

**BOROUGH OF BERGENFIELD  
MAYOR & COUNCIL REGULAR MEETING**

**8:00 p.m.  
January 15, 2019**

**PRESENT:** Mayor Norman Schmelz and Council President Ora Kornbluth, Council members Thomas Lodato, Buddy Deauna, and Hernando Rivera

**ABSENT:** Arvin Amatorio and Rafael Marte

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

Mayor Schmelz called the meeting to order at 8:06 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.

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

**AGENDA CHANGES**

Council President Kornbluth requested that a resolution to approve the settlement on the Hoffmeister case be added to the agenda, as well as a resolution to approve the VFW 6467 raffle application. Mayor Schmelz requested that the Louis Bay 2<sup>nd</sup> Scholarship program be added for discussion under new business.

**APPROVAL OF MINUTES**

**MOTION OFFERED** by Councilperson Rivera, **SECOND** by Councilperson Deauna, to approve minutes of the 2018 Sine Die Meeting and 2019 Reorganization Meeting. All present voting in favor, none opposed.

**PRESENTATIONS**

**A. Church of the Good Shepherd**

Mayor Schmelz stated that the Paster from the Church of the Good Shepherd visited the Borough to find how his Church can assist the community, and has made a very generous donation. Paster Lee explained that he had a meeting with the Mayor to discuss how the Church can help, and started a campaign with Church members to save one dollar a day from last February to early December, and make the donation during Church service on Sunday. Paster Lee stated that the Church raised over \$5,000 and donated \$750 to organizations, including the Food Pantry, the Bergenfield Public Library, the Police Department, and the Fire Department. Mayor Schmelz stated that he is very appreciative of the donation and presented the Church of the Good Shepherd with a plaque.

**B. Police Department Hires**  
**1. SLEO III Officers**

Deputy Chief Massey read the biographies of Francis Guanci, Mark Criscuolo, Frank DaCosta, and John Kennedy into the record.

**Resolution 19-020/**To Hire Francis Guanci as SLEO III in the Bergenfield Police Department.

**Resolution 19-021/**To Hire Mark Criscuolo as SLEO III in the Bergenfield Police Department.

**Resolution 19-022/**To Hire Frank DaCosta as SLEO III in the Bergenfield Police Department.

**Resolution 19-023/**To John Kennedy as SLEO III in the Bergenfield Police Department.

Motion by Council President Kornbluth, second by Councilperson Rivera, that Resolution #19-020, #19-021, #19-022, #19-023 be approved.

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

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

Oath of Office to Francis Guanci, Mark Criscuolo, Frank DaCosta, and John Kennedy was administered by Mayor Schmelz.

#### C. Department Hires and Appointments

**19-024/**To Hire Part-Time Laborer – Timothy Dillon

Motion by Councilperson Lodato, second by Councilperson Deauna, that Resolution #19-024 be approved.

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

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

**19-025/**To Hire Per Diem Crossing Guard – David Lee

Motion by Councilperson Rivera, second by Council President Kornbluth, that Resolution #19-025 be approved.

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

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

#### COUNCIL COMMENTS

Councilperson Lodato congratulated the four SLEO III officers and welcomed them to Bergenfield. He also welcomed the part-time hires.

Councilperson Deauna congratulated the officers and part-time laborers on their appointment and welcomed them to Bergenfield.

Council President Kornbluth welcomed all the officers to Bergenfield. She stated that they each had stellar careers in law enforcement keeping the County and their town safe, and so she hopes they

continue their good work in the school system. She also welcomed and congratulated the other two hires.

Councilperson Rivera, stated that the security of the kids will be in the hands of the SLEO III officers. He stated that the officers have done many things in law enforcement in the past, and that is why they were chosen. He welcomed them and stated that he hopes they stay in town a very long time keeping the children safe. Councilperson Rivera also thanked the other two hires and congratulation them and their family, for allowing them to share their time with Bergenfield.

