

**OFFICIAL MINUTES  
BOROUGH OF BERGENFIELD  
MAYOR AND COUNCIL WORK SESSION  
FEBRUARY 6, 2018**

PRESENT: Mayor Norman Schmelz and Council President Arvin Amatorio, Council members Thomas A. Lodato, Buddy Deauna, Hernando Rivera, and Rafael Marte

ABSENT: Ora Kornbluth

ALSO PRESENT: Borough Administrator Corey Gallo  
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 Council President Arvin Amatorio.

PRESENTATIONS

A. Fire Department Promotion

Robert Byrnes Jr. biography was read into the record by Fire Chief Christopher Naylis.

**18-043/To Appoint Fire Captain – Robert Byrnes Jr.**

Motion by Councilperson Marte, second by Councilperson Rivera, that Resolution #18-043 be approved.

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

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

Oath of Office to Captain Byrnes Jr. was administered by Mayor Schmelz.

Captain Robert Byrnes Jr. thanked everyone for the opportunity, friends, family, and colleagues for coming. He will do the best he can for the job.

COUNCIL COMMENTS

Councilman Lodato congratulated Captain Byrnes on his promotion and wished him the best in the years to come.

Councilman Deauna congratulated Capitan Byrnes and he will have more responsibilities. He is looking forward to him doing a good job.

Council President Amatorio congratulated Captain Byrnes and is a well deserved appointment. He has a big role to fill but is confident of his skills and talent.

Councilman Rivera stated it's been 18 years Captain Byrnes has been here. He is here because of the great support he's had from his family. He's done a great job as a professional and congratulated him and his family.

Councilman Marte congratulated Captain Byrnes and his family. He thanked Captain Byrnes for his service to the town throughout the years and knows he will service the town with pride as he's done in the past.

Mayor Schmelz congratulated Captain Byrnes. It's great you grew up in town and came up the ranks. Your father is very proud of you along with your family. May you have a long and safe career.

On a motion by Councilman Lodato, second by Councilman Marte the meeting was recessed. The meeting was reopened at 8:25 p.m.

#### AGENDA CHANGES

On a motion by Council President Amatorio, second by Councilman Rivera and all present voting in favor, the appointment of Public Defender and Alternate Public Defender is added to Unfinished Business.

#### CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

##### A. Engineering & Inspection Status Report

Borough Engineer Robert Keady, with T & M Associates, stated Bergen County has a road paving program for 2018-2019. The streets within the program are North and South Washington Avenue, from the Teaneck municipal boundary to the Dumont municipal boundary. There's also North and South Prospect Avenue from New Bridge Rd to River Edge Rd, River Edge Rd from N. Prospect Avenue to New Milford boundary, East and West Main Street from Tenafly boundary to North and South Prospect Avenue, and New Bridge Rd from New Milford boundary to S. Washington Avenue. The county has a contract for improvements of the ADA ramps at the intersections within those streets. The county intends to pave the streets in 2018 if the ADA ramps are completed by that time. In 2019, the county will continue to program with New Bridge Rd. Mr. Keady stated site visits have been performed at all of the intersections, except for Washington Avenue. Drainage issues were observed at S. Prospect Avenue and Sugden and New Bridge Rd and Sussex Rd. Mr. Keady stated they met with the county for both intersections and the county will address drainage improvements for S. Prospect Ave and Sugden. The county will get back to the engineer regarding New Bridge Rd and Sussex Rd.

Mr. Keady stated a site visit was performed at Twin Boro Park to review existing conditions for the proposed soccer and multi-purpose fields that would be funded by the Green Acres program by a grant. Mr. Keady stated they are working on a conceptual layout to meet with the Borough.

Mayor Schmelz stated the Planning Board had suggested a planning study be done on the entire Twin Boro Park area to get the maximum use of the area.

Borough Administrator Corey Gallo stated they met at the location this week and gave the engineer a tour of the entire property and laid out the dimensions of the location. Mr. Gallo stated there is a multi year plan to maximize the space to make it both passive park use and active park use, whether it's fields, sitting areas, and enhancement of the rinks, area where the pool is. It will all be addressed and requested from the council to be a long term plan to be consistent with the Planning Board and with what the master plan called for.

