



**Minutes
Open Sessions**

**January 20, 2022
7:30 pm**

**BOROUGH OF BOGOTA
Mayor and Council Regular Meeting
JANUARY 20, 2022
7:30 PM**

Roll Call of 2021 Council

Mayor Kelemen	Present
Council Carpenter	Present
Councilman Connors	Present
Councilwoman Fede	Present
Councilwoman Granquist	Present
Council President Murphy	Present
Councilman Robbins	Present

Also Present: Borough Attorney, William Betesh Borough Administrator Joseph Scarpa and Deputy Clerk Yenlys F. Bolivard.

Mayor Kelemen welcomed everyone to mayor and council meeting.

Salute to the Flag

Citizen Remarks: One (5) minute time limit per person. Councilman Connors made a motion for citizen remarks seconded by Councilman Robbins, all in favor

Harper- Expressed her interested in getting more information regarding the Community Center bids that the Borough received and asked for transparency. She wanted to have clarification on how much it will cost the taxpayers.

A motion was made by Councilman Robbins to close citizen remarks, seconded by Councilwoman Carpenter, all in favor.

Mayor and Council answered citizen remarks:

Councilwoman Fede- addressed Ms. Harper's questions by mentioning that her questions are going to be addressed during the discussion session.

Discussion:

Recreation Center update.

Administrator Scarpa –Provided an update on the bid opening. He said that 20 different vendors took out the bid specs and 12 returned them. The low bid was \$8.086 million. The borough attorney and the borough engineer are reviewing them. Also, the engineer for the project reviewed the specs. The bid cannot be awarded unless the financing is in place. Therefore, he asked the bond counsel and the borough auditor to explain the Borough finances. He said the original bond was for 4.6 million and that was obviously short of what the low bid came in at, and that the difference is at least \$5,000,000 short in financing. In addition, he said \$500,000 so far was spent on engineering project fees, architectural fees and permitting fees. Mr.Scarpa added that by law up to 20% is allowed in change orders, which involve items that come up unexpectedly during construction. State law allows for a 20% differential of that.

Borough Attorney Betesh- advised the Council that because there is a currently bid pending they should stay focused on the cost of the bid, and whether you feel it's affordable or not. Mr. Betesh said this is to protect the integrity of the bid process. He also said that they can have a conversation about the bond that is also on the agenda. He also added that any other conversation regarding any modification can happen at another time.

Council President Murphy – asked if the council would have to have a motion to reject the bids and then move forward after to discuss any modification of the plan. She also mentioned that the Board of Education has used referendums before approving a project like the recreation center.

Mr. Scarpa clarified that the bid cannot be awarded at this meeting because the funds are not in place. He said that rejecting the bids is going to start this entire process over and the \$500,000 invested in the process will be lost because all the permitting process will have to be done again and it probably going to delay this project for one year to two years.

Borough Auditor Lerch – he explained the total borrowing limit for the Borough of Bogota is 3.5% of the average equalized valuation, which in layman's terms is that the Borough has the ability to borrow \$31.3 million. He said, prior to this ordinance against that \$31 million, there's \$14 million dollars borrowing capacity. He note that in essence the Borough is allowed to borrow up 3.5% with the recreation building. With this ordinance, the debt that the Borough will have authorized will be 2.5%. Councilwoman Fede- asked if that included the fire truck. Mr. Lerch - answered Mrs. Fede questioned, yes, included in that is the fire truck the Borough authorized, and for a few other projects over the last 24 months since the last bond sale. The last bond sale was done in 2019, and the Borough bonded all the short term debt of \$5,375,000. But since that time the Borough authorized some significant projects.

Mr. Scapa pointed it out that there's the \$500,000 that was spent already on the project that is included in the debt numbers.

Councilwoman Fede- asked, what happens to the numbers if we add in the million dollar multi-purpose bond that seem to do every year. Such as police radio equipment and other needs from all the departments that generally comes to around a million. She also said, the percentage for the firehouse was not acceptable.