Mayor Schmelz thanked the Church once again for their very generous donation to the food pantry and EMS services. He also congratulated the officers on their appointment. Mayor Schmelz stated that parents will be able to sleep at night knowing that there are Police Officers in the schools with a long career in law enforcement. He also congratulated the Part-time DPW Laborer and Per Diem Crossing Guard.

On a motion by Council President Kornbluth, second by Councilperson Rivera, and all present voting in favor, the meeting was recessed. The meeting re-opened at 8:29 p.m. R.C.

#### 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 that many events the BSID claims to do well, have been around since the Chamber of Commerce. Mr. Smith stated that the council should ask themselves what the BSID has done to improve the business district, since there are many empty stores on the avenue. Mr. Smith stated that although he does not own a business, he speaks to many business owners that are unfamiliar with the council. He inquired whether the survey was ever completed, and stated that the BSID should be done once and for all.

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

#### Correspondence

- |   |   |
|---|---|
| A. Merlo/Bergenfield Municipal Alliance | <b>RE:</b> Request to Reserve Memorial Park and Field for Fundraiser Softball Game/Saturday, May 4, 2019/8:00 a.m. to 3:00 p.m./Rain Date 5/11/19     |
| B. Delarche/Lincoln School Parents'     | <b>RE:</b> Request to Reserve Memorial Park and Field for 5 <sup>th</sup> Grade Picnic/Friday, June 14, 2019/ 8:00 a.m. – 4:00 p.m./Rain Date 6/17/19 |
| C. Gallione/Resident                    | <b>RE:</b> Request to Reserve Memorial Park for Family Picnic/Sunday, June 30, 2019/9:00 a.m. – 5:00 p.m.   |
| D. Gallione/Bocce League                | <b>RE:</b> Request to Reserve John A. Aversa Bocce Courts for Mayor Driscoll Tournament/Sunday, May 19, 2019  |

Councilperson Rivera inquired when is the rain date for Family Fun Day. Borough Administrator Gallo stated that the rain date could possibly be June 30<sup>th</sup>. Mayor Schmelz stated that the date could be approved if available, but if Family Fun Day needs to be held on that date, then Mr. Gallione cannot use it.

**MOTION OFFERED** by Councilperson Deauna, **SECOND** by Councilperson Lodato, to approve Correspondence Items A through D, with the stipulation that the request is approved if the June 30<sup>th</sup> date is available. All present voting in favor, none opposed.

Ordinances

A. Introduction of Ordinances

Motion by Council President Kornbluth that the following ordinance be introduced and passed on first reading and setting Tuesday, February 5, 2019 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Executive Council Chambers of the Bergenfield Borough Hall as the place for a hearing on said ordinance. Second by Councilperson Rivera.

**19-2539- AN ORDINANCE TO ESTABLISH THE SALARY RANGE OF EMPLOYEES NOT SUBJECTED TO UNIONIZED CONTRACTURAL UNITS OF THE BOROUGH OF BERGENFIELD**