Mayor Schmelz stated the Planning Board had recommended to the council a plan should be done that would not piece meal a plan.

Borough Attorney John Schettino stated it's not a plan, it's a survey in which dimensions of the full park are given and then working with the engineer to see how it will be all laid out. You need a surveyor and an engineer.

Mayor Schmelz stated the Borough has all that. The concern is that the whole park should be planned out. There should be a rough diagram to know exactly where everything will be laid out.

Mr. Gallo stated Mr. Keady went to the park Monday to be introduced to it and knows where the Green Acres money was funded. We were awarded \$1,000,000 to renovate the fields at Twin Boro Park. The project would cost \$2.5 million to put two soccer fields with lights. Mr. Gallo stated they wanted to maximize the use of the area that hasn't been utilized.

Council President Amatorio stated based on the report by Mr. Keady Washington Ave, Prospect Ave, River Edge Rd and East and West Main Street will be done. Council President Amatorio inquired if one project would be completed at a time or would the streets be done simultaneously.

Mr. Gallo stated it will be done simultaneously. The ADA ramp designed for Washington Avenue were approved last year by the county. The plans and designs are being put together now street by street and will come back in the next week with the cost estimates and submissions to the county for approval of the designs. The county is committed to doing all the roads mentioned, except New Bride Rd which will be done in 2019. Mr. Gallo stated if the ramps are approved, the contractor doing the work will not leave Bergenfield. The goal of the county is to have Washington Ave completely paved before Memorial Day weekend.

Mayor Schmelz inquired if a planner will design a conceptual drawing of Twin Boro Park. Mayor Schmelz inquired if T & M are the engineers for the paving work. Mayor Schmelz inquired if there will be extra pedestrian crosswalks put in on Washington Avenue as there are some pedestrian safety concerns presented by the Deputy Police Chief.

Mr. Gallo stated the engineer will do that. Mr. Gallo stated Washington Ave will be handled by both engineers. Mr. Gallo stated he will ensure the additional ramps on the southern end of Washington Avenue will be included.

UNFINISHED BUSINESS

A. Professional Appointments and Execution of Contracts *(Borough Administrator)*

Motion by Council President Amatorio, second by Councilperson Rivera, that Franklin S. Montero be appointed as Public Defender.

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

Motion by Council President Amatorio, second by Councilperson Deauna, that John J. Bruno Jr. be appointed as Alternate Public Defender.

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

NEW BUSINESS

A. Introduction of Ordinance

Motion by Councilperson Lodato that the following ordinance be introduced and passed on first reading and setting February 20, 2018 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Executive Chambers of the Bergenfield Borough Hall as the place for a hearing on said ordinance. Second by Councilperson Deauna.

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

**ORDINANCE 18-2521- AN ORDINANCE AMENDING CHAPTER 194 OF THE CODE OF THE BOROUGH OF BERGENFIELD ENTITLED "LIBRARY"**

Motion by Councilperson Lodato, second by Councilperson Deauna, that Ordinance 18-2521 be introduced

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

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

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

Mayor Schmelz stated that the information has been shared with the governing body for review. He explained that the administration is receiving the information and reviewing the numbers.

**C. Transitional Duty Policy**

Mayor Schmelz stated that he has spoken to the Borough Administrator and the Risk Manager about having a policy in the Borough, and understands there are pros and cons. Mayor Schmelz further stated that borough should look into this in the future, and mentioned that rather than have employees sit at home, the employees should return to work. He also mentioned that the Borough would receive reimbursement for the employees that return to work.

Borough Administrator Gallo stated that he spoke to the Risk Manager as well, and learned that there are 34 towns that participate in the program. He explained that all other towns chose not to participate. Mr. Gallo stated that the towns that are participate are usually much smaller, and have the ability to use their discretion. Mr. Gallo explained that his concerns would be the grievances for calling an employee over another. He further explained that the idea to have them come in and sit in a room to watch videos, but this can become very challenging to have all employees in one room. When employees have to be out on injury, they have to be home. He commented that they cannot be at their summer home, they have to be home. Mr. Gallo confirmed that at this time, he is not an advocate of the program.

