

**OFFICIAL MINUTES OF THE
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
February 10, 2009**

I. Meeting called to order at 8:25 p.m.

II. ROLL CALL

Roll Call	Yes	No	Abstain	Absent
TULLY	X			
GILLMAN	X			
LODATO	X			
AGUASVIVAS	X			
DOLL	X			
CARLSON	X			
DRISCOLL				X
ADM/CLERK	X			
ATTORNEY	X			

Present were Carole Chamberlain-Berman, Acting Clerk
William Betesh, Office of the Borough Attorney

Council President Lodato stated that he believes the Mayor has been discharged from the hospital this evening and should be back very shortly.

III. CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

Joe Pomante, Boswell Engineering, Progress Report attached.

- 1) Bradley Avenue Storm Sewer Project – Reconvened construction because of a break in the weather and expect the concrete work done by Friday.
- 2) 2008 Road Overlay Program completed.
- 3) Merritt Avenue is complete.
- 4) Wilbur Road drainage will be awarded tonight to Jo-Med Contracting.
- 5) Economic Stimulus Package – Phase I Sanitary Sewer Rehabilitation Project – 90% done with the design and are on target for submission to the DEP and the Environmental Infrastructure Trust for March 2, 2009.
- 6) Some Capital Projects are pending; specifically Coopers Pond.

C/M Doll asked for a timeline on the removal of the soil at Coopers Pond.

Mr. Pomante said originally we hoped to get the soil removed in January but there was an issue with disposal at the meadowlands landfill, they had a prior commitment with Zanadu until the end of December. At this point, the date would be March 1 and would take around 3 weeks to put the spec together.

IV. COMMUNICATIONS

V. UNFINISHED BUSINESS

Bond Ordinance for Various Public Improvements

Mr. Betesh explained if we can decide whether or not we want to change this bond issue to be introduced at the next meeting.

C/M Doll would like to know if we can pay for these improvements from our cash reserves and the current operations without bonding. He believes we have spent a lot of money on the parks and in these times of pay cuts and job losses, it seems to him to be irresponsible to put our town further in debt. Our recent audit shows over a million dollars in our surplus account.

C/M Carlson believes it is now 2 issues and do we split the ordinance. He would be agreeable to split it and have a vote next Tuesday for the remediation.

C/M Gillman said we do not have over a million in surplus, but more like \$900,000. We do have money in capital accounts that are old from projects that have been done and money has been sitting there, earning interest, offsetting increases in our budget. He doesn't think we've done enough for the parks. One park is unusable right now on Hallberg Avenue and reports from our risk manager states that we have equipment that needs to be addressed...the aluminum slides are no longer acceptable and when replaced, must be a plastic one. The park equipment company comes in and design the park for free. He suggested pulling the \$72,000 out of one capital account that has expired with a title and text change so that the auditor can pick up next year that we used the money to pay for the trailer in the back and only go forward with the two other issues. Especially in these times, people might not have the money to go on vacation and may want to use the park facilities more so than they have ever done in the past. He is strongly against not matching the grant money which we applied for at the time...we all voted to go forward with these two phases of the grant applications. If we are not going to go forward to match these funds, we are giving away money and we'll be in jeopardy of losing any future projects that we apply for. We are paying a lot of money to the county for open space tax to fight for every penny back each year...we pay over \$300,000 a year in open space tax and we're getting back a measly \$123,000.

C/P Lodato said we cannot exhaust our surplus.

C/M Carlson said the council has considered deferring pension payments and putting that money in escrow, looking to put some costs off to the future. It's normal practice of paying for equipment that will be around for a while by borrowing for capital expenses.

C/M Doll doubts getting a municipal bond at 1 ½ % interest. He believes we have enough coming into our budget to pay for it out of operations.

C/M Gillman said you cannot move any money off the line items until April.

VI. NEW BUSINESS

1. Review of FY08 Audit
2. Appointment of (2) Fund Commissioners to the JIF

PRELIMINARY MEETING AGENDA

February 24, 2009

1. **CONSENT RESOLUTION 09-_____**
 - 1) **09-_____** To Approve Communications

UNFINISHED BUSINESS

2. **REINTRODUCTION OF BOND ORDINANCE 09-2415 or AMENDED BOND ORDINANCE** (if so determined).
3. **RESOLUTION 09-_____** To Pass Bond Ordinance 09-2415 on first reading.

