

**OFFICIAL MINUTES OF THE  
BOROUGH OF BERGENFIELD  
MAYOR & COUNCIL MEETING  
March 24, 2009**

I. Meeting called to order at 8:20 p.m.

II. Roll Call:

Roll Call	Yes	No	Absent
COUNCILMAN TULLY	X		
COUNCILMAN GILLMAN	X		
COUNCIL PRESIDENT LODATO	X		
COUNCILMAN AGUASVIVAS	X		
COUNCILMAN DOLL	X		
COUNCILMAN CARLSON	X		
MAYOR DRISCOLL	X		
CLERK	X		
ATTORNEY	X		

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

Notice of this meeting was provided on March 20, 2009. 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 24 residents in attendance.

IV. Salute to the Flag led by Councilman Tully.

V. **MOTION OFFERED** by Councilman Doll, that the minutes of the Work Session of February 10<sup>th</sup>, the Special Work Session of February 17<sup>th</sup> and Council Meeting of February 24<sup>th</sup>, 2009 be approved, **SECONDED** by Councilman Carlson. All in favor. **MOTION** carried.

**CONSENT RESOLUTION**

1. **CONSENT RESOLUTION AGENDA #09-0073.** 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 Councilman Gillman

**SECONDED** by Councilman Carlson

- 1) **09-0074** To Approve Communications
- 2) **09-0075** To Approve Off-Premise 50/50 for St. John Rosary Society RL 1131
- 3) **09-0076** To Authorize and Execute Rental Agreement for Fun Time Entertainment Services for Family Fun Day.
- 4) **09-0077** To Authorize Capital Alternatives to Prepare, Assemble and Submit Application for 2009 Community Development Block Grant Stimulus Program.

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

**RESOLUTION** adopted.

## VERBAL COMMUNICATIONS

VI. 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. **JOHN SHANAHAN**, East Main Street

Spoke about the Planning Board decision granting a parking variance to the Dentist next door to their garage.

Council President Lodato said that she received a lease from the church and that the dental practice is a permitted use.

2. **DIANA FLAGG**, 131 Hillside Avenue

Said that Washington Avenue properties and Foster Village are not on the computer site of Appraisal Systems Inc.

3. **FRANK LYDON**, 609 South Prospect Avenue

Asked if the Bergenfield Community Center Building Fund Committee has acquired title to the borough's public land as they stated in one of their flyers.

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

Stated that the BCCBFC has a 10-year lease to the property at Memorial Park but they have to raise the funds to build within that time. He believes the site is around 200' x 200'.

5. **MICHAEL KNOWLES**, 37 Palisade Avenue

Questioned a \$600,000 Bond Ordinance for the Community Center.

Councilman Carlson responded that the bond ordinance may have been adopted, but the last revaluation became such a problem that the bonds were never issued.

6. **DIANA FLAGG**, 69 Somers Avenue

Asked about Court money discrepancy. Auditor is going to help them straighten out the books.

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

VII.

## UNFINISHED BUSINESS

1. **MOTION OFFERED** by Councilman Aguasvivas, **SECONDED** by Councilman Carlson, to remove appointment of Municipal Judge from the table.

Roll Call	Yes	No	Abstain	Absent	Recuse
TULLY		X			
GILLMAN	X				
LODATO		X			
AGUASVIVAS		X			
DOLL	X				
CARLSON	X				
DRISCOLL (tie)	X				

**MOTION** carried 4 ayes – 3 nays.

2. Mayor recommends and nominates Helene C. Herbert as Municipal Court Judge, for a three-year term, expiring 12/31/2011.

**RESOLUTION 09-0078** To Confirm Mayor’s nomination of Helene C. Herbert as Municipal Court Judge.

Roll Call	Yes	No	Abstain	Absent	Recuse
TULLY		X			
GILLMAN	X				
LODATO			X		
AGUASVIVAS		X			
DOLL	X				
CARLSON	X				
DRISCOLL (tie)					

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

**NEW BUSINESS**

3. **RESOLUTION 09-0079** To Authorize Emergency Temporary Appropriations, **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.

4. **RESOLUTION 09-0080** To Authorize Change Order #1 on Improvements to Merritt Ave., Joseph M. Sanzari, Inc., Contractor, in the amount of <\$21,568.60>, **OFFERED** by Councilman Doll, **SECONDED** by Councilman Lodato, attached.

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

**RESOLUTION** adopted.

5. **RESOLUTION 09-0081** To Authorize Change Order #1 on 2008 Road Improvement Program, Joseph M. Sanzari, Inc., Contractor, in the amount of <\$5,222.38>, **OFFERED** by Councilman Gillman, **SECONDED** by Councilman Doll, attached.

