

BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
8:00 p.m.
July 18, 2017

PRESENT: Mayor Norman Schmelz and Council members Thomas Lodato, Ora Kornbluth, Hernando Rivera (8:15 p.m.), and Buddy Deauna

ABSENT: Council President Arvin Amatorio and Councilman Rafael Marte

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

Mayor Schmelz called the meeting to order at 8:08 p.m. with the reading of the Open Public Meetings Act Statement, "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. Meeting dates for the year are confirmed at the Annual Meeting. The Annual Notice is sent to the Record, Star Ledger, Twin Boro News, and Cablevision, placed on two Municipal Bulletin Boards and is on file in the Office of the Borough Clerk."

Presentation of Colors of the Bergenfield Police Department Color Guard.

The Salute to the Flag was led by Councilperson Kornbluth.

AGENDA CHANGES

Mayor Schmelz stated that the BSID request for street closure should be added to Correspondence, and the Deputy Clerk Agreement and Tax Refund for 90 Washington Avenue should be added to the consent agenda.

APPROVAL OF MINUTES

Motion by Councilperson Kornbluth, second by Councilperson Lodato, to approve minutes of the June 20, 2017 Regular Public Meeting and June 20, 2017 Closed Session (not to be released). All members present voting in favor, none opposed.

PRESENTATIONS

Mayor Schmelz expressed that tonight is special evening, as there are three officers being hired in the Police Department, and we will be honoring two Fire Houses on their anniversary.

A. Fire Company No. 2 and Prospect Fire Company - 100th Anniversary

Mayor Schmelz read the history of Fire Company No. 2 and Prospect Fire Company into the record.

❖ Mayor and Council Presentation

Mayor Schmelz and the Councilmembers presented each Fire Company with a plaque in honor of their 100th Anniversary.

Mayor Schmelz thanked the great firemen and all the volunteers in town for their service to the Borough for the past 100 years of service. He expressed that the volunteers save the Borough

millions of dollars every year, they run into fires and do not think about it twice, their main concern is to protect and get everyone out safe. He thanked them on behalf of the residents in town.

❖ Presentations - At this time, any presentations may be made

Mayor Schmelz read a letter on behalf of United States Senator Cory Booker, and presented each Fire Company a certificate on behalf of United States Senator Bob Menendez.

New Jersey State Senator Bob Gordon stated that for the past 10 years, he has had the privilege to serve as Fire Commissioner in the Borough of Fair Lawn. He also mentioned that he has experience working in the Office of Emergency Management. Senator Gordon expressed that this experience gave him the opportunity to learn firsthand about the dedication, commitment, expertise and professionalism of the volunteer fire service in our communities. He extended his very best wishes to Prospect Fire Company and Fire Company #2 on this great occasion. Senator Gordon expressed that it is important to remember that these organizations are not just in the business of responding to house fires, as the days have become much more complex. He explained that it's about hazardous materials moving through our neighborhoods, and having the expertise to respond. He stated that their service includes emergency management, incident command, very scary stuff that requires people to be on top of their game. Senator Gordon expressed that the Bergenfield Fire Department has that expertise. Senator Gordon presented each Fire Company with a State Proclamation.

Police Chief Madalone presented each Fire Company with a certificate on behalf of the Bergen County Sheriff Michael Saudino.

A representative from Congressman Josh Gottheimer's office presented each Fire Company with a certificate, and thanked the firemen on behalf of Congress Gottheimer, the office, and the entire community.

COUNCIL COMMENTS

Councilperson Lodato thanked the current members of the department, as well as their predecessors for their many years of service since 1917. He stated that as we commemorate and celebrate this momentous event, it would be most appropriate to acknowledge that five firefighters have lost their lives protecting the Borough, and that is a debt that can never be repaid. He explained that is the risk that these firefighters undertake every time they go out. He further explained that risk knows no age, race, boundaries, paid or volunteer, the risk is the same whether it is a rookie firefighter or advanced in the ranks. He stated that the firemen have an uncommon dedication that even the son of a fallen firefighter now serves. He expressed that is the uncommon dedication that we appreciate. Councilperson Lodato stated that the Borough appreciates their dedication and looks forward to many more years of safe services to the Borough.

