



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, July 18, 2019 at 7:07pm.

Salute to the Flag was led by Councilwoman Carpenter

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, and Robbins were present. Councilman Macfarlane and Councilwoman Murphy were absent. Councilman Napolitano arrived Late. Also attending were Borough Attorney Betesh and Borough Administrator Scarpa.

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

Maryann Dispoto asked for a moment of silence for former Mayor Alex Kelemen.

Elvin Cabrera said that he would like the Council meetings to be advertised better so more people could come. He said there is a need for more activities for children.

Casandra Velez asked that overnight parking be banished because there are not enough places for people to park overnight without getting ticketed. Also, she requested that parking be allowed by the school for certain hours to allow people to drop off and pick up their children. She suggested bussing the children. She also asked for more after school programs for children. She said that half of 4th Place is a one way street, and there is a hole in the street. She said that speed bumps could help make cars slow down.

Sherry Solomov said that the Fire Department members receive \$350 clothing allowance if they respond to 30% of calls. The Police receive \$1,000 clothing allowance in their salary. She asked how the town determined the DPW clothing allowance. She asked who voted for this tax increase and why the million dollar surplus was not used to lower taxes. She asked why the meetings are not being videotaped. She asked what pending lawsuits there were and why the former School Superintendent was let go.

Rebecca Youla said that she would like the Council to discuss the new Recreation Center again.

Jorge Nunez asked for the resignation of Council members Robbins and Carpenter and Board of Education President Kohles for deceiving and defrauding the public. He said that Board of Education President Kohles berated him at a Council meeting, and used profanity. He said that the video of the meeting was altered, and altering public records is not permitted. He said he is entitled to an unedited copy of the videotape of the June 6th meeting in his OPRA request. He said that Robbins, Carpenter, and Kohles played a role in violating the Ethics code in 2014 when the DPW superintendent was given a \$2,000 increase as per the State ethics committee. He asked if the public funds were returned when they learned that there was no contract for the DPW Superintendent. He said that Councilwoman Carpenter commented about an employee on social media, and she wore a political endorsement at the June 6th meeting.

Councilwoman Carpenter motioned to close Citizen Remarks, seconded by Councilwoman Gates-Ferris.

Councilwoman Carpenter said that the Council meeting schedule is on the website.

For overnight parking, she said to call the police and let them know the situation, and it would be best to attend a Board of Education meeting to complain about parking at the schools. She said there is no bussing because the town is too small. There are after school programs at the Recreation Center. Main Street is a County Road. The County is meeting tonight.

Councilman Robbins said that videotaping meetings is postponed, and no councilperson should be working the camera. He said that guidelines are needed to be in place. He said that closed session items are not for the public to see. He has the full version of the videotape from the June 6 meeting. The lawyer gave guidelines about when the open meeting ends and the closed session begins. He said that the clerk has the full version of the meeting now to give to you.

Mayor Kelemen said that he will ask the Police Chief to get signs for Crestview Avenue that say "Children playing". He said that people request speed bumps all the time. There are liability issues with speed bumps. He said that Councilman Napolitano said that the County is supposed to be repairing Main Street from the bridge to the Teaneck border. He said that signs were ordered for Bixby School. Mayor Kelemen said that a Recreation Center is needed. Four Council members have to approve the bonding. Only three approved it last year. He said that the clothing allowance has been a part of negotiations for years. This year, uniforms were provided for union members. He thanked Councilman Robbins for videotaping meetings. He said that he was cursed-at at a meeting and was offended when he heard that something might be deleted from the videotape. That would be a violation of the Open Public Meetings Act. There should be no deletions. He asked for the borough Attorney to look into who gave the okay to edit the videotape. He said there are two governing bodies in Bogota, one municipal and one Board of Education. Pending lawsuits with the Board of Education need to be addressed by the Board of Education.

Borough Attorney Betesh made an advisory email to explain that transparency is important. He said that the time of closed session is not accessible to the public. Recording of the meeting should cease. The recording begins after motion is made and seconded to reopen the meeting. He said he will look into who prepared edits to the video. Mayor Kelemen said he was concerned that the video of the June 6 meeting was not put on the website for over a week. When it was put on the website, it appeared to be blotched.

