

**BERGENFIELD PLANNING BOARD
REORGANIZATION MEETING MINUTES
TELECONFERENCE VIA ZOOM**

January 25, 2021

Chairman Robert Rivas called the meeting to order at 8:02 P.M.

OPEN PUBLIC MEETING STATEMENT

In compliances with the Open Public Meetings Act, the notice requirements have been satisfied. Meeting dates are confirmed at the Annual Meeting. Notice of this meeting was provided to the Record, Star Ledger, and Cablevision, posted on two municipal public notice bulletin boards and published on the borough website. Notice of this meeting via the January 19, 2021 Sunshine Notice has been sent to the Record, Star Ledger, and Cablevision, posted on two municipal bulletin boards and the Borough website.

Any board member having a conflict of interest involving any matter to come before the board this evening is reminded they must recuse himself/herself from participating in any discussion on this matter.

ROLL CALL

Present: Mayor Amatorio, Robert Rivas, Robert Byrnes, Jr., Councilman Lodato, Michael Knowles, Romeo Abenoja, Jerry Berger, Ben Cabrera, Ernesto Acosta, Councilman Rivera, and Jason Bergman (joined at 8:12pm)

Absent: Miguel Vasquez

Also Present: Ron Mondello, Planning Board Attorney and Hilda Tavitian, Planning Board Clerk

PLEDGE OF ALLEGIANCE

Led by Mr. Berger.

RE-APPOINTMENT/APPOINTMENT OF PLANNING BOARD MEMBERS

Robert Byrnes Jr., Class II Member
Councilman Thomas Lodato, Class III Member
Councilman Hernando Rivera, Class III Alternate Member
Jason Bergman, Alternate #2 Member

Oath of office was administered to Mr. Byrnes, Jr., Councilman Lodato, Councilman Rivera, and Mr. Bergman (at 8:30pm) by Board Attorney Ron Mondello.

Nomination of Chair:

Robert Rivas

Motion by: Mayor Amatorio

Second by: Mr. Cabrera

All ayes. None opposed.

Nomination of Vice-Chair:

Ben Cabrera

Motion by: Mr. Abenoja

Second by: Mayor Amatorio

All ayes. None opposed.

Nomination of Secretary:

Councilman Lodato

Motion by: Mayor Amatorio

Second by: Mr. Rivas

All ayes. None opposed.

Mayor Amatorio stated everyone had received a letter from one of the candidates that had submitted a RFQ for the board attorney position stating he was withdrawing his application. The board also received a letter from another candidate who wishes to be considered for the position. Mayor Amatorio stated, with due respect and having only good words for Mr. Mondello and he is a fine gentleman, suggested the board consider extending the RFQ in light of the letters received.

Mr. Berger inquired why they can't just vote on it now and doesn't understand what the reason for extending it is for. Mr. Berger inquired if knowing the qualifications of the candidates is a requirement of the RFQ.

Chairman Rivas stated he would like to know the qualifications of all the candidates. Mr. Rivas stated, so far, with one withdrawal and one application received today, there is Mr. Mondello and attorney Oh expressing an interest. Mr. Rivas asked if everyone would want to know what her qualifications are.

Mr. Berger stated he assumed that if Ms. Oh's qualifications were received, they would have gotten it in the same email as the letter they received. Mr. Berger inquired if Mr. Mondello had sent his qualifications. Mr. Berger stated it would only be fair if they voted on the board attorney appointment now.

Mr. Mondello stated the letter that was received from Ms. Oh just indicates she is interested in the position. Mr. Mondello stated perhaps there have been a miscommunication between the borough and Ms. Oh. The mayor is suggesting the RFQ be extended to allow her to supplement this letter with her qualifications.

Mr. Rivas stated Mr. Mondello did send his qualifications.

Mayor Amatorio stated Mr. Berger is correct in that the board can proceed and can appoint someone even though that person has not submitted her qualification based on her interest. His suggestion is for the board to not act on the application for board attorney right now and to allow other applicants to submit their applications through a fair and open process that may be initiated by the borough. It would give the other person the ability to submit. He reiterated that it has nothing to do with Mr. Mondello. He is a fine gentleman. The borough would be served well if they follow that process.

Mr. Berger inquired if any other party can submit a RFQ at this point.

Councilman Lodato's response was yes.

