

BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
8:00 p.m.
June 20, 2017

PRESENT: Mayor Norman Schmelz and Council President Arvin Amatorio, Council members Thomas Lodato, Buddy Deauna, and Ora Kornbluth

ABSENT: Councilmembers Hernando Rivera 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 8:09 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 Lodato.

Moment of silence in remembrance of former Mayor James F. Lodato.

AGENDA CHANGES

Councilperson Kornbluth requested that Bergenfield Little League honoring be added to Presentations, and that the Request to Reserve Memorial Park on July 1st, and another Request to hold Block Party on July 22nd be added to Correspondence.

Mayor Schmelz requested that appointment to the BSID be added to New Business.

APPROVAL OF MINUTES

Motion by Council President Arvin Amatorio, second by Councilperson Deauna, to approve minutes of the May 16, 2017 Regular Public Meeting, May 16, 2017 Closed Session (not to be released), June 8, 2017 Work Session, June 8, 2017 Closed Session (not to be released). All members present voting in favor, none opposed.

PRESENTATIONS

A. Proclamation – Bergenfield Little League Girls 8U Softball Team

Mayor Schmelz extended his sincere congratulations to the girls' softball team, and mentioned that they are the first team to win a Championship in the Girls Softball Little League.

Mayor Schmelz invited the team and coaches up to the dais, and read the proclamation into the record.

John Gallagher, member of the Bergenfield Little League, congratulated the girls, the coaches and the parents for taking the children to all of the games on behalf of Bergenfield Little League. You girls won the championship in your first year of playing softball in the league which makes it even more special and did a great job.

Cathy Macey, Softball Administrator and a long time Bergenfield Little League coach, stated the program was started two years ago and it's been successful. The girls did a great job, working so hard. We are so proud of you.

Councilperson Lodato congratulated the members of the team, coaches, and parents.

Councilperson Deauna congratulated the coaches, teachers, and the kids.

Council President Amatorio expressed his congratulations to the team, and mentioned that the team did a great job. He stated that the practice, commitment, dedication of the children will bring with them when they grow up to be successful, and expressed his congratulations to the coaches and parents as well.

Councilperson Kornbluth expressed her congratulations to the team, coaches and parents, and stated that she welcomes them back again next year.

Mayor Schmelz congratulated the team and the coaches and for making everyone proud.

B. 2016 Annual Audit Report – Paul Lerch, Borough Auditor

Paul Lerch stated over the past three years, there have been thirteen comments in the audit report. He advised that he made recommendations, and substantial changes were made to employment, pensions, and bids. In 2015, the comments were decreased to nine, and now they are down to five comments in 2016. He further advised that most comments are benign in nature. Mr. Lerch stated that next year, there should be less than five comments on the audit report, and all repetitive comments should be addressed. Mr. Lerch also stated that the Borough ended in 2016 with a surplus of \$7,711,756, which is up \$7,342,085 from last year. He advised that the health and stability of the Borough are in a solid financial place. He mentioned that the surplus amount is about \$7.7 million, which encourages a stronger rating and decreases the cost of bonding, and pays off cost of issuance. Mr. Lerch stated monies that have been set aside for payments in compensated absences is an estimated liability of \$1.1 million. The Borough has \$1.8 million set aside to make future payments. Mr. Lerch further stated that the tax appeal amount that was set aside in 2016 was the same amount as in previous years, \$1.4 million. He advised that large expenditures can have a negative effect on surplus. Mr. Lerch stated that there are five items listed in the comments section. He noted that the Purchase Order versus the Invoice date has to be corrected, to ensure that the requisition is executed prior to the purchase. He explained that he is able to gather this information based on a random sampling process, where he reviews Purchase Orders that were completed for material items. Mr. Lerch stated that the issue arises predominately in the Department of Public Works, with smaller amount of instances taking place in other departments. Mr. Lerch stated that there should be a minimum of two checks in the flexible spending account when there is any disbursement. Mr. Lerch further stated that the fixed assets accounts have to be updated on the Edmunds website. Mr. Lerch explained that one of the safeguards with Ameripay for all federal and state returns for payroll purposes are all addressed to the Borough of Bergenfield. As an additional safeguard, the Borough has the ability, through various websites, to confirm a payment for federal withholding and social security has been made and is credited to the account. Lastly, Mr. Lerch stated they made sure benefits for all terminated employees was moved promptly.