**D. Rules and Regulations for a Dog Park**

Borough Administrator Gallo stated that he provided the Mayor and Council information pertaining to rules at dog parks. In the event that the Borough decides to implement the dog park, need to know how to present the information on all the different topics.

Councilperson Rivera stated the following into the record; the park should be open from sunrise to sundown, all dogs must be vaccinated and healthy, all dogs must be wearing a licensed tag, no aggressive dogs will be permitted, puppies must be at least four months old, owners may not leave their dog unattended or allowed out of sight, children under 10 years old are not permitted in the park with a dog unless accompanied by an adult; dogs in heat are not allowed in the park, dogs must be leashed before entering and prior to leaving the park; unattended dogs will be impounded,

owners are responsible for their dogs and any injuries caused by them, all dog bites must be reported to the health department, any dog that bites any person will not be permitted at the dog park, no spiked, pronged, or choke collars allowed, park may be closed for maintenance without prior notices, and a sign should be visible listing all the rules, and a phone number to contact for emergencies and to report any park attendants that are not following the rules.

Council President Amatorio stated that the members should review the information and send all their comments to the Borough Administrator to be set in a resolution or ordinance.

Mayor Schmelz inquired what would be the cost for maintenance in the park.

Council President Amatorio stated that Petco wanted to clean the park as a courtesy service. He inquired whether a service as such would have to be publicly bid.

Borough Attorney Schettino stated that Recreation Committee may put up signs with sponsorship information, and this would be no different. He explained that if there was an agreement to pick-up waste instead of a \$5,000 fee, then there would have to be an agreement in place.

Councilperson Lodato stated that the DPW costs have to be factored into this. Borough Administrator Gallo stated that he will reach out to other towns to find out the costs associated with the dog park maintenance.

Councilperson Marte inquired whether the users can contribute to the maintenance and self-police. He explained that there is definitely a high demand, people want a dog park in town.

#### E. NJLM Louis Bay Scholarship Competition

Mayor Schmelz stated that he shared information with the governing body on this scholarship opportunity for high school students. He will send a letter to the High Schools, but would also like for it to be advertised on the website for residents that may attend schools outside the district. The scholarship offers \$1,000 to three statewide winners. He further explained that the essay is submitted into the Borough, we review and pick one winner to represent Bergenfield. Mayor Schmelz stated that our last entry became a top finalist in the second round.

#### F. Health Department Personnel Matters

Borough Administrator Gallo stated that there are issues taking place pertaining to a personnel matter. The employee was provided a RICE notice and as a result, he requested that his discussion be done in open session. Given that the employee is not present, and as per guidance with the Labor Counsel and Board of Health, he will be back next week and the matter will be discussed with him at that time. There will be disciplinary action due to some findings that have occurred in town. He stated that as the Borough Administrator, he has an obligation to the Borough and the residents to ensure the standards are kept to the highest that can be.

#### ADMINISTRATOR'S REPORT

Borough Administrator Gallo stated the Budget Committee meeting was held last week and will introduce the operational and capital budget at either the February 20<sup>th</sup> meeting or the first meeting in March provided the auditors give their final review. Mr. Gallo stated the meeting was productive and the residents will be pleased with the results and findings. The council has asked the administrator to come up with \$0 tax increase for the municipality as a result of everything that has taken place. It's not an easy task when you have medical insurance, pension contributions and contractual obligations going up on a regular basis. Mr. Gallo stated last year an architect provided an analysis in review of the building. There are internal issues, plumbing and heating, electrical,

the air conditioning, HVAC and our technology. The exterior of the building has issues. The budget has been looked at and if the Borough goes forward with the recommendations of maintaining the building and do the updates that need to be done. This cannot happen with everyone staying in the building and would like for the council and mayor to come together on the direction so they can proceed. The \$8 million surplus could be utilized towards the project that's going to cost \$10 million. The recommendation from RSC to do a new building was \$16 million. There are days the heat is not running. It's not fair to the employees and there are days we have children in the building. Mr. Gallo requested the council and mayor to look at more closely and to come up with a plan. Mr. Gallo stated the firewalls were recently upgraded to protect the infrastructure as there were some issues with it. Mr. Gallo stated he has been working with T & M Associates and Remington and Vernick in closing up the open projects in 2017.

