

**OFFICIAL MINUTES OF THE
BOROUGH OF BERGENFIELD
WORK SESSION
August 6, 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			
ADMINISTRATOR	X			
ATTORNEY	X			

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

III. Salute to the Flag by Councilman Carlson.

APPOINTMENT OF NEW POLICE OFFICERS

IV. MOTION OFFERED by Councilman Gillman, **SECONDED** by Council President Lodato, to suspend the regular order of business to hire Police Officers. All in favor. **MOTION** carried.

David Paul Keelor

1. Chief of Police Michael Monaghan reads the biography of David Paul Keelor.
2. **RESOLUTION 09-0221** To Hire David Paul Keelor as Full-Time Probationary Officer in the Bergenfield Police Department, **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.

3. P. O. David Paul Keelor is sworn in by Councilman Thomas Lodato, Esq.

Michael F. Dymek

4. Chief of Police Michael Monaghan reads the biography of Michael F. Dymek.

5. **RESOLUTION 09-222** To Hire Michael F. Dymek as Full-Time Probationary Officer in the Bergenfield Police Department, **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.

6. P. O. Michael F. Dymek is sworn in by Councilman Thomas Lodato, Esq.
7. The Governing Body extended their congratulations to the new officers. Chief Monaghan thanked the council for their support and recognizing the importance of replacing their staff.

V. MOTION OFFERED by Councilman Gillman, **SECONDED** by Council President Lodato, to take a short recess. All in favor. **MOTION** carried.

VI. MOTION OFFERED by Councilman Doll, **SECONDED** by Councilman Tully, to resume the regular order of business. All in favor. **MOTION** carried

VII. CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

Boswell Engineering

- 1) Coopers Pond Soil Removal – Waiting for the precon meeting on Monday, 08/10
- 2) 2009 Roadway Improvement – Need to choose the roads by the end of the month.
- 3) Bradley/Bell/Raum Place – Will be started this coming week with concrete and curb replacement, and the paving immediately after.
- 4) South Railroad Avenue – After Bradley completed, the same contractor will start on this project.
- 5) Streetscape/Concrete Paver Rehabilitation in conjunction with SID. Prebid meeting on 08/12.
- 6) Boiler Replacement – Assessment and evaluation completed in July. Their recommendation is that the boiler needs to be replaced in addition to asbestos abatement. The estimate for a complete replacement would be about \$224,000 including the engineer's fee and the abatement.

C/M Doll asked about the \$4,000 in the specs for relining of the chimney. He also commented on the delay in the Coopers Pond Soil Removal project and regrets that there was no use of it this season.

VIII. PRESENTATIONS/COMMUNICATIONS

- 1) Request from Chris Schimel Bergenfield Memorial Post No. 6467 to sponsor a town wide garage sale.
C/M Carlson likes the idea and feels it promotes community spirit.
C/M Doll would also like to see other organizations join into it.
Mayor asked if everyone would be in favor of giving them one permit.
B/A McGarril reminds them of not getting too far away from our ordinance.
C/M Gillman said they will probably make up a map and get advertisers for the map, similar to New Milford.

IX. UNFINISHED BUSINESS

- 1) Amendments to Traffic Ordinance and Overnight Parking
B/A reported that these are still being worked on.
- 2) COAH
Will be discussed in closed session
- 3) Bus Shelters
B/A will report.

X. NEW BUSINESS

PRELIMINARY MEETING AGENDA

August 18, 2009

REGULAR COUNCIL MEETING

8 PM

PROCLAMATIONS/PRESENTATIONS

CONSENT RESOLUTION

UNFINISHED BUSINESS

- 1) Public Hearing on Ordinance 09-2421
An Ordinance amending Chapter 165 of the Code of the
Borough of Bergenfield, Entitled **“GAMES OF CHANCE”**.

NEW BUSINESS

- 1) Introduction of SFY2010 Municipal Budget
- 2) Introduction of Ordinance 09-2418
An Ordinance amending Chapter 232 of the Code of the
Borough of Bergenfield, Entitled **“PROPERTY MAINTENANCE”**.

CLOSED SESSION

XI. ADMINISTRATION/BOROUGH CLERK’S REPORT

1. Annual Volunteer Dinner
2. League Badges – Spouse or Guest Badges are complimentary so advise clerk’s office of their names. See attachment.
3. Project Scope
B/A McGarril reported that we had 3 interns working in the borough. These children go work experience in the DPW, Building Department, and Tax Department.
4. Tunis Cooper Property
Believes they are meeting tonight and we have submitted our revised budgets.
5. Open Space Application for Coopers Pond Path has been submitted.
6. Metro Energy Solar Feasibility Study was completed.
7. Shared services meeting with municipal managers from neighboring communities on August 26th, to which the Public Works Supervisors have been invited.
8. Energy Audit – PSEG is doing audit for free and if you follow through with any of their recommendations, they offer an 80 – 20 split with a two-year interest free loan. Then, if we are not happy with their audit, we can then go to New Jersey Energy Audit which offers 75 - 25 split. For solar energy, we filed application and if we get the Clean Renewal Energy Bonds, we can choose to do it or not.
9. PMK Remediation – Sign will be posted identifying the site as being remediated.
10. Victor Graziano, Bergen County Open Space – Satisfactory audit on the Bradley Avenue Sewer Project.
11. Focus Group in Butler – Attended with Assemblyman Gordon Johnson about the alternate route for police officers. If civil service permitted, we would be able to hire

police officers who attended the police academy at their own expense. At this time, civil service rules do not permit this.

12. Creative Outdoor Advertising – Recycling and garbage containers on the avenue that would be emptied and maintained by the company.
13. Bus Shelters – Waiting for the traffic ordinance to be completed.
14. Labor Negotiations – Preliminary meeting with DPW Supervisors. Moving slowly with DPW Employees Association.
15. COPS Hiring Recovery Program – Did not receive grant.
16. National Night Out
17. Fleet Safety/Bob Yurkin – Upon complying, hopefully we'll save more on insurance premiums.
18. Annual Volunteer Dinner – Has been budgeted
19. League Badge Requests – Fill them out and return to Carole.
20. Garbage Ordinance - B/A Betesh and Supt. Kneisler spoke about the meeting regarding changes in the garbage schedule and the possible change in the pickup schedule for bulk which has to be decided on before the new schedule goes out to the public.

C/M Gillman understood if we reduce the number of bulk pickups, a resident would have to call (i.e. white goods) and drop it off between our hours. Also, with Code Enforcement Inspectors, they can go out the night before and advise residents if they have too much bulk out for pickup.

C/M Carlson said the Finance Committee recommends quarterly bulk to save a little money and take personnel to instead work in parks, on roads, etc. He thinks the maximum number of items should be six (6) large items. The flexibility would be to be able to use the depot at certain hours.

Ned said we also could designate one day a month to pick up white goods throughout town. We will also be mandated to dispose properly of bulbs, tires, and one other item.

B/A Betesh mentioned three (3) other items in the ordinance; types of cans (32 gallon max) - tight fitting or locking lid changed to removable lid and prohibiting cans w/wheels (so the DPW won't be liable for breaking them); types of bulk – no concrete, no asphalt, no construction debris such as sheetrock, roofing, renovation materials; and business/commercial establishments to dispose of their own bulk.

C/M Gillman suggested a fee for move-out pickups.

B/A Betesh said there will also be a fee for dumpsters and regulate how long they can be on the street and property.

C/M Gillman also mentioned suspending any pickups after a storm to concentrate on snow removal and cleanup.

Council proposed more discussion at August 18th meeting.

XII. MAYOR & COUNCIL REPORT

C/M Gillman: Recreation program had about 300 children and will end next week.

Zoning Board – Cancelled

Board of Education – Work is being done at schools.

Volunteer Dinner – Suggested inviting one representative of some of the other volunteer groups in town, as well as Linda and Carole.

Finance – Budget meetings are going good and it should be introduced earlier this year.

C/M Carlson: Finance – Eliminated what they could in budget, put in more money to do roads.

- C/M Doll: Municipal Alliance – Met with county representative and chairman Rich Bohan and believes we are on target to fund all the programs.
 Environmental/Ecology Committee – In process of developing bylaws and some believe it should be called the Environmental Committee as opposed to the Ecology Committee. No objections to a change in January.
 Senior Citizens – Trip to Monmouth Racetrack
 Veterans and Barrier Free Committees will start up in September.
- C/M Tully: Library Board is on break for summer.
 Shade Tree – Progress
- C/P Lodato: Board of Health – Resume in September.
 Planning Board – Subdivision granted on Garden Street into (2) fully conforming lots for two (2) single-family houses.
 Fire Department – Alert and Prospect have accepted probationary members and Alert and Co. 2 have three junior firefighters. Full- time staff losing a member.

XIII. PUBLIC COMMENT (10 minutes)

- 1) **RAY GORMAN**, 10 Sieber Court
 Asked about the remediation at Borough Hall.
 B/A McGarril responded that there is a plume that goes across our property and we have high concentrations of contaminants by the brook which is suspected to be coming from the gas station and another from the old Roofers Supply. There will do new test drills to try to determine that.
 Concurs with quarterly bulk pickups because as some people cannot have all this furniture to dispose of month after month.
 C/M Carlson is willing to try it, limiting it to 5 pieces, and allowing disposal at the depot.
 Asked if we are getting notices from PSEG on street openings.
 B/A McGarril said if it's an emergency, there is nothing we can do. Police Department is very strict about the closing of the roads.

XIV. OFFICIAL BUSINESS TO BE ACTED UPON

1. **CONSENT RESOLUTION AGENDA #09-2421.** 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, attached.