Borough Administrator Gallo stated that starting in July, the processes will tighten up. He advised that there will be two signatures before any disbursements in flexible spending.

Council President Amatorio inquired the reason for the one signature.

Borough Administrator Gallo explained that there were instances where there was one signature, when two signatures are required. He advised that the Borough is in compliance, the two signature requirement is for the purposes of internal control.

Mayor Schmelz stated that the Finance Committee did a great job with the Municipal Budget.

VERBAL COMMUNICATIONS I

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

Barry Doll, resident, inquired whether the individual that was compensated after leaving the job, will be required to pay back the amount paid for insurance. He expressed that there is more money in the bank, taxes keep going up, and there is over 7 million in the bank account. Mr. Doll stated that the Borough is going in the wrong direction and that more money should be allocated to reduce taxes.

John Smith, resident, stated that there was an issue when Congressman Garrett had a meeting in Borough Hall, but Congressman Gottheimer is on the agenda requesting use of Borough Hall. Mr. Smith advised to the governing to not make the same mistake with the Swim Club, and inquired the status of the garbage trucks that were having repairs. Mr. Smith stated that the trucks are less than a year old and already having repairs. He also stated that the DPW laborers should be looking into the barrels, because he receives barrels that do not belong to him.

Councilperson Kornbluth explained that the concern with Congressman Garrett's meeting was that the meeting was not open to the public and a formal request should have been submitted for Mayor and Council approval.

Ray Gorman, resident, stated that he believes that the level of surplus is to bid for the size and budget of the Borough. He inquired whether the funds can be given back to residents. Mr. Gorman also noted that when the garbage cans are flipped up, he tends to end up with pails and garbage that do not belong to him.

Mayor Schmelz explained that the benefit of having the surplus is that when plans start to come to fruition, the Borough will not need to borrow monies. He advised that the Borough is considering repairs to the building and purchasing a Fire Truck.

Borough Administrator Gallo stated that the Borough may not be in a position to give money back, however, since he started working for the Borough, the taxes when up \$100, \$55, and then \$48, yet more work has been completed, more roads are being repaired, and the Borough has been reducing expenditures. He further stated that it is good practice to keep a monies in the reserves, because credit agencies will base their rating on that surplus, and keep the Borough in the Triple AAA 22%-20% module.

Mayor Schmelz noted that at the same time, the Borough has been reducing debt.

Borough Auditor Lerch explained that last year, the Borough accelerated their debt payments to 20%, paying down the debt, which puts the Borough in a much better place for future capital plans.

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

CORRESPONDENCE

A. Roig/Congressman Gottheimer's Office

RE: Request to hold Mobile Office
Hours in Borough Hall/Tuesday, July
18, 2017/6:00 p.m. to 7:00 p.m.

- | | |
|---|---|
| B. Suero/44 Banta Place | RE: Block Party Request/Sunday,
September 3, 2017/1:00 p.m. to 10:00
p.m. |
| C. Bello/Spanish American Cultural Assoc. | RE: Request to Reserve Memorial Park
Pavilion for Members Picnic/Sunday,
July 9, 2017/1:00 p.m. to 6:00 p.m. |
| D. Roman/55 River Edge Road | RE: Request to Reserve Memorial Park
Pavilion for Birthday Party/Saturday,
July 1, 2017/1:00 p.m. to 6:00 p.m. |
| E. Lodato/Prospect Fire Co. No. 1 | RE: Block Party Request/Saturday,
July 22, 2017/2:00 p.m. to 11:00 p.m. |

Motion by Council President Amatorio, second by Councilperson Kornbluth, and all other members voting in favor, that items A through E are approved.