#### MAYOR & COUNCIL REPORT

Councilperson Lodato

stated at the last Planning Board meeting two resolutions were adopted for the Avalon Teaneck project. The NJDEP required secondary emergency egress that extends to Maiden Lane. The Board approved it based on the applicant getting a licensing easement. The library will be celebrating its 100<sup>th</sup> anniversary on May 5<sup>th</sup>, 2018. The ad journal cut off is February 28<sup>th</sup>. The fire department responded to 43 calls during January. Three individuals applied for membership. A property owner should be required to remove a sign after 30 days a business closes or vacates the premises. If it's not in the ordinance, it should be added.

Borough Attorney Schettino stated he was contacted by the applicant's attorney. He recommended easement as an option or an access agreement. An access agreement would give the Borough the right to terminate. Mr. Schettino stated he will prepare an access agreement and the council has to approve it.

Mayor Schmelz stated it's only an emergency plan and could never be used.

Mr. Schettino stated it can be added on the permit that upon vacating the premises, the sign must be removed and then enforce it through the permit process. Otherwise, it is a violation and a fine given.

Councilperson Deauna

stated on January 18<sup>th</sup> there was a discussion with the Municipal Alliance regarding the drug addiction in town and the legalization of marijuana. They keep track of kids that are always hanging around. He received a letter from Jennifer Owen of Walmart stating Walmart is trying to help curb abuses and misuse by launching a opioid disposal solution available to residents for a low cost. The Municipal Alliance is launching a program that will be done at the high school to discuss and give tips on how to find out if kids are doing drugs.

Council President Amatorio

stated Shimmy Stein was reappointed as chairman and Ron Mondello was reappointed as the attorney at the Zoning Board of Adjustment Reorganization meeting last month. There was one application approved and the other application denied at last night's meeting. The applications for the synagogue are still pending. There was an effort to have a special meeting but no dates were selected to move the application. The finance committee met with all department heads. Everyone fell in line with the council to have a zero budget and with the goal to have a zero tax increase and all took a cut in their budget including the police department. There are no services that will be affected as a result of the budget deliberation.

Councilperson Rivera

stated DPW are cleaning storm drains, parks and leaves. They are doing spring clean up. A new salt loader truck will be delivered this weekend. DPW is ready if it snows tomorrow. The Barrier Free committee had a great meeting last week and will be the last Monday of the month at 11:00 am at the Senior Citizen. They got a \$6,000 grant from the American Legion to help with the playground that is going to cost \$62,000. The committee is preparing for a car show June 24<sup>th</sup> at the high school to raise money for the playground costs. The committee will host a picnic at Memorial Park for kids with special needs. There are over 600 kids in the program in town.

Councilperson Marte

stated he doesn't have any reports. The finance committee met with all the department heads and they presented their budgets.

Mayor Schmelz

stated the budget committee and he didn't have a chance to meet with them as he had requested to be a part of the budget committee this year. The budget committee ignored all of his requests. The bylaws are unclear as it states the mayor is a liaison but doesn't allow him to be on the committee. He asked to since he felt being the only Republican on the Board, there would be some transparency to the rest of the town. Everybody had told him there would be a \$0 budget and there was no need for him to be involved. As Mayor, he should be involved with the budget process. In the past, the budget is introduced, no discussions, wait 28 days, and then people make their comments. It never changes ever

since he's been here. He takes offense and is trying to represent the people of Bergenfield. There was a reorganization meeting at the library. There were some new members sworn in. The JIF had a reorganization meeting. The Planning Board had a reorganization meeting and reappointed Mr. Mondello, Boswell Engineering, and four other members. He met with the Governor at a meeting with other mayors who had any concerns. He went over the same things, including 2% cap, flooding issues, and GOP spending. He attended the Bear Facts 75<sup>th</sup> anniversary at the high school. The Stigma Free committee will have a speaker at the library on February 15<sup>th</sup> done by a parent who committed suicide. Stigma Free is having a training on March 4<sup>th</sup> for pediatric first aid held at the library. The Challenger program is having a Valentine's dance at the high school on February 11<sup>th</sup>. The mayor's wellness challenge kick off will in the afternoon that same day at the Elks Lodge. The SID Budget will be on the February 20<sup>th</sup> meeting and the members need to know what's going on with it.

