

**OFFICIAL MINUTES OF THE
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
October 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			
CLERK	X			
ATTORNEY	X			

Also Present: William Betesh, Office of the Borough Attorney

III. Salute to the Flag.

IV. CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

Joe Pomante – Boswell

- 1) Cooper's Pond Soil Disposal
Project currently in progress and have approximately 4 more days of operations based on current production. Next week, we should be restoring and closing out the project.
- 2) Bradley/Bell/Raum concrete and roadway reconstruction project is near completion; with only punch list items and the traffic striping and painting. Extension concrete work was done along Bradley, concrete and drainage repair on Raum, and concrete repair on Bell. Closeout will be in November.
- 3) South Railroad Avenue Community Development Block Grant Project has also been completed this week except for traffic markings and striping. Will be on agenda for closeout next month.
- 4) Cooper's Pond Beautification is on hold as we are looking for grant procurement.
- 5) Economic Stimulus Project – will be applying for another Community Development Block Grant for next year.
- 6) Dick Street Rehabilitation – NJDOT Discretionary Fund Project – Anticipated bidding will be Spring 2010.
- 7) Concrete Pavestone Rehabilitation Project, a joint project with the BSID, was completed during the first week of September.
- 8) Boiler Replacement Project – Signage is up for asbestos removal, which is quite minimal and should be completed Friday night. Testing results should be received on Saturday and contractor will then come in and demolish the existing boiler. The new boiler installation should begin on Tuesday.
Target date for heat is November 15 and we anticipate having heat by the end of October. The completion of the project will be sometime the first week in December.
- 9) C/M Gillman asked that the engineer look at Melrose between West Broad and the park, where some utility has dug it up and left a horrendous patch was done. C/M Doll mentioned a patch on Maiden Lane sunk in and needs repair.

Roadway Improvement Program – Complaints are filed, the Administrator or DPW Super would dispatch the Engineer to evaluate the road on the need for repair and the cost. At last count, we have \$881,000 worth of roadways, seven (7), needing repair. Our current funding is \$300,000. Schedule is winter design, early spring bid, late spring construction. Proposed selections are West Main Street/ North Prospect Avenue/Dover Court/Judith Place.

C/M Doll spoke about the need for paving on Highgate Terrace and that on a listing prepared for the 2008 Road Repair list, and Highgate was number #35, and Dover Court was not even on the list. He would like justification for this.

B/A McGarril responded that the list is just compiled from complaints received and is not from a DPW drive-by and is not forwarded to the engineer to do an analysis.

C/M Doll asked that the engineer go and look at Highgate Terrace for the section of roadway from Westminster Gate to Churchill Road. A letter was written to the Borough Administrator On September 21st from residents who are in that area but only seven (7) are actually on Dover Court, the rest being on Hampton Court, Norfolk Street, Thames Boulevard. In the list that he provided to the DPW, he has ten (10) signatures all on Highgate Terrace.

C/M Carlson said we never have enough money to fix all of these things, so it is always a matter of making assessments.

Mayor Driscoll said Dover Court has been patched.

B/A McGarril said he will have someone from the Road Department classify the roads in (3) basic categories.

C/M Gillman asked if these streets could be done before the winter.

Engineer Joe Pomante responded no, that the asphalt plants will be shutting down shortly.

V. PRESENTATIONS/COMMUNICATIONS

VI. UNFINISHED BUSINESS

1) Ethics Committee Appointees

Suggested Nominations:

Mary Hickey (D) Gus Constantinou (R)

Eugene Korn (D) Robert Korn (R)

Vernon Cox (R) Al Roberts (R)

Initial board appts. consist of (2) 5 yr terms; (1) 4 yr term; (3) 3 yr terms

Lee Porter (D) is currently a member, term exp. 12/31/12

In addition, C/M Tully nominated Terry Daly (D) as a member.

C/M Gillman is not comfortable removing anybody or adding anybody at this point.

Mayor Driscoll said we could table this until the 20th of October.

C/M Doll wants to make this decision tonight and he is prepared to reduce the number of people submitted.

C/P Lodato has worked with Bob Korn on the Planning Board and encourages his appointment.

C/M Doll nominates:

Mary Hickey, Eugene Korn as the two (2) democratic members.