Bond Counsel Steve Rotgut – explained to Mrs. Fede that probably the Boroughs debt at that point was somewhere below 2%. In a general rule it's not good to be very high in the Borough debt percentage. But if the Borough deems this project to be necessary and important to the community, then the discussion is really what the tax impact of it is? How can the Borough structure this debt to the minimum impact on the taxpayers? And then it's up to the Council's decision whether to move forward. He said that the rec center project will get revenues from the pilot revenues and there a lot of flexibility in terms of how to structure this debt. Mr. Rogut also added that he can try to work this new debt around existing debt so there's a lot of flexibility that Mr. Lerch can take advantage of in structuring a financial plan.

Mr. Scarpa -he mentioned about the different monies that could come in to offset the cost. There is a separate account that the CFO is set up for the community enhancement money from the Atwater program. The Atwater project right now there is \$1.7 million in that account that would offset the bond and there is more money expected to come in on the last building that by construction over at that property. Also, money should come back from the American rescue, the COVID money.

CFO Bock- said that the \$1.4 million the Borough has from the American rescue money have very strict guidelines on what it can and cannot be used for. He said he will have to research that more as far as what can be done with that money.

Mr. Lerch said that it will cost tax payers around \$240.00 a year if this bond is approved, prior to offsets. He also said that the Borough will receive 10% of the gross rents from the Atwater apartments once they are all done.

Councilwoman Carpenter said, that she doesn't know what the future holds but so far the amount of revenue is increasing because Atwater has been renting them up a lot faster than when the budget. She has been working closely with the CFO Mr. Bock and keeping abreast of it.

Borough administrator Scarpa- explained that if everything is approved the adoption would be the next meeting and then there's 20 days after that once it's adopted. He also explained that the number the Borough got is fairly accurate, because the figures from all 12 bidders were relatively close.

Mayor Kelemen- said that it looks pretty much affordable. It looks more difficult on paper than it really actually is because of the income coming in. He asked where the Borough stands at this point.

Mr. Scarpa – said the best thing to do right now is to introduce, and then decide to proceed, but the funding will be in place and it takes a month and a half or so to get this.

Councilman Connors asked about the process in applying for the bond ordinance. Mr. Scarpa, said that the bond is like a line of credit, it will be available but it doesn't mean all the credit has to be used.

Council president Murphy – asked if the Borough will be locked in whatever number its award at this meeting. Or it's possible to go back and lower that number if it decides to make changes?

Mr. Rogut- explained to Mrs. Murphy that what it meant is this is viewed as a maximum number. Councilwoman Carpenter, explained how the bond works. By introducing the ordinance and even adopting the ordinance, you're not binding to spend any of the money. It's basically creating the appropriation that would allow the contract award.

Councilman Connors __ asked administrator Scarpa if the basketball courts and the tennis courts that was supposed to be the first stage of the reconstruction of the park was grant money was separate money, and if Borough it's going to wait for the dynamic compaction to be done and then that project would be in place once that's ready. He also asked for clarification on the revenues that would be projected from the Atwater.

Mr. Scapa- responded to Mr. Connors, yes that project was changed because it had to relocate the courts. So that was held off and it didn't start that project, it did put the financing in place for it. But with the dynamic compaction going on there, it didn't want to start doing any type of mechanic work there that didn't have to do until after at least that was done. But now it's ready to go.

Councilwoman Fede- wanted the public to understand that because it decided to introduce an ordinance doesn't mean it will ultimately pass. She said this is going to significantly limit other projects in town. She added, there's going to be less projects that the town can do and that's just going to be the reality it's an important project to me and an important project to our Borough.

Councilman Connors- said he agreed with Mrs. Fede, but he thinks the amount of effort and work and money that's been spent already and agreed with Mr. Scapa with respect that of the bids that came in, there were six of the bids that were real close. He added, there's 12 bids and six of them are real close. Is that an indicator of a good price or a bad price? He expressed his interest about this project by saying, "this is project is way too important for the town, it will be the biggest project within the next 20 years".

Mayor Kelemen- said, this was a good conversation discussion and would like to know is if the council did move forward with this project, how would this impact the taxpayers on a yearly number? How much? I think the question that the taxpayers like to know how this will affect my taxes.

Mr. Rogut- If bonded over a 20 year period, the total cost of the average homeowner is approximately \$240 per year for 20 years. Mr. Scarpa added that's without the Atwater money. In conclusion he added the theory is that this is a long term asset of the community and you would like the residents to share equally and people who get the benefit of the benefit of the building should pay for it.