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

**RESOLUTION** adopted.

6. **RESOLUTION 09-0082** To Authorize Change Order on East Broad Street Road Improvement, D.L.S. Contracting Inc., \$1,836.40.

**MOTION OFFERED** by Councilman Gillman, **SECONDED** by Councilman Tully, to table resolution for more information regarding sinkholes and some inferior work.

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

**MOTION** carried to table resolution.

Bill Betesh will contact DLS to put in writing a formal recommendation.

7. **RESOLUTION 09-0083** To Authorize the Settlement of Tax Appeal for Robert Martin v. Borough of Bergenfield Pertaining to Block 281, Lot 2, Docket No. 009841-08, **OFFERED** by Councilman Doll, **SECONDED** by Councilman Gillman.

**MOTION OFFERED** by Councilman Doll, **SECONDED** by Councilman Tully, to table resolution to research what year this settlement is for as the cover letter says 2007 and the resolution reads 2008.

Vote to table resolution

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

**MOTION** denied 3 ayes – 4 nays.

Vote on resolution

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

**RESOLUTION** adopted.

8. **RESOLUTION 09-0084** To Make Application to the Local Finance Board for a Reduced Pension Contribution, **OFFERED** by Councilman Carlson, **SECONDED** by Councilman Doll, attached.

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

**RESOLUTION** adopted.

C/M Carlson believes if we make application to the board, we should be prepared to do it.

C/M Tully asked what the time frame is on making application.

C/M Gillman said personally he is not in favor of deferring money from a pension fund, but the only way the borough is going get extraordinary aid is if they take this opportunity to defer half of the pension contribution which is roughly around \$750,000. and then starting in 2012 over the next 15 years, you pay it back on a yearly basis. We hear from the state that if you don't take the deferral that your extraordinary aid will be zero so even though this pushes the payment out, it certainly gives us immediate relief this year.

C/M Carlson said we are accustomed to getting extraordinary aid and it has been suggested that since this is being made available, they are going to look at towns as to their decision on pension deferment plans when they consider extraordinary aid applications.

C/M Doll said this is an immediate assistance to taxpayers in this town because that reduction will now be felt in your 2<sup>nd</sup> quarter taxes and should be some relief.

CFO Czykier said if we are going to get pension deferral for 15 years at an average rate, the state is charging now about 7%. It will be about \$27,000 in the period of 15 years, but we can prepay it. If we pay within 15 years, the cost will be about \$18,000. And, there is a good chance we will get some aid. On an average house, with the deferral the taxes will go up approximately \$86.; without the deferral and no aid, there will be an average increase of \$200.

C/M Tully believes this sounds gimmicky and that there are better ways to save on taxes such as shared services and reducing spending..

9. Mayor recommends and nominates Michael A. Purvin, Esq., as Borough Prosecutor for a term expiring 12/31/09.

**MOTION** by Council President Lodato, seconded by Councilman Gillman, that the nomination be confirmed.

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

**MOTION** carried.

**RESOLUTION 09-0085** To Confirm the Appointment of Michael A. Purvin, Esq. as Borough Prosecutor, **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.

10. Mayor recommends and nominates Kelly B. Rocco, Esq., as Alternate Borough Prosecutor for a term expiring 12/31/09.

**MOTION** by Council President Lodato, seconded by Councilman Carlson, that the nomination be confirmed.

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

**MOTION** carried.

**RESOLUTION 09-0086** To Confirm the Appointment of Kelly B. Rocco, Esq. as Alternate Borough Prosecutor, **OFFERED** by Councilman Gillman, **SECONDED** by Councilman Carlson, attached.

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

**RESOLUTION** adopted.

11. **RESOLUTION 09-0087** To Pay Bills, **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.

## COMMITTEE/DEPARTMENT REPORTS

VIII. **MOTION** offered by Council President Lodato that the Committee/Department Reports be spread upon the minutes in full and filed. **SECONDED** by Councilman Gillman. All in favor. **MOTION** carried.

IX. At this time, the Governing Body may go into **CLOSED SESSION** to discuss:  
Personnel  
Legal/Litigation

**RESOLUTION 09-0088** To Authorize Entering Into Closed Executive Session at 9:30 p.m., **OFFERED** by Council President Lodato, **SECONDED** by Councilman Tully, All in favor. **RESOLUTION** adopted.

## ADJOURNMENT

X. There being nothing further to come before the meeting on **MOTION** offered by Council President Lodato, **SECONDED** by Councilman Tully, and carried the public meeting adjourned at 11:00 p.m.

Respectfully submitted,

Carole Chamberlain-Berman  
Acting Borough Clerk

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Timothy J. Driscoll, Mayor