

**OFFICIAL MINUTES OF THE
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
April 6, 2010**

I. Meeting called to order at 8 p.m.

II. ROLL CALL

Roll Call	Yes	No	Abstain	Absent
DOLL	X			
LODATO	X			
GILLMAN	X			
AGUASVIVAS	X			
TULLY	X			
CARLSON				Excused
DRISCOLL	X			
ADMINISTRATOR	X			
CLERK	X			
ATTORNEY	X			

Present: Linda L. Runge, RPPS, Clerk's Office
William Betesh, Borough Attorney

Mayor Driscoll expressed regrets that C/M Carlson's mother passed away; thus, his absence.

III. Salute to the Flag.

IV. PRESENTATIONS/COMMUNICATIONS

1) Ahdeek Tennis Club – President Frolow and Treasurer Selick

B/A McGarril introduced the President and Treasurer from the tennis club to answer any questions. This is the last year of their lease. Recently they have lost money and would like to renegotiate the lease with declining membership. They pay electric, water, maintain the facility and all the expenses associated with the courts on Pelham Place. President Norm Frolow said Ahdeek has been in Bergenfield for 103 years. The high school teams use the courts for their home matches. The club maintains and improves the property, built a garden in front, have a bathroom facility with a shower. He believes they are terrific with their neighbors and don't ask for a lot from the town except for garbage and recycling removal. He hopes his request is considered. The cost to prepare the courts this season will be \$5,300. These courts have to be watered daily which last year cost almost \$900. Tennis has been on the decline and their membership has not increased.

B/A McGarril has been working with John Scagliotti, Alex Turnamian and the Tennis Coach. In the spring, there is a problem with the boys team as their schedule starts earlier than these courts can be prepared. But the girls team that plays in the fall can use them.

C/M Doll asked if the request to reduce it to \$20,000 is just for one year.

He said if it gets higher than \$20,000, they will have to raise the dues and they can go to Leonia or Tenafly for less.

C/M Lodato is concerned that this is publicly-owned land and given that fact the local land and buildings law applies and was the lease the result of a publicly advertised bid which was awarded to Ahdeek. Do we have the right or power to renegotiate for one individual group to the exclusion of all others. Can we just amend the lease.

Attorney Betesh suggested making a motion to authorize the borough attorney's office to look into and discuss this matter a little bit further with Ahdeek.

C/P Gillman said that in this budget, the Ahdeek payment is \$24,000 and if we reduce this, will we be \$4,000 short.

Mayor Driscoll suggested the Attorney look at this and Administrator McGarril will talk to Alice about the budgetary concerns.

President Frolow said they usually pay this around the end of June when they have received all their membership fees. If the yearly fee is \$20,000, the membership will be \$495., but if it is \$24,000, it will be \$600. and some of them may not want to join.

MOTION offered C/M Tully, **SECONDED** by C/M Doll, pending the legal and financial determination budget, the council will vote to reduce the lease at the next public meeting.

Roll Call	Yes	No	Abstain	Absent
DOLL	X			
LODATO		X		
GILLMAN	X			
AGUASVIVAS	X			
TULLY	X			
CARLSON				X
DRISCOLL(Tie)				

MOTION carried.

2) Proclamation for Contemporary Woman’s Club of Bergenfield

Autism Awareness Month, April 2010

Mayor Driscoll read the proclamation .

V. CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

Boswell Engineering Report attached.

B/A McGarril reported that we had an estimate of \$75,000 to redo the DPW roof And there is an additional \$35,000 left in a capital account that was supposed to be for the sweeper roof that was never done. We don’t know the price of the roof until it goes out to bid and then we will know if we have enough money to do the roof.

VI. UNFINISHED BUSINESS

Solar Panels

If we go forth with the solar package, we will have to do the reinforcements on the DPW roof. We could wrap the structural part of the roof repairs in with the bid specs so that when the vendor comes in designs the system, does the analysis and makes sure the roof can carry the load.

We have to hire the engineer for \$29,550, contact bond counsel for the bond financed through the CREBs sold through the BCIA. If we choose to go ahead, we can progress forward with the lowest possible interest rate as the BCIA has a AAA credit rating. If we wait, the Feds might raise the interest rates.

C/M Doll said we are looking at about \$400,000 to bond. When the bond payment ends, you start recouping your money, about 15 years. Over the 25 years of the project is roughly about \$250,000 savings through the sale back of the kilowatt hours and credits.