Vernon Cox, Robert Korn and Rich Bohan as three (3) republicans.

Mayor Driscoll said Rich Bohan declines and suggests Al Roberts.

C/M Carlson said we do things when there is agreement and if something is contentious, we talk about it later. Believes we could wait until another work session.

C/M Doll removed Dr. Korn but Council President Lodato expressed his regret in doing this.

After discussion, the following nominations were made:

1. Robert Korn (R) for 5 yr term exp. 12/31/2013
 2. Mary Hickey (D) for 5 yr term exp. 12/31/2013
 3. Lee Porter (D) serving current term exp. 12/31/2012
 4. Al Roberts (R) for unexpired term exp. 12/31/2011
 5. Vernon Cox (R) for unexpired term exp. 12/31/2010
 6. Richard "Terry" Daly (D) for unexpired term exp. 12/31/2010
- 2) Barrier Free Bylaws – Mayor said no committees have bylaws. Borough Attorney is still reviewing it.
- 3) Community Development Representatives
Robert Gillman and Carlos Aguasvivas

VII. NEW BUSINESS

PRELIMINARY MEETING AGENDA October 20, 2009

REGULAR COUNCIL MEETING **8 PM**
PROCLAMATIONS/PRESENTATIONS
Fire Awareness Month
CONSENT RESOLUTION
UNFINISHED BUSINESS
Public Hearing on Bond Ordinance 09-2424
Resolution To Adopt Bond Ordinance 09-2424
NEW BUSINESS
Resolution To Approve Chapter 159 - \$195,000.00
Dick Street Resurfacing – NJTTFAA Grant
Pay Bills
CLOSED SESSION

VIII. ADMINISTRATION/BOROUGH CLERK'S REPORT

B/A McGarril contacted Ethics Board members to see if they still wanted to serve.
Azzolina & Feury – Met to discuss outstanding engineering bills from prior years.
Salary Ordinance – Working to revise which hasn't been updated since 2006.
Riverside Cooperative – Attended meeting with Ned Kneisler. On agenda is a resolution to go into an association with GovDeals.com to auction off surplus equipment.
Community Response Team meeting – Attended meeting.
Bus Shelter Project – Almost next to completion, awaiting proposal.
Garbage/Recycling Project – Working to see who will give us a better deal.
SID – Attended meeting.
Follow-up on South Prospect Avenue problem with construction vehicles; garbage cans left out in some other areas; tax assessment issue on East Church Street; Sieber Court sinking manhole; Garbage/illegal apartments on East Clinton Avenue.
Distributed the results of the energy audit conducted by PSEG, vendor did analysis of energy consumption and give proposal to do work with them paying 80% and us 20% in a 2- year no interest loan. New lighting can save 29,000 kw hours; our cost now is \$13,000. and after replacement will be \$8,500., with savings on less maintenance. Air conditioning would also be less as these give off less heat. A total annual savings is \$5,750. The project itself would be \$60, 614., Public Service would pay \$48,491. and our costs would be \$12,122.

Auditing phone bills – Has met with one who wants 70% of what they identify so he is meeting with another company to seek a lower percentage.

Boiler Bid Opening – Attended.

Grants reimbursements – Submitted requests for reimbursements to Bergen County for various parks; roughly \$585,000 and to date received \$273,437.

DPW Mediation Session – Will discuss in closed.

Civil Service Commission Class – Carole and I arranged a class to teach the department heads the proper filing of forms and job classifications.

SID Budget – Memo from Don Smartt

Coopers Pond – Spoke with Engineer

DPW Pot Hole Report – In September, 30 tons of asphalt repaired 1,236 potholes and small patches, in August we used 26 tons to repair 458 holes. From January to August, we've used 10 tons of cold patch and 141 tons of hot patch and patched 5,486 potholes.

Presented Treasurer's Report, attached.

Tunis Cooper House – Signed contract with architect who need about 3 months to draw up the plans. In about December or January, they'll start putting the bid together and hopefully starting work in the Spring for the residence. While doing the residence, we will expending the second grant by doing architectural plans for the other three (3) buildings. If the council is willing to put more matching funds into it, at that time, we will be eligible to apply for more funds.

IX. MAYOR & COUNCIL REPORT

C/M Carlson: Ambulance Corps – Purchased new rig with GPS, rearview camera.

