

Minutes of the Regular meeting of the Mayor and Council of the Borough of Bogota held in the council Chambers on Thursday, August 20, 2015 at 7:30PM.

Salute to the Flag was led by Councilman Robbins.

Roll Call: Mayor Kelemen, Council members Fede, Mitchell, Napolitano, and Robbins were present. Councilman Nunez was present telephonically. Councilwoman Kohles was absent.

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 January 8, 2015.

Discussion took place concerning items on the consent agenda. Resolution 15-115 was a necessary resolution for apply to the Local Finance Board for review and approval of the proposed bond refunding ordinance needed to pay expenses in connection to the reinstatement of Police Officer Regina Tasca. Resolution 15-113 contains an option for renewal after December 31, 2015 at the discretion of the Borough. Resolution 15-117 tightens up the existing Conference/Convention policy.

The following Resolutions on the Consent Agenda were adopted:

- 15-09 Payment of Claims
- 15-113 Award contract for the cleaning and maintenance of Borough Hall Properties
- 15-114 Award contract for the DPW Facility
- 15-115 Making Application to the Local Finance Board Pursuant to NJSA 40A:2-55
- 15-116 Remove Lenox Garage LLC from towing list – going out of business
- 15-117 Revised Conference/Convention Policy
- 15-118 Resolution Consenting to Treatment Works Application

Discussion took place concerning two proposed ordinances. Refunding Bond Ordinance #1467 includes \$100,000 back pay to Officer Tasca (May to December), \$300,000 for prior years' pay, and \$15,000 for legal and bond counsel. This was necessary to be in compliance with a court order. Ordinance #1468 incorporates sound promotional procedures for the police department to put an end to all the litigation that the town had to deal with last year and which has continued this year.

Administrator Scarpa explained that Ordinance #1467 was created to be in compliance with the court order concerning officer Tasca. Ordinance #1468 was created to establish a promotional procedure for the police department in order to prevent litigation. Chief Burke had agreed that this was necessary prior to his retirement.

The following Ordinances were introduced and approved:

- #1467 Refunding Bond Ordinance for \$415,000 – Expenses for Reinstatement of Officer Tasca
- #1468 Police Promotional Ordinance

Michael Connors commented on Ordinance #1466. He spoke to a woman on Kramer Court whose husband had a heart attack, and the ambulance could not get down the block because the DPW truck was parked there.

Betty Zohar also spoke about Ordinance # 1466. The large truck is a blind spot for cars trying to enter River Road. There have been many instances where accidents were possible. Neighbors cannot pull into their driveways easily, and the blade on the truck is wide and dangerous. She showed pictures to the Mayor and Council. Oscar DeLeon confirmed Betty Zohar's concerns.

Public Hearing and Adoption of the following Ordinances took place (voting record is attached):
#1465 Salary Ordinance for Non-Contractual Borough Employees
#1466 An Ordinance repealing Ordinance # 1447

Discussion:

Dan Howell, Construction Official, said that he visited the Church of God twice. The members agreed to clean the hood and exhaust each year. A state code official said that the hood is installed to Code. The shed that was too close to the neighbor's property has been removed. Councilman Napolitano asked if the Church is in compliance, and Mr. Howell said that the state agreed that they were in compliance. Councilman Robbins reminded everyone that the Church of God had agreed to raise the fan. Mr. Howell said that since the state found them in compliance, they can raise the fan only if they want to do it. As for garbage and rats, cans must have tight lids. Rodents are a board of health issue, and the Health inspector did not see rats. She did make them buy more garbage cans for better storage of garbage. Councilman Nunez said that since this church is in a residential neighborhood, perhaps there could be a way to have the church make changes that do not involve legal matters.

Administrator Scarpa reported that the town received an invoice from Tito Jackson's lawyer for \$24,000 (16 hours @ \$350/hour). Borough Attorney Bossong recommended not paying at this time since there is pending litigation. Council members discussed the exorbitant attorney fees at \$350/hour when last year it had been decided that \$150/ hour should be the maximum amount charged for legal fees. The present council had upheld that decision.

Councilman Mitchell requested that Council review liquor license fees which have been increasing by 20% for the last few years. After some discussion, it was decided that a 20% increase is too excessive. The liquor license fee ordinance will be looked over for next month.

The following Minutes were approved unanimously:
Minutes: May 21, June 4, June 25, July16, August 6, 2015

Mayor's Report

Mayor Kelemen reported that the work on Leonia Avenue has started. Dead trees are being removed, and signs will be in for the beginning of school. Pot holes are being repaired, and summer camp at the Recreation Center went well. He met with Reverend Woo of Bogart Memorial Church who is working on a community project. He and Councilman Mitchell participated in a walk through at 297 Palisade Avenue. It appears that progress is going well. Mr. LaBarbiera would be happy to give a tour to all the Council members.

Ken Job, the engineer for 297 Palisade Avenue, said that he is not allowed to make any changes to plans approved by the planning and zoning board. Any changes must be presented to the planning and zoning board. The Superintendent of Schools is working on strategic plans for the school year and would like to work with the Mayor and Council. Bixby School is looking very nice Road work will begin soon as well as the DPW building renovations.

Mayor Kelemen released a personal request for Tito Jackson to resign as OEM Coordinator due to Mr. Jackson's recent arrest for shoplifting .