C/M Doll with his position on the Environmental Committee, we are looking at being a cleaner and greener town and if we can do it with saving money, it all looks very positive. However, a \$373,000 bond is nothing to sneeze at.

B/A McGarril said if we want to package it in with the county and be included in the selling of the CREBs, we have to decide now.

MOTION offered by C/M Aguasvivas to move ahead, **SECONDED** by C/M Gillman.

Roll Call	Yes	No	Abstain	Absent
DOLL	X			
LODATO	X			
GILLMAN	X			
AGUASVIVAS	X			
TULLY	X			
CARLSON				X
DRISCOLL(Tie)				

MOTION carried.

VII. NEW BUSINESS

C/M Lodato spoke about a possible amendment to the local Zoning Ordinance. The Municipal Land Use Law requires that an applicant coming before the Planning Board or Board of Adjustment must give public notice of the application by advertising 10 days in advance in the newspaper and also by written notice being either hand delivered or by certified mail 10 days before the application, to property owners within 200 feet. This notice doesn't apply to tenants. The Borough of Fort Lee requires that when an application is filed, he is given a sign from the Building Department stating this property is a subject of an application for the Board of Adjustment or Planning Board and for further information, please call_____. This sign has to remain up while the application is pending. He asked that this be given consideration over the next month and Mayor Driscoll suggested that the Planning and Zoning Board Chairmen bring it to their Boards. C/M Doll requests that these notices be copied to the Mayor and Council to make them aware.

VIII. ADMINISTRATION/BOROUGH CLERK'S REPORT

BUILDING ODOR - B/A McGarril said that periodically there is a heavy smell (like diesel fuel) by the back door, the first floor and the basement. We have had it tested in the past by our environmental company and it came back with no hazardous particles or components. There are two separate DEP investigations; one, goes back to the DPW where our fuel tanks used to be and secondly, a plume that comes under the building and heads towards the stream. When the water table rises, the groundwater comes up and it's damp in the basement. The smell seems to be by the areas heated with blowers; not on the second floor which is heated by the old-style radiators. The first test showed nothing and the second more comprehensive test will take ten days to come back. We have about 20 to 30 wells drilled throughout our complex but we have not isolated the source and we are running out of money.

He met with the environmental company and we projected a couple different studies that could have an impact of \$70,000 - \$80,000. We could end up in a very expensive environmental protection litigation with whom we feel is the source of the plume that comes under the building. The one we know we are responsible for by the gas pumps, the clean up efforts over the years have worked and those levels have gone down. We have to build a case against the person responsible for the plume. Every morning, he props open the door and when it's warm and the heat is off, the smell is much less.

MELJIF ELECTED OFFICIALS TRAINING SEMINAR – We get discount on our insurance premium for everyone who attended.

GARBAGE/RECYCLING CONTAINERS – Installed throughout town and the company will be selling the advertising and will then give us a percentage of the advertising.

AHDEEK TENNIS CLUB – Gave presentation tonight.

APARTMENT GARBAGE PICK UP – Now picking up garbage at West Church Street, Brewster Arms.

PEOSH – Three firehouses were inspected and received orders to comply for various things. Working with the Fire Chief and the Boards on what they identified as deficiencies and will be going to informal hearing in Trenton with the Fire Chief to confer with PEOSH about some of the violations.

DICK STREET EASEMENT – Working with the two residents affected.

DEPARTMENT HEAD MEETING – Meeting and training class

STORM – Between March 13 and March 16, Police responded to 316 calls for service, storm-related, 25 borough trees into private property, 114 utility emergencies. The Auxiliary Police volunteered for 93 hours. In addition, the BVFD were manning the firehouses as well as the BVAC and the Office of Emergency Management. Eleven roads were closed. Between the snow and the storms, our overtime budget for snow removal, etc. is not pretty.

NEW BRIDGE CULVERT PROJECT – Finally the road is closed for the county project. The time frame is a month or two and we weren't sure about the parade route which will probably be the same as last year.

SWIM CLUB – Received one year back dues from the club.

NEW MILFORD FLOODING – At the end of West Clinton Avenue by the high school fields, there is a strip of land about 75' long. New Milford resident asked us to dig a ditch to alleviate the flooding. Most of his problem is because his neighbor raised the level of his property and blocked the normal access to the stream.

