

**OFFICIAL MINUTES OF THE  
BOROUGH OF BERGENFIELD  
Mayor and Council  
April 28, 2009**

I. Meeting called to order at 8:05 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		

Also present was Linda Runge, RPPS, Office of the Borough Clerk

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

Notice of this meeting was provided on April 24, 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 27 residents in attendance.

IV. Salute to the Flag led by Councilman Carlson.

V. **MOTION OFFERED** by Councilman Gillman, that the minutes of the Work Session of March 10<sup>th</sup> and April 14<sup>th</sup>, the Special Work Session of April 2<sup>nd</sup> and the Council Meeting of March 24<sup>th</sup>, 2009 be approved, **SECONDED** by Councilman Carlson. All in favor. **MOTION** carried.

**PROCLAMATION/PRESENTATIONS**

**RECOGNITION OF AMBULANCE CORPS MEMBERS**

Sajith Cherian  
Theresa Schroth

Mayor Driscoll read citations honoring two members of our Ambulance Corps who were among the first responders to the U.S. Airways Flight 1549 plane crash on the Hudson River and received commendations from the County of Bergen.

**EARTH DAY**  
April 22, 2009

**CONSENT RESOLUTION**

1. **CONSENT RESOLUTION AGENDA #09-0112.** 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 Doll

**SECONDED** by Councilman Tully

- 1) **09-0113** To Approve Communications
- 2) **09-0114** To Authorize the Settlement of Tax Appeal for Marco Bonelli v. v. Borough Pertaining to Block 501, Lot 1, Docket 009066-08
- 3) **09-0115** To Approve Special Item of Revenue and Appropriation – Chapter 159 – Public Health Priority Funding - \$6,845.00

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

**RESOLUTION** adopted.

- RESOLUTION 09-0116** To Support Amendment to Binding Arbitration Statute, **OFFERED** by Councilman Doll, **SECONDED** by Councilman Carlson, attached.

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

**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. **VERNON COX**, 116 Highview Avenue  
Applauded Mayor and Council on choice of Rick McGarril as new Borough Administrator as he was a fine Chief of Police and believes he will better serve the residents of Bergenfield. He has been absent because of some minor surgery. He already has an engineer reviewing the report on the Cooper household and going over the points that would have to be addressed immediately. We hope to be able to sit down and meet and come back to the governing body with a plan of action so we can move forward so the museum could finally have a proper home. They wish to move quickly. Plenty of work has to be done, he would like to have a lot of the commitments in and he already has some contractors who are willing to donate their labor in to fix some of the critical points in the infrastructure.

With the council's permission, he would like to meet with C/M Doll and C/M Carlson. Mayor Driscoll said we will have to include legal counsel in at this meeting.

2. **PAT O'NEIL**, 135 School Street

Asked about the rebuilding of 30 Elm Street. They attended a Zoning Board of Adjustment Meeting and they opposed about a dozen variances that were involved in the rebuilding of the apartments. He is not sure of the process and would like to know how to object as at the meeting they were only given a question opportunity. He doesn't see how a building of that magnitude could be approved with the traffic impact and the bigger size. Mayor said it has passed the Zoning Board and you have 45 days to file a legal challenge. Mr. O'Neil asked if neighbors object, what is their course of action. They are granting them a parking privilege using a separate piece of property. Mayor Driscoll explained that the council has no jurisdiction over the Zoning Board.

3. **THOMAS DE PINTO**, 38 Elm Street

Here for same reason, they were hushed up at the Board of Adjustment meeting. He heard the Planning Board denied them 24 units and now the Zoning Board approved 30. One of the variances is on my property edge, not to mention a larger structure than it was before. The street is only 24' wide, curb to curb, with parking on one side. They never got an opportunity to object to all these variances, only ask questions.

4. **GUS CONSTANTINOU**, 28 Irving Place

Regarding the Landmark proposal, if the town rejects the application, the developer can sue the town. In order to do what they want to do, they have to get the paper streets given or sold so when they have the land, they want to do this. If denied, they then can go to the courts for builders remedy to comply with low income housing. The borough is then left with over development, more apartments than we need, more services. Mayor and Council should offer a trade, if you want two streets, give us the land behind the parking lot for the fire department. Then, the size of their property is diminished and they cannot put as many apartments as they would want to.

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

VII. **UNFINISHED BUSINESS**

1. **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, **OFFERED** by Councilman Carlson, **SECONDED** by Councilman Doll, attached.

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

**MOTION** To Remove from Table carried.

**RESOLUTION 09-0117** To Approve Change Order on East Broad Street Improvement, D.L.S. Contracting Inc. for \$1,836.40, **OFFERED** by Councilman Doll, **SECONDED** by Councilman Carlson, attached.

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

**RESOLUTION** adopted.

### **NEW BUSINESS**

2. **RESOLUTION 09-0118** 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., **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.

3. **RESOLUTION 09-0119** To Purchase Various Fire Equipment (30-min Carbon Cylinder Assemblies) from AAA Emergency Supply of White Plains, NY, in the amount of \$32,853. **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 09-0120** To Authorize Boswell Engineering To Proceed with Design, Construction and Inspection Services for 2009 Bergen County Community Development Block Grant “South Railroad Avenue Resurfacing-\$134,000”, **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.

5. **RESOLUTION 09-0121** To Authorize Boswell Engineering To Perform Design and Construction Services for the Bergenfield SID’s “Streetscape Concrete Pavestone Rehabilitation Project” (*with reimbursement to borough by SID.*), **OFFERED** by Councilman Aguasvivas, **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 09-0123** To Approve Refund Due to Overpayment of Block 33 Lot 30 also known as 14 Fahrner St. in the amount of \$1,980., **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.

7. **RESOLUTION 09-0123** To Accept Resignation of Officer Dennis McGoldrick effective 08/31/09, **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.

8. **RESOLUTION 09-0124** To Accept Resignation of Officer Kenneth Savage effective 09/01/09, **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.

9. Mayor recommends and nominates John Horsman to serve the unexpired term on the Board of Health, expiring 12/31/2010.

**MOTION** by Councilman Doll, 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.

10. **RESOLUTION 09-0125** 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 Mayor Driscoll that the Committee/Department Reports be spread upon the minutes in full and filed. **SECONDED** by Councilman Gillman, All in favor. **MOTION** carried.

Councilman Carlson congratulated the members of the Ambulance Corps that received a citation tonight . We have an Ambulance Corps that we can be proud of. He welcomed the new Borough Administrator and thanked him for accepting the challenge.

### **ADJOURNMENT**

- IX. There being nothing further to come before the meeting on **MOTION** offered by Councilman Doll, **SECONDED** by Councilman Gillman, and carried the public meeting adjourned at 9:10 p.m.

Respectfully submitted,

Carole Chamberlain-Berman  
Acting Borough Clerk