Mayor Amatorio stated this is similar to what is going on with the zoning board.

Mr. Mondello stated the zoning board voted in January to extend the RFQ process. They authorized Hilda to place an advertisement in the Record or appropriate newspaper. Presumably, the board will be reviewing the RFQ's February 1st, 2021.

Mr. Berger inquired if they are also going to be putting an ad in the newspaper.

Mayor Amatorio stated that is correct.

Mr. Knowles inquired if there should be a date set so they can vote on either attorney at the next meeting.

Mr. Acosta stated there is only one other applicant besides Mr. Mondello right now.

Mayor Amatorio stated if they can comply with the requirements by the next meeting, perhaps the board can make a decision immediately.

Board clerk Hilda Tavitian stated the Mayor and council needs to approve advertisement for the Planning Board attorney first. She stated what happened with the zoning board was that it was approved at the second January Mayor and council meeting and then the advertisement was advertised in the newspaper this past Monday. The deadline to receive the RFQ's for zoning board professionals is February 17th, 2021 because the you have to give 20 days from the day it is advertised to when the RFQ's are due.

Mr. Berger stated there won't be sufficient time for you to get Mayor and council approval, advertise, and RFQ's to be responded to before the next meeting.

Mayor Amatorio suggested using a tentative date unless there is any special meeting with the council. The council has been very busy working with the vaccination of the virus. It's not uncommon for them to have a meeting soon and can speed up the process. Mayor Amatorio stated he hopes Mr. Mondello doesn't mind helping the board while this is pending.

Mr. Mondello stated it would be his pleasure. He asked there be a motion with a second to have him be compensated for tonight's meeting and February's meeting.

Mr. Berger stated they could just proceed with the vote tonight just in case there are any legal issues. There might be legal cases that come up in the next 4-6 weeks and they would be without an ongoing lawyer. Mr. Berger suggested holding Mr. Mondello over for the year. Mr. Berger stated he has been very happy with having Mr. Mondello serve as the board attorney for so many years. Mr. Berger stated there is a candidate who has complied with the RFQ process and doesn't understand why are not going ahead to vote.

Councilman Lodato stated Ron will hold over for as long as necessary.

Mr. Rivas stated he would like the board to be protected from any accusations there may be later on that they hired an attorney for the board not knowing what his/her qualifications are. There is the application to be considered from the Englewood Cliffs attorney. Mr. Rivas stated there is a pending motion to put this off to another date.

Motion to Extend RFQ & Allow Hilda/Borough to Advertise for Planning Board Attorney Position

Motion By: Mayor Amatorio

Second By: Mr. Abenoja

Mayor Amatorio:	yes	Romeo Abenoja:	yes
Robert Byrnes, Jr.:	yes	Jerry Berger:	no
Councilman Lodato:	yes	Ben Cabrera:	yes
Robert Rivas:	yes	Ernesto Acosta:	yes
Michael Knowles:	no		

Motion to Hold Over Mr. Mondello and Provide Compensation Pro-Rata based on Last Year's

Compensation:

Motion By: Mayor Amatorio

Second By: Mr. Berger

Mayor Amatorio:	yes	Romeo Abenoja:	yes
Robert Byrnes, Jr.:	yes	Jerry Berger:	yes
Councilman Lodato:	yes	Ben Cabrera:	yes
Robert Rivas:	yes	Ernesto Acosta:	yes
Michael Knowles:	yes		

Chairman Rivas stated there were 4 applications received for board engineer. They were: American Forensic Engineering, Brightview Engineering, Neglia Engineering Associates, and Pennoni.

Mr. Berger inquired if qualifications were received for all 4 applicants. Mr. Rivas didn't specify.

Mr. Rivas stated there were 4 RFQ's received, one of which was for Pennoni. Mr. Rivas stated he received a RFQ from American Forensic Engineering, one RFQ from Brightview Engineering, one RFQ from Neglia Engineering, and one RFQ from Pennoni Engineering.

Mr. Cabrera stated the board has not had the opportunity to review the RFQ's received. Mr. Cabrera stated he is being asked to vote for an engineering firm he hasn't heard of or knows nothing about. He stated in the past the information has been shared with the board, the board reviews the material, and then make a decision.