A. CONSENT AGENDA

CONSENT RESOLUTION 17-220. 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. **17-221/**To Pay Bills
- b. **17-222/**To Amend Public Meeting Schedule
- c. **17-223/**To Approve Liquor License Renewals 2017- 2018
- d. **17-224/**To Certify 2016 Audit
- e. **17-225/**To Approve Corrective Action Plan for Calendar Year 2016 Audit
- f. **17-226/**To Authorize Bid Specifications & Advertisement – West Church Street (Alert) Fire Station Beacons
- g. **17-227/**To Authorize Construction of Curb Ramps located at N. Washington and S. Washington Avenues
- h. **17-228/**To Approve Contract – 2017 Road Resurfacing Program – Riverside Cooperative – D&L Paving Contractors Inc. (Riverside Road Resurfacing) –
- i. **17-229/**To Authorize Tax Refund - Tax Court Judgement – 80 New Bridge Road
- j. **17-230/**To Authorize Tax Refund – Tax Court Judgement – 120 Woodbine Street
- k. **17-231/**To Authorize Tax Refund – Redemption Monies to Outside Lien Holder for TTL #13-00019
- l. **17-232/**To Authorize Tax Refund – Redemption Monies to Outside Lien Holder for TTL #16-00001
- m. **17-233/**To Urge Legislators and Representatives to Insure the Extension of the National Flood Insurance Program
- n. **17-234/**To Hire DPW Summer Laborer – Luis Avilino Jr.
- o. **17-235/**To Hire Recreation Summer Employees
- p. **17-236/**To Acknowledge and Support Police Chief Madalone in her Candidacy for Fourth Vice-President and ascension through the seats of the New Jersey State Association of Chiefs of Police

Motion by Councilperson Kornbluth, second by Council President Amatorio, that the Consent Resolution 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>	Councilperson Rivera:	<i>absent</i>
Council President Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

B. Resolutions

17-237/To Appoint Deputy Borough Clerk – Hilda Tavitian

Motion by Council President Amatorio, second by Councilperson Lodato, that the Consent Resolution 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>	Councilperson Rivera:	<i>absent</i>
Council President Amatorio:	<i>aye</i>	Councilperson Marte:	<i>absent</i>

UNFINISHED BUSINESS

A. Tabled Ordinances

ORDINANCE 17-2500 - AN ORDINANCE AMENDING CHAPTER 299 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED "VEHICLES AND TRAFFIC" **(Tabled 2-7-17)**

No action taken.

ORDINANCE 17-2501 - AN ORDINANCE AMENDING CHAPTER 186 OF THE CODE OF THE BOROUGH OF BERGENFIELD ENTITLED "LAND DEVELOPMENT" **(Tabled 3-7-17)**

No action taken.

NEW BUSINESS

A. Redevelopment of Bergenfield Swim Club/Twin Boro Field

Borough Administrator Gallo explained that the Borough has been approached by a private entity, a group that is interested in the swim facility. He stated that he reviewed the parcel of land, and altogether the property is about 24 acres. He advised that there should be a long term plan put in place for the entire 24 acres. Mr. Gallo explained that under Green Acres, the property can only be used for recreational use. He further explained that the Borough has less restriction on unfunded property and that property funded under Green Acres must allow accessibility to outsiders. Mr. Gallo stated that there is no formal plan in place, but the idea is to build a new complex on the property. Mr. Gallo advised that there is a process in order for a project as such to take place. He explained that a survey needs to be done on the property, as per Green Acres requirement. He further explained that the governing body has to be willing to make a recommendation to the Planning Board, to designate the area as recreational usage in the Master Plan. Mr. Gallo advised that once the steps are completed, then the Borough can prepare a bid and advertise for Public Auction for the parcel of land.

Council President Amatorio stated that the steps include survey and recommendation to the Planning Board for redevelopment, not to change the purpose of the area.

Borough Attorney Schettino stated that in order to address the taxes, which is called a PILOT, the area has to be designated as an area immediately developed. The Planning Board is not approving a redevelopment plan, they're just making a recommendation and making a determination as to whether the area needs redevelopment. He advised that the only way the Borough can enter into a PILOT agreement is when the area is designated for redevelopment.

Councilperson Kornbluth stated in order to put the parcel out to bid to private companies, this needs to be done.

Mr. Schettino responded that the Borough would enter into the agreement with a successful bidder, in order for them to avoid paying property taxes like a commercial property. He advised that this encourages bidders to bid on the property and invest in the redevelopment. Otherwise, the developers will not put millions into a property that they do not own.