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

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

A. CONSENT AGENDA

**CONSENT RESOLUTION 19-026.** 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.

- 19-027/To Approve Bill List
- 19-028/To Approve Transfer of Appropriation Reserves
- 19-029/To Approve Tax Refund – 136 N. Washington Avenue
- 19-030/To Authorize Refund of Redemption Monies to Outside Lien Holder for TTL #18-00002
- 19-031/To Authorize Refund of Redemption Monies to Outside Lien Holder for TTL #18-00001
- 19-032/To Authorize Tax Refund – 42 Portland Avenue
- 19-033/To Authorize Bid Specifications for Garbage Carts
- 19-034/To Approve Service Agreement for a Certified Recycling Professional (CRP) – Bergen County Utilities Authority
- 19-035/To Approve Memorandum of Understanding – The American Red Cross
- 19-036/To Approve Borough Attorney Contract – John L. Schettino
- ~~19-037/To Approve Borough Engineer Contract – Remington & Vernick~~
- 19-038/To Approve Borough Engineer Contract – T&M Associates
- 19-039/To Approve Bond Counsel Contract – Rogut McCarthy LLC
- 19-040/To Approve Labor Counsel Contract – Chasan Lamparello Mallon & Cappuzzo PC
- 19-041/To Approve Tax Appeal Counsel Contract – Gloria Oh Law Group LLC
- 19-042/To Approve Tax Appeal Counsel Contract – John H. Bang., The Choi Law Group LLC
- 19-043/To Approve Tax Appeal Counsel Contract – William Betesh, Boggia & Boggia
- 19-044/To Approve Borough Auditor Contract – Lerch, Vinci, & Higgins LLP
- 19-045/To Approve Risk Consultant Contract – GJEM-Otterstedt Insurance Agency
- 19-046/To Approve Grants Consultant Contract – Millennium Strategies LLC
- 19-047/To Approve Borough Appraiser Contract – Associated Appraisal Group, Inc.
- 19-048/To Approve Borough Prosecutor Contract – Franklin S. Montero
- 19-049/To Approve Alternate Borough Prosecutor Contract – Giannantonio & Roth LLC
- 19-050/To Approve Municipal Advisor Services Contract – Phoenix Advisors LLC

**19-051/**To Authorize Submission of Strategic Plan for Bergenfield Municipal Alliance Grant for Fiscal Year 2020 Form 1A and Approve Fiscal Grant Cycle July 2014 – June 2019 Form 1B

**19-056/**To Approve Raffle Application – RA 1345

**19-057/**To Approve Settlement Agreement – Hoffmeister Plumbing

Motion by Council President Kornbluth, second by Councilperson Rivera, 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>	Council President Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>
Councilperson Amatorio:	<i>absent</i>	Councilperson Marte:	<i>absent</i>

Mayor Schmelz requested a separate vote on Resolution #19-037. He explained that it is his understanding that Remington & Vernick will be the Borough Engineer, and will not be working on special projects.

Borough Administrator Gallo stated that they are both listed as Borough Engineers.

Mayor Schmelz stated the contracts should state one or the other.

Borough Attorney Schettino stated that they are both listed as Borough Engineers, but it would be better if one is the Borough Engineer and the other is the Special Projects Engineer. The Special Projects Engineer would be designated to work on specific projects, and the Borough Engineer will have an individual attend the Council meetings and provide feedback when the opinion of the Borough Engineer is required. Mr. Schettino stated that the way the Borough currently has it is unusual.

Council President Kornbluth inquired how it was done last year.

Mr. Schettino explained that one was designated as the Borough Engineer and the other was designated as special projects.

Council President Kornbluth inquired if both firms can be appointed as Borough Engineers and their contracts be resolved when the full Council is present.

Mr. Schettino stated that the Borough Engineers have been appointed, the resolution is to approve their contracts.

Council President Kornbluth confirmed that the resolution is to approve their compensation.

**19-037/**To Approve Borough Engineer Contract – Remington & Vernick

Motion by Council President Kornbluth, second by Councilperson Rivera, that Resolution #19-037 be approved.

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

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

B. Resolutions

Steve Rogut, Bond Counsel, explained that there are two resolutions concerning the proposed bond issue of \$11,700,000 in bonds. The Borough currently has \$9,300,000 in bond anticipation notes that are coming to due at the end of February. He further explained that the financial plan is to refinance a large portion of the notes in bonds, and also adding the 2018 bond ordinance. Mr. Rogut explained that the sale would finance all the projects that have been authorized over the last four years and 2018, exclusive of the new building. He explained that the new building will have to be dealt with separately. Mr. Rogut explained that Paige Fischer from Lerch, Vinci, & Higgins can explain the financial plan as a whole. He stated that the first resolution is the details resolution, which lists all the bond ordinances that are being financed, the amounts in each of the ordinances, describes the projects, includes the maturity schedules for the bond, the principal and interest payment dates, and the approved form of the bond itself.