ENGLEWOOD PARAMEDIC – Praised our volunteers on two separate calls involving cardiac arrest patients and there were two saves. C/M Doll also praised the Fire Department who serviced the generator of one of our Barrier Free Committee members.

NORTH PROSPECT AVENUE – Mayor Driscoll asked if we are going to do the sewer repair in that area. B/A said there was money put aside in the capital account for specifically that section of sewers. Prospect is a county road from New Bridge to River Edge Road, New Bridge Road to Teaneck and River Edge Road to New Milford are borough roads.

IX. MAYOR & COUNCIL REPORT

C/M Gillman: Recreation – Easter Egg Hunt had good participation and are now working on the Memorial Day Parade.

Finance - Budget Committee will be working a lot sooner if we proceed with the change to a Calendar Year.

C/M Doll: Seniors- May bus trip, June picnic, requested their 6-month budgets.

Barrier Free- Event at BHS on Saturday, May 1, to receive award from the county, with refreshments and county dignataries.

Drive-by mailbox installed in front of Municipal Building, thanks to Ken Pfannen and DPW.

Environmental Earth Day Celebration on April 22nd at Coopers Pond. Received great response to the poster contest and will award winners at event.

C/M Tully Library- Two HVAC units are not working and the estimates for both are \$22,000 and \$29,000. These were older units and they are investigating if it's feasible to tap into the new system.

C/M Lodato Planning Bd- Has not had any applications this year.

Fire- Fire houses are addressing the PEOSH deficiencies.

Preconstruction meeting on March 12 for new engine, hoping for delivery around Thanksgiving.

Department is updating its Policy and Procedures Manual as well as their Standard Operating Practices.

The new thermal imaging cameras are in and in service.

Estimate for the repair of old Engine 744 – about \$29,000. and

hopefully there may be some excess money from the capital line.

X. PUBLIC COMMENT (10 minutes)

1. DIANA FLAGG, 131 Hillside Avenue

Asked what the borough will gain by returning to a calendar year budget.

Mayor Driscoll responded that it will be easier to understand the tax bills.

B/A McGarril said it will help with the coop things we do, and we typically cannot participate with them on projects such as road paving.

Commented on new garbage/recycling containers and how much money will they generate.

B/A McGarril said we will get a percentage of the advertising. Twelve containers will be installed.

2. RAY GORMAN, 10 Sieber Court

Asked about the change in the budget and if it will be positive for us in the end.

C/P Gillman said the change will help in the mailing, what they have to do with the county to get the bills out, the rate.....

Asked about the bus shelter program.

B/A McGarril believes the economy has hurt that program and they have not responded to his calls.

3. MICHAEL KNOWLES, 37 Palisade Avenue

Asked about the noise ordinance and what time was the starting time.

4. CHRIS SCHIMEL, VFW, President

Spoke about the townwide garage sales and requested a waiver of the \$5 permit fee.

Last year, she collected \$15 for participation and they were asked to give \$5 per participant back to the borough.

XI. OFFICIAL BUSINESS TO BE ACTED UPON

1. **PUBLIC HEARING ON CAPITAL ORDINANCE 10-2429
CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$76,384 FOR THE
REPLACEMENT OF THE DPW COMPLEX ROOF IN, BY AND FOR THE
BOROUGH OF BERGENFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY
AND TO TRANSFER AN UNEXPENDED BOND ORDINANCE BALANCE AND
REAPPROPRIATE SAME TO FINANCE SUCH APPROPRIATION.**

MOTION OFFERED by Council President Gillman, **SECONDED** by Councilman Tully, to open the hearing on Capital Ordinance 10-2429. All in favor. **MOTION** carried.

Mayor Driscoll asked if anyone wished to be heard.

There being no one who wished to be heard, Mayor Driscoll closed the hearing.

2. **RESOLUTION 10-071** To Adopt Ordinance 10-2429, **OFFERED** by Councilman Aguasvivas, **SECONDED** by Councilman Tully, attached.

Roll Call	Yes	No	Abstain	Absent
DOLL	X			
LODATO	X			
GILLMAN	X			
AGUASVIVAS	X			
TULLY	X			
CARLSON				X
DRISCOLL(Tie)				

RESOLUTION adopted.

3. **PUBLIC HEARING ON ORDINANCE 10-2430
ORDINANCE AUTHORIZING THE REVERSION TO A CALENDAR FISCAL
YEAR PURSUANT TO NJSA 40A:4-3.2(b).**

MOTION OFFERED by Council President Gillman, **SECONDED** by Councilman Doll, to open the hearing on Ordinance 10-2430. All in favor. **MOTION** carried.

