

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

**8:00 p.m.  
September 19, 2017**

**PRESENT:** Mayor Norman Schmelz and Council President Arvin Amatorio, Council members Thomas Lodato, Buddy Deauna, Ora Kornbluth, Hernando Rivera, 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 8:05 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 Kornbluth.

**AGENDA CHANGES**

Item C added to Correspondence  
Resolutions 17-323 and 17-324 added to Consent Agenda

**APPROVAL OF MINUTES**

Motion by Council President Amatorio, second by Councilperson Deauna, to approve minutes of the August 15, 2017 Regular Meeting, August 15, 2017 I Closed Session Meeting (not to be released), August 15, 2017 II Closed Session Meeting (not to be released) September 5, 2017 Work Session Meeting, September 5, 2017 I Closed Session Meeting (not to be released), September 5, 2017 II Closed Session Meeting (not to be released). All members present voting in favor, none opposed.

**PRESENTATIONS**

A. Proclamation – Sickle Cell Awareness Month

Mayor Schmelz read the proclamation into the record.

B. Proclamation – Ovarian Cancer Awareness Month

Mayor Schmelz read the proclamation into the record.

**VERBAL COMMUNICATIONS I**

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

Mr. John Smith stated his complaint is with the lease agreement for the Little League and PAL stating both organizations are responsible for maintaining the fields. But, the Borough is responsible for giving them the speedy dry and the clay. Speedy dry is part of maintaining the fields and should be taken out of the bill list.

Councilperson Kornbluth stated when it states maintenance, it's the physical maintenance of the space and not paying for the products.

Ms. Diana Flagg inquired how is it that there is a bill already in the amount of \$500 for the Fiesta for the volunteer dinner. It was only discussed in closed session and never in public. Ms. Flagg inquired when the volunteer dinner will be and if it includes liquor or a cash bar. Ms. Flagg questioned why she has to pay taxes for a volunteer dinner.

Mayor Schmelz stated it is a deposit. The volunteer dinner is held every year that goes back years. Mayor Schmelz stated the volunteer dinner is November 12<sup>th</sup>.

Councilperson Kornbluth stated the \$500 is a deposit for the volunteer dinner and will be held at the Fiesta on route 17 in Woodridge.

Council President Armatorio stated the volunteers deserve a night for their service to the town.

Mr. Barry Doll stated the volunteers of the town deserve it, with all the hours they put in and the time they devote to attending meetings. It is certainly warranted by a once a year dinner to come together to discuss what kind of organizations there are helping out neighbors. Mr. Doll doesn't think it's overspent. Mr. Doll stated the council members should just answer the questions and they don't have to explain anything else other than the date and place of the volunteer dinner. Mr. Doll state if you're wrong, you can always correct yourself.

Council President Armatorio stated for the record, the volunteer dinner was briefly discussed. Council President Armatorio explained the council gave the administrator the authority to look for the venue and make the necessary deposit. The council didn't know what the date was since it wasn't known when the venue would be available.

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

#### CORRESPONDENCE

- |                                      |  |
|--------------------------------------|--|
| A. Shin/The Blessed Community Church | <b>Re:</b> Request to Reserve Memorial Park Pavilion/Sunday, September 24, 2017/10:00 a.m. – 4:00 p.m. |
| B. Volpe/Bergenfield Board of Health | <b>Re:</b> Matthew Connell/Resignation/Effective – September 13, 2017                                  |
| C. Lodato/Board of Fire Officers     | <b>Re:</b> Personnel Letter Dated September 18, 2017   |

Motion by Councilperson Kornbluth, second by Councilperson Rivera, and all other members voting in favor, that items A through C are approved.

#### A. CONSENT AGENDA

**CONSENT RESOLUTION 17-314.** 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. **17-315/To Pay Bills**
- b. **17-316/To Approve Tax Refund – 135 E. Clinton Avenue 4 A**
- c. **17-317/To Approve Tax Refund – 14 Frederick Place**
- d. **17-318/To Approve Revised Proposal – Bergen County 2017 Cooperative Curb Ramp Construction Grant Program – North & South Washington Avenue**

- e. **17-319**/To Approve Lease Agreement – Bergenfield Little League
- f. **17-320**/To Approve Letter of Agreement – Municipal Alliance Grant – July 1, 2017 to June 30, 2018
- g. **17-321**/To Support Anti-Idling Campaign
- h. **17-322**/To Support New Jersey’s Wildlife Action Plan
- i. **17-323**/To Approve Tax Refund – 21 Madison Avenue
- j. **17-324**/To Reject Bid and Negotiate Contract for “Two (2) 2017 Ford F450 4x4 Chas/C 6.7L Power Stroke V8 Diesel 6 Speed Automatic Truck with Snow Plow or Brand Name Equivalent

Motion by Councilperson Lodato, second by Councilperson Deauna, 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>aye</i>
Council President Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</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**)

Motion by Councilperson Kornbluth, second by Council President Amatorio, that Ordinance 17-2500 be removed from the table.

