

**OFFICIAL MINUTES OF THE
BOROUGH OF BERGENFIELD
MAYOR & COUNCIL MEETING
August 18, 2009**

I. Meeting called to order at 8:10 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	X		
CLERK	X		
ATTORNEY	X		

Also present were: William Betesh, Office of the Borough Attorney

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

Notice of this meeting was provided on August 14, 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 12 residents in attendance.

IV. Salute to the Flag led by Councilman Gillman.

PROCLAMATION/PRESENTATIONS

none

V. **CONSENT RESOLUTION**

1. **CONSENT RESOLUTION AGENDA #09-0231.** 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 Council President Lodato **SECONDED** by Councilman Gillman

- 1) **09-0232** To Approve Communications
- 2) **09-0233** To Approve Refund for Tax Assessment Reversal on 479 New Bridge Road - \$1074.56.
- 3) **09-0234** To Approve Refund for Tax Assessment Reversal on 122 New Bridge Road for years 2005 to 2008 - \$57,025.94
- 4) **09-0235** To Approve Stipulation of Settlement for Tax Assessment to Kohmar Realty Co., 297 South Washington Avenue for Tax Year 2006.
- 5) **09-0236** To Approve Bingo License BL156 for St. John the Evangelist Church October 7, 2009 – September 29, 2010.
- 6) **09-0237** To Approve Bingo License BL157 for Transfiguration Academy October 4, 2009 - September 26, 2010.

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) **BARRY DOLL**, 97 Highgate Terrace

Mr. Doll, speaking as a resident, wanted to talk about an injustice at the last meeting. Councilman Aguasvivas was appointed as municipal representative to the Bergen County Open Space Committee by all members of this council. At that time, Councilman Gillman, his predecessor, said he didn't care. At the next meeting, we were asked to vote to rescind this appointment and Councilman Aguasvivas objected as he wanted to serve. The Mayor said he had received calls from individuals who said the current councilman would serve better. Mr. Doll asked that this be reviewed by the municipality's Ethics Committee and they should report back to us. Mayor Driscoll asked if Mr. Doll was making a motion that it be turned over to the Ethics Committee and it was then seconded by Councilman Tully; however, as Councilman Gillman pointed out, Mr. Doll, acting as a resident, cannot make a motion especially during public comment. Mr. Doll said, according to the code, it is not necessary to make a resolution, any officer or employee has the right to request a review by the Ethics Committee.

Council President Lodato believes anyone can request a hearing by the Ethics Committee and it is not proper for a motion to be voted on by those who you want investigated. And, the Borough Attorney was asked and has given his opinion. He and Attorney Betesh believe any request can be made to the Ethics Committee by an individual, preferably in writing.

Councilman Carlson explained that we all have votes that go against us and regrets that the way this has gone. Council President Lodato remarked that we had more notice to revert back than there was to replace Rob. Councilman Tully said it was a suggestion. Notice to rescind that vote and reappoint Councilman Gillman was an agenda item which circulated to the councilmembers the Friday before the meeting. Councilman Doll's suggestion that Rob be replaced was done at the meeting and it took him as well as Rob by surprise, and that's why Rob had that reaction; and after reflecting, he should have made a stronger opposition and if he had done so, he would not have been replaced.

Councilman Doll believes the Ethics Committee should review it and whatever decision they make, they will have to live by. Councilman Doll also pointed out that there are only two people on the committee and there are supposed to be six.

- 2) **GUS CONSTANTINOU**, 28 Irving Place
 Asked about Landmark and its status. Commented about the chain across the paved street.
 and now there are cones.
 Spoke about pay-to-play and an IBEW contribution to a political campaign.

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

VII. **UNFINISHED BUSINESS**

2. **PUBLIC HEARING ON ORDINANCE 09-2421**
MOTION OFFERED by Councilman Gillman, that the hearing on Ordinance 09-2421
 “An Ordinance Amending Chapter 165 of the Code of the Borough of Bergenfield, Entitled
 “**GAMES OF CHANCE**” be opened to the public. **SECONDED** by Council President
 Lodato.