Councilperson Kornbluth stated that there is no requirement to redevelop and taxes can be charged.

Mr. Gallo stated that the property can only be designated for recreational purposes and the swim club is a building that would fall into that category.

Councilperson Kornbluth inquired what will be the cost of the study.

Mr. Schettino advised that the planner is heavily relied upon to do a proposal, and the cost can be anywhere between \$5,000 or \$10,000 or even less.

Councilperson Kornbluth expressed concern on voting for services to be prepared without having a cap on the amount that can be expended.

Mr. Schettino explained that the governing body can vote to authorize the planner to complete the survey for a cost not to exceed \$10,000.

Councilperson Lodato stated that when the Planning Board is commissioned to do a study to determine if a certain area is in need of redevelopment, it is usually for uses of structures that are obsolete or for safety reasons.

Mayor Schmelz inquire whether there is a concern that the planner will look at the property and determine there is no need for redevelopment.

Councilperson Lodato inquired what incentive there would be for private property as it is currently publicly owned.

Mr. Schettino explained that the development would be similar to sports center in Waldwick and "Bubble" off Route 4. He advised that the group expressed interest in having an indoor pool in a large parcel of property. He further advised that the benefits to the Borough will be that the property will be maintained and public can have access to the facility. He stated that the Borough should have a conversation with the Borough Engineer about capital projects, to ensure that information is put into the bid as to what the developer has to do, figure out what will be the benefits to the residents, and determine what will be the payment to the Borough, whether it would be through PILOT or long term lease. Mr. Schettino stated that the Borough's other option is to complete the repairs and go into a long term lease. Councilperson Lodato stated it's a fairly easy decision, whether anyone bids, the final decision is up to the governing body.

Council President Amatorio stated that whether the governing body will be locked in to the recommendations of the Planning Board.

Mr. Schettino stated that the governing body could accept or reject the proposal, and will not be obligated to complete the work.

Mayor Schmelz stated that the Borough can put out the bid, but there may not be any answers.

Mr. Schettino stated that the governing body could authorize retention of the planner not to exceed \$5,000 and provide the Borough Engineer authorization to complete the survey.

Mr. Gallo explained that there must be a survey done on the unfunded parcel of land. He advised that the cost may vary on whether there are markers on the property. He also noted that there may be different elevations from one side to another.

Council President Amatorio inquired whether the developer could pay for the expenses.

Councilperson Kornbluth stated the costs could be incorporated into the bid specifications.

Councilperson Lodato stated that the acres of land may have been carved out under Mayor Gallione's administration.

Mr. Gallo stated that he has searched everyone for the markings to no avail.

Councilperson Lodato advised him to contact Azzolino in Paramus as the engineers may have the information.

Councilperson Kornbluth inquired whether action can wait until the next meeting.

Mr. Gallo stated that there has been discussion for some time now, and the Borough should provide a good faith effort in order to keep interest. He advised that the survey takes several weeks and therefore he would like to have it all finalized to bid in September. He explained that proposals can be received in October, and set a plan for 2018.

Motion by Council President Amatorio, second by Councilperson Lodato, that the Planning Board is authorized to conduct study and retain the services of Banisch Associates for a cost not to exceed \$5,000 to prepare report.

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

Motion by Council President Amatorio, second by Councilperson Lodato, to authorize survey for a cost not to exceed \$13,500 upon determination that there is not an existing survey.

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

B. Introduction of Ordinances

Motion by Councilperson Kornbluth that the following ordinance be introduced and passed on first reading and setting July 18, 2017 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Council Chambers of the Bergenfield Borough as the place for a hearing on said ordinance. Second by Council President Amatorio.

Mayor Schmelz read the title of the ordinance into the record:

ORDINANCE 17-2511 - AN ORDINANCE AMENDING CHAPTER 223 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED "PARKS AND PLAYGROUNDS"

ORDINANCE 17-2512 – AN ORDINANCE AMENDING CHAPTER 232 OF THE BOROUGH OF BERGENFIELD ENTITLED “PROPERTY MAINTENANCE”

ORDINANCE 17-2513 – AN ORDINANCE ENTITLED “ABANDONED PROPERTIES”

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

C. Appointment to BSID Board

Mayor recommends and nominates Cynthia Naylis Spoerl to serve on the Bergenfield Special Improvement District to fill a vacancy, term expiring December 31, 2017

MOTION by Council President Amatorio, second by Councilperson Deauna, that the nomination be confirmed. All present in favor, none opposed.

