



**Minutes
Open Sessions**

**December 2, 2021
7:39 pm**

Virtual Regular Meeting
Mayor and Council of the Borough of Bogota
Bogota Council Chambers
375 Larch Avenue
Bogota, NJ 07603

Mayor Kelemen Announcement

The notice requirement of the Open Public Meeting Law has been satisfied as notice was sent to two newspapers and posted on the Borough Hall bulletin board on October 6, 2021.

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

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

Citizen Remarks: One five (5) minute time limit per person.

Council President Carpenter made a motion for citizen remarks. Councilwoman Granquist seconded the motion.

Michael - Had a question regarding the pickup day for the leaves. She also mentioned that she would like to know how many speeding tickets are issued per month

Santana – He is concerned about the recycling center being discussed again. He expressed his concern regarding council people that made promises but do not keep them.

Nunez- Expressed his disappointment over last council meeting, after he congratulated the council that won the election, he left the meeting. The next day realized that the administrator’s contract was extended without any notice. He would like to know why it was

not on the agenda. He also said how as a home owner he wants the best for the town. He suggested the Borough should hire a person from the community as the administrator.

Lopez- Would like to know how many trees would be removed to build the recreation center

Harper –Joined in to Mr. Nunez concern regarding the administrator’s contract. Also expressed her disappointment by the OPRA response she received. Concerned about the Borough not having the information she is requesting.

Adriana – Said that this is her second council meeting, however she is under the impression that there isn’t any transparency. She heard that the council were going to speak about the recycling center and she is concerned about the council addressing issues that aren’t on the agenda. She expressed her lack of understanding in some of the discussions at the meeting such as all the litigation, however she will look into it.

Adoni- Supported Nunez, concerned about the administrator’s contract and wanted to remind people that elections have consequences.

Miranda- Expressed his concerns regarding all the litigation that the town has received throughout the years. He advised the council to listen to community and understand that they do not want a recycling center. He quote, “Let’s come to a solution and let’s be fair.”

Julian- Supported others resident’s comments regarding the administrator’s contract He expressed his concerned of the Borough Clerk being out on disability due to work environment He wants to see the council working together.

Sofia- Worried about the speed limit on the intersection of Cypress Ave (freeway). Needs to be addressed it is dangerous as it is now. She feels some things need to be discussed, referring to the recreation center. Wanted to know if the town is still planning on cutting down trees in Olsen Park.

Antoinette- Questioned why Bogota doesn’t have overnight parking if Ridgefield Park does which is the next town over and it safe for them to do so. She said that the Borough should send notification to residents when any streets are going to be closing.

Sherry- She said Happy Hanukkah to everyone and thanked everyone who attended the Hanukkah event on Sunday. Also mentioned that Teaneck organized most of the event and donated to it. She reminded everyone the Tree Lighting is this Friday and hoped to see everyone there. Also mentioned that the collections of goods for senior have started. Wanted to apologize for not congratulating the newest official electors but she was waiting for the vote to be certified.

Kristine- Mentioned that Saint Joseph has a link to donate to the Christmas Nativity Set and they have already reach the goal. Also addressed the drop off and pick up at the school and how people still park in front of the school. Raised her concerned about all the litigations and the possibilities of a recycling center.

Tess- Addressed the amount of cars parked by Elm Street and Fort Lee Rd on both sides of the street. Too many cars are parking there.

Lopez- wanted to congratulate those who spoke about the recycling center. He expressed that he is also opposed to the recycling center.

Chavez- Asked why people have to wait to enter the Mayor and Council meeting. At the Board Ed meeting anyone can just go in without waiting to be admitted. He also mentioned how he is opposed to recycling center and items not on the agenda shouldn't be discuss. Supported the others resident's comments regarding the administrator's contract.

No other members of the public wished to comment, Council President Carpenter made a motion to close the public citizen remark. Councilman Robbins seconded the motion. The motion carried. All present in favor.

Mayor and Council answered citizen questions: Discussions.

Councilman Robbins - expressed his apologies to all the residences that were in the meeting to express their concerns about the recycling center. He said the recycling center is not happening. And regarding the administrator's Scapa contract, he wanted to clarify that he has always made his motions during his committee reports.