Councilman Connors -recommended the idea of creating some sort of an email chain in the next few days when any proposed meeting should take place between the professionals and whoever is representing the Council.

Mr. Scarpa - because of the closeness of the closest bid the Borough has to think seriously about what you want to change and why it wasn't done in the beginning.

Borough Attorney Betesh added that to do any modification the Borough has to be very careful, because the set price of the bid was based on the current project. He recommended to either accept the bids at the time that the financing is in place or reject the bids. At this point you wouldn't be able to modify the bid. They're out and they've been returned. By introducing the ordinance that doesn't lock you into accepting or rejecting the bid, the bids are separate from the financing aspect, and the financing is needed to approve the bids.

Mayor Kelemen thanked all for taking the time to explain the whole process. He said "This is very important to all of us and to our residents."

Consent Agenda:

2022:19 Renew Shared Services Agreement for Animal Control Service

2022:20 Authorizing the Borough of Bogota Police Department to Participate in the Defense Logistics Agency, Law Enforcement Support Office 1033 Program

2022:21 Appoint Alternate Prosecutor: Linda H. Schwager, Esq.

2022:22 Appoint Bound Counsel: Rogut McCarthy
2022:23 Appoint Borough Architect: Billow Garret Group
2022:25 Appoint Borough Engineer: Neglia Engineering Associates
2022:27 Appoint Borough Planner: Paul Grygiel of Phillips Preiss Grygiel Leheny Hughes, LLC
2022:28 Appoint Borough Prosecutor: Kellie M. Reyes, Esq., LLC
2022:29 Appoint Financial Advisor: Phoenix Advisors
2022:30 Appoint Public Defender: Curt J. Geisler, Esq.
2022:31 Appoint Software & Hardware Computer Support Svcs: Tri-State
2022:32 Appoint Tax Appeal Appraiser: Associated Appraisal Group, Inc.
2022:33 Appoint Webmaster: Ray Dwyer
2022:36: Renew Contract with Battaglia Associates for 2022

Motion was make by Council President Murphy to approve resolutions above seconded by councilwoman Granquist, all in favor.

Resolution to be voted on separately:

PC22-01 Payment of Claims

Motioned was make by to Councilwoman Carpenter to approve payment of claims PC22-01 seconded by Council president Murphy, all in favor.

2022:24 Appoint Borough Auditor: Lerch Vinci & Higgins

Motion was make by to Councilwoman Carpenter to approve re-appoint Appoint Borough Auditor: Lerch Vinci & Higgins, seconded by Council president Murphy, Councilwoman Fede and councilman Connors voted no.

Councilwoman Fede - wanted to point out, although financially, everything is going very well she had a concern about our auditor inviting selected officials to two dinners on two occasions and not extending that invitation to everyone. She feels that practice is really inappropriate for the professionals. Councilman Connors agreed with Mrs. Fede comments.

2022:26 Appoint Borough Labor Attorney: Wiss & Bouregy, P.C

Motioned was make by to council president Murphy to approve re-appoint Borough Labor Attorney: Wiss & Bouregy, P.C, seconded by Councilwoman Granquist, Councilwoman Carpenter voted no.

2022:34 Appoint Borough Attorney: Boggia, Boggia, and Betesh & Voytus, LLC

Motioned was make by Council president Murphy to approve re-appoint Boggia, Boggia, Betesh & Voytus, LL, seconded by councilwoman Granquist, councilwoman Fede and Councilman Connors voted no.

Councilwoman Fede -she said that Mr. Betesh in some cases did not interject when he should interject and help guide a discussion, or does not intervene to stop a discussion that shouldn't be happening. Councilman Connors said that he doesn't have anything personal against Mr. Betesh or his job but he agreed that sometimes he is partial. He also added that he was disturbed by the fact that he actually went to the place that had requested a handicap parking space and checked out the house and the size of the parking. He doesn't see that as his your role. He appreciated the research done to get the Council ready for this rec center bidding process and all the rest.

2022:35 Appoint Risk Management: GJEM

Motioned was made by Council president Murphy to approve re- appoint Risk Management: GJEM, seconded by Councilwoman Carpenter, councilwoman Fede and Councilman Connors voted no.