Committee/Department Reports

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

Erika Gershuni, resident, inquired whether any action has been taken to improve the conditions on Westminster Avenue. She explained that this is the intersection where the crossing guard was struck, and therefore she is concerned for the safety of the residents. Ms. Gershuni explained that the road is dangerous and hopes that action is being taken.

Councilperson Kornbluth stated that the street is a County Road, and therefore she has been in communication with the County, had numerous meetings, and hopefully improvements will be made in the next few months.

Borough Administrator Gallo also confirmed that he has been in communication with the County, and action is back in motion.

John Smith, resident, inquired whether the Swim Club matter has been settled and whether the bankruptcy has been finalized. Mr. Smith inquired the name of the group that is interested in the pool. Mr. Smith stated that the property is good for a baseball or softball field, and mentioned that the Borough just needs to make sure the property is not contaminated. He also inquired whether there has been any direction on the building and tax assessments. Mr. Smith commented that the individuals should not be in their job after not updating records in the past four years. Mr. Smith also inquired the status of the lease agreements and whether the organizations submitted the value of their services. He commented that many more residents are coming in front of the Zoning Board requesting approval to install a pool in their home, and mentioned that Swim Clubs are not making money anymore.

Borough Administrator Gallo stated that the Building Department has been in the process of cleaning their files and updating their records for new construction, and then the information has

be provided to the Tax Assessor. He mentioned that he does not know how far back the Tax Assessor can go as he is not well versed on tax law. There was a situation that was observed and it is being taken care of. It occurred prior to Mr. Smith's revelation, and it wasn't a reaction.

Barry Doll, resident, support Mr. John Smith's comment that there are new houses that have not been updated on the tax roll. He commented that the property is not reflected on the tax rolls and other efforts should be made to investigate the matter. Mr. Doll stated that he is happy that the Borough is moving forward on the property and exploring how it can be utilized. He advised that the land could be a problem, but it is good that the Borough is looking into it.

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

COUNCIL COMMENTS

Mayor Schmelz inquired whether any ruling was done on the BSID games.

Borough Clerk Quinones explained that she received notification from Legalized Games of Chance Control Commission that the game is not a raffle and there is no need for an application.

Councilperson Lodato thanked everyone for all the phone calls and all the support he received of his father's passing. He thanked the administrator, mayor, council members, and the police department for their support over the past week.

Councilperson Deauna expressed his sympathies to Councilperson Lodato as his father was very dear to him. He thanked everyone for coming.

Council President Amatorio wished all a good night, and thanked the Boy Scouts for staying the entire meeting. He commented that the meeting was a lively discussion and a perfect example of democracy at work. He expressed his sympathies to Councilperson Lodato. He had heard great things about his father.

Councilperson Kornbluth expressed her condolences to Councilperson Lodato and commented that Mayor Lodato was a great public servant and a great friend, always having a smile and having something good to say about people.

Mayor Schmelz commented that this has been a busy week in Bergenfield. He stated it was nice to see the kids had won the championship. The High School students graduated this evening. The Bergenfield Elks Fishing Derby was well attended. The Elks did a great job. The town was very resilient at Family Fun Day. It was pouring rain and the kids were there with fishing rods in the water. He hopes to see this continues. Mr. Clark planted 25 vines at Cooper's Pond. Mayor Schmelz also expressed his condolences to Councilperson Lodato. He was a member of the Planning Board and the Senior Citizens Committee. He would serve food and would not sit and eat until everyone was served. Mayor Lodato will be missed by all.

CLOSED SESSION

RESOLUTION 17-238/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

A. Attorney-Client Privilege

1. George Reggo v. Borough of Bergenfield
2. Department of Public Works Personnel Matter

B. Contracts/Agreements

1. Facilities Needs Assessments

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 Councilperson Lodato, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:48 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, second by Council President Amatorio, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:02 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk