

**BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING**

**5:00 p.m.
June 16, 2020**

PRESENT: Mayor Arvin Amatorio and Council President Rafael Marte, Council members Thomas Lodato, Buddy Deauna, Ora Kornbluth, Hernando Rivera, and Marc Pascual

ABSENT:

ALSO PRESENT: Borough Administrator Corey Gallo
Borough Attorney John Schettino
Borough Clerk Marie Quinones

Mayor Amatorio called the meeting to order at 5:05 p.m. with the reading of the Open Public Meetings Act Statement, "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. Meeting dates for the year are confirmed at the Annual Meeting. The Annual Notice is sent to the Record, Star Ledger, Twin Boro News, and Cablevision, placed on two Municipal Bulletin Boards and is on file in the Office of the Borough Clerk. Notice has been sent to the Record, Star Ledger, Twin Boro News and Cablevision and posted on two municipal bulletin boards and the Borough website.

The Salute to the Flag was led by Councilperson Rivera.

AGENDA CHANGES

Councilperson Kornbluth added to correspondence Beth Abraham's email request to put a tent in John Paul Park for the high holidays depending on covid-19 requirements. They had made a request last year and never used it, even though the request was approved.

Council President Marte added to correspondence the request from Mercy Church to close Foster Avenue from 9:00am-12:00pm next Sunday.

Mayor Amatorio stated the letter from Merch Church will need to be forwarded to the police department for review.

APPROVAL OF MINUTES

Motion offered by Councilperson Kornbluth, second by Council President Marte, to approve minutes of the May 19, 2020 Regular Public Meeting. All present voting in favor, none opposed.

PRESENTATIONS

None

VERBAL COMMUNICATIONS I

Mayor Amatorio opened the meeting and invited the public for comments on agenda items only, limited to five minutes per speaker.

John Smith, resident, inquired what is the necessity of having a deputy CFO. Mr. Smith inquired who will be enforcing Executive Order 150. He observed it yesterday and noticed a lot of violations at Ronny's Rock N Grill and at Tommy Fox's. Mr. Smith stated the approved budget is useless because of the virus. The tax appeal attorney is not doing his job the correct way because a lot of money is being given away with the tax appeals.

Carolyn Schmelz, resident, inquired if it would be possible to open up the parking lots and close from Clinton Avenue to Main Street to allow other businesses to participate in the outside dining. Mrs. Schmelz also inquired if outdoor classes would be allowed, adhering to 6 feet apart to support businesses.

Borough Administrator Gallo stated the roles and responsibilities of the CFO were handled by an outside entity. Mr. Gallo stated the person who worked here part-time has retired. This person completed the bank reconciliations and took care of banking issues. Mr. Gallo stated there is a person within the staff that has been working for the borough a number of years and has been homegrown. He is a college graduate, has his CPA, and then he attended classes to obtain the Certified Municipal Financial Officer certification. Mr. Gallo stated just like other people are promoted through civil service, this is an appropriate position for this person at this time. Mr. Gallo stated this is a position within municipal government where there is a huge demand and not enough supply. He has worked with the finance committee on the budget for the past two years and has shown his value. It is justified in his receiving this title.

Mayor Amatorio stated the CFO is part-time. The Deputy CFO is a full-time position and he will be completing a lot of the work and will further establish the operations of the finance department. Mayor Amatorio stated the borough will be allowing the businesses and restaurants to put tables in the parking lots and close some streets for outdoor dining.

Councilperson Kornbluth stated having a Deputy CFO will save the borough money by having him do some of the work the auditor does.

Mr. Gallo stated the borough wants to assist the small business owners. Mr. Gallo stated they can close off the side streets and create an outdoor, picnic like approach. People can order food and the food can be delivered directly to the patron. Mr. Gallo explained businesses are struggling and the town needs to be flexible. Health and safety rules will apply. The council has given him the guidance to be creative in supporting the businesses. Mr. Gallo stated there might be an emergency meeting to approve the streets that can be closed and blocked off. Mr. Gallo explained they are on the path of getting this done and will have to push quickly to help the business owners expand their operations. All of the businesses will still be required to get permits. Mr. Gallo stated they will register the yoga and try to allocate a field. Mr. Gallo stated a hold harmless agreement would still need to be signed.

There being no one else who wishes to be heard, Mayor Amatorio closed Verbal Communications I.

