



Minutes of the Regular Meeting of the Mayor and Council of the Borough of Bogota, held at the Bogota Senior Center, 375 Larch Avenue, Bogota, NJ, on Thursday, April 18, 2019 at 7:30pm.

Salute to the Flag was led by Councilman Macfarlane.

Mayor Kelemen apologized to everyone for having a meeting on Holy Thursday and during Passover.

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 April 15, 2019.

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

Motion was made by Councilman Napolitano, seconded by Councilwoman Murphy, to open the meeting up for Citizen Remarks.

Rosemary Gieseovich said that she was representing the Bogota Senior Citizens, and she thanked the Mayor and Council for sending the 125th Anniversary flyers to homes because they do not get newspapers. They cannot always come to meetings, and they do not use computers. She asked if the Mayor and Council would consider having an afternoon meeting like Teaneck's governing body did. She asked when Shred Day would be.

Michael Connors congratulated Kenny O'Donnell on becoming a Bogota Police Officer. He asked what the latest news was on the Recreation Center. He asked if the money will be used for a new Recreation center or for something else, and if the basketball courts down by the park will be refurbished. He said that he heard the town had a surplus this year and he asked if a tax break will be given to the taxpayers.

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

Borough Administrator Scarpa said that Shred Day is Saturday, July 27th from 9:00am to 1:00pm at the Recreation center.

Councilman Macfarlane said that when people apply for a mortgage, the bank looks to see if the people have savings, investments, and cash as collateral. When the Borough goes out to bond for road repair, sidewalk repair, etc, the amount of interest the Borough pays on the bonds is based on the Moody's rating. Moody's want a 10% surplus as good fiscal management of the town's money. He said that last year and this year were the first times in a long time that the Borough had a decent surplus. He said that Boroughs have to have money available for emergencies. The Borough was praised by Moody's for good financial management. Councilman Napolitano said that the

Borough did receive an Open Space Grant from the County for over \$200,000 for refurbishing the basketball courts. He did not see anything in the budget as a match to that grant. He said that he would like to see some money going to get rid of the puddle in front of the basketball court and upgrade our recreational facilities which has been talked about for the last five years. He said that the Moody's rating has continuously gotten better over the years, and he has the reports with him. He said that the Council could discuss giving some of the surplus back to the taxpayer. He said that banks want us to have excess money in the bank so that we can borrow money. This is a financial decision that could be discussed by Mayor and Council. He is in favor of giving money back to the taxpayers.

Councilwoman Murphy said that Recreation Center is an ongoing conversation. She is committed to the pilot money earmarked for the Recreation Center. She said the bulk of the money is coming from COs of \$500,000 or \$600,000 per building which will be received as each building is built. There was a down-payment of \$125,000 and then \$250,000. She said that Mayor Kelemen offered to have the developer come in to give a time frame, etc. Councilwoman Gates-Ferris said that money received is earmarked for Recreation facilities and/or tax relief. She said that the first \$125,000 was used for tax relief last year. She said that we currently have \$250,000 in escrow, and as each building is built and a CO is received, the town will receive that partial payment.

Councilman Napolitano said that this year's budget has another \$125,000 in it for tax relief, so only \$125,000 is left. He said that last year there was a plan to build the Recreation Center and to pay for it with developer money over three years. That was voted down. He said that to wait to receive the \$3,000,000 will mean we will have to wait five years to start building the new Recreation Center. He said that last year we were told that we had too much debt, but the debt has not been reduced. He said we are bonding to renovate a bathroom. Councilwoman Murphy said that the basketball courts are still in discussion. Mr. Scarpa said that the grant for the basketball courts was for over \$200,000. He would like the engineer to determine a better estimate, prepare bid specs, and go out to bid on refurbishing the basketball courts. A separate funding ordinance would then be prepared which would include the grant money. Councilwoman Gates-Ferris thanked Mrs. Gasevich for appreciating the 125th anniversary fliers. Mayor Kelemen told the Senior citizens that he will meet with them anytime. He said that the Recreation Center has been in discussion for months now. He said that the bond counsel and developer gave good presentations, and unfortunately, it did not go the way he had hoped it would. He felt that it was a great opportunity and hopes that the Recreation Center can be built soon. He said that a Recreation Center needed to be built even if the River Development plan did not come to pass. Councilwoman Gates-Ferris said that a referendum should be voted on, but mayor Kelemen explained that the developer would be paying for the Recreation Center.

