

BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
7:00 p.m.
August 21, 2018

PRESENT: Mayor Norman Schmelz and Council President Hernando Rivera, Council members Thomas Lodato (arrived at 7:24 pm), Buddy Deauna, Arvin Amatorio (arrived at 7:08 pm) and Ora Kornbluth

ABSENT: Council member Rafael Marte

ALSO PRESENT: Borough Administrator Corey Gallo
Borough Attorney John Schettino
Borough Clerk Marie Quinones

Mayor Schmelz called the meeting to order at 7:06 p.m. with the reading of the Open Public Meetings Act Statement, "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. Meeting dates for the year are confirmed at the Annual Meeting. The Annual Notice is sent to the Record, Star Ledger, Twin Boro News, and Cablevision, placed on two Municipal Bulletin Boards and is on file in the Office of the Borough Clerk. Notice of this meeting by the Friday, August 17, 2018 Sunshine Notice has been sent to the Record, Star Ledger, Cablevision, and placed on two Municipal Bulletin Boards."

CLOSED SESSION

Resolution 18-233/Authorizing the Governing Body to Enter into Closed Session to discuss:

A. Attorney-Client Privilege

1. Review into the Operations of the Building & Tax Department

Motion Offered by Councilperson Kornbluth, Second by Councilperson Deauna, and all present voting in favor, the meeting entered into Closed Session.

RETURN TO OPEN SESSION

Motion Offered by Councilperson Kornbluth, Second by Councilperson Amatorio, and all present voting in favor, the meeting returned to Open Session.

The Salute to the Flag was led by Council President Rivera.

AGENDA CHANGES

None.

APPROVAL OF MINUTES

MOTION OFFERED by Council President Rivera, **SECOND** by Councilperson Lodato, to approve minutes of the July 17, 2018 Regular Meeting and July 17, 2018 Closed Session Meeting (not to be released), August 15, 2018 Special Meeting and August 15, 2018 Closed Session Meeting (not to be released). All present voting in favor, none opposed.

PRESENTATIONS

A. Annual Insurance Review - Risk Manager

Mr. Ezio Altamuro, from Otterstedt Agency, reviewed the annual insurance report. Mr. Altamuro stated he has been sending MEL alerts to the governing body as they come up. Bergenfield received the silver safety award for 6 years in a row along with a \$1,000 check. The Borough of Bergenfield receives \$9494 credit to the liability since the police department is accredited. As a thank you for being appointed as risk manager, they sponsored a gold ad for Family Fun Day, took out a full page journal ad for the library centennial, and supported the fire department twice when they had the fundraisers.

B. "Little Red Mail Box of Hope" - Jenn DeCosta

Ms. DeCosta explained the concept behind the Little Red Mail Box of Hope in which people can help others by spreading words of hope and encouragement in the form of a public journal and a mailbox. She suggested that Bergenfield have a Little Red Mail Box. She would supply the post, journals, pens and have it installed and monitor the pages to make sure it's kept appropriate.

Motion by Councilperson Kornbluth, Second by Council President Rivera, to approve "Little Red Mail Box of Hope" program and designate Jenn DeCosta as guardian subject to the risk manager's approval.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Council President Rivera:	<i>aye</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

C. Administrative Appointments & Hiring

18-234/To Approve Hire – Part-time Laborer – Anthony Hurtado

Motion by Councilperson Deauna, second by Councilperson Lodato, that Resolution #18-234 be approved.

On a roll call, the vote on the Consent Resolution was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Council President Rivera:	<i>aye</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

18-235/To Approve Hire – Crossing Guard – Edward A. Kempf Jr.

Motion by Councilperson Amatorio, second by Councilperson Kornbluth, that Resolution #18-235 be approved.

On a roll call, the vote on the Consent Resolution was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Council President Rivera:	<i>aye</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

Capital Improvement/Borough Engineer

A. T & M Associates

Antonios, from T & M Associates, stated it's been a busy month. The ADA handicap ramps on Main Street should be completed this week and will move to New Bridge Road. The paving on Main Street

needs to be coordinated with the county. Antonios stated there isn't a start date for Church Street. The work on Church Street won't be done during the first week of school. Washington Avenue was paved last month, River Edge Rd was paved Friday and Prospect Avenue was completed this afternoon.

VERBAL COMMUNICATIONS I

Mayor Schmelz opened the meeting and invited the public for comments on agenda items only, limited to five minutes per speaker.

John Smith, resident, stated there is a voucher item on the bill list that is being twice to the Borough of Oradell. It might be a mistake.

There being no one else who wishes to be heard, Mayor Schmelz closed Verbal Communications I.