Councilwoman Fede- thanked the Risk Management for all their mail updates, educational updates and those newsletters are very helpful. He added that the risk manager is copied on emails on matters that she finds not appropriate for them.

Councilman Connors, agreed with Mrs. Fede and said he also have concerns about whose being copied on emails. He added that one particular incident and he asked for a communication to be kept confidential but he didn't.

Mayor Kelemen thanked all professionals and welcomed them back and congratulations. "We all look forward to a productive and transparent year with everybody."

Introduction Ordinance: 1570 – Bond Ordinance to appropriate an additional Sum to the Construction of a New Recreation/ Community Center at Olsen Park.

After Bond Counsel Rogut and Borough auditor advised and gave direction for the introduction of the recreation bond ordinance a motion was made by Councilwoman Carpenter, seconded Councilman Robbins to introduce the bond ordinance for the recreation center. Motion carried all in favor.

Introduction Ordinance : 1571 an Ordinance amending Chapter 7A of the Bogota Code to authorize the placement of a handicapped parking space on the street in front of 127 Highview Place.

A motion was made by councilwoman Fede, seconded councilwoman Carpenter. Motion carried all in favor.

Approvals:

Minutes 12/16/2021

Closed Session Minutes

Sine Die and Re-Organization Minutes 1/06/2022

Motioned was make by Councilman Robbins to table the minutes from December 16, closed session and Sine Die-Re-organization January 06, 2022, seconded by Councilman Connors, all in favor.

2nd Citizen Remarks:

One Five (5) minute time limit per person

Motioned was made by council president Murphy to go into citizen remarks, seconded by Councilman Connors all in favor.

Ms. Harper- said she appreciated all the discussion today and for the detailed information that was provided to all. She also said that maybe for the next meeting discussion it can be clarified what type of obligations the town had. And is the recreation alone that would be about \$240 per year not including the offset. She added, that it would be very interesting to what would be the final amount.

Matt from Risk Management - thanked everyone for reappointing them and look forward to a good year and will do everything they can to improve things.

Youla- expressed her concern regarding the borough attorney Mr. Betesh going up to 127 Highview to look at the space for the resident who is requesting a handicapped space. She said she believe this is the second time he does that and she believes he's gone out of his way to look at or interject himself in a matter that maybe doesn't really affect him. She added that people have suffers different types of needs and doesn't often show it. She also added she hopes and prays this is not a like retaliation against people in this town that maybe don't have the same views as himself and she hopes he never has to deal with any sort of issue as this poor woman

Motioned was made by Councilwoman Carpenter to closed citizen remarks, seconded by president Murphy all in favor.

Mayor and Council answered citizen remarks:

Borough attorney Betesh, explained that he had never visited 127 Highview Place, and only saw a photograph of the site was provided by the police department in the application papers. When he saw the photograph he saw what seemed to be a two-car driveway that was attached to the property. He then looked at a satellite image of the property just to confirm that there was a driveway there. It was clear from the photograph that the home had a two car driveway and a garage. He said the only reason why he brought it up was because it is unusual to grant a handicapped parking space to a property has that has a driveway, since the homes that make this request usually do not have on-site parking. He said he did not have any conversations with any Council members prior to the application being made and had no idea what anybody's position was with regards to it. And he does have sympathy for people that are going through hard times right now. In conclusion, he said he mentioned the existence of the driveway so that the council can make a fully informed decision, which is his job.

Council president Murphy – Thanked Ms. Harper for all her questions and for trying to get more information out there, and for her question in regard to the \$240 not factoring in any offsets. It was a great question that hopes to possibly get answered for that next meeting.

Council Connors- thanked all the residents of Bogota for giving the Mayor, Council and professionals the opportunity to present this project and or their gratitude towards the Council for just simply having an open and honest discussion about what we're about to do “This it is a huge project in our town. It's going to have an impact if we go forward with this, it's going to have an impact on every age group in this town, on every resident in this town.

Councilwoman Fede – Thanked the Risk Manager for this comment. And congratulated Ray Dwyer webmaster on his re-appointment. Mayor Kelemen also said Ray has done a wonderful job with the Bogota website.

