

**OFFICIAL MINUTES OF THE
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
March 2, 2010**

I. Meeting called to order at 7:30 p.m.

II. ROLL CALL

Roll Call	Yes	No	Abstain	Absent
DOLL	X			
LODATO	X			
GILLMAN	X			
AGUASVIVAS				X
TULLY	X			
CARLSON	7:45			
DRISCOLL	X			
ADMINISTRATOR	X			
CLERK	X			
ATTORNEY	X			

Present: William Betesh, Associate Borough Attorney

III. Salute to the Flag.

IV. CLOSED SESSION - Personnel Matters/Legal/Litigation
RESOLUTION 10-053 authorizing the Governing Body to Enter into Closed Executive Session to discuss: Legal/Litigation
OFFERED by C/M Doll **SECONDED** by C/P Gillman
 All in favor. **RESOLUTION** adopted.

V. **MOTION** to take a short recess, **OFFERED** by Council President Gillman, **SECOND** by Councilman Gillman. All in favor. **MOTION** carried.

VI. **MOTION** to resume the regular order of business and call the work session to order at 8:05 p.m., **OFFERED** by Councilman Doll, **SECONDED** by Councilman Lodato. All in favor. **MOTION** carried.

VII. PRESENTATIONS/COMMUNICATIONS

- 1) Retirement letter from Frank DiLullo, DPW, effective 12/01/10, (last working day 05/28/10).
- 2) Request from Ladies Auxiliary of VFW Memorial Post 6467 to hold two townwide garage sales, Spring/Fall, and to review the process.

VIII. CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

Boswell Engineering – Joe Pomante

- 1) Coopers Pond Beautification

Awaiting the formal award of the grant for that project as which point we will plan a proposal to be presented to the council at a future date.

- 2) Bradley/Bell/Raum Roadway Rehabilitation

Currently on hold for some outstanding punch list items that directly relate to asphalt which should be completed in the Spring, after which we will move forward with closeout.

- 3) South Railroad Avenue Resurfacing

Final reimbursement documentation went out on February 18th to Bergen County.

The original allotment was \$134,000 and was finished for approximately \$78,000 leaving a balance of \$55,000. He proposed sending a letter to Joe Rutch requesting reallocation of those funds for the purpose of doing another applicable block grant street, School Street, estimated at \$61,200.

4) BCCD Economic Stimulus Project (McDermott Place Rehabilitation)

Awaiting award of the grant for this project. The plans have been completed for the stimulus program but were rejected for a clerical error.

5) Dick Street Rehabilitation

Meeting with one of the homeowners tomorrow to procure an easement in order to facilitate a realignment of the intersection between Blauvelt and Dick. Once we have the easements in place, we will move forward with the construction.

6) Boiler Replacement Project

Final punch list was generated and forwarded to Vanderbeck, the mechanical contractor, and are currently awaiting completion of the punch list, after which final payment will be submitted for action.

7) 2010 Roadway Program

Spoke about the addition of a portion of North Prospect, the section between River Edge and Sergeant Court, in response to the Bergen County Road Resurfacing Program in which they were planning to do New Bridge to River Edge Road. There are about 1300 feet in between the Borough's portion and the County's portion that could be addressed. After discussion with John Pampaloni, the Borough's Licensed Sewer Operator, there are several structural portions beneath the ground in that section of roadway. The subsurface should be broken out into separate projects before the paving to let us control the flow of work and to receive a more competitive price.

C/M Doll doesn't believe that section is that bad, and feels we should go forward with our original plan.

Joe said the council has to decide whether we should complete this project end to end on North Prospect Avenue.

IX. UNFINISHED BUSINESS

Appointment of Borough Auditor – Mayor Driscoll said this is on the agenda tonight.

X. NEW BUSINESS

- 1) Women's History Month – March 2010 – Proclamation at March 16th meeting.
- 2) Prequalification of Bidders for Rehabilitation Work on Main House at the Tunis Cooper Historic Property – Public Hearing on 03/16/10.

XI. ADMINISTRATOR/BOROUGH CLERK'S REPORT

Borough Administrator:

- 1) JIFMEL Elected Official Training Seminar is scheduled for Tuesday, March 16th at 7pm
We get a \$250 credit for all the elected officials who attend.
- 2) Williams Alexander & Associates Inc. collect overdue debts from delinquent court accounts and gave presentation.
- 3) Contacted Bond Counsel, Steve Rogut, about using unused money in an old capital account to do the DPW Roof Repairs.
- 4) Tunis Cooper Historic Property plans are done and are seeking prequalification of bidders. Will advertise prequalification, have a public hearing and get approval from council. Only qualified bidders can bid on the work.
- 5) Garbage Recycling Containers installation delayed from snowstorm.
- 6) Progress on DPW Supervisors contract will be discussed in closed.

- 7) Ahdeek Tennis Club representatives, John Scagliotti and myself met to discuss some problems that the high school has been having using their facilities.
- 8) Local Government Services approved Carole Chamberlain-Berman as Acting Borough Clerk for another year.
- 9) Swim Club has paid CFO Czykier for one year of their back dues.
- 10) Brewster Arms, West Church Street, manager met and also with the Howard Drive complex about the new ordinance and the effect and the garbage collection. Concerned about the number of cans on the street, the health issues and spoke about different ways of picking up. Some of them have pick up five, six or seven days a week and we do not have that kind of personnel. One possibility is having them take their dumpsters out of the area where they keep them now and putting garbage cans in there where the trucks can pick up. In the future, as we replace our equipment, it is probably to better to purchase trucks that can pick up dumpsters, front-loading or rear-loading.

Borough Clerk:

- 1) PARIS Grant Imaging System will be installed next week which will give us the ability to scan a lot of our records which we hope will solve some of the file storage problems in the building.

XII. MAYOR & COUNCIL REPORT

C/P Gillman:

CD Block Grant for McDermott Place should be coming within the next month.

Board of Education passed Barrier Free Meetings for the 16th.

School Budget is being formulated by Board.

Family Fun Day is June 13th and to date, about \$4000 has come in donations and the bank has committed to \$5000.

C/M Carlson:

Ambulance Corps appreciated begin able to install and recognize officers at the last council meeting.

Temporary Dog Run is still under his review and insurance concerns. He has received pro and con comments from residents.

C/M Doll:

Barrier Free – Received top award in the county for their works and efforts. There will be a large event in the high school auditorium on May 1st, 12noon – 3pm, open to all the political dignitaries, county executive, senators, assemblymen and councilmembers. Receiving \$1,000 for the award and the committee chairman is also donating \$1,000., which will be used for educational programs.

Senior Committee – March 18th at Tommy Fox's

Environmental Committee – In the process of registering for Sustainable New Jersey and Joe Verga is the Green Team Leader. Earth Day commemoration will be on April 22nd and the committee will participate in Family Fun Day.

C/M Tully:

Thanked DPW for all the work they did, especially last week with the snow and now filling all the potholes.

Apartment garbage – Foster Village is still the only week taking advantage of the recycling pickup.

Advocates official street lists prioritizing the need for repair.

Shade Tree is looking to apply for Community Forestry Grants, \$3000-\$5000, and upon receipt would require us to hire a private firm to show us how to best use that money.

C/M Lodato:

Planning Board cancelled this month, no applications pending.

Fire Department had a successful fund raiser at Conlon Hall. During the last storm, the fire houses were manned.

Commended DPW Supt. Kneisler on the work in clearing the streets this past storm.

Mayor Driscoll:

Read article from The Record about the average residential property tax increases/decreases and only Bergenfield had a negative growth of -1.1%. Our neighboring communities all went up. This shows a little progress and that we are on the right track in Bergenfield.

XIII. PUBLIC COMMENT (10 minutes)

1) GERALD HICKEY, 77 Westminster Avenue

Retired over 20 years, and he didn't get a raise. Believes there should be no raises, hold it down. If they have no union, that their problem. Fix the roads, get something else fixed.