NEW BUSINESS

4. **RESOLUTION 09-_____** To Appoint (2) Fund Commissioners to the Bergen County Municipal Joint Insurance Fund.
5. **RESOLUTION 09-_____** To Appoint Robert Yurkin as Coordinator of Safety Programs.
6. **RESOLUTION 09-_____** To Certify Review of Audit Report by the Governing Body FY2008.
7. **RESOLUTION 09-_____** To Pay Bills

VII. ADMINISTRATION/BOROUGH CLERK'S REPORT

1. (2) Retirements in Police Department
Dennis McGoldrick effective 08/31/09
Kenneth Savage effective 09/01/09
2. Steve Rogut, Bond Counsel
Bond Ordinance #1
 - A. Undertaking of testing and disposal of soil dredged from Coopers Pond
 - B. Undertaking of Environmental Remediation at the Municipal Complex
Bond Ordinance #2
 - C. Undertaking of Various Improvements to Parks
3. State of NJ Government Records Council
Non-compliance with OPRA Records Request

VIII. MAYOR & COUNCIL REPORT

IX. PUBLIC COMMENT (10 minutes)

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

1. **PROCLAMATION –**
2. **CONSENT RESOLUTION 09-0036**
 - 1) 09-0037 To Approve Communications
 - 2) 09-0038 To Award Bid for Drainage Improvements to Wilbur Road and Maiden Lane to Jo-Med Contracting, Elizabeth, NJ in the amount of \$42,015.
 - 3) 09-0039 To Approve Change Order No. #3 on Borough Wide Bicycle Program - Conquest Industries for a reduction of \$16,251.30.

OFFERED by Councilman Gillman **SECONDED** by Councilman Doll

Roll Call	Yes	No	Abstain	Absent
TULLY	X			
GILLMAN	X			
LODATO	X			
AGUASVIVAS	X			
DOLL	X			
CARLSON	X			
DRISCOLL				

RESOLUTION adopted.

3. **RESOLUTION 09-0040** To Authorize Application for a Loan from the NJ Environmental Infrastructure Financing Program for Phase I – Sanitary Sewer Rehabilitation, **OFFERED** by Councilman Gillman, **SECONDED** by Councilman Tully, attached.

Roll Call	Yes	No	Abstain	Absent
TULLY	X			
GILLMAN	X			
LODATO	X			
AGUASVIVAS	X			
DOLL	X			
CARLSON	X			
DRISCOLL				

RESOLUTION adopted.

4. **RESOLUTION 09-0041** To Hire Vincent Nickels as Temporary Public Works Employee, effective 01/26/09, **OFFERED** by Councilman Carlson, **SECONDED** by Councilman Gillman, attached.

Roll Call	Yes	No	Abstain	Absent
TULLY	X			
GILLMAN	X			
LODATO	X			
AGUASVIVAS	X			
DOLL	X			
CARLSON	X			
DRISCOLL				

RESOLUTION adopted.

5. **RESOLUTION 09-0042** To Hire Luigi “Gino” DeGennaro as Part-Time Fire Inspector, **OFFERED** by Council President Lodato, **SECONDED** by Councilman Gillman, attached.

Roll Call	Yes	No	Abstain	Absent
TULLY	X			
GILLMAN	X			
LODATO	X			
AGUASVIVAS	X			
DOLL	X			
CARLSON	X			
DRISCOLL				

RESOLUTION adopted.

6. **RESOLUTION 09-0043** To Pay Bills, **OFFERED** by Councilman Carlson, **SECONDED** by Councilman Aguasvivas, attached.

Roll Call	Yes	No	Abstain	Absent
TULLY	X			
GILLMAN	X			
LODATO	X			
AGUASVIVAS	X			
DOLL	X			
CARLSON	X			
DRISCOLL				

RESOLUTION adopted.

XI. CLOSED SESSION - Personnel Matters/Legal/Litigation

RESOLUTION 09-0044 Authorizing the Governing Body to Enter Into Closed Executive Session at 10:35 a.m. to discuss personnel and legal/litigation, **OFFERED** by Councilman Gillman, **SECONDED** by Councilman Aguasvivas, attached. All in favor. **RESOLUTION** adopted.

XII. ADJOURNMENT

MOTION To Adjourn at p.m., **OFFERED** by Council President Lodato, **SECONDED** by Councilman Gillman. All in favor. **MOTION** carried.

Respectfully submitted,

Carole Chamberlain-Berman
Acting Borough Clerk

Timothy J. Driscoll, Mayor