Councilman Napolitano said that the Borough applied for two grants for the state to help with traffic safety including blinking lights, sidewalks, etc. Neither grant was approved. Appeals need to be made to state representatives to get the grants for traffic safety for Bogota. He said that he is disappointed in the lack of transparency with one video being lost and another possibly being edited.

Representative from RSC Architects will present other possible options for the firehouse project: Jeff _____ from RSC Architects explained that the plan is to develop the West Shore Avenue site into two companies. Construction will cost \$4 million. \$2 million will be needed for other sites. He said that the concept is based on consolidating two firehouses with 4 bays. He said that he has to develop the design in order to see if costs can be cut.

Discussion: Garbage and Recycling – Administrator Scarpa said that garbage and recycling contract ends in December. The engineer needs to prepare specs to go out to bid for a new 3 or 5 year contract.
Resolution for American Legion for 100 years – Mayor Kelemen said that t proclamation will be presented at the next Council meeting to honor the American Legion because the County Representative was unavailable for this meeting.

Amendment to Chapter 4 of Borough Code -Towing Ordinance: Borough Attorney Betesh explained that towing companies requested changes in towing fees. The police Chief agreed to modified changes, so Mr. Betesh is preparing an amendment to the towing ordinance to incorporate the changes requested by the towing companies and tempered by the Police Chief.
Request from Buddy's Place of extension for restrictions from Resolution 19-105: Borough

Attorney Betesh explained that a letter was sent from the attorney for Buddy's Place requesting an extension of one of the requests. The other request was already handled. Motion was made by Councilwoman Gates-Ferris, seconded by Councilwoman Carpenter to approve the following Resolution. Motion carried:

19-107 Approval of Extension for Buddy's Place

New OEM Coordinator – Mayor Kelemen said that he will choose a new OEM Coordinator at the next meeting.

The following Resolution on the Consent Agenda was approved:

19-106 Re-appoint Michael Quercia as Bogota's Plumbing subcode official

The following Resolution to be voted on separately. Motion was made by Councilwoman Gates-Ferris, seconded by Councilwoman Carpenter to approve the payment of claims. Motion carried with Council member Carpenter recusing herself from Payment to Roy Riggatano and from her paycheck, and Council members Gates-Ferris and Robbins recusing themselves from voting on their paychecks.

PC19-07 Payment of Claims

The following Bond Ordinance was introduced:

#1528 Bond Ordinance for Basketball Courts/Tennis Courts Renovations

(Public Hearing on Bond Ordinance #1528 will take place at the August 15, 2019 meeting.)

Public Hearing on the following Ordinance took place:

#1527 2019 Salary Ordinance

Approvals:

- Motion was made by Councilman Napolitano, seconded by Councilwoman Carpenter, to approve Carole Nicolay's request for approval for a Block Party on August 24, 2019 on Beechwood Avenue between Queen Anne Road and Dunn Avenue beginning at Noon. Motion carried.
- Motion was made by Councilman Napolitano to approve the Minutes for June 27, 2019. No one seconded his motion, so minutes were not approved.

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

Jorge Nunez said that the President of the Board of Education came into the open session of a meeting. He said that when a lifelong friend comes before a public official, that official should recuse himself or herself from voting. He said this was not done in 2014 regarding a clothing allowance. He said it was weird for people to recuse themselves from a paycheck. He said that it would be better to have another process for choosing architects for the firehouse. He said that Joe Scarpa came in as administrator in 2015 and was all business and worked for the community to repair physical and financial problems.

Elvin Cabrera said that residents pay taxes and the governing body works for them. Why isn't someone running the camera? There should be an outside person running the camera. The town needs more police. He said that the town needs to be better prepared. We have multiple fire houses. The Council needs to prepare better with repairing the firehouses and spending less money. There should be respect for each other as well.

Michele Rugar said that equipment was installed years ago for filming the meetings and would like to know if it has been pursued.

Michael Connors said that it is disturbing that someone would edit a recording. He said this would be a good opportunity for the Board of Education and the Council to work together to have meetings taped. It could be community service hours for students who need help. He thanked borough Administrator Scarpa for putting

the basketball and tennis courts on the agenda. He said that the perhaps the new basketball and tennis courts could be named after the recently passed Mayor Alex Kelemen.

Irena Kearns asked if the Recreation Center will be discussed again. She asked if it was true that the new buildings gave the borough money for the new recreation Center. She said that the healthy kids running program was a great addition and would like to see more additions, such as soccer.

Cassandra Velez went through all the Bogota Schools. Her brother is an EMT and a volunteer fireman. A new Recreation Center could hold dances, Halloween parties, activities, etc. It would be better to build the Recreation Center first and then the new firehouse.

Bissi Hall asked why everyone is talking about the Recreation center and The Firehouse as verses instead of needing both. Divisive space is wrong. People have children. We have received money for a Recreation Center. We need a Recreation Center, and we need a Firehouse.

Sherry Salamov asked who voted to raise the taxes and was it unanimous. She said that the firehouse needs to be up to code. She saw a very large bar in the plans. She said that the Recreation Center should be done. She said that the police need a clothing allowance for bullet proof vests etc, and DPW need a clothing allowance. Why did the DPW get an increase in the clothing allowance.

Jim Berthold said that the members of Hose 2 moved the bar piece by piece from Hoboken to the firehouse. They paid for their own couches and cable. The building is the oldest firehouse and should be an historic site. His uniform was covered with sewage on July 4 with the disaster at 297 Palisade Avenue.

Motion to close citizen Remarks was made by Councilwoman Carpenter, seconded by Councilman Napolitano. Motion carried.

Mr. Scarpa said that Bullet proof vests are paid by the town, not in the clothing allowance. He also said that an architect can cost up to \$200,000. Minimum Plans cost \$5,000 to \$10,000. No plans have been drawn yet for the new firehouse.

Councilwoman Carpenter said that the proposal for the Recreation Center was for \$4.7 million. \$2.75 million is left. Money will come in when we get the COs. She is President of the Swim Club and had teen swims with only 10 to 15 teens. Cheerleading has 8 girls. There are not enough volunteers for baseball or enough children to make a team.

Councilman Napolitano said that funding for the Recreation Center was worked out with the developer. He said that negotiations were made with the developer to enable a Recreation Center to be built and paid off in three years. The down-payment for the bond was given to the Borough by the developer. The new buildings will be the largest ratable in the history of Bogota. It was voted down even though each bond payment would be able to be made with each CO payment that came in. He said that the Borough found a way to build a new DPW building. The developer is giving the town money to rebuild the Recreation Center. Councilman Robbins said that he was fire commissioner in 2012, 2013, and 2014, and he knows the needs for the firehouses to bring them up to code. Consolidation of the firehouses is necessary.

Councilwoman Carpenter said that in 2014 she encumbered money, she did not approve payments, and she gave a comparison of other towns taxes based on rate-ables. She said that Bogota does not have the rate-ables that other towns have.

Mayor Kelemen said that in 5 years a lot has been done in Bogota. There is a new DPW building and a huge garage. He said that he is passionate about the Recreation Center and is upset that the Council turned down the bond for the Recreation Center last year. The goal is having things for the kids. Councilman Napolitano worked to get an astro-turf field at the high school a couple of years ago, and it was turned down. He is going to ask the bond counsel to come to a future meeting to discuss bonding for the Recreation Center again and expects a 6 – 0 vote in favor of it. The police work 12 hour shifts. He does not know if the video equipment on the wall works.

