



Minutes of the Regular Meeting of the Mayor and Council of the Borough of Bogota, held at the Bogota Council Chambers, 375 Larch Avenue, Bogota, NJ, on Thursday, August 15, 2019 at 7:00pm.

Salute to the Flag was led by Councilman Macfarlane.

The notice requirements of the Open Public Meetings Law have been satisfied as notice was sent to two newspapers and posted on the Borough Hall bulletin board on July 5, 2019.

Roll Call: Mayor Kelemen and Councilmembers Carpenter, Gates-Ferris, Macfarlane, Murphy, Napolitano, and Robbins were present. Also attending were Borough Attorney Betesh and Borough Administrator Scarpa

Motion was made by Councilman Macfarlane, seconded by Councilwoman Murphy, to open the meeting to Citizen Remarks. Motion carried.

Daniele Fede said that the Environmental Commission works well with Bogota Beautiful. She is happy with the choice of Robert Foster for OEM Coordinator and Matt Luciano as Deputy Coordinator. She asked if Battaglia is being paid for doing tax collection and for an explanation of the payment to them of \$68,400. She also questioned the \$12,600 payment to the borough Attorney.

Motion was made by Councilwoman Gates-Ferris, seconded by Councilwoman Carpenter, to close Citizen Remarks. Motion carried.

Borough Attorney Betesh explained that there were many labor issues, tax appeals, ordinances written, and COAH issues. The month of May had labor issues, Personnel issues, Stormwater Management, etc. It was an unusual month.

Presentations:

Mayor Kelemen presented a plaque to Patricia Morrone for 18 years of service as Police Administrative Assistant working with crime reports, accident reports, the crossing guards, the NJ Police Lab, etc. He also presented her with a key to the city and expressed the appreciation he and the Council have for all the work she did.

Mayor Kelemen presented a Proclamation to the American Legion for 100 Year Anniversary and thanked the members for all of the work they do. There were many members present including Walter Croft who the Mayor had honored with a plaque on Memorial Day. The County American Legion Commander presented the Mayor with a commemorative coin.

Ezio Altamura of GJEM/Otterstedt gave a brief presentation on the Risk Management services provided. He included a description of the South Bergen Joint Insurance Fund (JIF) and Municipal Excess Liability Joint Insurance (MEL).

Discussion: - Borough Attorney's update/findings on why video tape from June 6, 2019 meeting was Edited: Borough Attorney Betesh said that he reviewed emails concerning the editing of the video tape. He believed that the clerk had the unedited tape, but the tape the clerk issued as a response to an OPRA request appeared to have been edited. Councilman Robbins said that the only things removed from the tape were things that occurred before the meeting and in between the end of the closed session and the re-opening of the meeting. Discussion ensued. There was no clear finding as to what happened with the video tape, but the audio tape is complete and is the official recording of the meeting.

Discussion on firehouse/update: The aging firehouse on Central Avenue has to be removed. RSC architects presented a \$6.5 million plan for rebuilding Firehouse Hose Company 3 to hold Firehouse Hose Company 2 and Firehouse Hose 3. Mayor Kelemen said that the new DPW building and the garage cost under \$2 million. Mayor Kelemen said that some of the firemen met with him and said that they do not want Firehouse Hose 3 to hold Firehouse Hose 2 as well. He said that the soap factory on Pine Street and Palisade Avenue would be good, but Teaneck wants to build a road or parking lot there. He said the empty lot on Queen Anne Road seemed like a possibility, but the size is not right. He said that Outwater Plastics wants to move, so a firehouse could be built in the parking lot across from Quick Check. Another suggestion was to build the firehouse at Pagano Park and put the park in the vacant property across the street from the park. After discussion it was decided that the committee would explore all possibilities, find out the costs involved, and present the findings at a future meeting. The committee consists of Mayor Kelemen, Mr. Scarpa, Fire Chief Breuss, Councilwoman Murphy, Councilman Robbins, and the Architect. They said that Councilman Napolitano could not attend because then there would be a quorum. Mayor Kelemen said that Councilman Napolitano could attend in his place.

Follow up on potential purchase of Buddy's Place: Discussion took place about Buddy's Place being for sale and the possible need for the equipment stored now on Cross Street to have to be moved if that area goes on the market. The poor conditions of the area around Buddy's Place were discussed as well as the clean-up of the area that is taking place with the new DPW building and the day care center. Borough Attorney Betesh explained that if the Council would like to change their position on purchasing Buddy's Place, it must be discussed in closed session.

Possibility of moving/changing Borough Noise Ordinance to 10:00pm from 11:00pm and ideas regarding Day-Time Noise Ordinance issues: Police Chief Maye said that he looked over noise ordinances in other towns and found Glen Rock's to be the best suited for Bogota. He said that the Borough Attorney would have to look into a way to address noise complaints during the daytime. Borough Attorney Betesh said that he would prepare a noise ordinance for discussion at the next meeting.

Bogota Beautiful/Creative Team Status: Discussion took place about the pros and cons of establishing a creative team which gives the Borough points with Sustainable Jersey. Councilman Robbins expressed some concern with establishing a creative team after doing some research. It was decided to create a creative team, so after an amendment to add one representative from Bogota Beautiful and one representative from another community organization, motion was made by Councilman Napolitano, seconded by Councilwoman Murphy, to add the following resolution to the agenda. Motion carried.

19-115 To Establish a Creative Team

Draft Ordinance for Licensing of E-Cigarettes & Nicotine Delivery Devices: Attorney Betesh said that this ordinance is a discussion item based on the presentation done at a previous meeting. He met with Councilman Napolitano to add on the Borough's progressive regulations already in effect regarding cigarettes. This ordinance would establish licensing obligation to stores that sell e-cigarettes etc. in Bogota. The Health Department will receive a license fee of \$1,500. Councilman Napolitano said that he was happy that the license fees collected would be used by BACSA.

The following Resolutions on the Consent agenda were approved.

Consent Agenda:

- 19-108 Appoint Robert Foster as OEM Director and Matthew Luciano as Deputy OEM Director
- 19-109 Accepting Atlantic Coast Fibers Agreement
- 19-110 Change Order #2 Palisade Avenue Roadway Improvements Phase III
- 19-111 Interlocal Service Agreement with County of Bergen 911 dispatching services for 5 years
- 19-112 Hire Brianna Moncho as Recreation Counselor
- 19-113 Memorialization of Approval for Cablevision of Oakland, LLC, to Install Cable System Equipment in the Municipal Right-of Way
- 19-114 Resolution to Advertise for Bids for Garbage and Recycling

The following Resolution was approved with Councilwoman Carpenter recusing herself from voting on her paycheck:  
PC19-08 Payment of Claims

Motion was made by Councilwoman Carpenter, seconded by Councilman Napolitano, to table the following ordinance until the next meeting. Motion carried.

#1529 An Ordinance Amending Chapter 19 of the Bogota Code, Entitled "Property Maintenance Code"

The following Ordinance was introduced and approved:

#1530 An Ordinance Amending Chapter 4 of the Bogota Code, Entitled "General Licensing"

Public Hearing and adoption of the following Bond Ordinance occurred:

#1528 Bond Ordinance for Basketball Courts/Tennis Courts Renovations

Approvals:

Motion was made by Councilman Napolitano, seconded by Councilman Robbins, to approve the minutes for June 27, 2019 and July 18, 2019. Motion carried with Councilman Robbins recusing himself from the June 27, 2019 meeting and Councilmembers Macfarlane and Murphy recusing themselves from the July 18, 2019 meeting.

Motion was made by Councilman Robbins, seconded by Councilwoman Carpenter, to open the meeting up for Citizen Remarks. Motion carried.

Jorge Nunez pointed out that no one on the Firehouse Committee ever built anything. He said that they should have someone with expertise be a part of it and not let politics interfere. He said that Board of Ed President Lisa Kohles and Council members Robert Robbins and Connie Carpenter are guilty of dereliction of duties. He said that Board of Education President Lisa Kohles permitted the Council to vote on her husband's clothing allowance base on false information about a contract that did not exist. She also filed financial disclosure statements with income omitted. She also used profanity towards the Mayor at the June 6, 2019 Council meeting. He also said that he did not receive an undedited tape of that meeting when it was requested in an OPRA request. He said that Councilman Robbins edited the tape.

Elvin Cabrera said that he sees a lot of unpreparedness on the part of the Council. He waited a month to come back and hear the results. Nothing has changed. The council should have found the cheapest way to build a firehouse. He said that he agrees with the mayor to slow down and get the best price. He agreed that minors should not smoke.

Chris Ann Kelemen asked if anything was going to be done about the profanity used against the Mayor. She also pointed out that there were 157 deaths from drugs in 2018 and 69 deaths to date in 2019. She said that cleaning up the drug infested area could save lives. She said that if the bar stays open, they may have to hire more police. She said that a lawsuit would cost more than \$500,000.