Flu Shots – Questioned the cost of the flu shot as they are volunteers.

C/M Doll said surrounding towns accept Medicare.

Volunteer Dinner – Emergency volunteers would prefer the dinner remain the same and not be open to other volunteer groups.

C/M Gillman: Recreation – Halloween Parade on Saturday, October 31st at 9 a.m. and has been moved to the High School Track, partnered the Community Center Building Fund who are donating the bags and all the candy. There will be judging, a clown, music and in the event of rain can use the gym.

Community Center 5K Run/Walk on November 15.

Parks Family donating a new sign at John Pall Park.

Looking into having the Elks and Veterans Committee to donate new signs for the parks named after war veterans.

Open Space – Meeting scheduled for November 19th at the County Building.

C/M Aguasvivas: Progress

C/M Doll: Veterans Veterans Day Ceremony in front of Borough Hall.

Barrier Free Bylaws submitted to attorney review. Submitted County contest application for the accomplishments. Gave input for the proposed amendments to traffic ordinance regarding handicapped parking.

Seniors Apple picking bus trip next week. Budget is right on target.

Municipal Alliance – Working with Administrator, Chairman and County Representative. The 2009 Budget will stay as drafted but the 2010 budget has a 6% decrease. Meeting tomorrow at 2 p.m.

Ecology Earth Day activity on April 22nd planned. Will reach out to Hoover School who recently received award for ecology. Poster contest planned. Has requested some amount of money to be budgeted.

- C/M Tully: Library Board just resumed meeting after summer. A number of improvements were done on the roof thanks to the work of the Borough Attorney and the Mayor. Thirty (3) minor improvements were made.
 Authors day went very well, a nice event.
 Their funds from the county (about \$10,000) were delayed last year and would appreciate if the council is able to move along this process any faster.
- C/P Lodato: Site Plan PNC Bank application was for exterior work, parking lot area and the pedestrian walkway.
 Daggett Street – Applied for minor subdivision seeking to create two lots from one, which then was modified to a relocation of the property line.
- Fire Fire Awareness Day at the Fire Training Center. Career staff is going from school to school to promote fire awareness and prevention.
 Committee is working on specs for a new piece of equipment.
- Bd of Health Periodic inspections of area where rats were a problem and it seems to be completely eliminated.
 Rabid cat incident–Two (2) individuals were treated accordingly.
 New licensing software has been put into place.

X. PUBLIC COMMENT (10 minutes)

1) **TIPPY ULMAN**, 81 Highview Avenue

The Community Center Committee and AAMCO have partnered to run a Food Drive specific to residents of Bergenfield. There will be entertainment and a tour of the facility. At the BCCBFC 5K Run/Walk this year, if they get 300 people from Bergenfield running that day, they will receive a donation from a local hospital. The run is November 15th.

2) **GERALD HICKEY**, 77 Westminster Avenue

Lives on a narrow road and would like the ‘no parking’ extension from Thames to Westminster Gate. Does believe the Fire Department was get down there with the cars parked on the block.

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

Suggested putting in the paper about the 6 a.m. rule that the garbage has to out at the curb. In addition, inform them about the cars on lawns, etc. Also advocates bringing back the hot line.

B/A McGarril said letters went out to all the apartment owners. No one has confirmed yet of whether or not we’re going to pick up their garbage.

Please patch North Prospect Avenue before the plant closes.

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

1. **PROCLAMATION** – Susan B. Komen for the Cure “**Tie A Ribbon**” Campaign

2. CONSENT RESOLUTION #09-0283 To Approve Communications.

- 1) 09-0284 To Approve Communications
- 2) 09-0285 To Approve Refunds for Tax Assessment Reversals as attached.
- 3) 09-0286 To Approve Refund for Overpayment of Taxes on 152 Porter Ave. – \$1,590.20.
- 4) 09-0287 To Approve Refund for Overpayment of Taxes on 51 New Jersey Ave. \$496.14
- 5) 09-0288 To Approve Refund for Overpayment of Taxes on 74 Glenwood Dr. \$4,939.97
- 6) 09-0289 To Approve On Premise Draw Raffle License for BPOE 1455 on 11/06/09 RL
- 7) 09-0290 To Approve On Premise 50/50 Raffle License for BPOE 1455 on 11/06/09.