CORRESPONDENCE

Councilperson Kornbluth stated she received an email on June 1st, 2020 from Congregation Beth Abraham requesting to put up two small tents in John Paul Park September 18-21, 2020 for the high holidays to socially distance people for prayers in a safe manner. They would like the council to have a discussion of the possibility. The tents would be up for 10 days. They would be responsible for locking it and keeping it secure. They were granted permission last year. Councilperson Kornbluth stated they will abide by any restrictions that are put in place by the Governor three months from now. The synagogues are not allowing more than 19 people at a prayer service right now. It would not be a disruption of a public place as it would be on the flat, empty land at John Paul Park.

Mr. Gallo stated it is up to the council, but he has no issue with it especially in light of all that is taking place with covid-19 restrictions.

Mayor Amatorio stated it should be discussed with the Police Department and the Risk Manager. Mayor Amatorio stated there might be some disruption with use of a public place.

Councilperson Marte stated it is fine as long as people adhere to the social distancing and the number of people regulations are followed.

Motion offered by Councilperson Rivera, second by Councilperson Pascual, to approve correspondence from Congregation Beth Abraham. All present voting in favor, none opposed.

Mayor Amatorio stated a request was received from Mercy Church to close Foster Street from 9:00am to 12:00pm next Sunday, June 21, 2020. The request will be sent to the Police Department for review.

Motion offered by Council President Marte, second by Councilperson Deauna, to approve Correspondence from Mercy Church for the closure of Foster Street. All present voting in favor, none opposed.

ORDINANCES

A. Adoption of Ordinances

The following ordinance published herewith was first read by title only on March 3, 2020 and posted on the bulletin board of the municipal center. **(TABLED 3-17-20)**

Mayor Amatorio read the title of the ordinance into the record:

ORDINANCE 20-2561 – AN ORDINANCE TO ESTABLISH THE SALARY RANGES OF EMPLOYEES NOT SUBJECTED TO UNIONIZED CONTRACTUAL UNITS OF THE BOROUGH OF BERGENFIELD

Public Comments on Ordinance 20-2561.

No action taken.

A. CONSENT AGENDA

CONSENT RESOLUTION 20-192. All matters listed below are considered by the Governing Body to be routine in nature. There will be no separate discussion of these items. If any discussion is desired by the Governing Body, that item will be removed from the Consent Agenda and considered separately.

- a. **20-193/To Approve Bill List**
- b. **20-194/To Approve Proposed Bylaw Amendment to Bergen JIF Bylaws**
- c. **20-195/To Approve Tax Settlement – 125 E. Clinton Unit 11B**
- d. **20-196/To Authorize Electronic Tax Sale**
- e. **20-197/To Authorize Electronic Tax Sale Second Notice Fee**
- f. **20-198/To Authorize Inclusion in the Bergen County Community Development Program**
- g. **20-199/To Authorize Execution of an Agreement with the County of Bergen to Supersede the Cooperative Agreement dated July 1, 2020 and Amendments Thereto Establishing the Bergen County Community Development Program**
- h. **20-200/To Approve Retirement – Lieutenant Scott Macfie**
- i. **20-201/To Approve Proposal – Groundwater Sampling, Classification Exception Area and Groundwater Remedial Action Permit Terminations and Well Abandonment with regard to the Municipal Complex – Remington & Vernick Engineers**
- j. **20-202/To Authorize Request for Proposals for Use of Borough Property – Adheek Tennis Club**
- k. **20-203/To Authorize Use of Coopers Pond for Zumba Classes for Mayors Wellness Challenge**
- l. **20-204/To Amend Contract Amount for Professional Services – Tax Appeal Counsel**
- m. **20-205/To Award Bid and Approve Contract – Private Collection of Municipal Court Debt – Penn Credit**
- n. **20-206/To Reject all Bids and Authorize Re-bid – North Prospect Avenue Roadway Improvement Project**
- o. **20-207/To Approve Tax Refund – 35 S Demarest Avenue**

Motion by Council President Marte, second by Councilperson Rivera, that the Consent Resolution be approved.

On a roll call, the vote on the Consent Resolution was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>
Council President Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

B. Resolutions

20-208/To Hire Part-time Summer Laborer – Michael Mertz

Motion by Councilperson Deauna, second by Council President Marte, that Resolution #20-208 be approved.