Mayor Kelemen welcomed the O'Donnell family to the Mayor and Council meeting. He then swore in Kenneth O'Donnell as a Bogota Police Officer. Police Chief Maye and Council liaison Napolitano congratulated Kenneth O'Donnell and the O'Donnell family. Mayor Kelemen then called for a brief recess.

Motion was made by Councilwoman Gates-Ferris, seconded by Councilman Robbins, to approve the following Consent Agenda:

- 19-071 Hire Maria R. Leto as Full-Time Police Dispatcher
- 19-072 Resolution designating a \$619,295 Bond Anticipation Note
- 19-073 Resolution to Advertise for Bids for Leonia Avenue Improvements Project, Phase III and IV
- 19-074 Approving an Interlocal Service Agreement with the Board of Education for SLEOIIIIs
- 19-075 Authorize Borough Clerk to Advertise for RFQs for Alternate Prosecutor

Motion was made by Councilwoman Murphy, seconded by Councilman Robbins, to table Check #3043527 (The check to Releigh's for the tree, the menorah, and the angel). Motion carried.

Councilwoman Carpenter asked for Check #190492 to be voted on separately.

Motion was made by Councilwoman Murphy, seconded by Councilman Macfarlane, to approve the amended Payment of Claims PC19-04. Motion carried with Councilwoman Carpenter recusing herself from the bill for Roy Riggitano.

Councilwoman Carpenter said that Billow Garret Group did work that was not authorized. Mr. Scarpa said that it was authorized. Councilman Macfarlane said that the payment for the Recreation Building should be taken out of escrow from the River development. Motion was made by Councilwoman Carpenter, seconded by Councilwoman Gates-Ferris, to approve the amended Purchase order #190492. Motion carried.

Public Hearing on the 2019 Introduced Budget:

Councilman Napolitano pointed out that since the budget was received so late at the meeting for introduction, that the council was given the okay to discuss the budget at this meeting before the public hearing. He said that it was refreshing to hear that the budget has been in solid financial position for the last two years. He said that looking at the 2019 budget, he felt that some of the surplus money could be given back to the tax payer. He reminded everyone that they should not want to go back to the financial mess that occurred in 2014. He requested that the \$250,000 be left in Capital Improvements. He was glad to hear that the Borough is moving forward with the basketball court refurbishing. He asked why the Recreation and Library wages lines increased. He said that the Library had \$60,000 in reserve at the end of 2018, so why increase their line? He said that the payment schedule for bonding was not on the schedule and asked how much it will cost to refinance. He said the police line was not gone over with the Police Chief. The Chief wanted to hire another officer. He said that DPW salaries increased 20% and the Recreation salaries increased 30%. He asked why the auditor prepared the budget. He said that the auditor requested a change in the agenda, and several council members agreed with the change which is a violation of the Open Public Meetings Act. He appealed to Council to wait to vote on the budget, to look it over first. Borough Attorney Betesh said that the clerk issued an email adding the two new resolutions. The Mayor sent a response email opposing the two resolutions (as they were put on after 12:00pm which is against the by-laws). Three Council members sent emails agreeing to leave the resolutions on the agenda. The attorney explained that the responses to the clerk's email were violations of the Open Public Meetings Act.

Councilwoman Gates-Ferris asked if the matching grant for the Open Public Space Grant could be taken out of the surplus. She said that when the budget was introduced, she noted that the police line was lower than last year and she suggested hiring additional staff. Borough Administrator Scarpa explained that he felt the match could be taken from the Buildings and Grounds portion of the bond. He said that to take it from the surplus, the budget would have to be amended to adjust the surplus and add line items.

Mayor Kelemen was concerned that Public hearing on the budget was to take place Then the amendment would take place. Then the adoption of the budget would take place. The Mayor was never contacted about any changes. He was trying to be transparent and to see public hearing, then an amendment, and then adoption did not seem transparent.

Councilwoman Carpenter said that the introduction of the budget was removed from the agenda after being on the agenda. She said that the one resolution being brought up was the adoption of the budget. There was no amendment at that point. The other resolution was an amendment that

was normal, revenues and appropriations from the county or state that the amount we were not aware of. Mayor Kelemen said that the adoption of the budget was expected tonight. His concern was the amendment. He wanted everything done at a public meeting. She said that the Recreation line that was increased was for other expenses, not for wages. Borough Auditor Lerch said that he prepared the state document in the state workbook with the information provided by the finance committee and the CFO. He said that the Council cannot take action on an amendment to the budget until there is a public hearing on the budget. He said an amendment and adoption can take place on the same evening if the amendment is for less than 10%. He said that a 10% surplus is reasonable and protects the town from having to borrow money. It gives a favorable rate for borrowing. He said the payment schedule on the bond sale was in the resolution. The numbers are not available because they do not know the rate. He said that the Chief financial Officer must put unused money from the library in reserve for the library. Auditor Lerch explained that 5% of pilot of gross rents goes to the County. Councilman Napolitano asked Auditor Lerch to inform the Mayor and/or Administrator of any additions to the agenda. He agreed that it was a reasonable request. Administrator Scarpa said that by-laws should include timely matters as well, not just emergencies.