OFFERED by Councilman Gillman

SECONDED by Councilman Carlson

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

RESOLUTION adopted.

3. INTRODUCTION OF BOND ORDINANCE 09-2424

MOTION OFFERED by Councilman Carlson that Bond Ordinance 09-2424 entitled “**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES AND A NEW FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN BY, AND FOR THE BOROUGH OF BERGENFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,375,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**” be introduced and read by title only on first reading. **SECONDED** by Councilman Doll. All in favor. **MOTION** carried.

4. RESOLUTION 09-0291 To Pass Bond Ordinance 09-2424 on first reading, 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(Tie)				

RESOLUTION adopted.

5. **RESOLUTION 09-0292** To Reduce the Scheduled Value of the Bergenfield Municipal Building located at 198 North Washington Avenue from \$13,733,162 to \$6,423,200, agreed upon by the Borough and the Bergen County Municipal Joint Insurance Fund and the BCJIF Appraiser, **OFFERED** by Councilman Doll, **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.

6. **RESOLUTION 09-0293** To Hire (2) Permanent Full-Time Employees in the Department of Public Works – Vincent Nickels and Dario Rebolledo, **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.

7. **MOTION TO REMOVE FROM THE TABLE RESOLUTION 09-0273**
MOTION OFFERED by Councilman Carlson, **SECONDED** by Council President Lodato, to remove Resolution 09-0273 To Appoint Community Development Representatives from the table.

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

MOTION To Remove from the Table carried.

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.
OFFERED by Council President Lodato, **SECONDED** by Councilman Carlson, attached.

Discussion among councilmembers about who should receive this appointment.

C/M Tully expressed concern that C/M Gillman is up for re-election and may not be on the council next year.

C/M Doll would like to see someone else on it; perhaps reverse the role, appoint Carlos, and Rob be the alternate. He is also concerned about Rob's availability.

C/M Carlson explained that it was his fault that Rob wasn't informed about a finance committee meeting.

C/M Aguasvivas appreciates being considered for this appointment and would like to be the primary representative.

C/M Gillman explained that he only missed meetings either because he was not informed or had work obligations. As a senior member of the council, he wishes to continue to serve on this board. If he is not re-elected, he will certainly resign from this post.

Mayor Driscoll stated that he proposed this and asked for a vote on his nomination.

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.

8. **RESOLUTION 09-0294** To Authorize Utilizing the Services of GovDeals Inc. for the Purpose of Disposing of Surplus Equipment, **OFFERED** by Councilman Carlson, **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.

9. Council President Lodato recommends and nominates the following to serve on the Ethics Board as follows:

1. Robert Korn (R) for 5 yr term exp. 12/31/2013
2. Mary Hickey (D) for 5 yr term exp. 12/31/2013
3. Lee Porter (D) serving current term exp. 12/31/2012
4. Al Roberts (R) for unexpired term exp. 12/31/2011
5. Vernon Cox (R) for unexpired term exp. 12/31/2010
6. Richard “Terry” Daly (D) for unexpired term exp. 12/31/2010

MOTION by Council President Lodato, seconded by Councilman Doll, that the nominations be confirmed.

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

MOTION carried.

C/M Gillman said he didn't think it was appropriate the way this was handled and is not comfortable pulling people off. He believes only five (5) names should have been brought forward, not seven (7). However, not to delay this any longer, he is going to vote yes.

C/P Lodato said when the constable was up for reappointment, there was some concern to meet him first but we have not been afforded an opportunity to meet with these people. However, we all know these people and he is sure they will do a fine job.

10. **RESOLUTION 09-0295** To Pay Bills, **OFFERED** by Councilman Carlson, **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.

XII. CLOSED SESSION - Personnel Matters/Legal/Litigation

RESOLUTION 09-0296 authorizing the Governing Body to Enter into Closed Executive Session at 10:19 p.m. to discuss: Personnel – Police Promotions
Labor Negotiations
Legal/Litigation

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

XIII. ADJOURNMENT

MOTION to Adjourn at 11:40 p.m., **OFFERED** by Council President Lodato, **SECOND** by Councilman Doll. All in favor. **MOTION** carried.

Respectfully submitted,

Carole Chamberlain-Berman
Acting Borough Clerk

Timothy J. Driscoll, Mayor