

**OFFICIAL MINUTES OF THE  
BOROUGH OF BERGENFIELD  
MAYOR AND COUNCIL WORK SESSION  
May 5, 2009**

I. Meeting called to order at 8:20 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			
ADMINISTRATOR	X			
CLERK	X			
ATTORNEY	X			

III. CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

Joe Pomante – Boswell

1. Bradley Avenue Storm Sewer Project is in closeout phase.
2. Seminary Court - Sink hole issue up at Seminary Court that Sanzari has been made aware.
3. BCCD Block Grant for Bradley Avenue, Bell Place and Raum Place Roadway Rehabilitation – Recommend awarding bid to D & L Paving \$135,872. Bids did come in low and we may be able to utilize more of the grant money.
4. South Railroad Avenue and McDermott Place Projects – BCCD Economic Stimulus Projects. Awaiting award of McDermott Place, South Railroad Avenue funding will be available after July 1<sup>st</sup>.
5. NJEIT Phase I Sanitary Sewer Rehabilitation – Received news that we received the maximum amount of funding allowed for the \$2,700,000 project - \$1,370,000. 50% balance would be in the form of 0% interest loan for 75% of that 50% and 25% would be at bond sale rate. Level debt for 20 years. This would cover 13,000 lineal feet, the worst of the worst, and repair of 30 manholes that are leaking and falling apart. He knows it is an expensive project but believes it will save the borough money. Financial Addendum Forms have to be submitted before May 22<sup>nd</sup> and our Bond Counsel, Steve Rogut, Bond Counsel, already has these forms. He will put together a report for tomorrow which he will email to the Administrator. Because it is a stimulus project and not a traditional project, there is additional form that will have to be submitted to the state. Steve Rogut, our Bond Counsel, already has these forms, as when we initially sent down the project down to the state we sent him a copy of the form work. This form work has to be submitted by May 22<sup>nd</sup>. C/M Carlson and C/M Gillman asked if there was a plan on which areas would be fixed first and does it include the meters. These represent the worst and are in serious disrepair. There is approximately \$100,000 in meters. C/M Doll would like to have a diagram showing what streets. The entire funding is \$2.4 billion, traditional loan and the stimulus loan. If you pare it back 50%, they take 50% away from the grant. If we decide to go forward, we would then have Steve Rogut prepare the FAF forms, get the drawings prepared for bid, go through steps of bond sale, closing of the loan

portion and a reimbursement program. We would request a larger percentage of money up front so that we could get ahead of the payments. He will contact Steve Rogut tomorrow and fill him in.

C/M Doll asked if this had anything to do with flood control.

While he was on vacation he answered questions from Senator Lautenberg's office about the brook for FY2010 money.

C/M Tully asked for an estimate of how much money would be saved.

Mr. Pomante responded that the study number was \$600,000 ideally over 3 years.

C/M Gillman wants to get the numbers from Rogut and wants to see what this is going to cost us. Joe recommended a special meeting as the deadline for FAF/ARRA loan package forms is 05/22.

The meters will direct us where to fix next and why we have excessive flow at 1-2 in the morning.

**MOTION OFFERED** by C/M Carlson, **SECONDED** by C/M Gillman, to have a special meeting on Monday, the 11<sup>th</sup> of May, 2009, at 7:30 p.m. All in favor.

**MOTION** carried.

Administrator McGarril calculated the 75% interest free loan at \$51,375 per year and prevailing interest rate on the 25%.

#### IV. PRESENTATIONS/COMMUNICATIONS

1. Filipino Festival will be rescheduling and will contact us.

#### V. UNFINISHED BUSINESS

1. C/M Doll would like to see a Treasurer's Report.  
He would also like to meet George Cooper, the Constable that was appointed recently.  
Also, inquired about the Mikesell case. B/A & Chief McGarril responded that this has not come up for trial as of yet and we have no input on bringing this matter to trial. They are trying to work out restitution and go to trial as a last resort.

#### VI. NEW BUSINESS

1. Discussion of Historical Preservation Committee  
C/M Carlson said the council voted to form a Historic Commission, but then we pulled it back and changed it to a committee. He not entirely opposed to a historic district, but he would be careful about any entity that is separate from us that can make decisions about property in the borough.  
C/P Lodato said the committee does exist and believes he wants to set forth the criteria for the properties that are going to part of the historic district, which will be on a voluntary basis, but if you do volunteer, you will then adhere to the criteria being outlined as far as modifying it, restoring it, etc.  
B/A Betesh said maybe this district wants to establish stricter rules than the historic register.  
C/M Carlson said there was an attempt at a commission which actually would have independent authority from us.  
B/A Betesh said if it is on a voluntary basis it is one thing, but if a commission creates very strict rules, some time in the future they could make it even stricter.  
C/P Lodato believes believes Mr. Kirsch is just trying to set the standard, not over-reaching.  
C/M Gillman said if they have a historic zone, they can go out and raise money, but without that, it is difficult.  
It was suggested to bring Mr. Kirsch and Mr. Cox in to discuss further.



5. Bus Shelter Program – Companies that replace and sell advertising on them. Council would have content control on the ads, the ultimate ability to say no. They maintain and the borough receives a portion of the revenue. Fred Hoyt, DPW, is in favor of the program as it costs a couple hundred dollars every time we have to replace panes of glass.  
C/M Gillman said that the holdup last time was that we wanted to move a bus stop from Borough Hall over to the corner and the same with the one in front of the Middle School. NJ Transit never got back to us.  
C/M Carlson remembers approving this a couple times and the deal was they provide advertising, we would get new bus shelters and we would have some level of control over the content.
6. Right-to-know survey – Moving ahead with a deal for \$1,500. with Conner Strong.

## VIII. MAYOR & COUNCIL REPORT

- C/M Carlson: Finance Committee established schedules for budgets this year, starting on the 26<sup>th</sup> getting inputs from the departments. We don't know whether it will be calendar year or fiscal year, but we are proceeding the same way and come up with a number, then either do a half year or the normal fiscal year. Spoke about the garbage proposals such as going with bulk quarterly and changing collections from commercials.
- C/M Gillman: Recreation Committee is working on Memorial Day Parade with C/M Doll and Veterans Committee. The new route this year will be going down South Prospect to New Bridge.  
Zoning Board – When an applicant comes before the Tenaflly Zoning Board for a parking variance and they need –X- amount of spots legally and they have less the amount, Tenaflly charges them \$5000. for every spot that they are short with the hope on day they can build a parking garage. We seem to have a lot of applicants looking for parking variances every month and in Tenaflly, it did pare back a lot of the outrageous jobs and requests. C/P Lodato said you need to have a plan to build this parking garage. Every month, there is an applicant with some parking problem.  
Community Center Building Fund is hosting another event in town, the Film Festival.  
Family Fun Day is going good and there will be tables for the Fire Department, Ambulance Corps and Auxiliary Police membership drive. Pre-registration is on the 16, 17, 26 and 28 of May.
- C/M Tully: Shade Tree Committee is looking to put 8 new trees on Carnation and are notifying neighbors to see if anyone objects.  
Library – problem with employee who has not received her pension.
- C/M Aguasvivas: Progress
- C/M Doll: Memorial Day Parade is going well, bands are lined up and committee is trying to get more people to march this year.  
At 3 p.m. the parade will stop and there will be *TAPS* played along the parade route. With this alternative route, the viewing stand will be on Brey Lane, halfway out onto New Bridge Road.  
Senior Advisory had a successful party in April at the VFW, luncheon on May 21<sup>st</sup> at the Empire Room, Little Ferry; and the barbecue in June.  
Ecology Committee is going forward and making plans to have their own Earth Day in Bergenfield.  
Barrier Free Committee has some people interested in joining, Ken Pfannen has been extremely helpful as well as Lt. Duran, in listening to members of the committee about handicapped parking spaces. As a result, places that do not have them, now do. They drafted some bylaws which they will present to council.  
Municipal Alliance – Spoke to Mr. Bohan and asked him for a report.
- C/P Lodato: Health – Mr. Volpe is monitoring the swine flu outbreak and has been in contact with various health agencies. C/M Doll complimented Mr. Volpe on his advisory notices.  
Planning Board – One application carried to next month.

IX. PUBLIC COMMENT (10 minutes)

1) FRED CLARK, 10 River Edge Road

Spoke about his proposed driveway expansion which was denied because of the ordinance that prohibits within 2' of the property line.

C/P Lodato explained the 2' buffer is to exit the vehicle on your own property.

C/M Carlson advised that he has to go to the Zoning Board of Adjustment for a variance.

It is not a good thing to allow everybody to build the driveway less than 2' next to their neighbors, but there are always exceptions. Joe Pomante advised him to speak to Sharon in the Building Department and she'd advise him of all the steps.

X. OFFICIAL BUSINESS TO BE ACTED UPON

1. **RESOLUTION 09-0126** To Approve Communications, **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(Tie)				

**RESOLUTION** adopted.

2. **RESOLUTION 09-0127** To Transfer Appropriations in the 2009 Budget for expenditure of \$45,000 for Group Insurance Plan for Employees Liability, **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(Tie)				

**RESOLUTION** adopted.

3. **RESOLUTION 09-0128** To Certify Submission of Expenditures for Recycling Taxes Paid in the amount of \$22,431.39, **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(Tie)				

**RESOLUTION** adopted.

4. **RESOLUTION 09**-*tabled* To Accept the Resignation of Christine Block, Public Health Nurse, effective 05/31/09, and Approve Any and All Benefits Due as provided in the Board of Health Personnel Policies and Benefits Manual.

**MOTION TO TABLE Offered** by Councilman Gillman, **Seconded** by Councilman Tully. All in favor. **MOTION** carried.

5. **RESOLUTION 09-0129** 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(Tie)				

**RESOLUTION** adopted.

XI. CLOSED SESSION - Personnel Matters/Legal/Litigation

**RESOLUTION 09-0130** Authorizing the Governing Body to Enter into Closed Executive Session at 10:05 p.m. to discuss personnel and legal/litigation, **OFFERED** by Council President Lodato, **SECONDED** by Councilman Doll. All in favor. **RESOLUTION** adopted.

XII. ADJOURNMENT

**MOTION** to Adjourn at 10:50 p.m., **OFFERED** by Councilman Gillman, **SECONDED** by Councilman Carlson. All in favor. **MOTION** carried.

Respectfully submitted,

Carole Chamberlain-Berman  
Acting Borough Clerk

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Timothy J. Driscoll, Mayor