Correspondence

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|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| A. Anselmo/Resident | RE: Block Party Request – Stillman Avenue and Blauvelt Avenue/Saturday, August 25, 2018/2:00 p.m. to 8:00 p.m. |
| B. Ferstendig/Resident | RE: Block Party Request – Regent Street/Monday, September 3, 2018/10:00 a.m. to 4:00 p.m. |
| C. Manlapaz/St. John's the Evangelist Church | RE: Request to Reserve Memorial Park Pavilion/Sunday, September 9, 2018/8:00 a.m. to 5:00 p.m. |
| D. Nieves/Mercy Church of God | RE: Block Party Request – Foster Street/Sunday, September 16, 2018 (Rain Date: 9/23/18)/8:00 a.m. to 5:00 p.m. |
| E. Van Tassel/Bergenfield Lions Club | RE: Coin Toss Request on White Cane Day/Saturday, October 13, 2018 and Sunday, October 14, 2018/9:00 a.m. to 3:00 p.m. |
| F. Koperwies/BSID | RE: Street Closure Request for Halloween Event – Washington Avenue/Wednesday, October 31, 2018/4:00 p.m. to 7:00 p.m. |

MOTION OFFERED by Councilperson Kornbluth, SECOND by Councilperson Rivera, to approve Correspondence Items A through F. All present voting in favor, none opposed.

A. CONSENT AGENDA

CONSENT RESOLUTION 18-236. 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.

- a. **18-237/**To Pay Bills
- b. **18-238/**To Approve Raffle Applications 1338, 1339, 1340, and Bingo Application 178
- c. **18-239/**To Execute Agreement and Renew Membership – Bergen County Municipal Joint Insurance Fund
- d. **18-240/**To Amend Resolution #18-214 – Emergency Road Work – Montana Construction through Riverside Cooperative
- e. **18-241/**To Approve Bid Specifications – One (1) Ford F350 Regular Chassis with 9' 2-3 Yard Dump Body or Brand Name Equivalent
- f. **18-242/**To Approve Proposal – Shredding Services – InfoShield Security
- g. **18-243/**To Amend State Health Benefits Plan Resolution with the State Health Benefits Commission

- h. **18-244**/To Oppose Construction of the North Bergen Liberty Generating Gas-Fired Power Plant
- i. **18-245**/To Approve License Agreement – AT&T
- j. ~~**18-246**/To Authorize Proposal—Schematic Design Phase—RSC Architects~~

Motion by Council President Rivera, second by Councilperson Deauna, that the Consent Resolution be approved as amended.

On a roll call, the vote on the Consent Resolution was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Council President Rivera:	<i>aye</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

Motion by Councilperson Amatorio, second by Councilperson Kornbluth, that Resolution #18-246 be tabled.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Council President Rivera:	<i>aye</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

B. Resolutions

18-247/To Approve the Borough of Bergenfield Vision and Mission Statement

Motion by Councilperson Lodato, second by Councilperson Kornbluth, that Resolution #18-247 be tabled.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Council President Rivera:	<i>aye</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

18-248/To Approve Amendment to the Agreement – CSX Transportation, Inc.

Motion by Councilperson Kornbluth, second by Council President Rivera, that Resolution #18-248 be approved.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Council President Rivera:	<i>aye</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

18-249/To Approve Deed Releasing Reverter – Landmark Equities, LLC

Motion by Councilperson Kornbluth, second by Council President Rivera, that Resolution #18-249 be approved.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
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Councilperson Deauna: *aye*
Councilperson Amatorio: *aye*

Council President Rivera: *aye*
Councilperson Marte: *absent*

UNFINISHED BUSINESS

A. Tabled Resolutions

18-123/To Approve Contract – Municipal Court Administrator (Tabled 4-3-18)

No action taken.

B. Adoption of Ordinances

The following ordinance published herewith were first read by title only on July 17, 2018 posted on the bulletin board of the municipal center

ORDINANCE 18-2529 – AN ORDINANCE AMENDING CHAPTER 227 OF THE CODE OF THE BOROUGH OF BERGENFIELD ENTITLED “PEDDLING AND SOLICITING”

ORDINANCE 18-2530 – AN ORDINANCE AMENDING CHAPTER 208 OF THE CODE OF THE BOROUGH OF BERGENFIELD ENTITLED “MASSAGE THERAPY”

Public Comments on Ordinance 18-2529 and 18-2530.

John Smith, resident, inquired how many feet the massage parlor on Washington Avenue and Clinton Avenue is from Roy Brown School and if it will be shut down if the massage parlor ordinance is passed. All massage parlors that are within 100 feet of a school on Washington Avenue need to be shut down.

Motion by Councilperson Lodato, second by Councilperson Deauna, to pass Ordinance 18-2529 and 18-2530 on second and final reading and is hereby adopted and notice of same shall be published according to law.