Council President Kornbluth inquired what the rates of the bond are right now.

Mr. Rogut stated that the hope is to sale the bonds for somewhere near 3%. He explained that obviously the market changes, but in the last few years, the short term rates have gone up, but not for the long term. Therefore, there is no difference.

Council President Kornbluth inquired what the rate was with the last bond issue.

Mr. Rogut stated that the rate was 2%.

Mayor Schmelz stated that the Borough is basically locking in the rate for the long-term.

Mr. Rogut stated that is correct, there used to be an advantage, an incentive when there was a difference between the short term and long term, because one would be at 1% and the other would be at 2%. It seems to be a good time to wrap everything up and fix the rate.

Mayor Schmelz confirmed that this is not a cost savings, but could possibly be a cost savings in the future?

Mr. Rogut stated that is correct, this is part of the long term plan, it is an effort to fix the rate since there is no difference in percentages, if the rate goes up, the Borough would be locked in at a good rate.

Council President Kornbluth stated that considering the Borough is looking to bond for the new building, what rates is the Borough looking at? She inquired if it would be the same 3%.

Mr. Rogut stated that they are projecting the bonding for the building in 2020-2021, because they want to come up with a debt structure where the Borough does not have a big jump in debt service, and try to keep things leveled going forward. After this, the debt service will be going down a little bit, to fit in the new issue. Since its two years out, need to be conservative.

In terms of the second resolution, Mr. Rogut explained that the resolution approves the sale. Mr. Rogut stated that the forms would approve the forms of sale, notice of advertisement in the record, the bond ordinance, and preparation of the official statement with assistance from Phoenix advisors.

Paige Fischer, from Lerch, Vinci, & Higgins, explained that this is the first step in the multiphase projection, which includes the municipal building. She explained that with this sale, the Borough will be locking in all existing projects to be issued over 10 years, at a locked in rate and debt service payments. Ms. Fischer further explained that they were able to fit in the new building within the existing debt structure, with flexibility for additional capital items for equipment, roads, etc. which need to be done on an annual bases and need to be factored in as well. As the municipal building

moves along, that'll be phase two, as well as any additional items. Ms. Fischer stated that the note grades have been very low and competitive in the past years, and now that rates are converging, it makes sense to lock in rates and prepare for the municipal building.

**19-052/ RESOLUTION COMBINING SEVERAL AUTHORIZATIONS OF BONDS INTO A SINGLE ISSUE AND PRESCRIBING THE DETAILS AND BOND FORM THEREOF FOR \$11,700,000 GENERAL IMPROVEMENT BONDS DATED FEBRUARY 15, 2019**

Motion by Councilperson Lodato, second by Councilperson Deauna, that Resolution #19-052 be approved.

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

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

**19-053/RESOLUTION AUTHORIZING THE PUBLICATION, PRINTING AND DISTRIBUTION OF A NOTICE OF SALE AND THE PUBLICATION OF A SUMMARY NOTICE OF SALE AND PRESCRIBING THE FORMS THEREOF FOR \$11,700,000 GENERAL IMPROVEMENT BONDS, DATED FEBRUARY 15, 2019, APPROVING THE PREPARATION, DISTRIBUTION AND EXECUTION OF A PRELIMINARY AND A FINAL OFFICIAL STATEMENT FOR SUCH BONDS, UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE OF FINANCIAL INFORMATION, COVENANTING TO COMPLY WITH THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND AUTHORIZING VARIOUS MATTERS IN CONNECTION WITH ELECTRONIC BIDDING FOR THE BONDS**

Motion by Council President Kornbluth, second by Councilperson Rivera, that Resolution #19-053 be approved.

