

**OFFICIAL MINUTES OF THE
BOROUGH OF BERGENFIELD
MAYOR & COUNCIL MEETING
September 15, 2009**

I. Meeting called to order at 8:15 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		

Present: William Betesh, Office of the Borough Attorney

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

Notice of this meeting was provided on September 11, 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 22 residents in attendance.

IV. Salute to the Flag led by Council President Lodato.

V. **MOTION OFFERED** by Council President Lodato, that the minutes of the Council Meetings of July 21 and August 18, 2009, and Work Session of August 6, 2009 be approved. **SECONDED** by Councilman Gillman. All in favor. **MOTION** carried.

PROCLAMATION/PRESENTATIONS

Patriot Day 2009

Bergenfield Optimists Club 40th Anniversary

VI. **CONSENT RESOLUTION**

1. **CONSENT RESOLUTION AGENDA #09-0260.** 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 Council President Lodato

- 1) **09-0261** To Approve Communications
- 2) **09-0262** To Approve Renewal of Liquor License, John W. Meyers Inc., dba Chapala Grill, 52 South Washington Ave., for 2009-2010 term.
- 3) **09-0263** To Approve Tax Assessment Reversal Refund of \$766.58 for 72 Hallberg Avenue.

- 4) **09-0264** To Approve On Premise Draw Raffle (Tricky Tray) RL1138 for St. John's (Boy Scout Troop 139) on November 14, 2009.
- 5) **09-0265** To Approve Off-Premise 50/50 Raffle License RL1139 for St. Anthony's Orthodox Church on November 7, 2009.
- 6) **09-0266** To Approve Off Premise 50/50 Raffle License RL1140 for Transfiguration Academy to be drawn on December 17, 2009.
- 7) **09-0267** To Authorize Annual Payment in Valic LOSAP Account for Bergenfield Volunteer Fire Department Members, for a maximum payment of \$39,500.
- 8) **09-0268** To Authorize Annual Payment in Valic LOSAP Account for Bergenfield Volunteer Ambulance Corps, for a maximum payment of \$10,800.

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

RESOLUTION adopted.

VERBAL COMMUNICATIONS

VII. 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) **MAYOR DRISCOLL**
See the attached statement.
- 2) **PAUL HAMEL**, 195 East Clinton Avenue
Asked council is going to enforce Ordinance 09-2418 "Property Maintenance" as he has made complaints that have not been corrected.
- 3) **JAMES MORF**, 23 Briarcliff Road
Received reduction in assessment and asked when his bill will be adjusted.
Alice Czykier, CFO/Tax Collector responded that any correction will be applied to in the 4th quarter of the 2009 bill.
- 4) **CECILIA HAMEL**, 195 East Clinton Avenue
Asked if the Mayor and Council will be going to the League Convention this year and if so, will the Borough of Bergenfield be paying for it.
Mayor Driscoll responded that the registration and hotel will be paid for.
- 5) **GUS CONSTANTINOU**, 28 Irving Place
Complained about owners of Landmark property blocking access with ropes and cones.
Asked if out-of-town residents are allowed to use Memorial Park.
Clerk responded that non-residents pay a higher fee and that the park is Green Acres and has to be open for use to the public.

- 6) **MICHAEL KNOWLES**, 37 Palisade Avenue
School bus company in his area parks their buses all along the street for periods longer than 2 hours.
B/A McGarril said nothing can be done if they are legally parked.
- 7) **IRVING COMMIKE**, 51 Wilbur Road
Asked how many appeals are won by the citizens.
Suggested making the tax bills easier to read. Distributed tax bills of the councilmembers to them for review.
- 8) **FRANK LYDON**, 609 South Prospect Avenue
Reported that construction workers are going through their dead end street to do work on a house in Teaneck. There used to be a garage which has been taken down and all these construction vehicles are now accessing the property through Bergenfield.
- 9) **FRED STRAUSS**, 199 East Church Street
Has lived here for 51 years and complained about his taxes compared with his neighbors in the same type of house.
- 10) **ANDRE STEPHENS**, 55 Mackay Drive
Complained about his new assessment and taxes which he said in four years went from \$7,000 to \$16,000.

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

VIII.

UNFINISHED BUSINESS

2. **PUBLIC HEARING ON ORDINANCE 09-2422**

MOTION OFFERED by Councilman Carlson that the hearing on Ordinance 09-2422 “An Ordinance To Exceed the Municipal Budget Appropriation Limits and To Establish a CAP Bank” be opened to the public. **SECONDED** by Councilman Doll. All in favor. **MOTION** carried

C/M Doll requested the Borough Auditor, Paul Lerch, to explain this ordinance.