Reports: Mayor, Council Committees:

Mayor Kelemen extended appreciation to all who gave support due to the loss of his father three weeks ago. He thanked Gordon Kohles and the DPW for the bunting and for lowering the American flags in honor of his father. He thanked the Police Chief, Police Department, Police reserves, Rescue and Fire Department for all they did including an escort to the cemetery and providing safety in front of Petrik's Funeral Home. He thanked the Hook and Ladder for honoring his father his father at last week's golf outing and fund raiser, and he thanked the 125 Anniversary committee for the honor they are preparing for his father. He also thanked everyone in the community who reached out to him and his family. He said that a resolution was passed to extend the Buddy's Place restrictions. He was asked by a realtor if the Borough would like to buy Buddy's Place. The Council did not want to buy it. He would like the Council to reconsider buying it for storage and to take care of the problems in that area. The cadet program is starting next month. There is a heat wave coming, and the County advised that there will be centers open for cooling. There is a 125th Journal coming out soon. He is meeting with the President of Wells Fargo to work out parking issues. The creative team will be discussed at the next meeting. The OEM coordinator's term expires in September, and he will appoint a replacement at the next meeting. He heard there was a health expo last week, but he knew nothing about it. He requested an NJ mobile unit to give non driver licenses etc at the Recreation Center. He asked Steve Rogut to attend the next meeting to discuss bonding for the new Recreation Center.

Councilwoman Gates-Ferris said that 125th Anniversary third news letter will be coming out soon. The Journal should be ready in August. She said that every Council member received the advertisement letter for the journal in their mail boxes. Please distribute them. She also put some letters for advertising in the journal on the table for anyone to take.

Councilwoman Carpenter said that Mr. Scarpa coordinated the Health Expo. She said that Shred Day would be held on Saturday, July 27th, from 9am to 1pm at the Recreation Center. She reported that sidewalk repairs are being done and there is \$28,000 left for repairs. The State and County have meetings tonight, so she could not attend them, but a presentation would be made tonight by the County to Frances Carasco of the American Legion in honor of the 100 year anniversary of the American Legion.

Councilman Napolitano said that he is waiting to hear about the monument of the Ryan Bridge. There will be a ceremony when it is completed. He dropped off the paperwork for the Governor's Veteran Certification that he and Mr. Scarpa will work on together. He said that BACSA would not be having a meeting in the summer, but they want to participate in the Vaping ordinance when it is drafted. He said that Madeline Banks died at 97 years old after belonging to the Senior group for many years. He reported that the Police Department had 2 DUIs, 9 Arrests, and 2,762 calls. Phase II Leonia Avenue project will begin in July. He asked about the Swim Club Parking Lot estimate of \$866,000. (Mr. Scarpa said that they were just looking for an estimate.)

Councilman Robbins said that Rescue did not have a meeting. He said that they washed the trucks the day before the parade. He reached out to the by-laws committee to discuss guidelines and procedures for videotaping meetings. He said that a resident requested bringing back adult night at the Swim Club which would extend the closing to 1:00am and allow BYOB. The lease requires 11:00pm closing and no alcohol. (It was decided that the lease rules should be followed.)

Borough Administrator Scarpa reported that he purchased a Rainbow flag. There were painting touch ups done in front of Borough Hall. He is checking on prices for repairing the cupola etc. New pails were purchased for the parks. Some new equipment was purchased for Pagano Park. Also equipment for Olsen Park will be coming soon for the age 2 to 5 year old park at Olsen Park for Jojo's Park. There will be a dedication. He said that the DPW work very hard, so he gave them a pizza party as a Thank you.

Borough Attorney Betesh said that he and Mr. Scarpa were asked to review how to create a creative art team. He will be preparing a resolution for a future meeting.

Borough Clerk Cook reminded the governing body to follow the Open Public Meetings Act and expressed her disappointment that no Council member seconded Councilman Napolitano's motion to accept the June 27th minutes. She reminded them that the Open Public Meetings Act calls for transparency, and the minutes are a reflection of the meeting which is part of transparency.

Motion was made by Councilwoman Carpenter, seconded by Councilman Napolitano, to go into Closed Session. Motion carried and Resolution 19-107C was added to the agenda at 10:15pm.

When the meeting resumed, motion was made by Councilman Napolitano, seconded by Councilwoman Carpenter, to adjourn. Motion carried and the meeting adjourned at 10:40pm.

Minutes respectfully submitted by Borough Clerk Jeanne Cook.