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

Chief Madalone acknowledged Officer Mader, Captain Rabboh, Officer Galarza, and several officers in patrol who got it done so quickly. Chief Madalone stated she was presented with it in July when Lieutenant Stapleton became ill and they were able to get it expedited.

Mayor Schmelz inquired if ACME parking lot should be taken out from page 45 before the ordinance is passed.

Chief Madalone stated it’s ACME currently and it is not known what it’s going to be.

Mayor Schmelz inquired about block 162, lot 21 on page 21, which is the lot behind the bagel store. Mayor Schmelz stated there are a lot of women that go to the beauty salon on Saturdays and have been complaining that they get tickets for parking there for more than two hours since it takes five hours to get their hair done. Mayor Schmelz inquired if the two hour time limit could be changed to five hours since there are more people on Saturdays.

Chief Madalone stated it is because of the parking from 47 Legion Drive and the commuters. There’s also parking in the back on Palisades Avenue. Chief Madalone inquired if it would be just for that one lot.

Councilperson Kornbluth inquired if it would be confusing to change that one lot to five hours.

Chief Madalone stated a separate section would be made just for that lot for Saturday for the five hours.

Mayor Schmelz stated anyone who is a commuter, would be there for ten hours and not for five. All the other streets for commuter parking are five hours.

Council President Amatorio stated, on page 9 of the ordinance, South Williams Street west from East Main Street to Palisades Avenue is part of the no parking. It is written in the ordinance as two hour parking only on both sides. Council President Amatorio inquired if this doesn't conflict with page 17 that states two hours on both sides.

Chief Madalone stated it should say the east side.

Councilperson Rivera stated on page 2 of the ordinance, the sign on Bergen Ave states no parking from 9:00 p.m. to 6:00 a.m. People will call Zona Rosa during the night because they can't park there.

Chief Madalone stated there is no parking there on just one side of the street. Chief Madalone stated the one Councilperson Rivera was referring to was at the intersection on Bergen Avenue on the south side, listed on page 12. Chief Madalone stated people complained they couldn't park in front of their house.

Mayor Schmelz inquired if there are signs up now and if it is changed will people park there.

Chief Madalone stated anyone can park there, residential and commercial.

Councilperson Kornbluth stated the change should be made if it's going to take away the complaints. It can always be added back.

Mayor Schmelz inquired if the area on Martin Street by Jefferson School is Borough or school property and if people can park there overnight.

Chief Madalone stated it's Borough property and people can't park there.

Council President Amatorio stated there is a small lot in between the senior center and the way to Foster Village that can be used for parking.

Mayor Schmelz stated there's grass in that area now and it's a walkway. Mayor Schmelz stated fixing that area would be done out of the capital budget and the council would have to find out if it's Borough property. There isn't any parking there now.

Chief Madalone stated she thinks it is a Borough street but will double check.

Mayor Schmelz stated he received a complaint from a business owner on Washington Avenue. He parks his car in the back of the lot and gets a ticket. He doesn't know where to park since he will take the only spot people can park if he parks in the front of the building. It's a little Indian grocery store. Mayor Schmelz inquired if there could be permit parking for store owners, to get a green sticker or label to enable him to park in the Borough lot.

Councilperson Kornbluth stated there will be no spots for shoppers if every store owner gets a spot. If the business district is going to be revived, people will need parking spots if they're coming to shop.

Council President Amatorio stated there are some legal issues since it's not fair to other businesses and taxpayers. Parking spots are also needed for the residents.

Mayor Schmelz stated the residents are not going to be parked for more than two hours.

Councilperson Kornbluth asked Mayor Schmelz if it's going to be for anyone that has a business that's going to be there all day. The business owners park their car in the lot.

Councilperson Rivera inquired if the business owners have at least one parking spot.

Council President Amatorio inquired how many municipal parking spots are available in the town. If there are 100 spots for the whole town and compare it to how many businesses are in town. How are you going to be able to give out stickers to store owners if there are 100 parking spots and 200 businessowners. Council President Amatorio inquired how you would be able to distribute the parking spots to the businesses when there aren't enough parking spots.

Mayor Schmelz stated some businesses, like Payless, have several parking spots and other business owners do not have their own parking lots and have to park in the Borough parking lot.

Chief Madalone inquired about having metered lots that would be electronic. Commuters would also love it. In other towns, commuters pay and are able to park all day. Meters don't need to be put in. Chief Madalone stated it can all be done on the smart phone.