On a roll call, the vote was recorded as follows:

Councilperson Lodato: *aye*
Councilperson Deauna: *aye*
Councilperson Amatorio: *aye*

Councilperson Kornbluth: *aye*
Council President Rivera: *nay*
Councilperson Marte: *absent*

NEW BUSINESS

A. Introduction of Ordinances

Borough Attorney Schettino explained that a motion should be made to amend the height to 40 feet.

On a motion by Councilperson Kornbluth, second by Councilperson Amatorio, and all present voting in favor, the ordinance is amended to include the height of 40 feet.

Motion by Councilperson Lodato that the following ordinances be introduced and passed on first reading as amended and setting September 4, 2018 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Executive Chambers of the Bergenfield Borough Hall as the place for a hearing on said ordinance. Second by Councilperson Deauna.

ORDINANCE 18-2531 - AN ORDINANCE ESTABLISHING A “NO KNOCK LIST”

ORDINANCE 18-2533 – AN ORDINANCE ENTITLED “SHORT TERM RENTAL PROPERTY PROHIBITION”

ORDINANCE 18-2532 – AN ORDINANCE AMENDING CHAPTER 186 OF THE CODE OF THE BOROUGH OF BERGENFIELD ENTITLED “LAND DEVELOPMENT”

ORDINANCE 18-2534 – AN ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “FIRE DEPARTMENT”

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Council President Rivera:	<i>aye</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

B. Ordinance Banning Recreational Marijuana Facilities

Mayor Schmelz urged the governing body to create an ordinance banning the sale of recreational marijuana in town. Chief Madalone stated she sent the governing body the report on the marijuana study. Mr. Gallo stated the state is starting to establish medicinal guidelines, but there’s nothing else. Mr. Schettino stated if not sure yet, then you don’t take any action. Mr. Schettino recommended the governing body pass an ordinance prohibiting marijuana if the governing body has already made a decision and inclined to prohibit especially if the state will legalize marijuana. It is better to do it before the state legalizes. Even if you adopt an ordinance to prohibit, it hasn’t been upheld by businesses in other towns. The governing body were in agreement to have the Borough Attorney draft an ordinance to prohibit marijuana for the next meeting but also wait until guidelines are set by the state.

Committee/Department Reports

Motion offered by Council President Rivera that the Committee/Department Reports be spread upon the minutes in full and filed. Second by Councilperson Amatorio. All in favor, none opposed.

VERBAL COMMUNICATIONS II

Mayor Schmelz opened the meeting to Verbal Communications II and invited the public to comment on any subject, limited to five minutes per speaker.

Ron Sammatino, resident of Ridgewood and Chairman of Meadowlands YMCA, would like to open a Talk Connect Prevent program, a opioid and drug diversion program, in Bergenfield. The state does not allow medical facilities to convert to recreational. The benefits would be collecting three times more property taxes, job training opportunities and employment.

Dave Tortura, President of Local 309, stated the Borough has filed interest arbitration after refusing to negotiate. The Borough Administrator demanded changes to our health care contributions be made before any other terms can be discussed and tried to freeze members by forcing the union into an agreement. It is disappointing to see lack of leadership with the council.

Kyle Witty, former President of Local 309, stated at their initial meeting, 2 years ago, the Borough Administrator stated no further discussion was needed but the contract be made if the PBA agreed to concede to their medical contribution. The PBA’s medical contributions are not causing the borough any financial hardship and is unreasonable to give up our most recent concession with no compensations.

John Smith, resident, inquired if a group would be allowed to seek funds from the recreation department if they were to have a recreational marijuana party in the municipal park since there's a recreation trust fund. Mr. Smith stated there should be an ordinance prohibiting marijuana use. The VFW Post will be sponsoring a concert this Sunday and September 23rd is the pig roast.

Mary Sullivan, resident, stated she is in favor of prohibiting marijuana in town. Kids will think it's ok to smoke if a facility is put in. Ms. Sullivan stated the mission stated was long overdue and thanked everyone for the resolution opposing the power plant.

Ray Gorman, resident, commented that the council needs to make a decision and to do something about the recreational marijuana and medicinal marijuana should be kept in the hospitals.

There being no one else who wishes to be heard, Mayor Schmelz closed Verbal Communications II.

COUNCIL COMMENTS

The Mayor and Council thanked everyone for coming to the meeting.

CLOSED SESSION

RESOLUTION 18-250/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

A. Personnel

1. Police Department Personnel Matters
2. Chief Financial Officer Personnel Matter

Minutes will be taken of the meeting and released to the public at the time that the matter is resolved. After Closed Executive Session, the Mayor and Council will reconvene in the Executive Chambers to adjourn this public meeting.

On a motion by Councilperson Kornbluth, second by Council President Rivera, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:40 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, second by Councilperson Amatorio, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:17 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk