

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
OCTOBER 2, 2018**

PRESENT: Mayor Norman Schmelz and Council President Hernando Rivera (arrived at 8:11 pm), Council members Arvin Amatorio, Thomas A. Lodato, Buddy Deauna, Ora Kornbluth (arrived at 8:19 pm), and Rafael Marte

ABSENT: Borough Administrator Corey Gallo

ALSO PRESENT: Borough Attorney John Schettino
Borough Clerk Marie Quinones

Mayor Schmelz called the meeting to order at 8:08 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."

The Salute to the Flag was led by Councilperson Marte.

PRESENTATIONS

A. Proclamation – Breast Cancer Awareness Month

Mayor Schmelz read proclamation into the record.

B. Presentation – Thomas O' Reilly

Mr. Tom O'Reilly, from Bergenfield Special Improvement District, handed out marketing materials to the Mayor and Council. He stated the SID has been sponsoring and marketing the upcoming Food and Freight Festival and Halloween parade along with coordinating it with the borough and the Recreation Department. There are 22 slots currently open for the Food Crawl that will start October 26th, 2018 and end November 4th, 2018. The restaurants were asked to give an introductory price offer of \$5.00 in which customers can sample something on their menu. Each one of the businesses in the district were asked to participate in the Trunk or Treat and will be given a free bag of candy from the SID to hand out. Each one of the decorated cars that participate will also be given a free bag of candy. The PTA will also will supplement a bag of candy. There is also marketing information for other events sponsored by the SID throughout the year listed in the packet. There was a carry over of \$30,000 from last year for programs that weren't finished and therefore there will be a short fall of \$30,000 for the next year. They will discuss the budget at the next meeting. People who are interested in having a car in the Trunk or Treat will have to sign up in advance this year.

C. Administrative Hiring & Appointments

18-282/To Hire Full-time Laborer – Ryan Nelson

Motion by Councilperson Kornbluth, second by Council President Rivera, that Resolution #18-282 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:

aye

Councilperson Marte:

aye

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Mr. Rob Keady, Borough Engineer from T & M Engineering, stated the County ADA ramp project is substantially complete. The project for the county paving is complete for this year. The county will be paving New Bridge Rd next year. The Riverside Coop and PSE&G projects are being consolidated as they are both being done by the same contractor. It makes it easier for the Borough and more efficient. They will be starting tomorrow with the paving of E. Clinton Avenue, Sunrise Terrace, and Seminary Street. They will finish on Thursday. They expect to start and finish S. Prospect Avenue from Thursday to Friday. They will do milling and paving on same day. There were scheduled two weeks ago but there were some weather issues and working around the holidays. There are coordinating with meeting members of public works for the stormwater management regarding the requirements and the new point systems. The county is aware of the ramps not lining up with the crosswalks on New Bridge Rd and Prospect Avenue and they will correct that.

UNFINISHED BUSINESS

A. Tabled Resolution

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

No action taken.

B. Tabled Ordinance

ORDINANCE 18-2534 – AN ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “FIRE DEPARTMENT” (Tabled 9-4-18)

No action taken.

C. Adoption of Ordinances

The following ordinance published herewith was first read by title only on August 21, 2018 and posted on the bulletin board of the municipal center.

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

Public Comments on Ordinance 18-2532.

Mr. John Smith, resident, stated the governing body is opening up a can of worms, when they are recommending more feet is given, the less coverage there will be when making changes in the R5, R6 zone. There should be a certain figure across the board. Where is all of the greenage going when all of the houses are getting bigger. They are not going to be satisfied with 30 feet, should be kept at 28 feet for residential.

Ms. Mary Sullivan, resident, stated the bigger lots are allowed to develop less than the smaller ones. It should be one number, 35 sq. ft., and standard for both and then go for variance if needed. The ordinance for parking spaces and garage for a single family home should be based on the number of bedrooms.

Councilperson Kornbluth stated she had brought up land coverage in the R-5/R-6 zone. It makes sense to do a 35% for the R-5/R-6 zone. It never made sense that you can build a larger house on a 5,000 sq. ft. space than a 6,000 sq. ft. space.

Councilperson Amatorio stated it is a very important issue to address. He inquired what the rationale is and stated that we need to find out why it can't be done.

Mayor Schmelz inquired if it can be taken out of the ordinance for now and pass the rest of the ordinance.

Borough Attorney Schettino stated the larger coverage is for the smaller lot, and that the planner should be asked about that. Mr. Schettino assumes that the reason for the particular size, is so that all the homes are consistent in size, and one is not significantly larger than the other. He noted that the ordinance can be amended after adoption. Mr. Schettino advised that any significant changes will require another publication. He advised that the governing body can adopt the entire ordinance, or close the hearing to the public, and wait until the next meeting to vote.

On a 6,000 sq. ft. lot with 35% coverage, you can build a 2,100 sq. ft. house. On a 5,000 sq. ft. lot with 40% coverage, you can build a 2,000 sq. ft. house.

Councilperson Amatorio inquired if they can get the planner to review.

Mayor Schmelz suggested they should just take that part out for now so there won't be any delay.

Councilperson Kornbluth inquired if the 40 ft. height commercial is just on Washington Avenue.

Council President Rivera stated the 40 ft. height should be the same for Woodbine and Portland Avenues. Council President Rivera stated he would rather table it for now.

Mayor Schmelz stated it is for anything in the B1 and B2 zones.

Councilperson Lodato stated if you table it, it's going to take another month.

Mr. Schettino stated that the ordinance does not have to be re-advertised if tabled. The governing body can close the public hearing, and everything can be kept the same for the next meeting. He advised that if significant changes are made to the ordinance, it will need to be re-advertised. Mr. Schettino noted that the Planner usually tries to match what the community has been doing, so that the homes are consistent. However, by making the changes, you may affect the value of the property, and perhaps devalue a home on a 5,000 sq. ft. lot.

Mayor Schmelz stated that the numbers came from the master plan after the planner went through the requirements and all that was happening in town. Everyone agreed with them.

Councilperson Kornbluth stated they can pass it as now, speak with a planner, and amend it at a later time.

Councilperson Amatorio stated they can make changes later based on recommendations made by a planner.

Mayor Schmelz stated someone on the Planning Board said it should be 50 ft, but is happy with 40 ft. for now.

Mr. Schettino stated the issues being raised now doesn't mean it can't be raised after the ordinance is adopted. You can invite the planner to a meeting and can make changes after you hear his recommendations.

Motion by Councilperson Amatorio, second by Councilperson Kornbluth, to pass Ordinance 18-2532 on second and final reading, is hereby adopted, and notice of same shall be published according to law.

On all 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>nay</i>
Councilperson Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

The following ordinance published herewith was first read by title only on September 4, 2018 and posted on the bulletin board of the municipal center.

ORDINANCE 18-2535 AN ORDINANCE AMENDING CHAPTER 186 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED "LAND DEVELOPMENT"

Public Comments on Ordinance 18-2535.

Mary Sullivan, resident, stated she is in favor of the ordinance. She stated that people who live in apartment buildings are not allowed to smoke and will look for someplace to smoke marijuana. Ms. Sullivan inquired whether smoking parlors are also prohibited.

Mayor Schmelz stated smoking parlors are covered in the ordinance. Mayor Schmelz inquired if a social club would be considered to be a smoking parlor.

Mr. Schettino stated if there is no retail taking place, it is a social gathering.

Motion by Council President Rivera, second by Councilperson Deauna, to pass Ordinance 18-2535 on second and final reading, is hereby adopted, and notice of same shall be published according to law.

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>aye</i>

NEW BUSINESS

A. Lost Time Accident Frequency Report for the Bergen County Municipal Joint Insurance Fund

Mayor Schmelz stated the Borough Clerk had sent out the new numbers. He noted that the Borough is not doing well with the numbers and will discuss it with Borough Administrator Corey Gallo.

B. Committee for the Celebration of the Borough's 125th Year of Existence

Mayor Schmelz stated he would like to start an ad hoc committee to see what can be done to celebrate the town's 125th anniversary. He currently has four people on the committee.

ADMINISTRATOR'S REPORT

Mayor Schmelz read the following Borough Administrator's report into the record:

Roadwork throughout town should be concluding within the next two weeks. The challenge has been a combination of the observed Holidays celebrated in September along with inclement weather. The DPW Superintendent, the Borough Engineer, and I have already begun reviewing the roads that need to be addressed in 2019. The challenge for us is that although we have paved more than 50 roads throughout town in the over the past five years, this makes the bad roads look even worse and demand is high. As we have done in the past, we will weigh out utilizing various factors such as underground issues to storm and sewer lines, the amount of cement work needed and the roadway condition in determining which roads subsequently are selected. As the information was already provided to the residents, please be advised on Thursday morning starting at 3 am the County will be spraying the same area they sprayed this past weekend. The second round of spraying is common and recommended by the CDC. All the information for the upcoming spraying has been posted and notifications will be issued again, as they were on Friday. I want to advise everyone that the Volunteer Dinner has been set for Sunday, December 9th from 5pm – 9pm at the Fiesta in Wood-Ridge. This event, like last year will be open to all volunteers. Hard copy invitations will be sent out with a firm RSVP requirement to ensure proper count for the catering facility. As a reminder, the Halloween Parade will be held on Saturday, October 27th beginning at 10am at Cooper's Pond. With regards to the events taking place within the SID in October, beginning on Friday October 26th, eateries through the District will participate in the food crawl. To summarize, you will be able to go to participating locations and eat their specials selected for this program for five dollars. This will run throughout town until Sunday, November 4th. This was a very successful event last year and I am certain it will continue to bring more people to town. Wednesday October 31st, from 4pm - 7pm, the SID in conjunction with the Borough Recreation Department will be hosting the 2nd Annual Trunk or Treat. For those who attended last year, we know the success of this great day. This year we expect this event to be even bigger. All of the PTA's in town and recreation programs have been notified and many more groups will be participating. This closed off area provides families a safe way to trick or treat and celebrate Halloween in a community experience. The Borough will do what is necessary to ensure the day goes smoothly.