Council President Carpenter - addressed the subject of the recycling center, and said she swears on her children and grandchildren that they had not spoken or have any plans on at its current location. She also mentioned that Mayor Kelemen, councilwoman Fede and DPW Superintendent Kohles, are searching for alternative locations for the recycling center.

In response to concerns about the litigations, more details will be provide when available. Also, she addressed Mr. Nunez comment regarding the administrator's contract by saying that this process was done before when he was a councilman. She understands that the administrator has a difficult personality to deal with, however that is not a reason to ask for his resignation, the administrator has done a great job for the town.

She also mentioned that the bids for the Recreation Center will be received in January, and by then more details can be provided regarding Ms. Harper's OPRA request. Congratulated Mrs. Solomov for the well-organized Hanukkah event, and with regards to the parking issues the police department will address that question.

Councilwoman Fede – the town is looking for grant to have charging station / sustainable grant. The town has lost the charging station grant and tree planting grant. Mrs. Carpenter mentioned the town has many grants. Mrs. Fede addressed the parking issues, she said businesses should be parking in their place of business and that it should be addressed at the planning and zoning meeting.

Councilman Connors – Addressed speeding question, the police department is trying to implement a traffic safety plan, and he will get a report on speeding tickets issued in Bogota and will share the numbers. He said Mayor Kelemen, Councilwoman Fede and himself oppose the recycling center, he was in favor of the recycling center when it was at a lowest bid but at this point probably will cost the town a fortune. He said he is glad to hear that He pointed out that during election time flyers were sent to residents and none of them mentioned the intention on of renewing the administrator's contract. He addressed the importance of listening to the residents, "We listen to you; the Mayor, Danielle and I." To all the residents be alert as in one of the previous meeting Councilwoman Murphy said, all options have to be kept open.

Granquist – Spoke with DPW Superintendent Kohles regarding the leaves and said they are doing everything in their power to pick up everyone leaves. During the past few weeks they have being busy decorating for Christmas and Hanukkah.

Borough Attorney Betesh – the Borough cannot publicly discuss matters involving pending litigation, but will share information with the public when we are able. Some of the pending items in litigation will be discussed tonight in closed session. He also repeated what he said at the last meeting regarding the administrator's contract. He said that as Borough Administrator, Mr. Scarpa's employment status is protected by statute, and he serves at the pleasure of the Governing Body. Therefore, he would continue working for the Borough whether or not his contract was extended, and can only be removed by an affirmative vote of four council members. Therefore, had Mr. Scarpa's contract not been extended, he would have simply continued working for the Borough without a contract. When the vote to extend his contract was defeated at an earlier meeting the measure failed by only receiving 3 votes, which means that an insufficient number of votes was obtained to either extend his contract or terminate his employment with the Borough. Motions to extend an administrator contract are routine and often added to a consent agenda, since they don't affect the administrator's employment status.

And regarding the OPRAs: the purpose of OPRAS is to make government records available to the public. OPRA does not require a municipality to create documents that do not currently exist, and the requestor must identify the documents that they seek copies of.

Administrator- wanted to remind Mr. Nunez that he was the one who voted for him to be the administrator, and he also voted to have previous administrator removed, who was a town resident. . He also addressed the litigations by saying that throughout his career he had been sued several times and won them all, and will win this one as well.

Mayor Kelemen – the pickup of the leaves will be taken care of. He has spoken with DPW Superintendent Kohles, and he advised him that residents were complaining about leaf pick up. During the past few weeks they have been busy decorating for Christmas and Hanukkah. The Bid for the Recreation Center will be in January, and he believes it's going to be more expensive than the original price. Therefore, some changes will need to be done. More information will be offered after the bid. He said, he is all about transparency and he is glad to hear the Council promise that the topic about the recycling center will not happen again and hopes they keep it. And he hopes that everyone is being honest about the recycling center.

Council President Carpenter and Councilman Robbins – would like to bring a tree expert to the next meeting to speak about the trees at Olsen Park.

Council President Carpenter -Noted: The administrator didn't have anything to do with losing grants for the charging station.

Administrator Scarpa- there will be different types of questions that will be addressed before going out for Bid for the recreation center to make sure it's reasonable.

Councilwoman Fede - said the town has a tree expert already

Discussion:

Police Lieutenant and County Radio Communications

Councilwoman Fede- the police are in need of a Police Lieutenant because starting January 2022 the police department will use cameras and will need to have someone to review them.

Councilman Connors- the chief does not want officers off the street to review cameras in the office.

Police department Chief Maye – starting January 2022 all police departments in New Jersey will be wearing a camera. Therefore there will be a need for an officer to give this special attention, and to handle OPRAs and other requests. Having a Lieutenant will support those needs. The police department has Sergeants but not a Lieutenant. He explained the process by saying "the line of authority and relative rank of the police department shall be in beginning with the higher rank" The Chief also spoke regarding the shared services agreement between County of Bergen and Borough of Bogota for the use of the County trunked radio system. He requested a few changes but the county did not grant them. Borough Attorney Betesh will review the agreement.

Councilman Connors – said he and Mrs. Fede had a meeting with the county regarding a shared services agreement for the Borough to use the County's radio system, and they will need a contract to let the town use it.

Council President Carpenter said she was also at the county meeting and thought that at the meeting they had agreed with the contract agreement. The Chief said he was trying to make some changes and they did not allow it. Administrator Scarpa said the council should've been notified about and it will be added to the next meeting agenda.

Discussions resolution 21-177 (not on the agenda)

Councilwoman Fede –started the conversation about resolution 21-177, which was added to the agenda and then removed. The Deputy Clerk Flores-Bolivard was asked why resolution 21-177 was added to the agenda and who asked her to remove it. Mrs. Flores-Bolivard, said administrator Scarpa asked her to put it in on the agenda and the asked her to remove it. Councilman Connor asked if the administrator is the one doing the agenda now. Mayor Kelemen asked “why this is on the agenda” he read he last sentences of the resolution “NOW, THEREFORE, BE IT RESOLVED that, effective immediately, that the Council authorizes the Council President, in conjunction with the Borough Clerk or Acting Borough Clerk, to set the agendas for upcoming Council meetings.”

Councilman Connors, asked Mr. Scarpa why he added it to the agenda and what were his intentions? Administrator Scarpa, said it was done in the town where he was previously the administrator and he thought it was a good idea. He also said he won't add anything else to the agenda. Mayor Kelemen asked Mr. Scarpa if he was the one making the decision to adding it to the agenda and who prepared it? Borough attorney Betesh noted that it was sent to him only for review, he looked at it and it was fine legally. He said that the Council can designate one of its members to prepare the agenda if it wished, and therefore there were no legal issues with the resolution. Councilman Connors asked if he was paid a fee for it. Borough Attorney Betesh answered that the review was covered under the Borough's retainer agreement. All Council people were asked if they have any prior knowledge of the resolution and they all said no. Councilwoman Murphy was absent and Mayor Kelemen said he will address the question her at a future meeting.

Council President Carpenter said resolution 21-177 was removed from the agenda. Let's move on with council business. Administrator pointed out that it was not intended to take any power away. Mayor Kelemen said, within the seven years as a mayor this is the first time he's seen something like that happen.

Consent agenda:

- 21-171 Grant application –Ridgefield ave
- 21-172 Authorizing local transportation project
- 21-173 Authorizing an Emergency Montana Construction
- 21-174 Holiday Schedule 2022
- 21-175 Meeting Schedule 2022
- 21-176 Hire Andrea Tarantula as the new tax collector

Voted on consent agenda: Council president Carpenter made motion to approve the consent agenda, Councilwoman Granquist seconded the motion. The motion carried. All present in favor, none opposed.

Resolution to be voted on separately:

PC21-18 Payment of Claims- Motion to approve Councilman Robbins, second by councilwoman Fede.

Approvals:

Minutes 11-10-21 Motion by Council President Carpenter, seconded by Councilwoman Fede
Council President Carpenter Yes, Councilman Connors NO, Councilwoman Fede NO, Council,
Councilwoman Granquist YES, Councilwoman Murphy absent, and Councilman Robbins YES.
Minutes approved.

2nd Citizen Remarks:

One Five (5) minute time limit per person

Nunez- the borough administrator's behavior is the reasons why his contract should've not have been renewed. And regarding resolution 21-177, he quote: "this is Bogota not Emerson." He said the administrator should be let go.

Alcalde- the administrator should not waste attorney fees doing a resolution. And because it was done in another town it doesn't mean it was correct.

