

**OFFICIAL MINUTES OF THE
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
April 14, 2009**

I. Meeting called to order at 8:10 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			

Salute to the Flag.

III. CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

Joe Pomante - Boswell

1. Wilbur Road/Maiden Lane Storm Sewer extension project is in the closeout phase. The contractor is in the restoration phase. Final invoicing and maintenance bond will be forwarded to governing body for action.
2. Bradley, Bell and Raum, a CDBG project, bids due on April 30th.
3. McDermott Place, a Community Development AARA Stimulus Project, application submitted by Capital Alternatives, \$59,000 estimated costs.
4. South Railroad Avenue Resurfacing Project, a Community Development grant with funding available July 1st. We are now current with all our CD jobs.
5. Sidewalk Paver Rehabilitation Project - SID would like to partner with the borough in repairing/resetting the pavers on the sidewalks which they will pay \$30,000 for the work but request that the borough pay for engineering and inspection. Prepare specifications and perform inspections will cost approximately \$5500. The SID is not bound by public bidding as they are a private corporation.

The council expressed their desire for the SID to assume all of the costs.

Don Smartt, SID Director and Walter Johnson, President, were supportive of the council's request to perhaps do less of the work and pay the extra costs out of SID money. It is publicly-owned property and these services have to be provided by the borough's engineer. Mr. Smartt feels the partnership is important. C/M Gillman asked if the design phase is necessary as these are just being repaired. Mr. Pomante said it is more than just design, it is the scope, the quantities, the materials and some new construction specifications. C/M Doll reiterated that when SID presented their budget, they told us about this project and he believes they should pay for the complete project. C/M Carlson said that the SID projects should not involve any taxpayers money so maybe we have to do a little less work. C/M Gillman thinks it should go on the agenda to be voted on. Mayor Driscoll polled the council – Doll – no; Aguasvivas – yes; Carlson – yes; Tully - yes; Gillman – yes; Lodato – yes. After the vote, Mr. Smartt and Mr. Johnson in a desire to have the project go forth, offered to write a check to the borough for these extra fees. This item will be on the agenda of the 28th of April. Mr. Smartt recommended attending the Economic Symposium sponsored at Fair Lawn.

6. C/M Aguasvivas asked about the sinkhole on Murray Hill Terrace and Broad Street. Mr. Pomante said that has been repaired. It was determined that too much asphalt caused the problem on Broad Street.

III. PRESENTATIONS/COMMUNICATIONS

1. Tom Rose, OEM – Overview of Emergency Management

Tom Rose spoke about emergency preparedness in the borough. OEM has recouped \$100,000 for the borough, recently receiving \$39,000 for the rainstorm back in 2007. Formulated the flood mitigation plan, statewide plan, county decided to do it as a county and this is a lot more effective. OEM room was below ground dating back to Civil Defense days, but now we have had a flooding problem. We need a mobile command post that could be located anywhere for continuity of operations. If we had hazardous material on the railroad, you would have to evacuate within a 2 mile radius. Trying to get grants as the cost is prohibitive and keeps going up.

Making sure borough is NIMS (National Incident Management System) compliant, police, fire, ambulance and even elected officials are required to go to minimum training. Required by the state otherwise miss out on grant funding in the future.

Phone system obsolete need new voice mail system; two-way radio systems daily for operations require narrow banding, recent equipment is programmable but all the needs would be a capital expense; outdoor warning system obsolete, 7 (one not working and not repairable) throughout the town, no fire calls, but would be used for a health emergency or other disaster; telephone emergency notification system agreement needs to be renewed with the County of Bergen as they have changed to another system and we have to update our resolution in order to utilize the 911 lists.

C/M Doll asked if Tom were away on vacation, who would be in charge.

Tom responded that he has a deputy coordinator and there is a very well documented plan, he displayed the very thick manual, and every department has signed off on their responsibilities.

2. Elliot Urdang – Landmark Equities LLC Proposed Development

Owns 45,000 sq. ft, B2 zone, bordered by Annex Place, West Johnson Avenue and Railroad Avenue. Development of this land was not feasible because portions of the land on West Johnson and North Railroad ran through the center of the tracts, and were not developed streets. In February 2002, the Borough adopted an ordinance which vacated those portions stating that those streets were not needed for any public purchase and desired to have that property development for multi-family use. The ordinance contained a reverter to the borough if the development of the tract were not approved for multi-family use within 5 years of the ordinance, and was followed by a deed to Landmark. From 2002-2005, applications were made to the Zoning Board but denied in December 2005 and memorialized in March 2006. Another application was filed in 2007 and the Zoning Board of Adjustment refused to hear the application saying that the reverter clause had kicked in so that they did not have the requisite property to present to the board.

Landmark has been in limbo for well over a year and would like to develop the property. He asks why would the borough want to invoke the reverter clause, you don't want the property for any public purpose. If the borough wants the property for multi-family, it would seem to him the best thing to do is to amend the zoning ordinance to add multi-family as an additional use in a B2 zone or just in this particular zone.... this would not be spot zoning. We have to resolve the reverter issue before another application could be made to the Board.

He says the council has to consider what obligation the borough has under affordable housing rules. Bergenfield has not complied with round one or round two of COAH and they are up to round three. This leaves the borough susceptible to a builders remedy suit. Landmark would like to start a dialogue with the council so that they can move on and develop this property. They would like to explore, to a mutually acceptable conclusion, the best way to develop this property.

Attorney Betesh thanked him for coming asked if their proposals are any different from when they went to the Board of Adjustment previously, is there a concept in mind.

Mr. Urdang said that the general form remains the same, how many units we would seek to discuss.

Mr. Betesh said that the reverter clause is still an issue and was the reason they decided not to hear the application. This doesn't mean that the borough couldn't release it depending on what the proposal is.

Mr. Urdang said the borough has the position that the reverter is valid and they have the position that it is not valid.

The council asked if they have a specific proposal. C/M Gillman said it was his understanding that they have the authority to give up these streets...but we could take the hard road and pave these streets for people to drive through. You are telling us in a round about way that you could sue us and it's 3 or 4 years since your application was denied...so I don't know if your case is that strong. The Zoning Board did not approve the project because it was too high, too big and they weren't going to approve the project with no parking, and they rejected it and the reverter clause kicked in. Are you willing to do something for the borough to get these streets back, that's something we might look at. He is not sure what they want.

Mr. Urdang said everything is on the table, they are trying to be as open as possible. They want to develop this property and they believe the borough wants to develop this property.

Mr. Pomante suggested having a meeting with yourself, the borough attorney and go over the project as it is being proposed. In 2005, you were rejected for certain issues, what modifications to the site plan are you proposing.

Mayor Driscoll suggested that the council discuss amongst themselves and we'll get back in touch with all the concerned parties.

3. Marie Strelecki, Black Dog Plumbing – Request to block West Main Street between Demarest Avenue and Front Street on May 16th raindate May 17th 10-4pm for their grand opening with motorcycle contest, dog contest, music, and block party – (*being reviewed by Lt. Yurkin*)
4. Elks Youth Week Celebration – Request for Student Council Meeting on May 19, 2009 at 7 p.m.

V. UNFINISHED BUSINESS

1. Recommendations to Amended Traffic Ordinance.
C/M Carlson will forward his comments to the PD.
2. Tabled Resolution to Authorize Change Order on East Broad Street, D.L.S. Contracting Inc. \$1,836.40.
Mr. Pomante believes there will a revision to the change order.
3. Marchbank Property – Plan of Action
Mayor Driscoll wants to decide what we are going to do with this property.
C/M Doll asked if anything was going on with the Museum.
Mayor asks if we want to get the county to take it over.

C/M Carlson read the Hatch report and doesn't believe any entity could take on the cost of all those repairs.

C/M Doll believes we should focus primarily on the residence. If the Museum gets in there, then they can apply for grants.

C/M Carlson asks for a letter of understanding similar to what was given to the community center, so that they could go out and apply for grants. But it is a tremendous amount of money.

C/M Gillman said you have to follow the guidelines of restoration to a historic property.

Attorney Betesh said right now there is a lot of liability to anyone who enters the building.

C/M Doll wants to open up to the public to let them at least enjoy the grounds.

Mayor said right now we are facing \$2.2 million in repairs.

C/M Carlson said this council voted in 2006 to allow the Museum into the house but they were not aware of the repair bill that was going to be required. But they didn't take into account the liability, and for storage they will need temperature control.