Mayor Driscoll asked if anyone present wished to be heard.

There being no one else who wished to be heard, Mayor closed the time for the hearing.

3. **RESOLUTION 09-0238** To Adopt Ordinance 09-2421, **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.

VIII. **NEW BUSINESS**

4. **INTRODUCTION OF SFY2010 MUNICIPAL BUDGET**

- 4a. **RESOLUTION 09-0239** To Waive Reading in Full of the SFY2010 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.

- 4b. **RESOLUTION 09-0240** To Introduce the SFY2010 Municipal Budget of the Borough of Bergenfield, **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.

5. **RESOLUTION 09-0241** To Approve Certification of State Fiscal Year Tax Levies for the 3rd and 4th Quarter Installment Payments for Year 2009, **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.

6. **INTRODUCTION OF ORDINANCE 09-2422**
MOTION OFFERED by Councilman Carlson, that Ordinance 09-2422 “An Ordinance To Exceed the Municipal Budget Appropriation Limits and To Establish a CAP Bank” be introduced and read by title only on first reading. **SECONDED** by Councilman Gillman. All in favor. **MOTION** carried.

7. **RESOLUTION 09-0242** To Pass Ordinance 09-2422 on first reading, **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

8. **INTRODUCTION OF ORDINANCE 09-2418**
MOTION OFFERED by Councilman Carlson, that Ordinance 09-2418 “An Ordinance Amending Chapter 232 of the Code of the Borough of Bergenfield, Entitled ‘PROPERTY MAINTENANCE’” be introduced and read by title only on first reading. **SECONDED** by Councilman Gillman. All in favor. **MOTION** carried.

9. **RESOLUTION 09-0243** To Pass Ordinance 09-2418 on first reading, **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. **INTRODUCTION OF ORDINANCE 09-2423**
MOTION OFFERED by Councilman Gillman, that Ordinance 09-2423 “An Ordinance Amending Chapter 136 of the Code of the Borough of Bergenfield, Entitled ‘**CONSTRUCTION FEES, UNIFORM**’” be introduced and read by title only on first reading. **SECONDED** by Council President Lodato. All in favor. **MOTION** carried.

11. **RESOLUTION 09-0244** To Pass Ordinance 09-2423 on first reading, **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.

12. **RESOLUTION 09-0245** To Authorize Entering Into Agreement with BCCD for Reconstruction of South Railroad Avenue, \$134,000, **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.

13. **RESOLUTION 09-0246** To Approve Renewal of Liquor License of Akshat Convenience Store Inc., (dba Bergenfield Liquors), 5 South Washington Avenue, for the year 2009-2010, **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				

RESOLUTION adopted.

14. **RESOLUTION 09-0247** To Hire Part-Time Fire Prevention Inspectors, Nancy Naylis and Christopher Naylis, **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.

C/P Lodato said that John Lazar, Fire Prevention Official, put out a search for members who are licensed to fill this position. They are paid for their services by the inspection fee charged.

15. **RESOLUTION 09-0248** 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				

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 Gillman. All in favor. **MOTION** carried.

- X. At this time, the Governing Body may go into **CLOSED SESSION** to discuss:
 Personnel – Fire Department Labor Negotiations
 Legal/Litigation

RESOLUTION 09-0249 To Authorize Entering Into Closed Executive Session at 8:55 p.m., **OFFERED** by Council President Lodato, **SECONDED** by Councilman Gillman. All in favor. **RESOLUTION** adopted.

ADJOURNMENT

- XI. There being nothing further to come before the meeting on **MOTION** offered by Council President Lodato, **SECONDED** by Councilman Aguasvivas, and carried the public meeting adjourned at 10:10 p.m.

Respectfully submitted,

Carole Chamberlain-Berman
Acting Borough Clerk

Timothy J. Driscoll, Mayor