Andonis- asked for the administrator to resign. He also said the administrator sounds arrogant by mentioning being sued before and that he won all his lawsuits.

Susan- said we should be more neighborly and civil. She said the administrator's behavior is not acceptable

Antoinette- expressed her concern on the lack of respect for each other, "Let's show some respect for each other."

Carmel- agreed with Antoinette regarding respect. And also mentioned that the recycling center does need to be addressed but at a different location. It cannot be totally out the agenda. "let's all be civil."

No other members of the public wished to comment, Councilman Connor made a motion to close the public citizen remark. Councilwoman Fede seconded the motion. The motion carried. All present in favor.

Mayor and Council answered citizen questions: Discussions.

Councilman Connors- He said himself, Mrs. Fede and the Mayor are being spasm by emails from the administrator. He also mentioned that because that resolution was passed at a different town it does not mean it was right. He hopes everyone continues to come to all the meetings and be informed.

Mayor Kelemen – he thanked Mr. Nunez for supporting him since the start of his political career, “I am, who I am because of Nunez.” He expressed his disappointment with resolution 21-177. Moving forward he would like to see more communication and respect between all council people. He asked residents to be alert and to OPRA all emails between the administrator and council people.

Reports:

Five (5) minute time limit per Council Member

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

Mayor Kelemen – He thanked the Borough of Bogota for covering the hotel expenses to all Mayor and Council members who attended the New Jersey State League of Municipalities Convention in November. He and other council people took a few classes which give the town \$250 credits. The Mayor Kelemen, Councilwoman Fede, Councilwoman Granquist and DPW Superintendent Kohles visited the Ridgefield Park facility for a second time searching for possible shared services. He advised the residents to request an OPRA between the Mayor and Linda Murphy from Ridgefield Park, where it mentioned that the DPW Superintendent Kohles and the administrator Scarpa aren't in agreement with the a shared service.

Hanukkah event was great turn out and most of the donation were from Teaneck. For the Emergency Volunteer Dinner at the Fiesta invitation were mail out, he thanked Deputy Clerk Flores-Bolivard and Mrs. Tedesco from the building department for their assistance. The Fire Chief Selection meeting is this Saturday and he won't be able to attend due to prior commitments. He congratulated them all. He said Happy Hanukkah and Happy New Year.

Council President Carpenter- The recreation Bid will be January 12.

Councilwoman Connors- the Board of Education meeting was canceled. The middle school started PTO programs to get the kids back to school after the pandemic. The school will be offering after school programs. He also attended the Bogota Advisory Committee on Substance Abuse (BACSA) meeting last month with great people. They discussed new options on programs with the school regarding the new substances epidemic. BACSA will meet again to discuss future plans. The Hanukkah event was great and well organized. He invited everyone to join the tree lighting this Friday.

Councilman Connors made a motion to continue the meeting passed 10:30pm, seconded by Council President Carpenter, all in favor.

Councilwoman Fede- completed the abused child training and risk manager should send out a link. She asked if anyone would like to participate for the Wonderland tree at the Van San Park.

Councilwoman Granquist – she was not able to participate during the Hanukkah event and heard it was great, however she will be part of the tree lighting. She expressed her admiration for all the decorations around the town and at borough hall.

Councilman Robbins- He was advised by the health committee that fees charge for dogs and cats in Bogota are not the same amount as others towns. Will be discuss at the next health meeting December 13. The chief election will be this Saturday and he wanted to congratulate them all in their promotions.

Administrator Scarpa – said the construction code official Dan Howell will be retiring at the end of December and he needs permission to advertise this position. Councilwoman Fede made a motion to advertise the position, seconded by Council President Carpenter, all in favor. He never said that he was not in favor of the shared service at the meeting with Ridgefield Park.

Borough attorney Betesh –A package containing the proof of publication was sent to Green acres regarding the proposed recycling center. The written test for the Sergeant exam will be administered on December 8, 2021. The deadline for property owners to challenge an added assessment was December 1, 2021. As of now no appeals have been filed in Bogota. If this changes the Council will be informed.

Deputy Clerk Flores-Bolivard- No report

Council President Carpenter made a motion to go into closed session, seconded by councilwoman Fede.

Adjournment

10:49 pm