2) MICHAEL KNOWLES, 37 Palisade Avenue

Asked the council to reconsider the salary ordinance that was passed two weeks ago, reasons being the economic environment. State aid is frozen, teachers union is negotiating a 4% raise and other bills we have no control over. Recommends holding salaries where they are. My wife works for the borough and deserves a raise but at this point, postpone this and maybe in another six months or a year, you can give people the raises they deserve.

3) DOUG MATTHEWS

Proposed wall at Coopers Pond with the names of all the cops, the firemen who have passed away; also, the people on the board.

4) BARBARA RUBIN, Property Owner – Dry Vin Organic Cleaners

Complained about the SID taxes. She feels her property is not in the business district. She was referred to Rich Davis at the SID who informed her of all that the SID is doing, such as the new website. Feels that the SID has not done anything for them.

C/P Gillman suggested that she attend the SID meetings. The SID is a corporation and all we do is approve their budget. The next meeting is March 22nd at 6:30 p.m.

Atty Betesh said that the SID is autonomous.

Mayor Driscoll suggested taking her complaints to the SID Board.

5) DIANA FLAGG, 131 Hillside Avenue

Spoke about the street lights that are still out in Bergenfield.

Mayor suggested giving their locations.

Suggested a new signage ordinance years ago. Asked who enforces it.

B/A McGarril responded, the Code Official.

Complained that signs are still up in stores that are vacant after 30 days, windows are not supposed to be covered more than 25%.

Asked about the calls alerting the residents of the snow emergency received from the Police Department. She wonders why she doesn't get the same call about other events such as Family Fun Day. Are there two different systems and who pays for these.

B/A McGarril said yes, Reverse 911 goes out to more residents and is a function of the county. The other one is a non-emergency system so it doesn't go out to some of the people who are unpublished phone numbers.

6) RAY GORMAN, 10 Sieber Court

Regarding the COAH law suit property, he asked if there has been a soil test on the property. There has been a lot of dollars spent in regards to dealing with this.

C/M Lodato said that should be part of our further discussion and deals with the suitability of the site. The old bus garage there is now posted.

XIV. OFFICIAL BUSINESS TO BE ACTED UPON

- 1. PUBLIC HEARING ON SALARY ORDINANCE 10-2428
AN ORDINANCE TO ESTABLISH THE SALARY RANGE OF EMPLOYEES NOT
SUBJECTED TO UNIONIZED CONTRACTUAL UNITS OF THE BOROUGH OF
BERGENFIELD.**

MOTION OFFERED by Council President Gillman, **SECONDED** by Councilman Doll, to open the hearing on Salary Ordinance 10-2428. All in favor. **MOTION** carried.

Mayor Driscoll asked if anyone wished to be heard.

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

2. **RESOLUTION 10-054** To Adopt Salary Ordinance 10-2428, **OFFERED** by Council President Gillman, **SECONDED** by Councilman Lodato, attached.

C/M Doll prepared the attached questions for the council.

Mayor Driscoll explained that this ordinance establishes ranges.

B/A McGarril said that the current Finance Committee reviewed this and these are the numbers they came up with. They have already spoken to the CFO and the chairman has confirmed that if we were to give any raises based on this, which we don't have to do, any raises that would be given as a result of this are already covered in the budget.

C/P Gillman set out a plan to negotiate contracts with 3% increases and 1% of base pay given back to health care benefits with the idea of switching their prescription plan to a state health benefit plan which was cheaper...we followed through on that every step of the way and this is the last portion of it. There are six full time employees affected by this and a handful of part time employees, most of these people have not gotten increases since the last salary ordinance and some since 2008....it was budgeted. In our workbook, every one of these positions had the budget of the 3% in it like we did with every other title. Not every one of these are getting any increases, they are staying the same. 95% of this increase comes out to 1/10th of a percent.....\$36,000 with a little more than \$4,000 coming back for the health benefits and a lower cost prescription plan.

B/A McGarril said the salary guide in his office was not used in crafting of this ordinance but it basically showed that 90% of the employees in Bergenfield are well underpaid compared to the median and the average within the county. The Finance Committee did not take those numbers and adjust the salaries upward, they took the numbers from the old salary ordinance and worked off of that and projected from 2007, 2008, 2009, 2010 up until 2011 where you might pass another ordinance.