C/M Doll says that we don't have to do the Mill at the same time we do the house.

Mayor said we do have structural problems. C/M Doll wants to see the report.

C/M Tully asked if they applied for any grants as of yet. C/P Lodato said that is why Mr. Cox wants the lease so they could go forward in getting the house to a functional level and apply for grants. C/M Carlson said there are also parking considerations.

C/M Doll believes that the Museum Society is in favor of sharing the costs. C/M Carlson said there are two groups, the Historic Preservation Committee and the Museum Society who may have different opinions. C/M Doll would be willing to serve on a ad hoc committee with C/M Carlson.

VI. NEW BUSINESS

PRELIMINARY MEETING AGENDA

April 28, 2009

1. **PROCLAMATIONS/PRESENTATIONS**

2. **CONSENT RESOLUTION 09-_____**

1) **09-_____** To Approve Communications

UNFINISHED BUSINESS

3. **MOTION** To Remove Resolution to Authorize Change Order on East Broad Street Improvement, D.L.S. Contracting Inc. for \$1,836.40 from the table.

NEW BUSINESS

4. **RESOLUTION** To Accept the Retirement of Police Officer Dennis J. McGoldrick, effective 08/31/09.

5. **RESOLUTION** To Accept the Retirement of Police Officer Kenneth R. Savage, effective 09/01/09.

6. **RESOLUTION** To Authorize the Borough of Paramus to Apply for Edward J. Byrne Grant on behalf of the Bergenfield Police Department in the amount of \$14,117.
7. **RESOLUTION** To Award Bid to “Furnish and Install Video Security & Surveillance System for Police/Borough Complex and DPW” to Net Eyes Security LLC, in the amount of \$69,900.
8. **RESOLUTION** To Pay Bills.

VII. ADMINISTRATION/BOROUGH CLERK’S REPORT

1. Recognize Theresa Schroth and Sajith Cherian for response to US Airways 1549 at the April 28th council meeting.
2. Recommendation from Borough Attorney to Award Bid for Video Security & Surveillance System for Police/Borough Complex and DPW to 2nd lowest bidder, Net Eyes Security LLC as 1st low bid was deficient.

VIII. MAYOR & COUNCIL REPORT

- C/M Carlson: Recognizing two ambulance corps members for their help in the Awaiting report from Paul Lerch as to the costs and procedure moving from a fiscal to a calendar year. Fiscal year can be prohibitive as far participating in some regional cooperative buying and being in the fiscal year state aid pool hurt a bit.
- C/M Gillman: Board of Education Budget Hearing – 12 teachers and 4 residents only. Looking at 2½% increase in their budget.
Recreation – Easter Egg Hunt had about 100 kids. Chocolate bunnies were donated from the Marsipan Company on Washington Avenue
Memorial Day Parade plans progressing.
Family Fun Day – Up to being fully funded.
- C/M Doll: School Budget – Said he didn’t receive any info regarding new budget, whereas Dumont put out an informative publication.
Asked if the cost of the fireworks is also covered by the donations. Yes, is the answer.
Senior – All council people invited to Spring Party this Sunday at VFW, 2p.m.
Parade – New band participating and some new groups. Asked that other council invite groups to participate.
Barrier Free – Officer Duran has come to the meetings as well as Ken Pfannen and they both have taken action.
Ecology – Contacted everyone but there seems to be a lack of interest.
- C/M Aguasvivas – Progress
- C/M Tully: Library – Roof problem still needs to be resolved.
Mr. Betesh said that the material warranty is a 10-year but believes the labor warranty has expired.
Mr. Pomante said GAF is supposed to come on site to inspect the material.
The next step would be to go after the bond.
Shade Tree – Looking to do something to celebrate Arbor Day, planting tree at Coopers Pond.
- C/P Lodato: Planning Board cancelled last month.
Health – Meeting tonight.
Fire – On Sunday, in attached garage on River Edge Road, the turkey fryer oil ignited and the propane tank burst. The homeowner sustained burns and

the Fire Department did a great job. Met with Chief as to the workings of the department and the needs.

IX. PUBLIC COMMENT (10 minutes)

1) **MICHAEL KNOWLES**, 37 Palisade Avenue

In reference to the Coopers Pond Historic Property, asked C/M Doll, how deep are your pockets. Asked if they have removed the dirt.