Council President Amatorio stated they have to be cautious as they are having a parking problem and they don't want the shoppers to be turned off. It can be discussed further at another time.

Councilperson Kornbluth inquired about setting up some fines in which people don't have to waste their time and the judge's time in coming to court to pay their fines.

Chief Madalone stated it doesn't pertain to traffic as stated in the Borough ordinance. Chief Madalone explained if there is any fine that doesn't have a penalty set to it, the cost would be \$55 plus an administration fee. The fire zone falls under the fire department code which belongs to the code enforcer. Some of the fines are related to Title 39 which require a court appearance.

Councilperson Marte stated a resident had called the police about a noise complaint and the police officer gave her name to the neighbor she had made the complaint about.

Chief Madalone stated that should have been anonymous and would address it.

Mayor Schmelz inquired if more pedestrian crosswalks would be put up if it was designated as more were needed in certain areas.

Chief Madalone stated if more crosswalks are needed it has to be abide by the rules and regulations set in the ordinance.

Mayor Schmelz stated there is a borough parking lot across the street from the library that doesn't have any pedestrian cross lanes and nobody stops. There is a curb cut there already for pedestrians.

Mayor Schmelz stated it had came up at the library meeting.

Motion by Councilperson Rivera, second by Councilperson Kornbluth, to pass Ordinance 17-2500 on first reading as amended, and notice of same shall be published according to law.

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

Councilperson Lodato:

*aye*

Councilperson Kornbluth:

*aye*

Councilperson Deauna: *aye* Councilperson Rivera: *aye*  
Council President Amatorio: *aye* Councilperson Marte: *aye*

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.

ORDINANCE 17-2515 – AN ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED "DEPARTMENTS" (**Tabled 9-5-17**)

No action.

B. Tabled Resolutions

1. **17-308**/To Approve Agreement – Fencing of Dog Park at Memorial Park – Bergen Fence (**Tabled 9-5-17**)

No action.

NEW BUSINESS

A. Permit Requirement to Operate Crane

Council President Amatorio explained there are a couple of residents who had approached him regarding necessary requirements and having the proper license for crane operators during construction projects in Bergenfield. Council President Amatorio stated the building department doesn't check if those operators have a license, are certified or have the proper training to operate the cranes. Council President Amatorio stated he thought it might be a public safety issue and gave the proposed resolution to the Borough clerk. He would like the other council members to take a look at it and see if it would benefit Bergenfield.

Councilperson Kornbluth inquired if Council President Amatorio had discussed it with anyone in the building department.

Council President Amatorio stated he had not and could give the building department a copy. Council President Amatorio stated they just want to make sure they have the proper permit when they come here to ensure the residents are safe.

Councilperson Kornbluth inquired if someone brings in a crane right now, a permit is not required and the building department does not know about it. Councilperson Kornbluth inquired if this would make the Borough more liable.

Council President Amatorio stated the building department only requires a permit for the construction and does not require anything else for the operation. He stated it is not known if a contractor has the proper permit. Before they operate the crane, they should show the building department their credentials. The building department would inspect it and there would be a minimal fee of \$50-\$100 for the permit. This would assure when the crane is operated it is by a licensed operator.

Council President Amatorio stated once they apply for the license the liability would not be transferred to the Borough. It's the same way the building contractor does construction work and they have their own liability insurance. Council President Amatorio stated the Borough would just be validating their credentials to operate the crane.

Borough Attorney John Schettino stated it's ok if the purpose is to ensure an operator has the proper license and certification to operate the crane and it's just to verify their credentials to operate a crane then. Mr. Schettino suggested the Borough may want to require proof of insurance.

Mayor Schmelz inquired if it would be additional permit they would be charged for and if other towns are doing this. Mayor Schmelz stated he is all for safety.

Council President Amatorio stated there would be an additional charge and there a couple of towns that are doing this.

Councilperson Lodato stated it might not be limited only to using cranes for building projects but for the use of cranes that are delivering supplies to businesses.

Council President Amatorio stated whether you want to use the crane for your business to deliver equipment or for construction, a permit would be needed. The ordinance has the description of what a crane is and everything it carries.

Mayor Schmelz suggested having the people who are advocating for having permits issued for the operation of cranes present at the next council meeting and have a draft of the resolution that can be read beforehand.

Councilperson Kornbluth suggested a copy of the resolution be given to the building department also.

B. Recommendations and Nominations for Boards and Committees

**SHADE TREE COMMITTEE**

Mayor appoints the following to serve on the Shade Tree Committee for an unexpired term (*vacancy*), term expiring December 31, 2017.

Mike Cassidy

Motion by Council President Amatorio, seconded by Councilperson Marte, that the nomination 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>	Councilperson Rivera:	<i>aye</i>
Council President Amatorio:	<i>aye</i>	Councilperson Marte:	<i>aye</i>

**BOARD OF HEALTH**

Mayor appoints the following to serve on the Board of Health for a 4-year term (unexp. Connell), term expiring December 31, 2020.