C/M Doll believes it should have been discussed at a workshop meeting.

C/P Gillman said that everyone received the salary guide and the draft of the salary ordinance.

C/M Doll said he didn't get answers to his questions.

C/M Carlson said he is not seeing salaries here that shock him...we could talk about a few, namely, the Police Chief.

B/A McGarril said previously there was a law suit by Chief and he prevailed in that and now the Police Chief's salary is covered by a contract and the Borough Labor Attorney was involved in those negotiations and the council accepted the contract. There is only one other salary that approaches the \$100,000 range and that would be for the DPW Superintendent.

C/M Carlson asked if anyone is shocked that the DPW Superintendent of the town with 28,000 people living in it, in charge of 40+, with supervisors underneath him, is making between \$95,000 and \$110,000.

B/A McGarril said that the Supervisors directly under him with a contract with the same raises as the non-supervisory employees, in July 1st, 2010, those Supervisors with longevity would be making \$101,000, and the Superintendent should be making more than his employees.

C/M Carlson referred to Borough Clerk's salary, \$65,000 to \$85,000, and some people will say that sounds like a lot but it involves a license and a lot of work goes into that position, but relevant to that we may be in a position in a few years that we have to look for somebody.

B/A McGarril said Carole is a short-timer with about 22 months left and is the acting clerk right now, so you may have to hire a full time clerk, so you need enough money in there to hire one.

C/M Doll said he is not opposed to giving our employees raises, but believes now is not the time to come out with salary adjustments or ranges.

Mayor Driscoll said at some point we will have job classifications in a resolution with a salary and council will vote on it.

B/A McGarril explained if you add the proposed raise of every individual in the salary ordinance, it would come to \$35,000+. All the information was provided to the Finance Committee.

C/P Gillman said the whole point of having committees is to do all the leg work and give the council a final product. You voted to pass a budget that gave these people the increases and now you are voting on a tool to continue that process.

C/M Doll maintains that he did not receive all of this information.

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

RESOLUTION adopted.

3. **RESOLUTION 10-055** To Approve Communications

- 1) Bergenfield United Soccer Club Coin Toss 05/15 rd 05/22
 Clinton/Wash
 Main/Wash
- 2) Bergenfield Memorial Post 6467 (2) Townwide Garage Sales Spring/Fall

OFFERED by Councilman Lodato

SECONDED by Council President Gillman

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

RESOLUTION adopted.

4. **RESOLUTION 10-056** To Approve Off Premise 50/50 for St. John The Evangelist Church, Rosary Society, RL 1150, **OFFERED** by Councilman Tully, **SECONDED** by Councilman Carlson, attached.

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

RESOLUTION adopted.

5. **MOTION** To Remove from the Table Nomination of Frank DiMaria, DiMaria & DiMaria LLP, as Borough Auditor for a one-year term, **OFFERED** by Councilman Doll, **SECONDED** by Councilman Carlson.

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

MOTION carried.

- RESOLUTION 10-057** To Confirm the Appointment of Frank DiMaria, DiMaria & DiMaria LLP, as Borough Auditor, term exp. 12/31/2010, **OFFERED** by Councilman Doll, **SECONDED** by Councilman Carlson, attached.

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

RESOLUTION adopted.

6. **RESOLUTION 10-058** To Pay Bills, **OFFERED** by Council President Gillman, **SECONDED** by Councilman Lodato, attached.

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

RESOLUTION adopted.

XV. CLOSED SESSION - Personnel Matters/Legal/Litigation

RESOLUTION 10-059 authorizing the Governing Body to Enter into Closed Executive Session to discuss: Personnel
Labor Negotiations
Legal/Litigation

OFFERED by C/M Tully

SECONDED by C/M Lodato

All in favor. **RESOLUTION** adopted.

XVI. ADJOURNMENT

MOTION to Adjourn at 10:40 p.m., **OFFERED** by Council President Gillman,
SECOND by Councilman Carlson. All in favor. **MOTION** carried.

Respectfully submitted,

Carole Chamberlain-Berman
Acting Borough Clerk

Timothy J. Driscoll, Mayor