

**OFFICIAL MINUTES OF THE  
BOROUGH OF BERGENFIELD  
MAYOR AND COUNCIL WORK SESSION  
June 9, 2009**

I. Meeting called to order at 8:06 p.m.

II. ROLL CALL

Roll Call	Yes	No	Abstain	Absent
TULLY	8:15			
GILLMAN	X			
LODATO	X			
AGUASVIVAS	X			
DOLL	X			
CARLSON	X			
DRISCOLL	X			
ADMINISTRATOR	X			
CLERK	X			
ATTORNEY	X			

Also present: Alice Czykier, CFO/Tax Collector

Salute to the Flag.

III. CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

Joe Pomante – Boswell Status Report

- 1) Merritt Avenue/Clinton Park Drive/Bradley Avenue Storm Sewer/2008 Road Overlay Project are in the completion phase, have been paid, or are in the final process of having final payments made. Bonds have been received.
- 2) Coopers Pond Soil Disposal Project – Bid date is June 30<sup>th</sup>, 11 am  
Expect to have the review and the recommendations turned around within two days after that. We had some logistical issues with the Hackensack Meadowlands Commission pertaining which landfill the material would be going to and that has been ironed out. Possible resolution could be ready for July 7 meeting.
- 3) Economic Stimulus Project – Phase I Sanitary Sewer Project – Recommitment letter sent rescinding our application.
- 4) Bradley, Bell & Raum Roadway Rehabilitation for paving and curb replacement is on the agenda tonight for award, including handicap ramps and some piping - \$135,000 to D & L Paving. Project should be complete by mid-August.
- 5) South Railroad Avenue Resurfacing – Community Development Block Grant Project. Should receive bids around the beginning of July and would like to award the bid at the July regular meeting so we utilize the grant money.
- 6) 2009 Roadway Improvement Program – Pick 3-5 streets to rehab, should discuss to best utilize the funding. This is a borough funded project, not a grant project.
- 7) Boiler Replacement Proposal design, bidding and installation.  
Boiler is currently leaking, the plates are corroding from inside out. DEP has sent a notice of violation pertaining to an active leak on the unit. Boswell has supplied a proposal to evaluate the system and start the project of replacing this boiler. It is oversized as we have two other boilers that service the police department so we have to assess the entire building to make it more efficient and move forward.  
C/M Doll asked about other energy options such as solar energy.  
Joe Pomante said that solar would augment an electrical source, and doesn't believe it is beneficial to look at solar for heating.  
There is also an issue of possible asbestos abatement, which would have to be addressed. B/A McGarril added that there were actually two violations, the leak and a check valve.

8) Other Projects

C/M Gillman asked about the repair of sink holes on Merritt Avenue. And also about progress on Dick Street, a NJDOT project.

C/M Doll asked about Maiden Lane and Wilbur and that the service trenches be repaired.

C/M Carlson asked about the Sanitary Sewer Project putting new monitors in and could we replace these monitors to determine the amount of leakage.

V. PUBLIC COMMENT (10 minutes)

Mayor Driscoll moved Public Comment up in the agenda because of the amount of people present.

1) **JOHN HICKEY**, 28 Willett Street

Asked about the redacted phone bills.

Mayor Driscoll answered that the Borough Clerk must redact the phone numbers as we cannot tell whether they are listed or unlisted, that is the law.

2) **RICHIE**, USPO, Greenwich Street resident

Asked that Post Office employees be permitted to park at Veterans Plaza instead going over to Front Street across the tracks. There are 34 spots, and never more 3 or 4 cars there. We did put a mail box on that side of the street as the councilman requested.

A number of USPO employees joined in the request.

Mayor Driscoll asked that the Police Department research this request.

B/A McGarril asked if the Post Office has spots in the back on postal property.

They responded there are only about three spots.

C/M Gillman said that if the commuters get there first, you still may not get the spots.

C/M Doll said there are about 25 spots and he had a supervisor keep track of them. Most of the time there were only 4 or 5 spots taken and the rest were empty. The employees come in about 4 a.m. and have to park down by Railroad Avenue in the darkness in the wintertime. The question is can we accommodate the people that come in early.

C/M Carlson doesn't want to designate town spaces for anybody and B/A McGarril said you could not anyway. Right now, we are in the process of amending the traffic ordinance so we will ask the Police Department to look into this.

3) **KATHY DUGAN**, 22 Deerfield Street

When her neighbor rented his house, Leadership Trucking at 30 Deerfield Street, pulled into the driveway. The Zoning Office said that Bergenfield has no restriction on commercial trucks as long as it does not block the sidewalk, which this partially blocks. She checked with the surrounding towns who do not let commercial vehicles park in residential driveways. She looks out her door and cannot even see down the street. A lot of people on the street are upset. This is 17,000 gross weight

Mayor Driscoll said he will have the Building Inspector look into it.

B/A McGarril said as long as you can get by on the sidewalk, you are not blocking it. He will be discussing the traffic ordinance and will speak to the attorney about the legality.

C/M Gillman said in New Milford, the restriction is one-axle.

C/M Carlson asked that the borough attorney look into this and finds it strange that we do not have anything on the books.

4) **RAY GORMAN**, 10 Sieber Court

Urges that the council construct the budget, not feeling that you are going to get any discretionary state aid. The schools have not received the final aid payment from the state. The Finance Committee has to sit together, analyze this budget for the betterment of the community and come up with a workable budget, bearing in mind the economic times we are in.

VI. PRESENTATIONS/COMMUNICATIONS

1. Constable George Cooper – Powers & Duties of a Constable  
C/M Doll asked him to explain what he does as a Constable.

Mr. Cooper works at the discretion of the municipality. He could serve papers, work as a court officer, assist the police in any way they should need. He has been a constable for 30 years. Initially, in the 70s when he first became a constable, he was very active in the borough's emergency preparedness, coinciding with his job with the Federal Aviation Administration. As a constable for the past 30 years, he pays his own liability insurance, lives up to standards that he has created for himself and the position and each 3-year period, he would request reappointment. Every month, he would report whether he had any activity and the courses he attended. He is military-retired since 1971, worked for the FAA for over 21 years, and now does volunteer work. At the end of this 3-year period, he will not seek reappointment as he feels he is getting too old.

C/M Doll feels that background checks should be done for these type of positions.

C/M Carlson thanked him for coming tonight and asked that as he travels around town, that he be the eyes and ears of any questionable activity and report back to the borough.

Mayor Driscoll asked 30 years ago, how many constables there were. He believes there were 3, Hans Schirmer being one.

2. Fire Department – Recognition of John O'Connell and Jack Janssens who have been members for a long time, holding desk and line officer positions and giving many hours of time protecting the citizens of Bergenfield. They have attended numerous training classes and seminars, have volunteered their time to work on several committees, have worked hard to raise funds to keep the firehouses up and running and could be depended on to teach the newer members. John and Jack were both assets and will be missed.

V. UNFINISHED BUSINESS

1. Ordinance 08-2410 "Public Records, Access To".

Needs to be revisited since former C/M Rabbitt asked for more time to review and, subsequently, no action since last year.

Borough Attorney had thought it was adopted. Ordinance will be introduced next meeting.

VI. NEW BUSINESS

1. Proposed Ordinance to Amend Chapter 136 Entitled Construction Codes, Uniform.  
Mr. Betesh explained that this will bring the borough in line with what the state presently charges.

**PRELIMINARY MEETING AGENDA**

**June 23, 2009**

**1. REGULAR COUNCIL MEETING 7 PM**

**POLICE DEPARTMENT PROMOTIONS**

Chief Michael Monaghan

Captain Michael Carr

Captain Thomas Yurkin

**PROCLAMATIONS/PRESENTATIONS**

**CONSENT RESOLUTION**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

Introduction of Ordinance To Amend Chapter 136, Construction Codes,  
Uniform

Resolution To Approve Settlement of Tax Appeal – Knickerbocker CC

Resolution To Approve Additional Liquor Licenses 2009-2010

**CLOSED SESSION**

## VII. ADMINISTRATION/BOROUGH CLERK'S REPORT

Clerk advised about League Convention:

1. NJSLM Convention – November 17-20, 2009  
Clerk asked for attendees and preference of hotel. C/M Doll believes we should be mindful of the economy in how we give out the invitations.

B/A McGarril:

2. Bus Shelter Program  
Need agreement with the County and NJ Transit for entering into agreement for bus stops w/advertising. The same company has an agreement in Dumont and they look and are maintained nicely.  
C/M Gillman asked when contacting them if there is any possible way to move the bus shelter in front of borough hall to the end of the property and also the one in front of the Middle School.  
C/P Lodato believes those bus stops have the benefit of the traffic light which might be a factor.
3. Labor Negotiations – DPW – Progress
4. Family Fun Day – Progress
5. S.I.D. Meeting/Bergen County Economic Development Meeting – Attended w/Mayor. Met with Grantwriters to go over some programs.
6. Finance Committee - Progress
7. Virginia Forde – Safety Program  
Building assessed at \$13 million to replace because it was built with marble and stone by Italian stone masons. Our premium is based on this. If we come to an agreed upon value with the insurance to bring our replacement value down to \$5 or \$6 million, we could probably save about \$10,000 on our insurance premium.
8. BCUA – Violation for not updating our recycling ordinance. We forwarded our present ordinance which is most likely in compliance. We may have to make a minor revision.
9. BCCD – One of our block grant applications was denied for McDermott Place because we did not have CCR registration number. This federal government requirement was delayed and we now have our number and can re-submit.
10. Bergen County Historic Preservation Advisory Board meeting for grants w/Mayor, C/M Doll, Vernon Cox, for the Tunis Cooper Property. We have two open grants and have a lot of work to do on these grants already approved.
11. Bergen County Municipal Park Improvement Program similar to the matching grants we have been doing for park improvements. The council has to make a decision on whether they want to put forth the matching funds. The deadline is July 31<sup>st</sup> and we have to identify a project.  
C/M Gillman said there are 3 open projects, a lighting project, Ned could use money at Coopers Pond for the landscaping. If we are not going to match the money then there is no sense in applying.  
C/M Carlson and C/M Tully asked that the amount and project be put on the next agenda. C/M Gillman said this doesn't have to be park equipment, it's considered parks and open space and can be used for anything except for bricks and mortar. It can be for landscaping, lighting, etc.
12. Cell tower proposed by T-Mobile at Clover Street Park – Expects resistance to placing a cell tower in a park.  
C/M Doll commented on the Fred Triplett Park that received new equipment and no one is using it. It's just a dust bowl from the day laborers (playing soccer).  
B/A McGarril hopes people will come back to the park, new backboards were installed on the basketball courts. Clover Park has tennis courts.

13. Traffic Ordinance – Lt. Yurkin has received some feedback from council. Would like to schedule a meeting with interested councilmembers to go over each of their suggestions so that he can explain the whys or why nots of addressing suggestions, at 7 p.m.
14. Shared services – Meeting in Englewood this Friday.
15. Garbage Ordinance – Clerk asked that the proposed Property Maintenance Ordinance for solid waste refuse and garbage disposal be reviewed by council and considered for introduction.
16. Stickers for Overnight Street Parking, May-Sept – Police Department has been in favor of this for years. Some of neighboring towns from Memorial Day to Labor Day allow on street parking with a sticker program. PD can get 50-100 calls requesting permission to park overnight and councilmember suggested selling decals for a sticker system, one or two cars per residence, during the summer months only. Would be a source of revenue for the borough for the decals and could increase the revenue in summonses on those cars without stickers; and would also reduce the log in the police department. During the summer, the problem is increased with kids home from college, visitors, etc.  
Clerk asked if there would be a problem with street sweeping.
17. Amend Noise Ordinance for start time change on Construction, Sect215-8F Present ordinance states you cannot blow the leaves off your lawn at 7 a.m.; however, you could have a contractor tear your house down at this time. Starting times for both should be 8 a.m. Monday – Friday. We cannot ban all construction on Sundays as that was ruled unconstitutional.
18. Pothole repair report – January – May, DPW used 12 tons of cold-patch, 61 tons of hot-patch and repaired 2914 potholes. Raining or too cold, you can't do it.

#### VIII. MAYOR & COUNCIL REPORT

C/M Carlson: Finance – Met with departments.

Museum – Unofficial meeting with C/M Doll and Vernon Cox tomorrow to find out what he wants. In 2006, the council authorized the museum to move into that property and he believes we have to live up to our word or provide any reason why they can't. The property needs a lot of work, the house not as much.

C/M Gillman: Board of Ed – Graduation coming up the end of the month. Teacher of the Year awards given out at the last meeting.

Memorial Day Parade - Thanked C/M Doll, Ned, John Scagliotti, Lt. Yurkin.

Family Fun Day – 2<sup>nd</sup> Annual – Given out over 3,000 wrist bands. Final Registration 6-9pm, 7 food vendors lined up, fireworks and bands and karaoke, dunk tank.

Parks Program – Memorial Park has some new park equipment in it and they will be here for a while putting in the rest of it. There are a couple projects that are pending for the next open space round.

C/M Aguasvivas: Progress

C/M Doll: Municipal Alliance – Had \$14,000 to distribute and already gave to Project Graduation 2009, National Night Out, DARE, and the June 14<sup>th</sup> Family Fun Day, totaling \$9,000. By the end of the month, we need to distribute the remaining \$5,000. Asked for a copy of the grant submitted to see to whom we can distribute the funds. C/M Gillman suggested Holiday at the Pond.

Veterans – Parade went well and we'll have to decide on route next year.

Ecology – Committee came back to life. Porchlight is giving us light bulbs to distribute at Family Day.

Barrier Free – Approved their bylaws. Have several new members.

Seniors – Barbecue on June 24.

Finance – On schedule, word is holding down costs. Faced with contractual obligations.

C/M Tully: Library – Settled roof issue with the contractor. Pension issue with employee not previously covered settled.

Shade Tree – New trees on Carnation being put in.

C/P Lodato: Fire – Recognize two long-standing firefighters. Mr. O’Connell served Alert Fire Company for 30 years, reaching rank of Captain and Mr. Janssen served at Prospect Fire Company for 19 years, reaching rank of Captain. FF James McGoldrick is retiring after 30 years of service, effective August 31<sup>st</sup>. After reaching full staff for the career firefighters, they will be down one and suggests the council conduct a search to replace him.

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

1. **CONSENT RESOLUTION AGENDA #09-0150.** 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 Carlson

**SECONDED** by Councilman Gillman

- 1) **09-0151** To Approve Communications
- 2) **09-0152** To Award Bid for Bradley Avenue, Bell Place and Raum Place to D & L Paving Contractors Inc. in the amount of \$135,872.00.
- 3) **09-0153** To Accept Proposal from Boswell Engineering for Performing Various Analyses and Sampling and Preparing Report to Replace Boiler at Municipal Building for an amount of \$13,000.
- 4) **09-0154** To Approve Renewal of Liquor Licenses for 2009-2010 w/Tax Clearance.
- 5) **09-0155** To Approve (6) 50/50s for American Special Children’s Pilgrimage Group, to be drawn Aug/Oct/Dec 2009, Feb/Apr/Jun 2010.
- 6) **09-0156** To Approve Refund for Overpayment of Taxes for 107 New Jersey Avenue in the amount of \$2,100.00.
- 7) **09-0157** To Approve Refund for Overpayment of Taxes for 47 Frederick Place in the amount of \$2,852.46.

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

**RESOLUTION** adopted.

2. **RESOLUTION 09-0158** To Approve Transfer of Appropriations in the 2009 Budget, **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 09-0159** To Authorize the Annual Accelerated Tax Sale on June 24, 2009 and Permit \$25 fee per property for two (2) certified mailings, **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(Tie)				

**RESOLUTION** adopted.

4. **RESOLUTION 09-0159** To Accept Retirement of William Potsel from the Department of Public Works, effective December 31, 2009, **OFFERED** by Council President Lodato, **SECONDED** by Councilman Doll, attached.

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

**RESOLUTION** adopted.

5. **RESOLUTION 09-0161** To Hire Summers Laborers for DPW at \$10. per hour, **OFFERED** by Councilman Doll, **SECONDED** by Councilman Tully, attached.

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

**RESOLUTION** adopted.

6. **RESOLUTION 09-0162** To Retain (2) Substitute Bus Drivers to Cover Absences at \$17. per hour, with no benefits, **OFFERED** by Councilman Aguasvivas, **SECONDED** by Councilman Tully, attached.

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

**RESOLUTION** adopted.

7. **RESOLUTION 09-0163** To Approve Person-To-Person and Place-To-Place Transfer of Liquor License from DVC Inc. (Pocket License) to Chalateco Inc. dba Armando's, 96 South Washington Avenue, **OFFERED** by Councilman Aguasvivas, **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.

8. **RESOLUTION 09-0164** To Ratify Agreement with Borough Administrator, Frederick McGarril, **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.

C/M Doll pointed out typographical error in salary. Should read Eighty-Two Thousand Five Hundred (\$82,500) for the year 2009 and 2010.

9. **RESOLUTION 09-0165** To Rescind the Borough's Application to the New Jersey Environmental Infrastructure Trust and to Make No Effort to Proceed with the Sanitary Sewer Rehabilitation Project set forth in the January 20, 2009 Proposal of Boswell Engineering, **OFFERED** by Councilman Doll, **SECONDED** by Councilman Aguasvivas, attached.



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

**RESOLUTION** adopted to rescind application 4 ayes – 2 nays.

This was decided at a work session with a straw vote, and this resolution is to memorialize it.

10. **RESOLUTION 09-0166** To Pay Bills, **OFFERED** by Councilman Aguasvivas, **SECONDED** by Councilman Tully, 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 09-0167** authorizing the Governing Body to Enter into Closed Executive Session at 10:02 p.m. to discuss:

Personnel  
 Legal/litigation.  
 Knickerbocker Country Club tax appeal

**OFFERED** by Councilman Doll, **SECONDED** by Council President Lodato.  
 All in favor. **RESOLUTION** adopted.

- XII. **ADJOURNMENT**

**MOTION** to Adjourn at 10:53 p.m., **OFFERED** by Councilman Carlson, **SECONDED** by Councilman Tully. All in favor. **MOTION** carried.

Respectfully submitted,

Carole Chamberlain-Berman  
 Acting Borough Clerk

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Timothy J. Driscoll, Mayor