Cindy Kneisler

Motion by Council President Amatorio, seconded by Councilperson Marte, that the nominations be tabled.

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

### 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 Lodato. 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.

Mr. Edgar Sanchez and Luz Torres stated they support the dog fencing at Memorial Park. Mr. Sanchez stated there are 28 dogs between themselves and their family and friends. Mr. Sanchez stated they would be very grateful if this project came through. Mr. Sanchez stated he lives three blocks from the park and they walk their dogs there.

Mr. John Smith inquired of the Mayor and Council if they recall receiving a letter on May 24, 2016 from the secretary for the fire department requesting they take the lead on the September 11th ceremony. Mr. Smith explained this year the Veteran's committee, along with members of the fire department, police department, ambulance corps, and the garden club made a decision that the September 11 ceremonies would be conducted every five years. Mr. Smith stated it is not the council's fault or the veteran's committee fault if the fire department had poor communication amongst themselves. No one at the meeting, representing the fire department and the ambulance corps, said a word about taking it over. The fire department goes ahead and did their own thing without getting permission to use Borough property. Councilperson Lodato is the liaison for the fire department and he should have said something to those individuals in the fire department who decided to have a September 11 ceremony this year. Mr. Smith stated the fire department owes the council an apology. Mr. Smith stated there is no parking by Tommy Fox's. The SID should be dealing with the parking issues.

Mayor Schmelz stated just for the record he had pointed out it was a group decision. The council went with the committee's decision. Mayor Schmelz stated they held the ceremony at the fire department. There were people at Cooper's Pond all day. Candles and flowers were placed at Cooper's Pond beforehand.

Mayor Schmelz told Mr. Smith and any other resident who has a complaint or comment on an ordinance to approach any member of the governing body to discuss. They do not need to wait for public comments at a meeting.

Ms. Mary Sullivan stated she is thrilled to hear the reaffirming of the no idling law. She was in the automobile industry and knows it is not good for the car and also what it does to the environment. She's seen people start up their car and let it idle for 45 minutes. Ms. Sullivan suggested if something could be set up for residents to report the address, vacant vehicle, or license number and then send a letter to them stating the ordinance is being violated.

Mayor Schmelz stated it is a resolution. The police department can't do much about it.

Councilperson Lodato stated there's a state statute for unoccupied vehicles.

Chief Madalone stated the police department will respond to complaints about idling cars.

Mr. Tony Bruno stated that the parking lot on Legion Drive and Palisade is horrendous and is not kept up, not knowing which way to go in and out. Mr. Bruno stated it's marked for handicap

parking but there are concrete car stops you can't get out on the sidewalk if there's a wheelchair. Mr. Bruno stated the sidewalk isn't shoveled in a timely fashion in the winter. No one notices these issues. Also, Mr. Bruno inquired where are the people who reside in the apartments going to park if there is a 2 hour limit parking enforced. The other lots aren't any better. Mr. Bruno inquired why the SID doesn't do anything about the parking lots.

Mayor Schmelz stated it's a Borough lot and the police do give out tickets. Mayor Schmelz stated the Borough does not own those lots which is part of the problem. The lots Mr. Bruno is talking about are separately owned by the businesses.

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

#### COUNCIL COMMENTS

Councilperson Lodato stated Matt Connell is a long-time resident who served the Borough in different capacities for many years and will be missed. He thanked everyone for coming to the meeting.

Councilperson Deauna stated Matt Connell will be missed. He's been a good friend and suggested a proclamation be given to him for all that he's done for Bergenfield.

Council President Amatorio thanked everyone for coming to the meeting.

Councilperson Kornbluth thanked everyone for coming to the meeting and to have a good night.

Councilperson Rivera stated the council has been concerned with the parking situation and there's been a lot of discussion in how to best solve the problem. There's been many ideas but some of them cost a lot of money. Councilperson Rivera thanked the residents for supporting the dog park fencing.

Councilperson Marte thanked everyone for coming to the meeting and wished everyone a good night.

Mayor Schmelz stated Matt Connell is a good guy and will be missed in town. A proclamation could be presented to him. The parking problem has been on the master plan since 1964.

#### CLOSED SESSION

**RESOLUTION 17-325**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Personnel
  - 1. DPW Personnel Matters
  - 2. Building and Tax Office Personnel Matters
- B. Contracts/Agreements
  - 1. Facilities Needs Assessment

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 Rivera, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:30 p.m.

#### ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Marte, second by Councilperson Rivera, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:52 p.m.

Respectfully submitted,

Marie Quinones  
Borough Clerk