Mr. Lerch explained that this procedure is established by the State of New Jersey which allows municipalities if they desire to, to increase or allow for the potential increase in the municipal spending side of the budget. The cost of living adjustment was 2½ % set by the State of New Jersey. You have to adopt the COLA ordinance to go up to 3½% allowing the Borough of Bergenfield, if they chose, to appropriate an additional \$238,000 above what the maximum established by the state as part of the cost of living adjustments. The \$238,000 is only a CAP Bank and does not mean that the Borough is using this bank and in fact, they are not using this bank in this particular budget. The Borough of Bergenfield is approximately 1.4 million below the maximum amount that the state is establishing as a CAP Bank. The Borough is well below the maximum that they are permitted to allow to spend on the spending side of the budget. It does provide the Borough the ability to bank the excess that is not realized in FY2010, so in FY2011 it allows a piece of the appropriation that was not spent in this year's budget to be potentially used in the upcoming year's budget. It is like an insurance policy.

C/M Doll clarified that this does not affect the tax rate.

Mayor Driscoll asked if anyone present wished to be heard.

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

3. **RESOLUTION 09-0269** To Adopt Ordinance 09-2422, **OFFERED** by Councilman Carlson, **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.

4. **PUBLIC HEARING ON SFY2010 MUNICIPAL BUDGET MOTION OFFERED** by Councilman Carlson, that the time for the hearing on the SFY2010 Municipal Budget be opened to the public. **SECONDED** by Councilman Aguasvivas. All in favor. **MOTION** carried.

Mayor Driscoll asked if anyone present wished to be heard.

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

5. **RESOLUTION 09-0270** To Amend the Budget for the Fiscal Year Ending 06/30/10, **OFFERED** by Councilman Carlson, **SECONDED** by Councilman Aguasvivas, attached.

C/M Carlson explained that this is a minor adjustment to include a grant for \$134,000.
C/M Doll said that this grant was received and inadvertently left out of the first budget that was approved.

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

RESOLUTION adopted.

6. **RESOLUTION 09-0271** To Adopt SFY2010 Municipal Budget, **OFFERED** by Council President Lodato, **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.

IX.

NEW BUSINESS

- 7. **RESOLUTION 09-0272** To Approve Hiring School Crossing Guards for 2009-2010 School Year, **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.

- 8. **RESOLUTION 09-0273** To Appoint Councilman Robert Gillman as Municipal Representative to the Bergen County Community Development Program and Councilman Carlos Aguasvivas as the Alternate, for the term July 1, 2009-June 30, 2010.

C/M Doll feels that this needs further discussion at a work session, what the duties are and if another councilperson should have the opportunity to serve. C/M Tully echoed these same concerns. C/M Carlson agreed on further discussion.

MOTION TO TABLE OFFERED by Councilman Tully, **SECONDED** by Councilman Doll.

VOTE ON MOTION TO TABLE

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

MOTION TO TABLE CARRIED 4 AYES – 2 NAYS.

- 9. **RESOLUTION 09-0274** To Authorize Renewal of Membership in the Bergen County Municipal Joint Insurance Fund for a three-year period, January 1, 2010 and ending January 1, 2013, **OFFERED** by Council President Lodato, **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.

10. **RESOLUTION 09-0275** To Authorize Payment for Disposal of Coopers Pond Soil to the New Jersey Meadowlands Commission, **OFFERED** by Councilman Gillman, **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.

11. **RESOLUTION 09-0276** To Authorize Submission of Application for the Municipal Alliance Grant for 2010 in the amount of \$15,759, **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				

RESOLUTION adopted.

12. **RESOLUTION 09-0277** To Ratify Bergenfield FMBA Local 65 Contract for 2008-2011. **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.

13. **RESOLUTION 09-0278** 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				

RESOLUTION adopted.

COMMITTEE/DEPARTMENT REPORTS

- X. **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.
- XI. At this time, the Governing Body may go into **CLOSED SESSION** to discuss:
Personnel
Legal/Litigation

RESOLUTION 09-0279 To Authorize Entering Into Closed Executive Session at 9:05 p.m., **OFFERED** by Council President Lodato, **SECONDED** by Councilman Carlson. All in favor. **RESOLUTION** adopted.

ADJOURNMENT

- XII. There being nothing further to come before the meeting on **MOTION** offered by Councilman Carlson, **SECONDED** by Council President Lodato, and carried the public meeting adjourned at 10:25 p.m.

Respectfully submitted,

Carole Chamberlain-Berman
Acting Borough Clerk

Timothy J. Driscoll, Mayor