#### CORRESPONDENCE

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|--|--|
| A. Quinn/The Council of Irish Associations<br>Of Greater Bergen County | <b>RE:</b> Request to hold 37 <sup>th</sup> Annual Saint Patrick's Day Parade/Washington Avenue/Sunday, March 11, 2018                         |
| B. Jimenez/Resident  | <b>RE:</b> Request to Reserve Memorial Park Pavilion/Saturday, July 7, 2018/10:00 a.m. to 5:00 p.m.  |
| C. Gallagher/Bergenfield Little League                                 | <b>RE:</b> Request to hold Coin Toss/February 17 <sup>th</sup> , 24 <sup>th</sup> , and March 10 <sup>th</sup> , 2018/10:00 a.m. to 12:00 p.m. |
| D. Naylis/Board of Fire Officers                                       | <b>RE:</b> Personnel Action - dated 2/1/18   |
| E. Tavitian/Shade Tree Committee<br>Arbor Day Celebration/Saturday,    | <b>RE:</b> Request to Reserve Cooper's Pond for April 21, 2018/10:00 a.m. to 1:00 p.m.   |
| F. Alfano/Senior Citizens Committee<br>Senior's Picnic/Wednesday, June | <b>RE:</b> Request to Reserve Memorial Park for 20, 2018/10:30 a.m. to 4:00 p.m.   |

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

#### PUBLIC COMMENT

Mr. Barry Doll stated he doesn't like to see politics get to the level where someone from a different party is excluded from conversations that are all important to the residents in town. The mayor is involved with so many activities and would definitely have constructive comments to any decisions for the budget committee and is disappointed. He congratulated members of finance committee and borough administrator for holding the lid in increasing taxes. Mr. Doll stated the Zoning Board is changing the character of this town and have a lot of power and control outside of the council. It



seems like the Zoning Board is helping people who come to them to overcome the laws and rules in town. The Zoning Board is there to hear their appeal and how they can meet the appeal. Someone should reach out to the Barrier Free committee for their input about the ADA ramps on Washington Avenue. Mr. Doll inquired if the review of Twin Boro Park includes the swimming pool. Mr. Doll stated the council needs to draw on their resources, which the Mayor is a resource.

Mr. Gallo stated the mayor was given the same budget as the members of the finance committee. The department heads went to Mr. Gallo and they worked on a \$0 budget. There was transparency and he created the budget with the department heads. There was no hidden agenda.

Council President Amatorio stated he was given the same budget that were presented to the department heads and takes offense to the mayor's comments alluding there was secrecy and no transparency. He had told the mayor that he is free to discuss his input with the department heads but couldn't be part of the finance committee meeting because it was a council committee meeting.

Mayor Schmelz stated he had sent an email to the finance committee for clarification. Mayor Schmelz stated he had suggested if someone didn't want to step down from the committee, then a public notice could be sent to have an open meeting. He just wanted to be able to listen to the department heads while they presented being the top executive in the Borough.

Ms. Diana Flagg inquired why there are two Borough engineers. The only reason there's a massive surplus because of being over taxed over the years. It was said last year during the campaign taxes would be cut by 50%. The budget meeting hearing used to be open to the public and hasn't been in years. It should be open to the public. Ms. Flagg inquired why we paid PAL \$3,380 for Holiday in the Park. Ms. Flagg stated she was distressed to hear the attorney for a resident of Bergenfield request a meeting not be held in March. Chaos broke out and there was no negotiation. Someone, like the administrator, should speak with the chairman of the Zoning Board to negotiate in having a special meeting. Ms. Flagg inquired about the status of the swim club. Ms. Flagg inquired why the bill list is not posted on the website ahead of the meeting along with the agenda.