Frank Miranda said that the council has enough power to sanction licenses. They could buy Buddies place and take it off the tax rolls. He said there are drugs everywhere over there and buying that property will not change that. He said that more research should have been done on the firehouse, and a larger committee would be better. It would be better to have more than one architect involved.

Sherry Solomov apologized to Mayor Kelemen for the blatant disrespect he received at the meeting. She said that the council preaches transparency, so closed session should not be an issue. Get blueprints and get bids. Why use only one architect. Do it right. She said that she has not heard anything about the firehouse except for the last few meetings, and she thanks Mayor Kelemen for wanting to go slowly on such an expensive topic. She asked if Buddies place would be up for discussion if a police officer died. The Recreation Center has not been spoken about enough. She said there was a problem last year when Mayor Kelemen bought a menorah. She said that a menorah will be donated.

Michael Connors said that he is disturbed by the discussion of the videotape. He does not think an investigation occurred. There are contradictions at every meeting. Meetings should be videotaped. He said that the mayor and council should ask for the money back from the DPW Superintendent. He said that he is a volunteer and does not ask for money. He cannot believe that the vote for the Recreation Center did not pass the last time. The new building on Palisade Avenue went up with no deal.

Motion to close Citizen Remarks was made by Councilwoman Carpenter, seconded by Councilwoman Murphy. Motion carried.

Councilman Robbins said he was taken aback by the insults against him from residents. He said that he asked the head of the firehouse committee to be a part of the committee. He said that Hose 2 is in bad shape and it would be throwing good money after bad.

Reports: Mayor, Council Committees: Five (5) minute time limit per Council Member, Administrator, Attorney, Clerk  
Mayor Kelemen said that Councilman Councilman Napolitano can take his place on the firehouse committee. He said that coyotes have been seen in the area. He reported that the County sprays for mosquitos. Volunteer night will take place soon at St. Joseph's parking lot. He congratulated the new OEM directors and thanked the outgoing directors for all their work. He said that equipment at Pagano Park was vandalized. He said that the laundrymat on River Road said that the County was closing the road for 24 months. The Council overrode the Mayor's objection to that road work. He said that the town will be getting "slow down" blinking signs on Palisade Avenue by the high school. He said that he wants the fall décor in town – corn stalks and pumpkins. He said that the Youth cadet program was excellent. He thanked the instructors.

Councilman Macfarlane said that Bogota has 95% tax compliance. He said that the Board of Education is excited about the SLEOs. A vice principal was selected for the high school.

Councilwoman Carpenter said that the DPW is doing a good job with the trees and sidewalks. She said the October fest will be held on October 26<sup>th</sup> with pony rides and a petting zoo. She said that football program only has 38 children, so they may consider joining another town. The County will have a meeting on August 21<sup>st</sup> at 7:00pm.

Councilman Napolitano said that the police had 2509 calls and half of them were for parking permission. The Youth Academy graduation was a wonderful event. BACSA appreciates the town passing a vaping ordinance. The Veterans appreciated the American Legion award. The Seniors will have an event at Olsen Park. He said the CSX area by the brook looks awful as does the bridge.

Councilwoman Murphy had no report.

Councilman Robbins said that the Swim Club had no issues, and the next meeting would be in April 2020. He said that CSX was notified of erosion of property by the brook. He said that he would Let Councilman Napolitano attend the firehouse meeting instead of him.

Councilwoman Gates-Ferris said that she attended the Noise meeting in Teterboro. There were two noise complaints from January through June. Other towns have hundreds of them. There was no library meeting. The 125<sup>th</sup> newsletter came out this week. The Journal Committee will meet on Wednesday.

Borough Administrator Scarpa said that the box for videotaping in the council chambers is able to be used. He said that a resident has a problem with bamboo. He said that delta dental went into effect September 1<sup>st</sup>. The ambulance response time is 6 minutes. He said that CSX should pay for the bridge. He received two price quotes for the fencing on Main street and for painting the Recreation Center. Jojo's playground will be installed soon for 2 to 5 year old children. Repairs at Pagano Park cost about \$7,000. A DEP application for a Wetlands permit was prepared. The building department is now at the DPW building for about 3 to 4 weeks.

Borough Attorney Betesh said that he will be working on a bamboo ordinance to protect the property owner's rights. He said a lot of the Zoning ordinance is outdated and need to be updated or removed. He had a conversation with the engineer about the Preston Street retaining wall. No easements were found, so an agreement will have to be reached.

Motion was made by Councilwoman Carpenter, seconded by Councilwoman Murphy, to adjourn the meeting. Motion carried and the meeting adjourned at 11:30pm.

Minutes respectfully by Borough Clerk Jeanne Cook.