Committee Reports

Councilwoman Fede reported that Rescue Gear will be coming soon. The Boot Drive will be held on September 12th and she will volunteer to help. The Chief of Rescue repaired the damaged Rescue truck. A tree came down on Queen Anne Road, and Rescue did a great job removing the tree. She attended a CSX training on train emergencies. The Library is running a fund raiser which entails paying \$10 to fill up a garbage bag with books. The Library is getting new shelving. She is still waiting for an improvement of the Emergency Management Plan. Tree inventory will be computerized soon. The Green Team is still looking for a co-host for a Green Fare. \$4,400 was paid for Open Space. She suggested that when taxes are due, the tax collector hours should be adjusted to accommodate tax payers. She is still waiting for NO SMOKING signs for the parks.

Councilman Robbins attended a Bogota Beautiful meeting. The meeting was packed which was encouraging since the first meeting had only three people attend. On August 27th, Bogota Beautiful will be hosting a barbeque with a DJ etc. at Olsen Park. Volunteers are needed. A free event will be held involving the Kids Safety Awareness Program (KSAP). Patrick Teran will be there to create caricatures. On September 24th, Bogota Beautiful will be holding a community Workshop. Anyone interested can go to the Bogota Beautiful website to register. Bogota Beautiful would like to clean up the walkway by the train tracks on Fort Lee Road. A resident complained about the Leonia Avenue Park reporting rough edges, grooming needed, and garbage needing to be picked up. Another resident complained that the children's play area in Olsen Park is often littered with water bottles and garbage. The Fire Department Hook & Ladder 1 and Engine 1 are having a blood drive on September 23rd from 3pm to 8pm. For questions call 201-251-3703. He asked that consideration be given to finding parking spots for fire members at Hose 2.

Councilman Nunez reported that the police are going through negotiations. The VFW has a nice clean hall for meetings. He suggested that Bogota Beautiful may like to meet there. The Board of Education has a meeting on Tuesday, August 25th. A lot is happening at the park, and it would be nice to have electricity for the pavilion.

Councilman Napolitano reported that the town is fiscally responsible now. A few matters need to be finalized in order for the audit to be completed. This includes the Chief's retirement and the Tasca case. The Senior Citizen Center will be painted for free. A boy scout will begin the painting tomorrow as his project to become an Eagle Scout. The Senior Center will be receiving a new rug as well. The Leonia Avenue project is underway. Borough Attorney Bossong wrote to CSX to help with the flooding problem at Elm Avenue and River Road. The Department of Transportation needs to help as well. Drainage at the Hess site is also underway. Chestnut Avenue will be repaved instead of Linden Avenue because it is more in need of repair. He called PSE&G about the gas main on Orchard Terrace. Mr. Ondish of PSE&G is trying to get Larch Avenue and River Road paved for us, but he is having health issues. Prayers for Mr. Ondish would be appreciated by him. Councilman Napolitano and Administrator Scarpa will talk about the Ambulance Squad. The new Master Plan will be started soon. The plans for the Hess site should be completed within the next few weeks.

Administrator's Report: Administrator Scarpa reported that the 2015 Road Program is part of a cooperative with seven other towns. This helps save on engineering fees, and asphalt is cheaper purchased in larger quantities. Chestnut Avenue will be paved (instead of Linden Avenue) from Palisade Avenue to Fisher Avenue because PSE&G will be working on Linden Avenue. September 24th is when the work will begin and completed on September 25th. September 26th is the town wide garage sale. Mr.

Scarpa met the Eagle Scout who will be painting the Senior Citizen Center. The \$4,000 television, originally purchased by OEM in December 2014 and remained unused, will be mounted on the wall in the Senior Center for use by the Seniors and the Library. A new carpet should be installed too. \$13,000 was made on the auctioned vehicles. The two ambulances had been parked in two handicapped spots, and a lot of equipment was put inside the old ambulance, so it could not be auctioned. Mr. Scarpa has been asking for a supply inventory from the Ambulance Squad and has not received one. A forensic audit may be necessary. He met with the manager of Teaneck and will meet with him again to discuss what services are available to help each municipality. Councilman Napolitano spoke to the Borough Attorney and found that in the police chief's absence, the Captain becomes the commanding officer. That can be found in the town ordinance as well as state statute.

Citizen Remarks: Five (5) minute time limit per person:

William Valentinetti complained that the exhaust fan at the Church of God is not built to code. He also claimed that the town allowed them to put up many things without permits.

Nicholas Zampetti said that the Church of God has been a problem since 1996 or '97. The Steuben property is a major property maintenance issue.

George Shalhoub said that he likes the way things are being done now. He requested that town vehicles be restricted from going out of town for personal use. The DPW truck has a tiny sticker. The EMS vehicles are never used and should be auctioned.

Motion was made by Councilman Mitchell, seconded by Councilman Robbins, to close citizen remarks.

Dan Howell, the Construction Official for Bogota, suggested to Mr. Valentinetti that he make an application to the Construction Board of Appeals. Councilman Napolitano, the liaison to the Planning and Zoning Board, reiterated Mr. Howell's suggestion to Mr. Valentinetti about applying to the Construction Board of Appeals.

Mr. Scarpa explained that the convention policy was changed for Borough personnel and is now more detailed and restrictive. Also, the vehicle policy will be looked at as well.

Motion was made by Councilman Mitchell, seconded by Councilman Robbins, to go into closed session with no formal action being taken. Motion carried.

Resolution #15-118A Closed Session - Litigation

The meeting reconvened, and motion was made by Councilman Mitchell, seconded by Councilman Robbins, to adjourn at 9:40pm. Motion carried.