Mr. Rivas stated he recalls at the last meeting he indicated that the RFQ's were received and had urged all Planning Board members to contact Hilda to get their copies of the RFQ's to review. Mr. Rivas stated he also recalls that Hilda sending out two emails telling board members the RFQ's were received and if they wanted to see them, she would be glad to make them available. If at this stage the RFQ's have not been reviewed, he doesn't know what to say. The board has had the opportunity since last month to review the RFQ's.

Mayor Amatorio stated he has reviewed the RFQ's and that is how he has come up with the decision to appoint Pennoni. He is confident Pennoni will usher the board to whatever challenges or jobs the board needs to perform this year.

Nomination of Board Engineer:

Pennoni Engineering

Motion By: Mayor Amatorio

Second By: Councilman Lodato

Mayor Amatorio:	yes	Romeo Abenoja:	yes
Robert Byrnes, Jr.:	yes	Jerry Berger:	yes
Councilman Lodato:	yes	Ben Cabrera:	yes
Robert Rivas:	yes	Ernesto Acosta:	yes
Michael Knowles:	yes		

Nomination of Board Clerk:

Hilda Tavitian

Motion by: Mayor Amatorio

Second by: Mr. Berger

All ayes. None opposed.

Mr. Rivas stated it is written in the by-laws that the first meeting, which is the reorganization meeting, should start at 7:00pm. Mr. Rivas inquired if it should be moved to 8:00pm. He would like to be compliance with the by-laws.

Mr. Berger stated during the COVID-19 situation, it is a good idea.

Mr. Knowles stated 8:00pm sounds good.

Accept By-Laws as Amended (Change Reorganization Meeting Time to 8:00pm):

Motion By: Mr. Berger

Second By: Mr. Knowles

All ayes. None opposed.

Accept 2021 Meeting Dates:

Motion By:

Second By:

All ayes. None opposed.

APPOINTMENTS OF STANDING COMMITTEES:

Liaison to Board of Adjustment:

- a. Michael Knowles

Site Plan:

- a. Robert Rivas
- b. Robert Byrnes Jr.

Master Plan:

- a. Robert Rivas
- b. Ernesto Acosta
- c. Robert Byrnes Jr.
- d. Mayor Amatorio

Parking/Legal:

- a. Mayor Amatorio
- b. Councilman Lodato

APPROVE MINUTES OF PREVIOUS MEETING – December 21, 2020

Motion By: Mr. Knowles

Second By: Mr. Cabrera

All ayes. None opposed.

CORRESPONDENCE

None.

VERBAL COMMUNICATION

Comments by members of audience on matters not on evening's agenda

No one came forward.

Close Verbal Communication:

Motion By: Mr. Berger

Second By: Mr. Knowles
All ayes. None opposed.

COMMITTEE REPORTS

1. Site Plan – Mr. Rivas stated there was an application for 83 Hickory Avenue. They want to build a 6 unit townhouse. It would require a use variance, front yard variance, side yard variance, improved lot coverage, and maximum driveway width. It is a flag lot and he was always told they frowned upon flag lots. It is going to the zoning board for review.

2. Parking/Legal – Nothing

3. Capital Improvements – Mayor Amatorio stated they might open the BID for the new borough hall building soon. They were thinking of building borough hall on the same footprint but at a different location. There have been some changes with the purchasing of the lot adjacent to borough hall. They are going back to the original plan of building the borough hall immediately behind the current borough hall. They might be able to start the project this year.

4. Master Plan – Mayor Amatorio stated the governing body just approved it. He is excited to be able to push things this year. There might be some activities with the Planning Board regarding applications from investors who are interested in the town. The Planning Board will play a big part in the development of the town.

5. Liaison to Board of Adjustment – Mr. Knowles stated the board heard the application for 78 Lake Street for a second-floor addition which was approved. There was an application for 40 Laurel Court for a second story addition which was approved. The hearing for 145 West Main Street, LLC is still continuing. They came back with revised plans. They were encroaching on the easement to the east side of the property. They revised that and will be back next Monday to continue the discussion.

OLD BUSINESS

None

NEW BUSINESS

None

MOTION TO ADJOURN MEETING

Motion By: Councilman Lodato

Second By: Mr. Abenoja

All ayes. None opposed.

Meeting was adjourned at 8:55 pm.

Respectfully Submitted,



Hilda Tavitian, Clerk
Planning Board