Mr. Gallo stated it is their bill to us. Mr. Gallo stated they will be deciding shortly about the swim club. Mr. Gallo stated it takes 24 hours to post and it's not possible to have the bill list completed by Friday.

Mr. John Smith stated this public comment time, not a debate between council members. Mr. Smith stated he has tried to make changes on the Zoning Board and was voted down. He was told by an attorney from Bergenfield that he was a liar. The law states religious organizations can not be treated differently and need to be treated equally. A motion was made to hold a special meeting. A former councilman objected to it because the town would have to pay more money to the board attorney for the special meeting and pay the clerk who doesn't do her job. We pay the Zoning Board clerk a salary who doesn't do her job and blames the Borough Clerk's office for not posting the agenda, minutes, and everything else. The Mayor says he governs the town but the matters with the Zoning Board are getting out of hand. The Board attorney and chairman are running this town. You do not support or back up the volunteers. Two meetings ago he rejected the minutes because they were wrong. Today, he received a call from the attorney saying one of the principal owners from Landmark wanted to meet with Mr. Smith privately to discuss why he was against Landmark. He took offense to Mr. Mondello's call because it was unprofessional of him setting up a meeting with applicant and there were 3 other members that rejected the extension. Mr. Smith stated something needs to be done about the Zoning Board. You can make it a land use board. Mr. Smith thanked the Borough Clerk's office for doing a good job in getting the information out perfectly in a timely manner. Mr. Smith there's agendas and minutes outside when we come to this meeting and there aren't any agendas or minutes for the residents at the Zoning Board meetings.

Chief Naylis stated the fire department has responded to 88 calls for service and continually see the orders of the carbon monoxide alarms sky rocket. The new applicants have joined the department.

Robert Byrnes Jr. was appointed the Fire Captain tonight. He has been coordinating with Robert Byrnes Jr. and DPW fleet repairs for apparatus issues. The membership continues to conduct in house training and have had over 700 hours of training year to date. Chief Naylis stated they provide residents brochures about carbon monoxide alarms but want residents to call if they have any issues to be on safe side.

Ms. Mary Sullivan stated it would be a good idea to have a sign at entrance stating the Dog Park is for everyone and if they see someone not cleaning up after their dogs to call and have a number so no one gets offended. They should be given the ability to report it right away. Ms. Sullivan stated she too is disturbed by the way the Zoning Board meetings are being run. People are posing questions to the applicant's attorneys and the chairman and lawyer are giving answers, which they should not be doing. If these are people they like, they will approve the application and if they don't like them, they shut them down. It's not fair to residents that a special meeting can't be held. Something is not right there and is being run like a dictatorship.

Borough Attorney Schettino stated the Planning and Zoning Boards are responsible for appointing their own attorney, secretary, and any other professional that they deem necessary for fulfilling their functions. The only authority the Mayor and Council have is that the Mayor appoints the members of the Planning Board other than the council member on the Board. The governing body appoints the Board of Adjustment members. If a Board member was accused of misconduct, the governing body can remove them because they were appointed. Mr. Schettino stated in terms of interfering or influencing their decisions, the governing body doesn't have the authority to order how to conduct their meetings. Some towns with Board of Adjustment decisions in which a use variance is granted. Some towns have an ordinance that allow an appeal to the Mayor and Council. A councilmember has a right to go to a Board meeting and voice their position on an application which is not seen frequently.

Councilman Rivera inquired if the Planning Board and Zoning Board of Adjustment was created by ordinance. If there's an ordinance, we can change the ordinance.

Mr. Schettino stated there is a statute that requires each municipality to have the Boards. You can change the ordinance. You can just have a Planning Board that absorbs the responsibilities of the Zoning Board. In a municipality with a population of 10,000 or more people, you would need a referendum. Mr. Schettino stated it's not the responsibility of the Borough Clerk to perform the work of either of the Boards secretaries. It's the Board secretary's responsibility to prepare and post the minutes and agendas. Corey may need to explain that to the secretaries of the Boards including posting and advertising.