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>
Council President Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

20-209/To Hire Part-time Summer Laborer – John Loszynski

Motion by Council President Marte, second by Councilperson Pascual, that Resolution #20-209 be approved.

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>
Council President Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

20-210/To Hire Part-time Summer Laborer – Shalom Korn

Motion by Councilperson Deauna, second by Councilperson Pascual, that Resolution #20-210 be approved.

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>
Council President Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

20-211/To Hire Part-Time Laborer – Umair Malik

Motion by Council President Marte, second by Councilperson Deauna, that Resolution #20-211 be approved.

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>
Council President Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

UNFINISHED BUSINESS

A. Tabled Resolutions

20-159/To Appoint and Approve Contract – Deputy CFO – Kent Christner (TABLED 4-21-20)

Motion by Councilperson Kornbluth, second by Council President Marte to remove Resolution #20 159 from the table.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
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Councilperson Deauna: *aye*
Council President Marte: *aye*

Councilperson Rivera: *aye*
Councilperson Pascual: *aye*

Motion by Council President Marte, second by Councilperson Pascual that Resolution #20-159 be approved.

On a roll call, the vote was recorded as follows:

Councilperson Lodato: *aye*
Councilperson Deauna: *aye*
Council President Marte: *aye*

Councilperson Kornbluth: *aye*
Councilperson Rivera: *aye*
Councilperson Pascual: *aye*

NEW BUSINESS

A. Bergen County Municipal Joint Insurance Fund Lost Time Accident Frequency Report

Mr. Gallo stated they are trending well and better than last year. There were a couple of incidents this quarter. There was a press release today in which a few of the police officers were injured overnight. Mr. Gallo stated he doesn't know how long they will be out. Mr. Gallo stated Bergenfield is a busy town and safety standards are maintained. Mr. Gallo stated they hit all the safety numbers every year per the safety officer and insurance representative. Mr. Gallo stated they try to limit it as much as they can, but injuries happen.

B. Economic Development Committee

Mayor Amatorio stated that there has been some discussion about the creation of an Economic Development Committee, but no further action has been taken due to the pandemic. He explained that there is an opportunity for the borough to help the businesses in town through the Bergen County Cares grant. The first part of the grant is geared towards municipalities, in which municipalities will be reimbursed for all covid-19 expenses. The second portion is a grant for small non-essential businesses that were forced to close due to the pandemic and would have to qualify under certain conditions. Mayor Amatorio stated the Borough would like to create a temporary committee to help the businesses with completing the grant applications. They will start accepting applications at the end of the month. It is difficult for the small businesses to go through the guidelines.

Councilperson Kornbluth inquired who the Mayor foresees being on the committee. The business owners need to complete the application. She commented that the application should be posted on the website, and the county will probably have some webinars on how to complete the application.

Mayor Amatorio stated employees of the Borough or members from the community and businesses should be on the committee. He explained someone should go door to door to inform the businesses, help them complete the application, and submit it. Mayor Amatorio stated the County will start accepting applications at the end of the month. Mayor Amatorio stated a resolution will be drafted for the next meeting.

Mr. Gallo stated that the information has been posted on Facebook and the borough website. Mr. Gallo stated in order to qualify, the business must be in Bergen County and it must be deemed a non-essential business, such as nail, hair salons, and gyms. The restaurants and other businesses considered essential are ineligible for the grant. It includes businesses up to 19 full-time employees, opened prior to March 1, 2020, and has not received any federal grants or loans. They would be eligible for rent and utilities. It is a first come, first serve basis.

C. Liquor License Transfer

1. Hearing on the Person to Person Transfer of Liquor License No. 0203-44-005-007 located at 89 New Bridge Road, WC South Plainfield LLC dba Wine Country to Bergenfield Liquors LLC

Motion by Councilperson Kornbluth, second by Council President Marte to open the public hearing on the liquor license transfer of liquor license No. 0203-44-005-007. All present voting in favor. None opposed.

Public Comments on the Person to Person Transfer of Liquor License No. 0203-44-005-007 located at 89 New Bridge Road, WC South Plainfield LLC dba Wine Country to Bergenfield Liquors LLC.

No one came forward.