Mayor Driscoll asked if anyone wished to be heard.

There being no one who wished to be heard, Mayor Driscoll closed the hearing.

4. **RESOLUTION 10-072** To Adopt Ordinance 10-2430, **OFFERED** by Council President Gillman, **SECONDED** by Councilman Doll, attached.

Roll Call	Yes	No	Abstain	Absent
DOLL	X			
LODATO	X			
GILLMAN	X			
AGUASVIVAS	X			
TULLY	X			
CARLSON				X
DRISCOLL(Tie)				

RESOLUTION adopted.

5. **PUBLIC HEARING ON PREQUALIFICATION PACKAGE
PREQUALIFICATION PACKAGE FOR RESTORATION AND REHABILITATION
OF THE MAIN HOUSE AT THE TUNIS COOPER PROPERTY.**

MOTION OFFERED by Councilman Doll, **SECONDED** by Councilman Aguasvivas, to open the hearing. All in favor. **MOTION** carried.

Mayor Driscoll asked if anyone wished to be heard.

There being no one who wished to be heard, Mayor Driscoll closed the hearing.

6. **RESOLUTION 10-073** To Adopt the Prequalification Regulations and Questionnaire and Authorize Release to the Public for the Certification of Qualified Bidders for the Restoration and Rehabilitation of the Main House at the Tunis R. Cooper Property, **OFFERED** by Councilman Aguasvivas, **SECONDED** by Councilman Doll, attached.

Roll Call	Yes	No	Abstain	Absent
DOLL	X			
LODATO	X			
GILLMAN	X			
AGUASVIVAS	X			
TULLY	X			
CARLSON				X
DRISCOLL(Tie)				

RESOLUTION adopted.

9. **RESOLUTION 10-081** To Confirm Endorsement of Community Development Grant of \$55,986.96 for School Street Rehabilitation Project, **OFFERED** by Council President Gillman, **SECONDED** by Councilman Tully, attached.

Roll Call	Yes	No	Abstain	Absent
DOLL	X			
LODATO	X			
GILLMAN	X			
AGUASVIVAS	X			
TULLY	X			
CARLSON				X
DRISCOLL(Tie)				

RESOLUTION adopted.

10. **RESOLUTION 10-082** To Hire Daniel Perez as Part-Time Fire Inspector Inspector, **OFFERED** by Councilman Lodato, **SECONDED** by Council President Gillman, attached.

Roll Call	Yes	No	Abstain	Absent
DOLL		X		
LODATO	X			
GILLMAN	X			
AGUASVIVAS	X			
TULLY	X			
CARLSON				X
DRISCOLL(Tie)				

RESOLUTION adopted.

11. **RESOLUTION 10-083** To Authorize Refund for Tax Overpayment for Block 261 Lot 21 (123 Murray Hill Terrace) in the amount of 2,546.02, **OFFERED** by Council President Gillman, **SECONDED** by Councilman Tully, attached.

Roll Call	Yes	No	Abstain	Absent
DOLL	X			
LODATO	X			
GILLMAN	X			
AGUASVIVAS	X			
TULLY	X			
CARLSON				X
DRISCOLL(Tie)				

RESOLUTION adopted.

12. **RESOLUTION 10-084** To Pay Bills, **OFFERED** by Council President Gillman, **SECONDED** by Councilman Aguasvivas, attached.

Roll Call	Yes	No	Abstain	Absent
DOLL	X			
LODATO	X			
GILLMAN	X			
AGUASVIVAS	X			
TULLY	X			
CARLSON				X
DRISCOLL(Tie)				

RESOLUTION adopted.

XII. CLOSED SESSION - Personnel Matters/Legal/Litigation

RESOLUTION 10-085 Authorizing the Governing Body to Enter into Closed Executive Session to discuss: Personnel
Labor Negotiations
Legal/Litigation

OFFERED by Council President Gillman, **SECONDED** by Councilman Doll.
All in favor. **MOTION** carried.

XIII. ADJOURNMENT

MOTION to Adjourn at 10:20 p.m., **OFFERED** by Councilman Tully,
SECONDED by Council President Gillman. All in favor. **MOTION** carried.

Respectfully submitted,

Carole Chamberlain-Berman
Acting Borough Clerk

Timothy J. Driscoll, Mayor