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

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

**19-054/To Approve Bergen County Trust Fund Project Contract – Barrier Free (ADA Accessible Playground) – Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund Grant**

Motion by Councilperson Deauna, second by Councilperson Rivera, that Resolution #19-054 be approved.

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

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

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

A. Little League Request for Banner on Washington Avenue

Mayor Schmelz stated that the Bergenfield Little League requested to put a banner on Washington Avenue that announces their registration dates. Mayor Schmelz explained that the request needs County approval, but the Little League also needs approval from local government. The governing body authorized the banner and advised that the Department of Public Works be notified.

B. 2019 Bergenfield Special Improvement District Budget

1. **19-055**/To Introduce 2019 Budget of the Bergenfield Special Improvement District

Council President Kornbluth stated that she will make the motion for introduction. Councilperson Lodato also stated that he makes the motion for introduction only.

Motion by Council President Kornbluth, second by Councilperson Lodato, that Resolution #19-055 be approved.

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

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

Borough Attorney Schettino reminded the governing body that the adoption requires four votes.

Mayor Schmelz also reminded the governing body that if the BSID budget is not approved, it will increase the taxes for everyone in town. He stated that every individual will have an increase in taxes, or the Borough has to cut services someplace else.

C. Louis Bay 2<sup>nd</sup> Future Municipal Leaders Scholarship

Mayor Schmelz stated that the League of Municipalities offers this scholarship each and every year, for anyone from any town. The participants send their application to their local government for submission. The Mayor stated that the Borough has received anywhere from 300 to 600 scholarships, through cooperation with the High School. He stated that students look up information on the local government to see the work that we do. Mayor asked Council President Kornbluth and Borough Clerk Marie Quinones to participate in selecting the winners. Mayor stated we semi-finalist and finalist, but the Borough has not had a grand prize winner. Mayor Schmelz noted that it's nice to see what the kids think about the town and people that work for the town. The application has all the details and instructions, and will be posted on the Borough website.

Committee/Department Reports

Motion offered by Council President Kornbluth that the Committee/Department Reports be spread upon the minutes in full and filed. Second by Councilperson Rivera. 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.

Joe Verga, Environmental Committee member, stated that he needs assistance from the governing body in completing the Sustainable Jersey application. He explained that the Borough receives points for certain action items taken. Mr. Verga noted that the Borough may already be completing these items, and the committee may not be aware. Therefore, he requested assistance from the governing body, and asked them to read the application and write down any notes and/or questions



for him. This way, the Borough can earn more points and hopefully earn silver status on the 125<sup>th</sup> anniversary.

Ken Vogel, resident, stated that he came back to town and saw some things that he'd like the governing body to be aware of and foresee in future plans. He stated that the dollar tree parking lot has a for sale sign. He further stated that he spoke to the real estate agent, and they already have the contract close out for the property. Mr. Vogel explained that the reason he brings this up is because he used to serve on the Bergen County transit committee. He stated that the CSX started double tracking on their line. Mr. Vogel explained that back in the 90s, there was discussion on whether to do freight and passenger trains with NJTransit. He further explained this can be done by having four tracks and putting a fence along the tracks. Mr. Vogel expressed that this town is different from all the other ones, in terms of how the Borough moves traffic and emergency services from one side to another. He commented that the possibility of two tracks is eminent, but the possibility of four tracks is down the road. Mr. Vogel commented that the second scoping session for the light rail station was done last year back in Englewood. He stated that with the issue of trucks on the highway and containers on the Panama Canal, this is prompting them to take action. His concern is that the trains will not pass slowly, they will speed into the Teaneck yard.

John Smith, resident, stated that last year he mentioned there was wrong doing on the Zoning Board, and the Borough Attorney advised the governing body may be able to investigate. Mr. Smith explained that at the Zoning Board reorganization meeting, the Chairman made the nomination to appoint the current attorney. Mr. Smith stated that when he requested the RFQs for the other professionals, the Chairman stated that there were none. Mr. Smith explained that a discussion was held, and Charlie Steinel stated that the board should hold off appointments and review the RFQs. The Chairman inquired who will make the copies, and Mr. Smith volunteered. The Chairman then stated that the RFQs are in his car, and he will provide them to Mr. Smith. Mr. Smith explained that then the Clerk was appointment, who mentioned that she will be retiring soon. Mr. Smith stated that after the issue with the professionals, there was also an issue with the voting, and whether an Alternate member can vote. Mr. Smith stated that the governing body should look into the matter.

Borough Attorney Schettino advised that the Borough Administrator should obtain a copy of the recording and report back to the governing body for comments and questions.

Councilperson Rivera inquired whether there were any new professionals appointed, and noted that he understands four firms' submitted proposals.

Mr. Smith stated that no new professionals were appointed and clarified that four firms submitted for the Engineer's position and three firms submitted for the Attorney's position.

Mary Sullivan, resident, stated that she attended the Zoning Board meeting and was suspicious about took place. She stated that the secretary is a very nice woman, but the minutes are missing 90% of the meeting and agendas are not posted. Mrs. Sullivan stated that with the government shutdown, and taxes due on February 1<sup>st</sup>, could the town do something for the governing furloughed workers that cannot pay their property taxes by the deadline.

Council President Kornbluth stated that she understands, and the matter was taken into account at her job, where tuition payments have been waived until parents can make payment. However, she is unsure the Borough can take similar action.

Borough Attorney Schettino stated that state statutes supersedes Borough ordinances and policies. Mr. Schettino stated the Borough should wait and see if there are any inquiries, and then come up with a solution.

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

## COUNCIL COMMENTS

Councilperson Lodato, Council President Kornbluth, and Councilperson Rivera wished all a good night.

Councilperson Deauna thanked everyone for coming and mentioned that the reason he voted no for the BSID budget. Councilperson Deauna expressed that he understands the people working behind the BSID are educated, honest, and volunteer their time. However, it's not good enough. Councilperson Deauna stated that perhaps the BSID was very efficient 10 to 15 years ago, but times have changed. He stated that he wants them to have the concept, that he is unable to approve the BSID.

Mayor Schmelz stated that as far as the BSID, if they will not have the four votes to move forward, you should let them know because they have a meeting coming up, and they are going to have to calculate how they will close down the BSID, since they will not be funded. Mayor Schmelz stated that he believes that the tax is being removed from the business owners, and putting it on the residents of the town. He explained that by voting against the BSID, you are voting to raise taxes for everyone else. Mayor Schmelz expressed that there could be some business owners that rather have the residents pay the tax. He commented that the BSID has done many good things in town, he's on the board and never have any business owners attended the meeting to complain about the BSID. Mayor Schmelz explained that there was one business owner that complained, and when he was told how the BSID works, he was asked to join the board. He understands that people have different opinions, but he asked the governing body to please represent the homeowners of Bergenfield. By disapproving the BSID, the taxes will be raised on the homeowners.

## CLOSED SESSION

RESOLUTION **19-058**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Attorney-Client Privilege
  - 1. NAACP Matter
  - 2. Bergenfield v. Hoffmeister Plumbing
  - 3. Update on Contractor for Utility Infrastructure Repairs Matter
  - 4. Update on 60 W. Main Street Matter
  - 5. Update on 230 N. Washington Matter
  - 6. Update on Engineering Matters
  - 7. Update on Municipal Building Construction
- B. Personnel
  - 1. Police Department Personnel Matter
  - 2. Health Department Personnel Matters
- C. Collective Bargaining/Agreements
  - 1. P.B.A. Local 309 Agreement
  - 2. DPW Superintendent Agreement

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 Council President Kornbluth, second by Councilperson Rivera, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:15 p.m.

## ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Council President Kornbluth, second by Councilperson Deauna, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Marie Quinones  
Borough Clerk