Borough Attorney Betesh said the clerk took a resolution off of the agenda that she knew that would be voted on which reduced the public's awareness of what will occur at the meeting. The Borough Clerk explained that the by-laws have been causing problems with the Open Public Meetings Act, and she thanked the Borough Attorney for explaining the Open Public Meetings Act. She reminded everyone that she mentions the Open Public Meetings Act at every meeting.

Motion was made by Councilwoman Murphy, seconded by Councilman Macfarlane, to open the meeting to a Public Hearing on the Budget. Motion carried.

Rosemary Gasevich asked the governing body to let the Seniors know when an important item will be discussed at a meeting because many of them do not have computers.

Motion was made by Councilwoman Murphy, seconded by councilwoman Carpenter, to close Public Hearing on the Budget.. Motion carried.

Motion was made by Councilman Macfarlane, seconded by Councilwoman Carpenter, to approve the following resolution. Motion carried.

19-076 Resolution to Amend 2019 Budget

Motion was made by Councilman Macfarlane, seconded by Councilwoman Carpenter, to approve the following resolution. Motion carried with only Councilman Napolitano voting No.

19-077 Resolution to adopt the 2019 Budget

Approvals:

Motion was made by Councilman Napolitano, seconded by Councilman Robbins, to accept the Minutes of the Regular Meetings of March 21, 2019 and April 4, 2019. Council members Macfarlane, Napolitano, and Robbins voted Yes. Council members Carpenter, Gates-Ferris, and Murphy voted No. Mayor Kelemen broke the tie and voted Yes.

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

Lisa Kohles said that the Present Council is being blamed for losing the Palisade Avenue Grant.

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

Administrator Scarpa explained that Community Development misled us. They said that the town was getting the \$80,000 grant. Members of the town met with Community Development several times. Then the grant was lost.

Reports:

Mayor Kelemen said that Palisade Avenue was paved on Monday, April 15, 2019. He publicly apologized to Main Street Financials for paving the street on Income Tax Day. He is very sorry for the inconvenience. He said that he received a call from the Swim Club Manager who said that a liaison is needed for the Swim club. He asked if Councilman Robbins would agree to be the liaison. Councilwoman Murphy agreed to be the back-up liaison. Motion was made by Councilman Napolitano, seconded by Councilman Macfarlane, to appoint councilman Robbins as Swim Club Liaison and Councilwoman Murphy as back-up liaison. Motion carried with Councilwoman Carpenter recusing herself. He reported that he met with Kathleen Molina who is the Bogota pre-school master teacher. He said there was a roundabout meeting about the program thanks to a grant. Superintendent Kennedy, Mr. Ingles, Mrs. Knapp, Tommy Schnich, Sherry Solomos, Zulina Kearns, and Lisa Kohles were present. They will meet four times a year. Elizabeth Wiemer resigned from the Bogota library Board. He appointed Yvonne Montemurro. Tina Trotta resigned from the Planning and Zoning Board, so he moved Frank Miranda up to Class IV member, moved Jesse Frias up to Alternate 1, and appointed Jose Chavez as Alternate 2. He reminded the governing body that Councilman Macfarlane stepped down as liaison to the Senior Citizens. He requested that the Council vote to appoint Councilman Napolitano as First liaison to the Senior Citizens. Motion was made by Councilman Macfarlane, seconded by Councilwoman Murphy. Motion carried. He said that he is happy that Kenny O'Donnell was sworn in tonight as a police officer. He thanked Steve Mazzella for the beautiful pictures he took of the high school. He said that he is proud of every member of the governing body, the employees, etc. he wished everyone happy holidays.

Councilwoman Gates-Ferris told everyone about the new 125th anniversary pen that she handed out and said that the second Anniversary newsletter came out this week. She asked everyone to read it as there are many events planned which can be found in the newsletter.

Councilwoman Carpenter said that Main Street is a County Road from curb to curb. She said that Bogota is not in the 5 year plan for Main Street. She asked for a master plan to share with the governing body. She said that the Bogota Recreation Egg Hunt was very well done, but it was not well attended because of the weather. Baseball season is starting fine. Cheering and Football season is approaching. She gave the cheer program to Jim Moore to give out right away to avoid confusion. She said that the DPW will be getting a bucket truck which is important to help with the trees. Sidewalk repair will be starting again soon. She especially would like attention to Palisade Avenue, West End Avenue and the sidewalks to school and the Church. She reported that Bogota Day is June 1st for 3:00pm to 9:00pm. Montana Construction donated money as well as the auditor.

Mayor Kelemen said that Cariteras is doing a great job on the sidewalks. Administrator Scarpa said that the county may have changed about doing handicapped ramps.

Councilman Napolitano said that the County will be paving Main Street. He said that for Lee Road is not on the 5 year plan. He said that Memorial Day is quickly approaching. The Memorial Service will take place at 11:00am and the Parade will begin at 2:00pm. Line up begins at 1:30pm at palisade and Cypress Avenues. We have a new police officer. The police set up equipment on Leonia Avenue

to check for speeding. From April 6th to April 10th. They found that there was not much speeding. Cars went between 15 and 30 miles per hour. Three carnival workers were picked up by the police for shoplifting in Moonachie. He said that BACSA is a great group. They will be coordinating something with Crimestoppers. The Vaping session is being put together for September.

Councilwoman Murphy said she had a Fire Chief meeting with Alex Breuss. The next Planning and Zoning meeting will be on April 23rd where Mr. Grygiel will be speaking about the two areas of redevelopment.

Councilman Robbins reminded everyone that Rescue will have its Boot Drive on Saturday, April 27, rain date May 4th. Teterboro Noise does not meet until April 24th. He said that as for Buildings and Grounds, everything was covered about the Palisade Avenue paving. He just wanted to add that the traffic striping will not be done until the middle of next week to be sure the area is dry. He said that there is a camera set up as a test to see about putting something on the website. This camera creates an MP4 which can be put on the website. Dino George, the Borough's IT man, and Genesis, our Webmaster, have been working together to find the right camera. If this one works, there is one that plugs in and does not need a battery.

Councilman Macfarlane said that the Board of Education met two weeks ago. He said that voting for the SLEOs was a great accomplishment and shows how working together can make things happen. He said that the Board of Health met on Monday. They are also concerned with vaping. Paul Viola's wife has been working with Garfield who created some ordinances to stop vaping. Perhaps Paul Viola's wife could do a joint presentation on vaping, and we could look into legislation to pass. He has no further report on Finance.

Borough Administrator hired a company to do air quality testing for \$750. He looked at a tree by the Swim Club which will be removed for safety reasons. Some other trees in Olsen Park will be removed before Bogota Day. He met with the fireworks company about logistics. Main Street from river road to the Bridge will be closed all day for Bogota Day. Banners were made for the tables. The Mayor and Council have a banner made for the Memorial Day parade. With the building Department fees from River Club, the office will be renovated. Trailers will have to be rented to hold the file cabinets and kept at the DPW site. He has a copy of the Moody's report for everyone. He said that the stormwater report is due soon which he and Gordon are working on completing. The recycling report will be done by August 30th. There is a family of raccoons living in the rafters. We have traps set. Rescue has a new truck. They will be putting water out for anyone who needs it on Memorial Day. Regarding random drug testing, there is an official required for that. Gordon will be designated as the employee representative for driver's licenses. He requested to go out to bid for a new cleaning company. Motion was made by Councilwoman Murphy, seconded by Councilman Napolitano, to go out to bid for a new cleaning company. Motion carried. He said that an after care counselor resigned, so he interviewed someone and would like to offer conditional employment to be voted on at the next meeting. Everyone agreed.

Borough Attorney Betesh said that the Affordable Housing condition #4 should be completed by May 31, 2019. He is keeping in touch with Mr. Piazza to be sure it is done. For the towing ordinance, Chief Maye gave some recommendations. He will report back at the next meeting. He said that he looked at the Policies and Procedure manual that the borough uses. He recommends a modification to the Borough's substance abuse policy to cover the safety sensitive employees who do not have a CDL license. He will put it on as a discussion item for the next meeting.

Borough Clerk Cook reminded everyone about the Open Public Meetings Act and thanked Attorney Betesh for explaining it. She also spoke about a need for the fees for board of health license fees to be updated. She also requested an ordinance to charge a license fee for smoke shops.

Motion was made by Councilwoman Murphy, seconded by Councilwoman Carpenter, to adjourn the meeting. Motion carried and the meeting adjourned at 10:10pm.

Minutes respectfully submitted by Borough Clerk Jeanne Cook