2. **20-212**/To Approve the Person to Person Transfer of Liquor License No. 0203-44-005-007 located at 89 New Bridge Road; WC South Plainfield LLC dba Wine Country to Bergenfield Liquors LLC

Motion by Councilperson Pascual, second by Council President Marte that Resolution #20-212 be approved.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>
Council President Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

D. Executive Order No. 150 on Outdoor Dining

Borough Administrator Gallo stated that an emergency meeting may need to be held in a week or so in order to take action and approve outdoor dining. He stated that he requested information from the Police Department regarding a list of the addresses of the streets and roads that can be utilized for outdoor dining, and guidance on how feasible this can be. Mr. Gallo stated everyone will have to be flexible and will have to work together to get through this.

Mayor Amatorio stated the Borough will need to arrange with the Police Department and notify the Health Department for the safety and health issues involved with offering this opportunity. He wants to make sure the Council is in agreement before moving forward.

Council President Marte stated he is in agreement as long as it is within all of the regulations. He commented that the Borough needs to help the businesses as much as they can.

Councilperson Lodato stated he is in agreement.

Councilperson Pascual stated that he is in agreement as long as everyone complies with all of the rules and regulations.

Councilperson Rivera stated he is in agreement.

Councilperson Deauna stated he in agreement as long as the efforts do not contradict the Governor's orders.

Mayor Amatorio stated the Council will need to identify the area, pick streets and parking lots. The Borough will need to ensure all of the health and safety regulations are observed.

Mr. Gallo stated the Police Department is looking into it. They may have a Mayor and Council meeting as early as next Thursday, to try and have a resolution executed by Father's Day weekend.

Committee/Department Reports

Motion offered by Council President Marte that the Committee/Department Reports be spread upon the minutes in full and filed. Second by Councilperson Rivera. All in favor, none opposed.

VERBAL COMMUNICATIONS II

Mayor Amatorio opened the meeting to Verbal Communications II and invited the public to comment on any subject, limited to five minutes per speaker.

Mary Sullivan, resident, stated she hopes this is the last meeting to be done this way, as it is impossible to hear what is being said, and residents cannot speak when they want to speak. She inquired whether the plans were going forward on the Vivyen Field project and the soccer fields, given the current economic conditions taxpayers are enduring. She inquired if the plans are on hold, and if so, until when. Ms. Sullivan inquired if anybody contacted the state to ask for an extension for a few years for the Green Acres grant that was approved and a matching grant from tax payers money including a \$1.8 million bond. She stated that she counted 13 vacant businesses last week on Washington Avenue between Main Street and Clinton Avenue. Soccer fields that are planned will not be exclusively for Bergenfield residents, there is no reason why they should be built at this time with taxpayer's money. She commented that the borough should concentrate on cutting expenses to offset anticipated lower revenues and supporting services that are needed by the residents until the pandemic and economic turmoil are over. Ms. Sullivan inquired why Facebook is being used as the primary source of announcements. For example, no posting was made on the borough website regarding the June 6th, 2020 Black Lives Matter protest. The June 14th, 2020 march was not posted on the website until Saturday, June 13th, 2020. She explained that not all residents use or want to be involved with Facebook. The borough website should be used as the primary source of communication with the residents. Ms. Sullivan inquired what was the outcome of the Fair Share Housing hearing and inquired the borough's obligation going forward.

John Smith, resident, congratulated the Planning Board members for an outstanding job done at the meeting last night. He stated that it is the first time, in the past two years, that a subdivision was denied. He commented that the board listened to the residents. The firm and the planner did a good job also. Mr. Smith stated he sent the Building Department an email yesterday and did not receive an answer yet regarding the violation. Mr. Smith stated that people are using silica sand to put their pavers and getting driveway permits. Mr. Smith stated he agrees with what Ms. Sullivan said about the Webex meetings. There were problems with the audio and visual at last night's Planning Board meeting. He commented that people are being lost and dropped, and there is no reason why the Borough cannot return to in-person meetings as not many people that attend them. Mr. Smith stated he gets accused by the Board Attorney for making noise. It's other people that ruffle papers and have the fax machine going.

Carolyn Schmelz, resident, inquired when will the gym equipment at Cooper's Pond be allowed to be used. Mrs. Schmelz stated Little League has strong guidelines and rules that there is no way to have it.