Mr. Pomante said the testing is coming back this week and based on the testing will dictate its applicability of going to the meadowlands. After the results come back within the next month, they should be able to go out to bid. Hopefully, before graduation.

2. **RAY GORMAN**, 10 Sieber Court

Informed C/M Doll that there were two mailings from the Board of Education, the second outlining the budget.

X. OFFICIAL BUSINESS TO BE ACTED UPON

1. **PROCLAMATION** – Arbor Day 2009

2. **CONSENT RESOLUTION 09-0096**

- 1) 09-0097 To Approve Communications
- 2) 09-0098 To Approve St. John’s R. C. Church Carnival Application.
- 3) 09-0099 To Approve Non-Draw Wheels Raffles at St. John’s Carnival
- 4) 09-0100 To Approve On Premise 50/50s Raffle at St. John’s Carnival
- 5) 09-0101 To Approve Off Premise Giant 50/50 Raffle drawn at St. John’s Carnival
- 6) *09-removed* To Re-Appoint George J. Cooper, Sr. as Constable, 3 yr. term
- 7) 09-0102 To Approve the Insertion of Special Item of Revenue and Appropriation-Chapter 159 for DARE Program in the amount of \$500.00.

OFFERED by Councilman Gillman

SECONDED by Councilman Tully

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

RESOLUTION adopted.

MOTION OFFERED by Councilman Doll, **SECONDED** by Council President Lodato, to remove this resolution from the consent agenda and table.

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

DRISCOLL		X		
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MOTION To Remove and Table denied 4 nays – 3 ayes

Council President Lodato believes that Resolution #6 should be removed from the Consent Agenda and voted on separately.

- 2A. **RESOLUTION 09-0103** To Re-Appoint George J. Cooper, Sr. as Constable for a 3-yr term, **OFFERED** by Councilman Gillman, **SECONDED** by Councilman Tully.

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

RESOLUTION adopted 4 ayes – 3 nays.

3. **RESOLUTION 09-0104** To Authorize Entering Into an Agreement with Garden State Fireworks Inc., the Santore Brothers, in the amount of \$5,000.00, for Family Fun Day, **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.

4. **RESOLUTION 09-0105** To Appoint Police Chief Frederick McGarril as Acting Borough Administrator, April 14 – June 1, 2009, and as Borough Administrator effective June 1, 2009, **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 4 ayes – 2 abstentions.

5. **RESOLUTION 09-0106** To Appoint Police Captain Michael F. Monaghan as Acting Chief of Police, effective June 1, 2009, **OFFERED** by Councilman Gillman, **SECONDED** by Council President Lodato, attached.

Roll Call	Yes	No	Abstain	Absent
TULLY	X			
GILLMAN	X			
LODATO	X			
AGUASVIVAS			X	

DOLL	X			
CARLSON	X			
DRISCOLL				

RESOLUTION adopted 5 ayes – 1 abstention.

6. **RESOLUTION 09-0107** To Authorize Hiring Summer Help for Department of Public Works, **OFFERED** by Councilman Gillman, **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.

7. **RESOLUTION 09-0108** To Approve and Submit a Grant Agreement with NJ Department of Transportation for the Merritt Avenue (Section 2) Project, **OFFERED** by Councilman Tully, **SECONDED** by Council President Lodato, attached.

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

RESOLUTION adopted.

8. **RESOLUTION 09-0109** To Authorize Preparation of Construction Documents and Inspection Services for McDermott Place Rehabilitation, **OFFERED** by Councilman Gillman, **SECONDED** by Council President Lodato, attached.

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

RESOLUTION adopted.

9. **RESOLUTION 09-0110** 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				

XI. CLOSED SESSION - Personnel Matters/Legal/Litigation

RESOLUTION 09-0111 Authorizing the Governing Body to Enter Into Closed Executive Session to discuss personnel and legal/litigation, **OFFERED** by Councilman Doll, **SECONDED** by Councilman Gillman, attached. All in favor. **RESOLUTION** adopted

XII. ADJOURNMENT

MOTION To Adjourn at 11 p.m., **OFFERED** by Council President Lodato, **SECONDED** by Councilman Gillman.

Respectfully submitted,

Carole Chamberlain-Berman
Acting Borough Clerk

Timothy J. Driscoll, Mayor