Mayor Schmelz advised the Council and residents to inform Corey of any roads in need of repair.

MAYOR & COUNCIL REPORT

Councilperson Kornbluth

stated the Police Department will be having coffee with a cop scheduled on October 4th at TD Bank from 8:30 am to 10:30 am. The Police Chief and Captain Rabboh spoke to seniors at the library about scams. They worked on various road projects and conducted a decoy with the pedestrian safety crosswalk program on S. Washington Ave. As of September, 50 pounds of unused medication was dropped off at Borough Hall. The Bergenfield Volunteer Ambulance Corps have gone on 1,789 calls year to date. They went on 242 calls in September, a 26% increase from last year. They did training in major bleeding. The Recreation Department has its second movie and still looking for a date to have third movie night as it was cancelled due to the rain. They are working on Halloween Parade on October 27th at Coopers Pond. They are also working with the SID on the Trunk or Treat.

Council President Rivera

No report.

Councilperson Marte

stated the Environmental Committee met on September 17th and discussed pollinating Coopers Pond. The project is in the making and are focusing on sustainable programs.

Councilperson Amatorio

stated the Veterans Committee is preparing for the Veteran's Day program and will be meeting on October 10th. They had a pig roast last Saturday which was a great event.

Councilperson Deauna

stated the Shade Tree Committee continues to plant new trees around town. There have been some issues with residents that want the newly planted tree removed. There were 34 requests for removal and trimming of Borough trees. The Shade Tree Committee is shorthanded and is requesting help to meet their demands. The Rent Leveling Board will meet tomorrow. The movie in the park which was co-sponsored by the Municipal Alliance and the Recreation Department was a great success.

Councilperson Lodato

stated CSX is hosting training in North Bergen on October 2nd, 3rd, and 4th and County is also holding training for supervisors. The Fire Department completed a grant in September and will be purchasing some photo imaging cameras if successful. Bergenfield has a junior firefighters group with limited roles but they will be given some additional responsibilities and activities to stimulate more interest and membership. The Planning Board approved the Taco Bell application for Foster Village Shopping Center. The building will be demolished and will be rebuilt with outdoor dining. The Stigma Free committee will be meeting on October 11th.

Mayor Schmelz

stated the library had a "Bash the Trash" party at Coopers Pond as part of its 100th anniversary. The library also had a "History of Bergenfield" event last Sunday that was interesting, with 1600 tidbits. The Bergenfield Band Festival was on Sunday and seven different bands participated.

CORRESPONDENCE

A. Sheinfield/County of Bergen
Board of Freeholders

RE: Request to Reserve Council Chamber for
Public Meeting/Wednesday, December 5,
2018/7:30 p.m.

B. Martin/Bergenfield Junior Football
& Cheerleading

RE: Coin Toss Request/Sunday, October 21,
2018/9:00 a.m. to 12:00 p.m.

C. Basile/Eden Photography

RE: Request to Reserve Cooper's Pond for
Family Photos/Sunday, October 21,
2018/1:00 p.m. to 5:00 p.m.

D. Stenberg/Calvary Church

RE: Block Party Request from Delford Avenue to W. Clinton Avenue/Sunday, October 7, 2018/1:00 p.m. to 4:00 p.m.

Motion by Councilperson Marte, second by Councilperson Lodato, and all members present voting in favor, to approve Correspondence Items A through D.

PUBLIC COMMENT

Fred Sahlberg, resident, stated homeowners should be notified prior to planning trees in front of their homes.

Councilman Deauna stated the Borough needs to replace the trees that are taken out and it's on Borough property.

Mr. Berger stated the zoning changes were approved and if 3 feet could be added to his home before the governing body changes their mind.

John Smith, resident, inquired when the signs, Stop for Pedestrians in Crosswalk, are going to be put up since it's been a little over a month that Washington Avenue was paved with crosswalks and a resident was recently killed on Washington Avenue. Councilman Steinel had previously stated new employees didn't need to be hired for DPW since there was automated garbage pickup, and now new employees are being hired. Mr. Smith stated the ordinance on massage parlors within 100 feet was passed and the massage parlor on the corner of E. Clinton and Washington Avenue is still open. The tables are still out in front of Ronnie's Rock N Grill and the Rib place, and it is now October. A resident had come forward asking the brook to be cleaned and was told the DEP needed to be contacted. Mr. Smith stated he had gotten the August Buildings and Grounds report and cleaned out debris from brook at 193 E. Church Street, which is behind the Mayor's house. Is the mission statement being adhered to.