Borough Administrator Gallo stated it will be allowed after June 23rd, 2020. Mr. Gallo stated the Borough is waiting for guidance from the Governor's office. He explained that the summer cannot be opened this year as it can be very challenging. Mr. Gallo stated the Borough did not sponsor the protests. He commented that if information was posted on Facebook, it was means to inform the public. The organizers did not want the involvement from the Borough. Mr. Gallo stated there was one Green Acres received in 2017 and another one received in 2019. There was no funding in 2018. The 2017 grant has received an extension because the proper amount was not provided. Mr. Gallo stated many residents will be upset if the Borough allowed the state to take back the \$2 million received in grants. Mr. Gallo stated the Borough made a commitment to building the fields and the Borough bonded for it. The Borough will receive \$2.3 million between the State and County funds. The park is currently an eyesore, and the residents deserve a better park. The Borough will be as aggressive as possible with the grants to continue to improve the parks in Bergenfield.

Borough Attorney Schettino stated the Fair Share Housing hearing was held on June 10, 2020 to approve the proposed settlement. The Borough of Bergenfield has a rehabilitation obligation of 129 units. Brookside Gardens is considered affordable housing run by the County for senior citizens. They are looking to get credits for the work that was already done to the building over the past few years. Mr. Schettino explained they are in the process of getting documentation. The rehabilitation

number will decrease from 129. There was a prior round obligation, from 1987-1999, of 87 units and the third-round obligation of 140 units. There is 0 obligation for prospective need based upon the Borough's designation as an urban aid municipality. The settlement agreement outlines the ways the Borough is going to meet the obligations. They already received credit for the Landmark site with 9 units and 4 units for the 51 E. Main Street site. Mr. Schettino stated they agreed to have an overlay zone at Brookside Village which would allow a developer to build residential units over the existing retail space. There will also be an overlay zone along Washington Avenue from Clinton Avenue to the northern border. There will be several other items the borough has to comply with and address as they move forward. The special master had submitted a report that it was a fair settlement and met criteria established by the superior court. It took into account the existing conditions in Bergenfield.

Mayor Amatorio stated the protest was not posted on the website because it was not a Bergenfield activity. As a community, he and other members of the Council, police department and Administrator marched along in solidarity in the first protest. The Borough never sponsored the events. The second protest was more exclusive.

Councilperson Deauna stated he did not participate in the protest as he has been staying away from crowds due to the pandemic, but applauded the Mayor and other council members.

There being no one else who wishes to be heard, Mayor Amatorio closed Verbal Communications II.

COUNCIL COMMENTS

Councilperson Lodato thanked everyone for participating in the meeting. He hopes in the near future they return to live public meetings. This is the best alternative. He thanked John for his comments regarding the Planning Board meeting last night. The entire board was on the same page with concerns of overdevelopment and lack of parking.

Councilperson Marte thanked everyone for being present and wished everyone a good night.

Councilperson Pascual thanked everyone for attending the meeting. He knows Father's Day is this weekend and everyone will be busy. He reminded everyone to do their part in practicing social distancing.

Councilperson Deauna stated he hopes meetings can be held in Borough Hall soon.

Councilperson Rivera thanked Table 2 Table who has been the biggest supporter of the food bank. They will be providing support for a long time. Many people have been getting food from the food bank. He wished all the fathers a Happy Father's Days.

Mayor Amatorio stated he appreciates the volunteers during the crisis. The Ambulance Corps has been very helpful with helping the community. He thanked the Fire department, Police department, and DPW. The DPW has been helping tremendously with the food bank and keeping us safe. He thanked John, Irene, and the entire management of VFW with helping with the food bank. They accepted us and for their continued work with the council. He commended the team at the borough, despite the challenges and the logistics, for keeping everyone safe during the protests. It was the first time in history in Bergenfield they raised the pride flag. Bergenfield is embracing the rights of their fellow brothers and sisters and the LGBT community. Mayor Amatorio thanked all the volunteers and donors for the food bank. They will be expanding services from Table 2 Table. The food pantry will be transferred back to borough hall when borough hall opens. He hopes the opening of the economy continues and the return to normalcy. Mayor Amatorio stated they have a lot of plans to bring back and help the businesses in town. He wished everyone a Happy Father's Day.

CLOSED SESSION

RESOLUTION 20-213/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

A. Personnel/Litigation

Minutes will be taken of the meeting and released to the public at the time that the matter is resolved. After Closed Executive Session, the Mayor and Council will reconvene in the Executive Chambers to adjourn this public meeting.

On a motion by Council President Marte, second by Councilperson Deauna, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 6:44 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Council President Marte, second by Councilperson Deauna, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 7:07 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk