

**OFFICIAL MINUTES OF THE
BOROUGH OF BERGENFIELD
MAYOR & COUNCIL MEETING
July 21, 2009**

I. Meeting called to order at 8:00 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		
ADMINISTRATOR MC GARRIL	X		
CLERK CHAMBERLAIN-BERMAN			X
ATTORNEY DURKIN	X		

Present were: Linda L. Runge, RPPS, Office of the Borough Clerk
William Betesh, Office of the Borough Attorney

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

Notice of this meeting was provided on July 17, 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 11 residents in attendance.

IV. Salute to the Flag led by Councilman Tully.

V. **MOTION OFFERED** by Council President Lodato, that the minutes of the Council Meeting of June 23, 2009, and Work Session of July 7, 2009 be approved. **SECONDED** by Councilman Doll. Correction by C/M Doll. All in favor. **MOTION** carried.

PROCLAMATION/PRESENTATIONS

NATIONAL NIGHT OUT

August 4, 2009

OVARIAN CANCER

Turn the Town Teal

September 2009

CONSENT RESOLUTION

1. **CONSENT RESOLUTION AGENDA #09-0205.** 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 Carlson

- 1) **09-0206** To Approve Communications
- 2) **09-0207** To Approve Refund for Tax Overpayment on 135 New York Avenue-\$2,085.65.
- 3) **09-0208** To Approve Refund for Tax Overpayment on 120 East Clinton Avenue-\$2,107.74
- 4) **09-0209** To Award Bid for Cooper Pond Soil Disposal to Reivax Contracting Corporation in the amount of \$118,269.00.
- 5) **09-0210** To Award Bid for Resurfacing of South Railroad Avenue to D & L Paving Contractor Inc. in the amount of \$65,364.69.
- 6) **09-0211** To Approve Request for Fire Hydrant at 241 N. Washington Avenue

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) **VERNON COX**, 116 Highview Avenue
Commented on the agenda item of appointing a planner for COAH compliance. Hopes the borough reinstates the dead end of West Johnson Avenue and continuation of North Railroad Avenue, putting them back in the Bergenfield tract plan because it was always meant, once the tract plan was changed to a southbound North Railroad Avenue rather than a northbound use, so the Fire Department could get to No. 2 Company as an escape plan for traffic going south on Washington Avenue to exit before getting into the central business district. By going down West Johnson to North Railroad and out to the railroad tracks by Church Street, some people could go down to the post office or to other points west without having to get into the Church Street/Main Street area, it was a viable plan, an acceptable plan by Landmark Corporation back in 1985 and was considered a good traffic flow plan by the Bergenfield Police Department at that time. He hopes that the original plan that was approved for them in 1985 with 14 townhouses on that site rather than 40 apartments. Affordable housing should not be crammed so close to the railroad tracks.

Believes the owners of apartments above stores on Washington Avenue and a few other various sites should be upgrading the electric and bring them up to code.

2) **GUS CONSTANTINOU**, 28 Irving Place

Asked if the attorney for Landmark has approached the council or has anyone else about this property on West Johnson Avenue and Annex Place. Does the council own the two paper streets.

Attorney Durkin responded that it appears that the town owns these two streets. It might be one of these situations where the title on either side is not clear.

Complained about the chaining off of the property during the past few weeks.

He believes it is his land and can do anything he wants with it and Mr. Constantinou is concerned that if he can come in adverse possession, he may be able to take the land from the land without paying a cent for it.

3) **DIANA FLAGG**, 131 Hillside Avenue

Asked when tax bills are going out.

CFO Czykier responded in about two weeks, around the end of July.

Asked when Ordinance 09-2410, the Noise Ordinance, went into effect so people can call up Police Department for enforcement.

Asked if anything has been resolved in closed session and commented that she hasn't seen any minutes. Her number is 201 387-0030.

Asked about the garbage ordinance and would like to be able to add input.

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

Suggested that the top 25 items in the budget should be listed, what it was last year, the new number for the coming year and the percentage of increase.

Also, the recommendations that each councilmember, mayor and administrator made for reductions.

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

VII. **UNFINISHED BUSINESS**

VIII. **NEW BUSINESS**

2. **INTRODUCTION OF ORDINANCE 09-2421**

MOTION OFFERED by Councilman Carlson, that Ordinance 09-2421 "An Ordinance Amending Chapter 165 of the Code of the Borough of Bergenfield, Entitled 'GAMES OF CHANCE'" be introduced and read by title only on first reading.

SECONDED by Council President Lodato.

Councilman Doll doesn't recall seeing this ordinance and would like a summary or an executive briefing. **MOTION** To Table for more discussion, **OFFERED** by Councilman Doll, **SECONDED** by Councilman Tully.

MOTION TO TABLE

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

MOTION carried.

3. **RESOLUTION 09-** To Pass Ordinance 09-2421 **TABLED**

4. **RESOLUTION 09-0212** To Appoint Carlos Aguasvivas, Councilman, as Municipal Representative for the Bergen County Open Space Committee, **OFFERED** by Councilman Tully, **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.

5. **RESOLUTION 09-0213** To Authorize Capital Alternatives Corporation to Prepare, Assemble, and Submit the Necessary Documentation to BCOSMPIP for Restoration of Cooper’s Pond Path, **OFFERED** by Councilman Aguasvivas, **SECONDED** by Councilman Carlson, attached.

C/M Doll asked the cost of submitting this request. Mayor Driscoll responded 10% of any monies you receive.

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

RESOLUTION adopted.

6. **RESOLUTION 09-0214** To Confirm Endorsement of the Bergen County Open Space, Recreation Trust Fund Application for Restoration of the Coopers Pond Paths in the amount of \$72,000, **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.

7. **RESOLUTION 09-0215** To Approve Submission of Application for Participation in the Local Government Energy Audit Program of the NJ Board of Public Utilities, **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.

8. **RESOLUTION 09-0216** To Accept Proposal of PMK Group for Borough Hall Environmental Remediation in the amount of \$53,300.00, **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.

C/M Gillman asked when is this going to end and if we get reports.

B/A McGarril responded that there seems to be cross contamination from the underground storage tanks and the gas station. The DEP isn't concerned where it comes from, we have to clean it up.

9. **RESOLUTION 09-0217** To Approve Emergency Temporary Appropriations in the 2010 Temporary 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				

RESOLUTION adopted.

10. **RESOLUTION 09-0218** To Pay Bills, **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.

COMMITTEE/DEPARTMENT REPORTS

- IX. **MOTION** offered by Council President Lodato that the Committee/Department Reports be spread upon the minutes in full and filed. **SECONDED** by Councilman Doll. All in favor. **MOTION** carried.
- X. At this time, the Governing Body may go into **CLOSED SESSION** to discuss:
 Personnel – Police Hirings
 Legal/Litigation

RESOLUTION 09-0220 To Authorize Entering Into Closed Executive Session at 9:03 p.m., **OFFERED** by Council President Lodato, **SECONDED** by Councilman Gillman. 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 Doll, and carried the public meeting adjourned at 10:32 p.m.

Respectfully submitted,

Carole Chamberlain-Berman
 Acting Borough Clerk

Timothy J. Driscoll, Mayor