Reports:

Five (5) minute time limit per Council Member

Mayor, Council Committees, Borough Administrator, Borough Attorney, Deputy Clerk

Mayor Kelemen- Congratulated all the professionals and wished them a great year. Reported that only one new Covid death case was reported. He also added that he is very happy to report that the Memorial Day's Parade is coming back. Additionally he said that new invitations for the volunteer dinner which was moved to Saturday, March 5, 2022 at six pm. at the Fiesta. He asked everyone that received one to please respond.

Granquist- She said rescue donated \$200 to the ST. Joe's food pantry. They have elevator training in February and no training this month. They are trying to keep it to a minimum due to Covid. As far as DPW. The 7th January 16 the plows were out to clean up the snow and DPW did a great job as always. She said more salt will need to be ordered. The cost is approximately \$75 a ton. In regard to the shared services the DPW superintendent email the 2020 2021 recycling tonnage report. However the report is combined with curbside pickup and the recycling center, so they going to have to reach out to Ridgefield Park consultant Linda Murphy and explain that we don't have the separation numbers and set up another meeting moving forward. And two reconstruction meeting regarding the crosswalk on River Road and Cross Street is scheduled for tomorrow, January 25th at 10 am. To determine the safest and best location. Crosswalk another reconstruction meeting is scheduled for tomorrow um at 11 with our engineer to discuss the sidewalk under the train trestle on River Road. Also regarding of new crosswalk signs blinking that are solar powered will be placed in locations throughout the town. After a discussion of between the DPW superintendent and the chief of police

Council Connors – He attended to the Board of Education meeting held on January 18. He didn't stay for the whole meeting due to a personal emergency. Mr. Connors will have more details at the next council meeting. He thanked deputy clerk Mrs. Flores-Bolivard for improving the zoom meetings and going to a more webinar approach and also asked web master Ray if it's possible to have these meetings posted in YouTube or the town website. He thinks it would be a valuable thing for the town to do.

Councilwoman Carpenter – The A. D. S. and the budget has been postponed a month due to covid. She will talk with Mr. Lerch, the administrator Scarpa and Greg the CFO to see if something can be done as soon as possible to start getting the budget. On the grant side we keep on pushing and just started doing three more grants for the fire department. The Fire department will be taking some classes at the cost of \$7500. And also doing some research to find the same for the police department. She said she will be attending the crosswalk meeting with Neglia and the County on January 21 at 10:00 am. Mrs. Carpenter – expressed her disappointment of the comments made against the Borough Attorney Betesh. She added, “ I have seen myself in situations where I been accused of something that was not true” it’s not fair that those comments were made against Mr. Betesh and no apologies were made after he explained that he didn’t visit any resident homes or have any retaliation against the town. She felt the way the professionals were treated was wrong and there was no apology after the facts.

Council President Murphy – She said the next planning and Zoning meeting is the 25th of January. And they’re very little on the agenda. Mr. Costa was hired to carry on as the engineer. Mr. Kelly as the attorney and Mr. Greyly will continue as the Planner. As for the Library Board there was a conflict so she couldn’t attend the meeting.

Councilman Robbins – Fire Department, is going to be posting recruitment information on the Valley National Bank sign, and thanked the mayor Kelemen for the information. And thanked Borough Administrator Scarpa for the follow up on the fire department requests and concerns about the Apollo building. The department has started to move into the building. Thanked Nick Barese for all his knowledge and information regarding all the properties here in Bogota. He attended to the Board Health meeting on January 3, and Paul Viola was reappointed at the President and Andrew Fede was the vice president.

Councilwoman Fede-on the police department. She wanted to make sure that Chief Maye sent to the attorney the language for the lieutenant ordinance. She wants to know it could be on the agenda for the next meeting. She also mentioned that Mrs. Carpenter has requested the police report calls made to the Atwater and it was emailed to her. The report consisted of 21 incidents which are not considered a lot for development that size. Most of them noise complaints, some of them medical assist, one dispute noise complaints. As a public announcement, it very easy to go online these days and order home COVID testing for free from the government. She recommended from each department to get their budget report quartered so they can see where they are standing financially.

Borough Administrator Scarpa- as Councilman Robbins mentioned working and getting the Apollo building all set up / internet and phone connections have been scheduled, the DPW is helping them move everything from Borough Hall. Thanked property maintain official Nick Barese for working with the railroad and getting the annual right-of-way lease fee at Olsen Park reduced from \$759 to \$100 was a big savings to the taxpayers. He said he checked with the post office regarding the recycling newsletter and the post office insisted it was delivered to everybody. Extra copies are available in Borough Hall. Also, the full schedule for the year is on the Bogota website- Mr. Dwyer put it up there.

Borough Attorney Betesh – thanked everybody for the reappointment and look forward to working with everybody this year. He also noticed that the Grant writer needs to be added to the next meeting agenda for reappointment. He added that he wanted to get confirmation, from the council to move forward with the ordinance for the lieutenant position.

Police Chief Maye explained that what they are looking to do is to have a sergeant in the bureau, so the lieutenant would actually oversee the bureau. The ordinance allow up to five sergeants it doesn't mean you have to fill or you could remove one of the positions and have four sergeants and one lieutenant. He said taking a sergeant and making him a lieutenant he added they are Not going to be adding they are going to be taken under the sergeant's away and making the lieutenant. There will be a financial impact an increase in his pay as lieutenant.

Mayor Kelemen confirmed the council giving Mr. Betesh authorization ordinance to adapt the introduced we're adding the lieutenant position per the chief's request and then um currently the table of authority has five sergeants. Now the chief is saying that one of those sergeants would become the lieutenant. All in favor, Councilwoman Carpenter voted no.

Deputy Clerk Mrs. Flores-Bolivar – She said she moving forward-No more waiting room for the for the residents. She had created an account which is going to allow to have two different links, one for the mayor and council and professionals and another one for the public. She has also been in touch with the Webmaster Mr. Dwyer and he'd been looking into posting the meeting online with the mayor and council agreement either on the Bogota website or in YouTube. So he's going to be giving some updates at the next council meeting.

Borough Administrator Scarpa - Regarding the Police Chief Danny Maye's Contract, which expired on 31 December in 2021, and the Council has agreed to give him a three year contract extension at 2% each year over the last year's salary. The remaining terms of his contract will remain the same.

Motioned by Councilman Robbins to extend the police Chief Danny Maye's contract, seconded by Councilman Connors. All in favor.

The DPW superintendent. Gordon Kohles's contract also expired on December 31st of the last year. The Council agreed to give a three year extension to him as well. And the starting salary for 2022 would be \$99,000 with a 2% raise for all other years, with the remaining terms of the contract to stay the same.

Motioned by council president Murphy, seconded by Councilwoman Carpenter to extended the DPW superintendent. Gordon Kohles's contract. All in favor. Councilman Connors voted no.

Christie Tedesco, technical assistant in the building department. Her probationary period ended and she will remain as a regular employee. Her new salary is \$50,000, which includes a \$5,000 stipend for receiving her technical assistance to the construction official ("TACO") license from the state of New Jersey. All other terms of her employment remain unchanged.

Motion by Councilwoman Carpenter, seconded by Council President Murphy to end her probationary period, keep her on as a regular employee. And also give her a \$5,000 stipend for receiving the technical assistance license from the state of New Jersey. All in favor.

In regarding the deputy clerk, since the clerk had taken a leave, the deputy clerk has been doing the duties of the registrar of vital statistics and Tree Secretary. Therefore, a motion was made to transfer those stipends to her. A motion was also made to give her a \$200 stipend per meeting for her attendance at council meetings, which will replace overtime that she is currently receiving. All other terms of her employment remain unchanged.

Motion made by Councilman Connors to give deputy clerk Yenlys Flores-Bolivard the stipends for Registrar of Vital Statistics and Tree Secretary, and a stipend of \$200 per council meeting, seconded by Councilman Robbins, all in favor.

Regarding Eileen Hennessy the clerk office assistant. She will take over the duties for the time being as the Board of Health secretary, and her new salary change to \$14,250 for the year. All other terms of her employment remain unchanged.

Motion made by Councilwoman Carpenter to change her salary, seconded by Councilman Robbins all in favor.

Adjournment

Motion made by Councilwoman Carpenter to adjourn, seconded by Council President Murphy, all in favor.
11:26pm

I hereby certify that this is a true copy of the minutes.

Yenlys F. Bolivard 2/1/2022

I hereby certify that this is a true copy
of the minutes approved by the
Council of the Borough of Bogota at a Public
Meeting held on the February
day of 3, 2022



Deputy Borough Clerk