Mr. Jerry Naylis stated the state has active regulations both in fire and construction code requiring carbon monoxide alarms in all buildings, with the exception of parking garages and repair garages. He expects there will be significant increase in the number of responses for activated carbon monoxide alarms. Mr. Naylis stated they have seen over past five years, there's been steady increase in higher levels of carbon monoxide, some due to extensive cooking, clogged chimneys, disconnected pipes that present dangerous conditions. The fire department is on top of it. Mr. Naylis stated the utility companies be contacted right now with all the paving of roads being done. Mr. Naylis stated the Borough hall building is 94 years old and showing signs of wear. Mr. Naylis' recommendation is to tear it down and start all over again. Gut the place. The heating system is defective, electrical and cooling systems are bad with significant issues in the building. It is going to cost a lot of money regardless of the type of action you take. Mr. Naylis suggested looking at the parking lot to the north for relocating operations.

Mr. Gallo stated there is an ordinance in place stating the companies need to be paved curb to curb if there are any cuts made.

Mayor Schmelz stated the council is all for a major renovation.

Council President Amatorio stated the Borough Administrator was given authority to give a timeline on how to go about the renovation. The council is just waiting for the timetable and the initial capital expenses to approve the total renovation.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

**CONSENT RESOLUTION 18-044.** 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. **18-045**/To Pay Bills
- b. **18-046**/To Approve Raffle Applications
- c. **18-047**/To Authorize Refund of Redemption Monies to Outside Lien Holder for TTL #17-00002
- d. **18-048**/To Approve Tax Refund – 57 Magnolia Street
- e. **18-049**/To Approve Tax Refund – 53 Surrey Lane
- f. **18-050**/To Approve Amending Resolution #18-209 and Approve Separation Pay for former Lieutenant Gerald Stapleton
- g. **18-051**/To Approve Borough Engineer Contract – T&M Associates
- h. **18-052**/To Approve Special Projects Engineer Contract – Remington & Vernick Engineers
- i. **18-053**/To Approve Proposal – 2018 ADA Ramp Improvements – T&M Associates
- j. **18-054**/To Promote Laborers to Drivers – Department of Public Works
- k. **18-055**/To Approve Amending Resolution #17-413 and Approve Separation Pay for former Fire Captain James Kirsch

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

COUNCIL COMMENTS

Councilperson Lodato stated the building has many faults, needs updating with the plumbing, heating, and electrical, but the architect's report stated the building is structurally sound. The building does not require a knock down and can be rehabilitated.

Councilperson Deauna stated he shares the same sentiment as Councilman Lodato regarding the building. It is the time to act now and too hard to spend money on a debilitated building.

Council President Amatorio thanked everyone for coming to the meeting.

Councilperson Rivera stated they are looking to see what's in the best interest of the community for the long term regarding the building. He thanked everyone for coming to the meeting.

Councilperson Marte thanked everyone for coming to the meeting.

Mayor Schmelz thanked everyone for their comments and coming to the meeting.

CLOSED SESSION

RESOLUTION **18-056**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Personnel
  - 1. Police Department Personnel Matters
  - 2. Fire Department Personnel Matters
  - 3. Department of Public Works Personnel Matters
  
- B. Attorney-Client Privilege
  - 1. Associated Appraisal Group Proposal
  
- C. Contracts/Agreements
  - 1. PBA Local 309
  - 2. Bergen County Health Department Shared Services

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 Lodato, second by Council President Amatorio and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 10:21 p.m.

On a motion by Council President Amatorio, second by Councilperson Marte, and all present voting in favor, the meeting returned to open session at 11:18 p.m.

On a motion by Council President Amatorio, second by Councilperson Marte, to authorize the Borough Administrator and Police Chief to make conditional offers of employment.

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

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

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Marte, second by Council President Amatorio and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:19 p.m.

Respectfully submitted,

Marie Quinones  
Borough Clerk