Mary Sullivan, stated she was disappointed since she's been complaining about 25 ft. high island of weeds and debris in the brook behind her home. She questioned why the brook by the Mayor's home was cleaned out and not hers. Ms. Sullivan inquired when the signs will be changed at the municipal lots.

Borough Attorney Schettino stated Corey Gallo needs to get clarification from the DEP as to what the town can remove. You can't change the flow or dredge it.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 18-283. 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. **18-284/**To Pay Bills
- b. **18-285/**To Approve Grant Cancellations – 2014 Highlands Council TDR Feasibility Study Grant and 2013 Bergen County Open Space Trust Fund Grant for the Rehabilitation of Tunis Coopers Residence
- c. **18-286/**To Approve Tax Refund – 77 Roosevelt Avenue
- d. **18-287/**To Approve Tax Refund – 132 Bergen Avenue
- e. **18-288/**To Approve Tax Refund – 6 Cedar Street
- f. **18-289/**To Approve Tax Refund – 151 Pleasant Avenue

- g. **18-290**/To Approve Tax Refund – 479 New Bridge Road
- h. **18-291**/To Approve Tax Refund – 140 Hillside Avenue
- i. **18-292**/To Approve Proposal – Professional Environmental Engineering Services for the Green Acres Preliminary Assessment Report for Twin Boro Fields/Park – T&M Associates
- j. **18-293**/To Amend Hourly Pay Rate – Fire Inspector – Louis Turso

Motion by Councilperson Amatorio, second by Councilperson Marte, to approve the Consent Resolution.

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>aye</i>

B. Resolutions

18-294/To Create a Building Construction Project Sub-Committee as amended.

Mayor Schmelz stated he would like to be on the committee and inquired if it was ever discussed in open who was going to be on the committee. He received a phone call from Corey the other night stating that the committee was already set up. Mayor Schmelz stated that he should be on the committee, as the only Republican, to have transparency. In the business world, there are people that take alternate sides when doing project management. Councilperson Kornbluth should be on committee also since she has some suggestions.

Councilperson Amatorio stated he had a verbal discussion with Corey. He was advised that whoever was going to be on the Subcommittee had to be accessible for meetings in the morning and inquired if Councilperson Kornbluth would be available to meet for a 10 am meeting.

Borough Attorney Schettino stated the Subcommittee meets with the architect every two weeks. It has to be during the day or during late afternoon. The architect is going to give the status and the Subcommittee will have the opportunity to ask questions, monitor the work taking place, and hold them accountable for the progress. It's more important when the project gets started and the meetings are critical to keep the project moving. The contract actually calls for it.

Councilperson Kornbluth stated she previously oversaw a \$10 million project and they did not meet with the architect every two weeks. She expressed that they may be hindering the architect if they meet every two weeks.

Councilperson Lodato stated there are three people tentatively designated to be on Subcommittee and three other people interested to be on it. Presentations by the architect and construction manager should be made to the entire council at 7:00 pm before a meeting once a month. The project warrants it given its size.

Mr. Schettino stated you can start meeting that way and can change it. He stated he's seen projects of this size meet very frequently, since things do come and there comes a time when you need to make choices. Mr. Schettino stated you cannot have more than three members on the committee, but you can have an alternate for when a member is unable to make the meeting.

Councilperson Amatorio stated they should approve the Subcommittee and then select who will be on the subcommittee.

Councilperson Kornbluth stated she doesn't need to be on the committee.

Councilperson Amatorio stated he volunteered to be on committee, since he is available during the day. The Subcommittee can relay the information to the full council.

Mr. Keady stated the Subcommittee is especially important for vetting issues.

Mr. Schettino suggested if a Subcommittee member can't make a meeting, they should contact one of the other council members who are interested in attending, and/or contact Corey and he will make sure there aren't too many people.

The Subcommittee members are Council President Rivera, Councilperson Lodato, and Mayor Schmelz. The other council members that are not on the subcommittee will serve as alternates.

Motion by Council President Rivera, second by Councilperson Amatorio, that Resolution #18-294 be approved as amended.

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>aye</i>

18-295/To Approve Tax Court Judgments

Motion by Council President Rivera, second by Councilperson Kornbluth, that Resolution #18-295 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>absent</i>	Councilperson Marte:	<i>aye</i>

COUNCIL COMMENTS

The Mayor and Council congratulated Ryan, thanked everyone for coming, and wished everyone a good night.

CLOSED SESSION

RESOLUTION **18-296**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

A. Attorney Client Privilege

1. Tax Department 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 9:45 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 10:07 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk