduling this for the next work session and she had distributed a copy of the draft of the lease to all councilmembers. Catherine or Carole will contact him and anyone from the Museum Society so we can sit down and go over this together.

3) **IRVING COMMIKE**, 51 Wilbur Road

Suggested that there be a Citizens Committee of five (5) people who would oversee the revaluation....not have any authority to tell the reval company what to do, but to just go out with them to see how it is done and then see what results are and if there are any questions they would question only the Mayor and Council. In his town of Leonia, he went out with Appraisal Systems to see how it is done and several people in town have gone out with them. It prevents a lot of questions when the assessments come in.

Mayor responded that would be put on for discussion at next work session.

4) **RICHARD BOHAN, SR.**, 69 Somers Avenue

Advised the Mayor that he could make the committee up himself and it would be a Mayor's Committee, like the one he did.

Referred to C/M Mulligan's letter in the TwinBoroNews about the inspectors and that we are paying \$50 for two family homes to be inspected and asked if they are being inspected and, if so, who's doing it. People tell him that they have not had any inspections.

C/M Mulligan responded that the Fire Official has been going around and he does have the license. Mayor Driscoll responded that we are way behind in inspections.

5) **DIANA FLAGG**, 131 Hillside Avenue

Asked when the inspectors are going to start coming around and isn't there a deadline.

Mayor Driscoll responded that the values are set as of October 1st and they don't have to be to the county until sometime in January.

After November 15th, the homeowners are to be notified of their new revaluation so they can set up meetings with the reval company for discussion.

Mayor said they are doing a house to house reval and they assure us that it will be done. We've had a problem with our tax maps....the state rejected them because the last time the tax maps were done they were done incorrectly so the state went back a few years before that, so we need to have some changes made.

6) **DOUGLAS GETZ**, 307 Phelps Avenue

Asked that the council consider doing an amendment for the Ordinance 2275 and to include in Section K that when noise crosses the property line of the adjacent house that it be no louder than a whisper....this is in relation to the NYC that was passed within the last two years when they were having the same problem with central air conditioners on small properties that are found in Bergenfield.

7) **BENNIE CABRERA**, 15 South First Street

Stated that he was on the illegal housing task force several years ago that created the ordinances and the recommendations for the 2 part-time inspectors we had and the self funded model that they came up with. It was very successful in finding illegal dwellings and safety issues. How many illegal dwellings have been found or how many fire hazards have been found.

C/M Mulligan said we have been working with the school board on this together. Our current Fire Official has the credentials to do this and has been going out there and so has Ken Pfannen. The reason we let the other two part-time inspectors go was because they couldn't come back with reports on what they done and they only issued two (2) fines.

Why didn't we hire two other part-time inspectors who could do the job.

C/W Rabbitt asked if he has the names and addresses of the people that came to him.

We are paying for a service that should be there and that money is there and it should be used for the appropriate thing, that is, housing inspection.

Mayor Driscoll is going to look into this as someone showed him a file cabinet full of overdue inspections.

There being no one else who wished to be heard, Mayor Driscoll closed Verbal Communications.

X.

UNFINISHED BUSINESS

2. **RESOLUTION 08-0200** To Establish Eligibility for Medical Benefits and to Remove Ineligible Part-Timers.

MOTION OFFERED by Council President Carlson to move this resolution from the table, **SECONDED** by Councilman Doll.

C/M Lodato asked what the effective date would be of the action taken on the resolution.

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

C/W Rabbitt said they were told in the very beginning that part-time employees under a certain number of hours cannot get health benefits. There is one person who is getting them but pays for them, it doesn't cost the borough a dime. She asked to see written proof that the state states this is illegal.

MOTION TO REMOVE FROM THE TABLE 4 AYES – 2 NAYS. MOTION carried.

MOTION OFFERED by Council President Carlson to amend the resolution to add “to be effective December 31, 2008”.

It was clear to him that they were given a recommendation by the auditor to do this and also believes that this is good town policy because of the rising cost of health benefits and 12 years, Bergenfield led the pack in making a resolution that banned the practice of having part-timers have health benefits including elected officials. There are towns in Bergen County that still give their council people health benefits. To him, this is just continuing the progress is gone up and up, it's time to also end the practice of even allowing employees to buy it because they would be getting a substantial benefit. This resolution will probably impact more than just one individual, it will actually ban the practice for the future and will also make very clear the intention to remove ineligible part-timers.

C/W Rabbitt asked if it affects the library.

C/P Carlson said it might impact the employees.

C/W Rabbitt said this is not costing anybody else anything, it is not against the law, and it is beneficial to help people. Anyone in the audience who had a job at this borough hall and part time or the library, his could be offered to you because you had no other health insurance. She can't understand why they have a problem with helping somebody when it is not hurting anyone else.

Mayor Driscoll said they showed everyone the Administrative Code last week where the state says you must be a full time employee to be on the State health insurance program.

MOTION SECONDED by Councilman Doll.

VOTE ON RESOLUTION 08-0200 To Establish Eligibility for Medical Benefits and Remove Ineligible Part-Times, Amended to be Effective December 31, 2008.

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

RESOLUTION adopted 4 ayes – 1 nays.

Attorney Betesh said the statutes substantiated the letter that was provided by our auditor.

C/M Mulligan voted no because he asked for a copy of the statute from the state.

C/P Carlson said he has never gone against a recommendation from the auditor before...this also reinforces that anyone else who is a part timer or any future part timer cannot receive health benefits and is a needed reinforcement of the policy adopted.

C/M Lodato said the borough adopted a policy that 30 hours a week would be the criteria; therefore, anyone who works less than 30 hours a week regardless of how the benefits are paid, are ineligible. He supports the amendment making it effective December 31st giving us 3 months to perhaps reexamine whether or not we want to reduce that 30 hour criteria to something else.....he believes the state permits to go down as far as 20 hours a week.

NEW BUSINESS

3. **RESOLUTION 08-0305** To Authorize Emergency Temporary Appropriations, **OFFERED** by Councilman Gillman, **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.

4. **RESOLUTION 08-0306** To Award Bid for 2008 Road Improvement Program to Joseph M. Sanzari, Inc., in the amount of \$142,789.00, **OFFERED** by Councilman Doll, **SECONDED** by Councilman Gillman, attached.

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

RESOLUTION adopted.

5. **RESOLUTION 08-0307** To Approve 100% Service Connected Disability Property Tax Exemption to Arquelio Hernandez, **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.

6. **RESOLUTION 08-0308** To Approve 100% Service Connected Disability Property Tax Exemption to Victor Vaccaro, **OFFERED** by Councilman Mulligan, **SECONDED** by Councilman Doll, attached.

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

RESOLUTION adopted.

7. **RESOLUTION 08-0309** To Appoint Marc Longo as Part-Time Fire Prevention Inspector, **OFFERED** by Councilman Lodato, **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 08-0310** To Pay Bills, **OFFERED** by Councilman Gillman, **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.

COMMITTEE/DEPARTMENT REPORTS

- XI. **MOTION** offered by Council President Carlson, that the Committee/Department Reports be spread upon the minutes in full and filed. **SECONDED** by Councilman Doll. All in favor. **MOTION carried.**
- XII. No **CLOSED SESSION**

ADJOURNMENT

- XIII. There being nothing further to come before the meeting on **MOTION** offered by Council President Carlson, **SECONDED** by Councilman Gillman, and carried the public meeting adjourned at 8:55 p.m.

Respectfully submitted,

Carole Chamberlain-Berman
Deputy Clerk

Catherine Navarro-Steinel, RMC/CMC/CPM

At Recess

Vernon Cox wants us to give them permission to enter the building so that they can see what is needed. He should notify us 24 hours in advance for the borough employee to accompany them. Motion to write resolution. Lease should protect borough. Attorney prepares contracts that don't cross council's desk...after it's negotiated, then it comes to the council.

Next worksession for them to come.

Other points: If it dissolves, reverts
Pay for security, utilities
Right to cancel lease
Casualty
Eminent Domain
Rezoned to parkland