- 1) **09-0223** To Approve Communications

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

RESOLUTION adopted.

2. **MOTION OFFERED** by Councilman Doll, **SECONDED** by Councilman Gillman, to remove Introduction of 09-2421 from the table.

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

MOTION carried.

INTRODUCTION OF ORDINANCE 09-2421

MOTION OFFERED by Councilman Gillman, that Ordinance 09-2421 “An Ordinance Amending Chapter 165 of the Code of Bergenfield, Entitled ‘**GAMES OF CHANCE**’”, be introduced and read by title only on first reading. **SECONDED** by Councilman Doll.

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

MOTION carried 5 ayes – 1 nay.

3. **RESOLUTION 09-0224** To Pass Ordinance 09-2421 on first reading, **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(Tie)				

RESOLUTION adopted 4 ayes – 2 nays.

4. **RESOLUTION 09-0225** To Authorize Boswell Engineering to Prepare and Submit Bid Specifications for Replacement of Boiler in the Municipal Building, **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.

5. **RESOLUTION 09-0226** To Rescind the Appointment of Carlos Aguasvivas, Councilman, as Municipal Representative to the Bergen County Open Space Committee, **OFFERED** by Council President Lodato, **SECONDED** by Councilman Carlson, attached.

Mayor Driscoll received phone calls from many people who work on recreation who believe that C/M Gillman has done a fine job in getting us money for parks and open spaces. Based on that, he thought it would be better to change as he believes the county is going to be a little fussier on who they give money to.

C/M Aguasvivas said that at that meeting, C/M Gillman said he didn't care if someone else was appointed and there were only two meetings to attend. He believes he could do a good job.

C/M Doll explained that he had asked if anyone else had been considered, the Mayor said no, and C/M Gillman didn't seem to care.

Mayor believes we should have fallen back on experience and at that meeting, he didn't feel well and stayed out of it.

C/P Lodato said there was more notice to this than there was to the objection to Rob Gillman at the last meeting, that came totally by surprise. He believes Rob's reaction was totally because of his surprise. He believes Carlos could handle this job very effectively, but Rob had done so for the past few years very enthusiastically and if he wants to continue, he has to support him.

C/M Tully said a lot of power is given to only certain individuals who are within the Mayor's affiliation and everyone else is left out. They all want to serve for the betterment of the community.

C/M Carlson said this is a special case that we didn't discuss in a work session first, and if Rob is willing to do it, he technically has seniority. Carlos is chairman of the DPW committee which is up there as one of the most important ones.

C/M Doll **OFFERED** a **MOTION TO TABLE** this to a future meeting to be able to discuss this more, **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(Tie)		X		

MOTION To Table denied 3 ayes – 4 nays.

C/M Doll questioned a conflict for C/M Gillman to vote on this resolution since he will be the one who will be replacing C/M Aguasvivas. He asked the attorney to make a ruling. C/P Lodato asked if C/M Doll is challenging last week's vote as well. C/M Doll believes C/M Gillman should recuse himself.

RESOLUTION To Rescind Appointment of C/M Aguasvivas

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

RESOLUTION adopted 4 ayes – 3 nays.

6. **RESOLUTION 09-0227** To Appoint Robert Gillman, Councilman, as Municipal Representative for Bergen County Open Space Committee, **OFFERED** by Council President Lodato, **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)	X			

RESOLUTION adopted 4 ayes – 3 nays.

C/M Tully voted no simply out of protest of how this was handled, nothing against C/M Gillman.

C/M Doll requested that C/M Gillman recuse himself.

C/M Carlson believes we made a hasty decision last meeting.

Mayor Driscoll said that C/M Gillman has a good relationship with the county and the borough has been favorably considered for park and open space grants.

C/M Aguasvivas said he also has a good relationship with the county.

7. **RESOLUTION 09-0228** To Appoint Banisch Associates for Professional Services as Borough Planner Consultant/COAH, **OFFERED** by Councilman Gillman, **SECONDED** by Councilman Tully, attached.

MOTION OFFERED to amend resolution with the expiration of 12/31/09, **SECONDED** by C/M Tully.

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

RESOLUTION adopted.

8. **RESOLUTION 09-0229** To Pay Bills, **OFFERED** by Councilman Carlson, **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.

XV. CLOSED SESSION - Personnel Matters/Legal/Litigation

RESOLUTION 09-0230 authorizing the Governing Body to Enter into Closed Executive Session to discuss: Personnel
 Legal/litigation Rotundo
 Landmark

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

XVI. ADJOURNMENT

MOTION to Adjourn at 10:15 p.m., **OFFERED** by Councilman Doll, **SECONDED** by Councilman Tully. All in favor.

Respectfully submitted,

Carole Chamberlain-Berman
Borough Clerk

Timothy J. Driscoll, Mayor