Councilperson Deauna congratulated the fire houses on their 100th anniversary, and expressed that it is an honor to be with them during this time on this momentous occasion. He stated that he is honored and grateful for their courage to serve the Borough. Thank you and congratulations!

Councilperson Kornbluth congratulated the fire houses on their 100th anniversary, and thanked the firefighters for their service and dedication. She expressed that most people see a fire and run in the opposite direction, yet the firemen run in risking their lives in rain, snow, 100 degree weather, no matter what it is, they are there day and night. She further expressed that at 3 in the morning when their alarms go off, the firemen run out while everyone is still sleeping. She thanked them for their many years of service and congratulated them on the occasion.

Councilperson Rivera thanked the firefighters from the bottom of his heart, because they risk their lives, as well as the security of their families. He explained that if something were to happen to

them, their families suffer the consequences. Therefore, he thanked them and their families for their service to the Borough. Councilperson Rivera also mentioned that the Borough is working on getting the trucks for the department next year, so that they have the right equipment for their safety and to protect the community. Thank you, and congratulations!

B. Police Department Presentation

Police Chief Madalone thanked the Mayor and Council for their continued support of the Police Department.

1. Oath of Office to Mr. James Warnet

❖ Biography of Mr. Warnet read by Police Chief Madalone

Police Chief Madalone read Mr. Warnet's biography into the record.

❖ **Resolution 17-239**/To Hire James Warnet to the Rank of Police Officer in the Bergenfield Police Department.

Motion by Councilperson Kornbluth, second by Councilperson Rivera, that Resolution 17-239 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>aye</i>
Council President Amatorio:	<i>absent</i>	Councilperson Marte:	<i>absent</i>

Councilperson Ora Kornbluth administered the Oath of Office to Officer James Warnet.

2. Oath of Office to Mr. Matthew Siemaszkiewicz

❖ Biography of Mr. Siemaszkiewicz read by Police Chief Madalone

Police Chief Madalone read Mr. Siemaszkiewicz biography into the record.

❖ **Resolution 17-240**/To Hire Matthew Siemaszkiewicz to the Rank of Police Officer in the Bergenfield Police Department.

Motion by Councilperson Ora Kornbluth, second by Councilperson Deauna, that Resolution 17-240 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>aye</i>
Council President Amatorio:	<i>absent</i>	Councilperson Marte:	<i>absent</i>

Mayor Schmelz administered the Oath of Office to Officer Matthew Siemaszkiewicz.

3. Oath of Office to Ms. Jessica Hunter

❖ Biography of Ms. Hunter read by Police Chief Madalone

Police Chief Madalone read Ms. Hunter's biography into the record.

❖ **Resolution 17-241**/To Hire Jessica Hunter to the Rank of Police Officer in the Bergenfield Police Department.

Motion by Councilperson Kornbluth, second by Councilperson Deauna, that Resolution 17-241 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>aye</i>
Council President Amatorio:	<i>absent</i>	Councilperson Marte:	<i>absent</i>

Councilperson Ora Kornbluth administered the Oath of Office to Officer Hunter.

COUNCIL COMMENTS

Mayor Schmelz stated that he will like to take this opportunity to congratulate all three officers, and expressed that they have joined a credible Police Department that goes above and beyond. He stated that hopes that they continue the tradition and ask them to be safe out there.

Councilperson Lodato congratulated each of their officers on their appointment, welcomed them to Bergenfield and to the Bergenfield Police Department. He stated that Bergenfield is a wonderful town, and the Police Department is an outstanding organization, with great leadership. He wished them many years of safe and protective service.

Deauna congratulated the officers and wished them the best on their journey during their course. He expressed that it is a great honor that they will be serving this residency, which is among the best towns in the United States. He further welcome the officers, and advised them to stay safe while working hard for the citizens of the town. Thank you!

Councilperson Kornbluth congratulated the officers, and welcomed them to Bergenfield. She expressed that as everyone else stated, this is one of the best forces in New Jersey, and stated that one of the nicest things is that the Bergenfield Police Department is part of the community. She explained that the Police Department prides itself on community policing, and the often times the officers play basketball with the kids, throw snowballs with the kids, and are truly involved in town. Councilperson Kornbluth stated that she hopes the officers continue to do the same, and wished them a safe and long career in Bergenfield. Welcome!

Councilperson Rivera stated that the officers have been chosen because they are one of the best, and are now working in one of the best towns that is known as the friendly town. He expressed that he hopes that the officers keep the tradition going, and wished them a long career in Bergenfield. He also congratulated the families of the officers, because without them, they would not be here. God bless you!

On a motion by Councilperson Lodato, second by Councilperson Rivera, the meeting was recessed at 8:48 p.m. The meeting reopened at 8:58 p.m.

8. Capital Improvement/Borough Engineer A. Remington & Vernick

Rick Arango, Borough Engineer, stated that there are a few items that he would like to acknowledge from his report dated July 18, 2017. He explained that the 2016 Community Development Block Grant program, which is for the Bergen Avenue improvement, will be sent to the County for their approval for us to go out to bid. He advised that the utility repairs on Woodbine & Front are now done. Mr. Arango advised that they started the manhole replacements on Walters, and Murray Hill Terrace is scheduled for next Monday and Tuesday, which should take no more than two weeks. Mr. Arango advised there will also be a pre-construction meeting with the Riverside Cooperative to direct them to repave the Murry Hill area first, which should be complete prior to the start of

school. North American Pipeline has completed their sanitary work on Baker, Main, Blauvelt, and W. Clinton. He started that JA Alexander will begin their work on Tuesday for the resurfacing of Woodbine, North and South Front Streets. He advised that resident notices will be sent out this week. Mr. Arango also stated that the Washington Avenue handicap ramps will be put out by the County in two weeks, and should all be completed this year. Mr. Arango also stated that the corners on Christie and Deerfield streets will be completed under the Riverside Cooperative program.

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, inquired who approved the list of streets that are being repaired. He advised that last week, there was a contractor working on one street, and they had to stop their work in order to proceed in another site. He stated that there was an application in front of the Zoning Board pertaining to the other site.

Borough Administrator Gallo explained that supplies arrived and therefore the work needed to be proceeded in the other site. He further explained that the streets are coordinated between the Borough Administrator, Borough Engineer, and DPW Superintendent.

Diana Flagg, resident, questioned a bill for Family Fun Day Fireworks, stating that the bill is expensive, and that a payment had been made already. She also questioned the \$200.00 payment made to the Zeppoles vendor for Family Fun Day. Ms. Flagg inquired why the Borough is feeding volunteers. Ms. Flagg questioned whether the Borough is losing an employee, since there is a separate agreement on the agenda. Ms. Flagg also stated that she was curious about the meeting that took place in the back room with the Borough Engineer, since there was no notice of the meeting.

Borough Administrator Gallo explained that the Zeppoles vendor was not paid to attend Family Fun Day, rather to provide a meal to the volunteers through a voucher system. Mr. Gallo also stated that there was no meeting with the Borough Engineer.

Mary Sullivan, resident, inquired at the last meeting, how long will the construction equipment be stationed on Arlington Avenue, between Anderson and Bridge. She stated that this is her backyard, and therefore would like to know. She further stated that all the trucks, pipes, cement pipes are there, and they are dumping gravel and everything else going on out there.

Borough Administrator Gallo stated that he will look into the matter.

Lawrence Klein, resident, stated that there is an issue with the Korean Supermarket near his home. He commented that there is a terrible odor coming from the Korean Supermarket, and it is unbearable. Mr. Klein stated that he has been in communication with the Health Department, the situation improved, but then the odor returned. He advised that a neighbor even sold their home because of the issue. He also noted that since the Borough is working on the parking ordinance, there are SUVs and trucks that park in front of his home in order to make deliveries to the bodegas. Mr. Klein also stated that there is a tree in front of his home, which is reaching over the power lines.

Police Chief Madalone stated that the Police Department is working on the parking ordinance and will look into the matter.

Borough Administrator Gallo stated that the matter will be looked into, and advised that Mr. Klein follow-up with the office.

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

CORRESPONDENCE

- | | |
|---|---|
| A. Tesoriero/Resident | RE: Resignation – Stigma Free Committee |
| B. Cornish/Resident | RE: Request to Reserve Memorial Park for Birthday Party/August 6, 2017/12:00 p.m. to 3:00 p.m. |
| C. Van Tassel/Bergenfield Lions Club | RE: Coin Toss Request for White Cane Day/September 30, 2017 & October 1, 2017/9:00 a.m. to 3:00 p.m. |
| D. Gallione/Resident | RE: Request to Reserve John A. Aversa Bocce Grove in Memorial Park for the 19 th Annual Carlo Cecchino Bocce Tournament/October 22, 2017 (Rain Date - October 29 th)/8:00 a.m. to 1:00 p.m. |
| E. Koperwies/Go Bergenfield District Alliance | RE: Request for Street Closure-Washington Avenue – Halloween Event/October 31, 2017/3:00 p.m. to 8:00 p.m. |

Motion by Councilperson Deauna, second by Councilperson Lodato, and all other members voting in favor, that items A through E are approved.

A. CONSENT AGENDA

CONSENT RESOLUTION 17-242. 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. **17-243/**To Pay Bills
- b. **17-244/**To Authorize Raffle & Bingo Applications
- c. **17-245/**To Authorize Request for Approval from Division of Local Government Services for Dedication by Rider – Goodwill Trust Fund
- d. **17-246/**To Authorize Bid – Two (2) New 2017 Ford F-450 4X4 Chas/C 6.7L Power Stroke V8 Diesel 6 Speed Automatic Truck with Snow Plow or Brand Name Equivalent (DPW)
- e. **17-247/**To Authorize Bid – One (1) 2017 Ford E-450 SD Cutaway DRW 158” Wheelbase 6.8L EFI V-10 Engine ELEC 6-Spd AOD with Tow-Haul and Medium Duty Transit Bus Body Startrans Senator II or Brand Name Equivalent
- f. **17-248/**To Approve Tax Refund – 146 Grove Street
- g. **17-249/**To Approve Tax Refund – 87 Madison Avenue
- h. **17-250/**To Award Bid and Award Contract of Sale - S. Prospect Avenue Block 308 Lot 14 – Yev Investments LLC d/b/a Moksha Investment
- i. **17-251/**To Amend Hourly Rate – DPW Part-Time Summer Laborer - Luis Avelino
- j. **17-252/**To Approve Separation Agreement – Stefania Figueroa
- k. **17-253/**To Approve Settlement Agreement and Release – Tax Assessor
- l. **17-254/**To Approve Agreement – Drug and Alcohol Testing Services – Valley Medical Group
- m. **17-255/**To Appoint Municipal Representatives to the County Community Development Regional Committee
- n. **17-256/**To Approve Change Order #1 – 2017 Inflow and Infiltration Sanitary Infrastructure Repairs – North American Pipeline Services LLC
- o. **17-257/**To Accept Bid and Award Contract – W. Church St.- Fire Station Warning Beacon – JC Contracting, Inc.
- p. **17-258/**Hire Part-Time Temporary Summer Counselors – Recreation Department

- q. **17-259**/To Approve Retirement – Health Official - David Volpe
- r. **17-260**/To Approve Agreement – Deputy Borough Clerk
- s. **17-261**/To Approve Tax Refund – 90 N. Washington Avenue

Motion by Councilperson Rivera, second by Councilperson Lodato, 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>absent</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.

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.

B. Adoption of Ordinances

The following ordinances published herewith were first read by title only on June 20, 2017 and posted on the bulletin board of the municipal center.

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”

Public Comments on Ordinances 17-2511, 17-2512, and 17-2513.

Paul Yevzikov, Moksha Investments, stated that he is a developer in the area that purchases abandoned properties. Mr. Yevsikov stated that there are good intentions in the ordinance, and definitely has potential. He advised that as a builder, he understands that builders can be delayed due to legal issues with the abandoned property. He inquired whether there could be a provision in anticipation of these delays, since the ordinance is a bit unfair and unrealistic. Mr. Yevzikov advised that the abandoned property can be knocked down and leveled, so that it would not be a nuisance to the town.

Borough Administrator Gallo explained that is precisely the issue, and therefore the Borough is trying to clean up the issue through the ordinance. Mr. Gallo stated that it does not help to have vacant land or a hole in the ground.

Councilperson Kornbluth inquired whether the developer has return for an extension.

Borough Attorney Schettino stated that the intent of the ordinance is to clean up properties that are abandoned and have become a nuisance to the neighborhood. He explained that for all intended purposes, if the property is a clean and maintained vacant lot, the building department will probably reconsider citing violations. He further explained that similar to every law, such as speeding laws within the Police Department, the officers know the intent of the law and can use their discretion on whether or not to issue a speeding ticket. He advised that he cannot imagine the Building Department will issue a violation if the intent is to clean the property.

Motion by Councilperson Kornbluth, second by Councilperson Deauna, to pass Ordinance 17-2511, 17-2512, and 17-2513 on second and final reading and are hereby adopted and notice of same shall be published according to law.

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>absent</i>	Councilperson Marte:	<i>absent</i>

NEW BUSINESS

No new business.

Committee/Department Reports

Motion offered by Councilperson Lodato 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.

Maureen Sullivan, resident, commented that she is upset that no one has apologized for cancelling meeting without notice. She stated that some residents were present to attend the last meeting, and there was no notice on the website or bulletin board that the meeting was cancelled.

Mayor Schmelz apologized to Ms. Sullivan for the miscommunication and advised that the meeting schedule change should have been noticed.

Diana Flagg, resident, questioned another bill pertaining to the facilities needs assessment. She inquired whether the building will be renovated or rebuilt, and stated that the analysis came from the same architects that were looking into the joint municipal building. Ms. Flagg also inquired the status of the swim club property, and inquired what the Borough will ask for in the bid. Ms. Flagg stated she does not understand how the Borough could take action without knowing the status of the bankruptcy. Ms. Flagg stated that no one has mentioned that the grant for Vivyen Field is a matching grant.

Borough Administrator Gallo stated that there has been no action pertain to a bid.

Borough Attorney Schettino explained that the area has to be designated by recreational use, then the Borough can solicit proposals. He explained that land has to be surveyed, there has to be a planning board hearing, then the matter returns to the Mayor and Council. He advised that it is too early to know what will be in the bid, since the Borough does not know what will be proposed.

John Smith, resident, stated that the VFW will have a ceremony on Friday, September 15, 2017 for National POW day. The ceremony will start at 7:00 p.m., and everyone is welcome to attend.

Barry Doll, resident, stated that he read an interesting article in the Record pertaining to the renovation of Borough Hall, and the fact that the Borough hired architects. He stated that the information should have been brought to the public attention prior to hiring the architect. Mr. Doll inquired whether the repairs are due to a health issue. He advised that the DPW did a great job cleaning the building and touching up the wood work.

Mayor Schmelz stated that the architects were hired to research whether the building needs to be renovated or whether a new one needs to be build. He explained that every year, the Borough spends money fixing the heating pipes that break.

Councilperson Kornbluth expressed that she is not sold on the idea, but the purpose to hire the architect was to complete the research to understand where we are at this point.

Borough Administrator Gallo stated that the public was put on notice back in a 2016 meeting through the bid process, when the governing body authorized the bid, notice was advertised in the newspaper and the company was hired. He expressed that this was all done in the public and the process was very transparent. He further stated that there was a need to analyze the building in order to move forward.

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

COUNCIL COMMENTS

Councilperson Lodato thanked everyone for coming to the meeting.

Councilperson Deauna thanked everyone for coming to the meeting.

Councilperson Kornbluth thanked everyone for coming to the meeting, and apologized about the meeting change being advertised.

Councilperson Rivera stated that no decision has been made about the status of the building, but the governing body needed to take action to avoid the experience of our neighbors. He thanked everyone for attending the meeting, and wished all a goodnight.

Mayor Schmelz thanked everyone for coming to the meeting.

CLOSED SESSION

RESOLUTION **17-262**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

A. Personnel

1. Police Department Personnel Matters

B. Attorney-Client Privilege

1. Contractual Obligations for Retiree Retirement Benefits
2. Legislation Extending 2% Arbitration Cap

C. Contracts/Agreements

1. Facilities Needs Assessments
2. Health Services 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 Kornbluth, second by Councilperson Rivera, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:51 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, second by Councilperson Deauna, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:33 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk