

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

7:00 p.m.

August 18, 2020

PRESENT: Mayor Arvin Amatorio and Council President Rafael Marte (arrived at 8:31 p.m.), Council members Thomas Lodato, Buddy Deauna, Ora Kornbluth, and Marc Pascual

ABSENT: Council member Hernando Rivera

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

Mayor Amatorio called the meeting to order at 7:10 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 of this meeting via the August 14, 2020 Sunshine 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.

CLOSED SESSION

RESOLUTION 20-242/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Attorney-Client Privilege
 - 1. Knickerbocker Country Club Tax Status
 - 2. PBA Local 309 Update

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 Councilperson Kornbluth, second by Councilperson Lodato, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 7:10 p.m.

OPEN SESSION

On a motion by Councilperson Kornbluth, second by Councilperson Lodato, and all present voting in favor, the meeting reopened at 7:59 p.m.

The Salute to the Flag was led by Councilperson Lodato.

AGENDA CHANGES

Councilperson Kornbluth added to New Business discussion on food trucks.

APPROVAL OF MINUTES

MOTION offered by Councilperson Kornbluth, second by Councilperson Deauna, to approve minutes of the July 21, 2020 Regular Public Meeting and July 21, 2020 Closed Session Meeting (not to be disclosed). All present voting in favor, no one opposed.

PRESENTATIONS

A. Veterans Advisory Committee Presentation

John Smith, Veterans Committee member, stated that Mike Mattessich was unable to attend the meeting. He stated that the Veterans Committee had a meeting and held their elections. Mr. Smith stated that he is now the Chairman, Johnny Opatovsky is the Vice Chairman, and Sergeant Major Warren Williams is the Secretary. Mr. Smith stated he will email the minutes and the by-laws to the Borough Clerk. He also stated that the ordinance creating the veterans committee needs to be amended, since the number of members has increased. Mr. Smith stated they would like to have Edward Andreus removed from the veterans committee, since he hasn't attended a meeting.

Sergeant Major Warren Williams, Secretary of the Veterans Committee, stated that he would like to set up a place where veterans can receive assistance and complete registrations for different programs available for them. Sergeant Major stated that he is trying to setup a network and is seeking permission from the Council to post information on the Borough website, and have a link with information and resources to help veterans.

Borough Administrator Gallo stated they can contact him directly and he will connect them with the webmaster and coordinate to have information for the veterans and active duty soldiers on social media.

Mayor Amatorio suggested creating a veterans committee page with the link to the county resources.

John Opatovsky, Veterans Committee member, stated widows of veterans that need help should contact the veterans committee, and should also be able to utilize this link for support services.

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 who will enforce the three ordinances that are going to be introduced tonight if they are approved. Mr. Smith stated he knows from being on the Zoning Board that there have been problems with the town planner because he kept changing the number of the percent for affordable housing. Someone needs to enforce the ordinances.

Mary Sullivan, resident, inquired if the state will give a \$1,000,000 and the borough will have to make up the other \$1,000,000 for the Twin Boro Field Improvements project.

Mr. Gallo stated the borough has \$2 million in grants from the state and \$228,000 from the county that is guaranteed. Mr. Gallo explained one grant is from 2017 and he doesn't want to lose that money.

Barry Doll, resident, inquired if there is any exposure, liability wise, if someone gets sick from the coronavirus during an event at one of the parks. He noticed the council approved the BOCCE tournament and is allowing Congregation Beth Abraham to use John Pall Park. Mr. Doll stated there hasn't been any discussion on the audit.

Mr. Gallo stated they are allowing Congregation Beth Abraham to use the park and put up a tent for the holy days to ensure social distancing. The governor announced today that all high school sports are permitted to go forward. There will only be 50 people at the BOCCE tournament. They will have to wear masks and clean their hands. Mr. Gallo stated they are trying to ensure people are being as safe and responsible as possible. All events are indemnified and have insurance. Mr. Gallo stated the audit is on file in the office for anyone who wants to review it. There was only issue on the audit that was about one purchase regarding the fence in the park that the council approved, but there wasn't a resolution.

Johnny Opatovsky stated since the coronavirus, the veterans committee has not been able to solicit donations. Mr. Opatovsky stated they used to bring in, with the DAV, from \$18,000-\$25,000 a year. They have enough in their savings to last another year to a year and a half. Their bills are \$3,000 a month. Mr. Opatovsky inquired if there is anything the town can do. There are surviving widows and family members who need help. He inquired if they can have a hot dog and hamburger stand and ask for donations, as this income will help them survive. It would be a hot dog truck 6 days a week.

Councilperson Kornbluth suggested the grant writers could help them.

Mayor Amatorio stated they can reach out to Millennium, the grants consultant, to see if there are any grants available for veterans. The food stand was added to the agenda for discussion tonight.

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

Correspondence

- a) Gallione/Resident **RE:** Request to Reserve Memorial Park Pavilion and Bocce Courts/September 18th – 19th, 2020/8:00 a.m. to 6:00 p.m.
- b) Congregation Beth Abraham **RE:** Request to Use John Pall Park and place tent/September 18th -29th, 2020
- c) Rainey/Clean Communities **RE:** Request for Community Litter Cleanup at Memorial Park/September 13, 2020/1:00 p.m. to 3:00 p.m.

Motion by Councilperson Lodato, second by Councilperson Deauna, to approve Correspondence Items A through C. 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

No action taken.

The following ordinance published herewith was first read by title only on July 21, 2020 and posted on the bulletin board of the municipal center.

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

ORDINANCE 20-2566 - AN ORDINANCE AMENDING CHAPTER 299 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “VEHICLES AND TRAFFIC”

Public comments on Ordinance 20-2566.

No one came forward.

Motion by Councilperson Kornbluth, second by Councilperson Deauna, to pass Ordinance 20-2566 on second and final reading and is hereby adopted and notice of same shall be published according to law.

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>absent</i>
Council President Marte:	<i>absent</i>	Councilperson Pascual:	<i>aye</i>

A. Introduction of Ordinances

Motion by Councilperson Lodato that the following ordinances be introduced and passed on first reading and setting Tuesday, October 6, 2020 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Council Chambers of the Bergenfield Borough Hall as the place for a hearing on said ordinance. Second by Councilperson Pascual.

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

ORDINANCE 20-2567 – AN ORDINANCE TO AMEND, SUPPLEMENT, AND REVISE THE CODE OF THE BOROUGH OF BERGENFIELD, LAND USE, CHAPTER 186 ENTITLED “LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF BERGENFIELD” (20 Percent Set-aside)

ORDINANCE 20-2568 – AN ORDINANCE TO AMEND, SUPPLEMENT, AND REVISE THE CODE OF THE BOROUGH OF BERGENFIELD, LAND USE, CHAPTER 186 ENTITLED “LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF BERGENFIELD” (Fee Ordinance)

ORDINANCE 20-2569 – AN ORDINANCE REPLACING THE ENTIRE CONTENTS OF THE EXISTING AFFORDABLE HOUSING ORDINANCE OF THE BOROUGH OF BERGENFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH’S AFFORDABLE HOUSING OBLIGATIONS (Affordable Housing)

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>absent</i>
Council President Marte:	<i>absent</i>	Councilperson Pascual:	<i>aye</i>

A. CONSENT AGENDA

CONSENT RESOLUTION 20-243. 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. **20-244**/To Approve Bill List
- b. **20-245**/To Approve Liquor License Renewals for License Term 2020-2021
- c. **20-246**/To Authorize Submission of a Strategic Plan for the Bergenfield Municipal Alliance Grant for Fiscal Year 2021
- d. **20-247**/To Certify 2019 Audit
- e. **20-248**/To Approve Correction Action Plan for Calendar Year 2019 Audit
- f. **20-249**/To Approve Tax Refund – 110 Bergen Avenue
- g. **20-250**/To Approve Tax Refund – 4 Ann Street
- h. **20-251**/To Approve Shared Services Agreement – Snow Plow Agreement for 2020-2022 – County of Bergen
- i. **20-252**/To Authorize Rebid – Municipal Building Heating System Update
- j. **20-253**/To Establish Bergenfield Food Pantry Committee
- k. **20-254**/To Amend the 2020 By-Laws
- l. **20-255**/To Approve Tax Refund – 266 East Johnson Avenue

m. **20-256**/To Authorize Bid - Truck with Snow Plow Option

Motion by Councilperson Deauna, second by Councilperson Kornbluth, 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>absent</i>
Council President Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

UNFINISHED BUSINESS

None.

NEW BUSINESS

A. Twin Boro Field Green Acres Project

Mr. Gallo stated the designs were passed out. The engineers did an analysis. They looked at various scenarios to address it and were looking at two fields to maximize use. The cost estimate based on T&M's analysis is \$3.217 million which is the total cost for the project. The borough is responsible for \$1 million. The state will pay 75% of the number and the borough's obligation is 25%. The county can be included in the 25%. The second design will have a full soccer field plus utilize another field area for mixed use. Mr. Gallo stated there is a resolution that needs to be authorized to move forward. The project work will be done in the winter and then the turf will be laid down in the spring. The piping and drainage work will be done in the winter. The pool area will be cleaned up through the process. The fence lines will go to where the kiddy pool is.

20-257/To Approve DEP Green Acres Program Enabling Resolution for Twin Boro Field Improvements

Motion by Councilperson Kornbluth, second by Council President Marte that Resolution 20-257 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>absent</i>
Council President Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

B. Food Truck Ordinance

Mayor Amatorio stated there have been several inquiries about having a food truck. The hot dog truck was allowed to operate on Portland Avenue because he was there for over 30 years. The borough had put an ordinance in place disallowing mobile food vending and is no longer permitted. A resident had spoken with the owner of the property and was allowed to take the spot and operate. Mayor Amatorio explained when that person came to the borough, they were told they wouldn't be able to continue because of the ordinance. In addition, there are two more people interested in the spot, including the disabled veterans. Mayor Amatorio asked the Borough Administrator to find out whether the borough can safely issue a permit.

Borough Administrator Gallo stated the ordinance needs to be revised. There are towns that have food truck ordinances already, and so he will reach out to those towns to obtain a copy of the ordinances. Mr. Gallo stated when there are food trucks for borough events, they have to follow the health standards. The borough controls the permits.

Council President inquired when the ordinance is revised, will it only pertain to hot dog trucks. Council President Marte stated the businesses are already struggling and wouldn't want food trucks to affect them more.

Borough Attorney Schettino stated the council should look at other town ordinances first and see if it's something the council wants to pursue.

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 Lodato. All present voting 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.

Fred Sahlberg, resident, stated if an individual in the military in combat is killed, the KIA flag is raised. If a Bergenfield resident is killed in combat, the flag can't be raised because it's permanently raised. Mr. Sahlberg stated that would be insulting to the family. Mr. Sahlberg stated he couldn't hear what was said about flags flown from another country in a previous meeting and thought the flag would be raised for the nationalities of Bergenfield. Mr. Sahlberg stated it would be remiss if the army, navy, air force, marine, and merchant marines' flags were not flown also. Mr. Sahlberg inquired why the council marched in the Black Lives Matter protests. Mr. Sahlberg thought they were there to take physical action if needed.

Mayor Amatorio stated he can request the meeting minutes. Mayor Amatorio stated it doesn't mean that the council is protesting the police even if all of the council members marched. The members of the council joined the community in marching to bring unity. The police chief was even there. Mayor Amatorio stated he had made his statement as well as the police chief. It was to bring everyone together in unity. Mayor Amatorio stated they condemned what happened to George Floyd. It doesn't mean they condemned the police in Bergenfield. Mayor Amatorio stated they are fortunate the police in Bergenfield works well with the community.

Councilperson Deauna stated the flag from the Philippines was raised for Philippine American Friendship Day.

Borough Administrator Gallo stated the county flies flags for all the nationalities. Mr. Gallo stated he requested a list of all heritages so that the borough can follow suit and put them up accordingly. Mr. Gallo stated the state of New Jersey requires all three flags to be flown. Mr. Gallo stated there were two protests and the borough tried to interact and communicate with the organizers of both protests. They were there in presence with the first group to ensure protection of all residents and the safety of the borough employees. Mr. Gallo stated the first group that spoke at Coopers Pond was very positioned in their relations that exist in this community and cited that this community was not representative of what exists outside of this area.

Borough Attorney Schettino stated it's having a presence at an event to let the people know the town officials are present, watching, listening, and observing. It sets proper tone and stage for the event. It's not a meeting about freedom of speech.

Sergeant Major inquired about the status of the light for the flag at Memorial Field. The concern is you don't want the spotlight to be on a house. He suggested taking the MIA flag from the front of the building and transferring it to where the state flag is on the pole. The KIA flag can go on the building. It might resolve some of the flag issues.

Mr. Gallo stated he is trying to get PSE&G to put spotlights to shine a light on the flag. The solar is not strong enough and there is no way to run an electrical wire. It has been difficult to get PSE&G

to light it due to the pandemic and the storm. Based on the Governor's orders, the order is the order the flags are in now.

Mayor Amatorio stated it's been the topic of several discussions before. He stated they were discussing how to reduce the cost and be able to comply with the requirements. Mayor Amatorio suggested Mr. Gallo communicate with the state and the veterans committee about the order of the flags. Mayor Amatorio stated they are trying to comply and not be disrespectful to any organization.

Barry Doll, resident, stated he is pleased to see patriotism. Mr. Doll stated there was an article about Dumont doubling their budget for their municipal building. It was around \$12-\$13 million and now it's \$23-24 million. Mr. Doll stated a project starts out with an estimated amount of money, budgeted for a certain amount of money, and all of sudden changes happen with cost overrun. Mr. Doll inquired how much is budgeted for the new municipal building and how much it is going to cost. Mr. Doll stated now is the time to do it when contractors are hungry for work. Mr. Doll inquired if a new municipal building is even needed.

Mr. Gallo stated, that with the guidance of the council, that is why they stopped the project and rejected the bids. The engineers budgeted about \$12 million, with \$500,000 in contingency costs. The numbers exceeded those numbers which is why the project was stopped. Mr. Gallo stated financially the borough is still on solid ground and the bond is available when they want it. Mr. Gallo stated the numbers are tightening up. The numbers came in better for three out the five contracts for the road programs. Mr. Gallo stated they are not going to do it now but may revisit it in 2021. Mr. Gallo stated a new building is needed. There is no heat in the building.

John Smith, resident, stated there is no social distancing with the tables at the restaurants on Washington Avenue. Mr. Smith stated they are going to go backwards in a couple of months because there is no social distancing and nobody is enforcing it. Motorized vehicles need a license. Mr. Smith stated there are kids riding electric motor bikes on Washington Avenue that are not wearing helmets and there are no lights on the vehicles and no one is enforcing this. Mr. Smith stated at the last 9/11 ceremony in 2015, it was discussed the ceremony would be handled by the first responders, not the veterans. Mr. Smith stated he agrees with Mr. Sahlberg and Sergeant Major with putting the KIA flag on the municipal building.

Mr. Gallo stated many towns are not having a 9/11 ceremony. The committee should have a meeting with the first responders and the borough. Mr. Gallo suggested waiting until next year to have a ceremony for the 20th anniversary.

Mike Shanahan, resident, stated he had inquired at the last meeting last month if there were going to be any considerations made on ordinance #18-2534. Mr. Shanahan stated he doesn't know if the meeting between Mr. Gallo, Mr. Lodato, and the three chiefs occurred. Mr. Shanahan stated the class that was suspended is going to affect five officers in two different firehouses, including two officers at Alert firehouse and maybe three officers at Fire Co. #2 that will not be able to hold their positions in January. The date to submit the list of qualified members is September 1st, 2020. At Fire Co. #2, there's one qualified member and he's on a leave of absence right now. At Alert Firehouse, there are at least two not qualified that are in office right now, maybe all three of them. Mr. Shanahan stated both deputy chiefs might not be eligible to take their position because the class they were supposed to take was suspended. He doesn't know when the class will be offered. No one else has an ordinance like them. According to the ordinance, it has to be done by September 1st, 2020. Mr. Shanahan inquired if there has been anything done with the apparatus at Alert Firehouse as they're rotten.

Mr. Gallo stated he spoke with the chief about what can be done and hesitated at this point and time, he didn't think the ordinance should be changed but can be modified. Mr. Gallo suggested Mr. Shanahan schedule a meeting with the three chiefs and the three firehouses. Chief Naylis has been tied up in Teaneck with all of the damage done by the storm.

Mr. Schettino stated there should be a committee meeting to address the concerns and issues.

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

COUNCIL COMMENTS

Councilperson Deauna thanked everyone for coming and to stay safe. The virus is still strong and to observe safe distancing.

Councilperson Lodato thanked everyone for coming and wished everyone a good night.

Councilperson Kornbluth thanked everyone for coming and wished everyone a good night.

Councilperson Pascual thanked everyone for coming and wished everyone a good night.

Council President Marte thanked everyone for coming and wished everyone a good night.

Mayor Amatorio thanked everyone for coming. There was a very bad storm two weeks ago. He expressed his appreciation to the DPW for doing a great job of cleaning up and helping the residents as well as the Police Department for helping to secure the area. He thanked the ambulance corps., the fire department, and OEM for all their help.

CLOSED SESSION II

RESOLUTION **20-258**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Attorney-Client Privilege
 - 1. PBA Local 309 Update

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, second by Councilperson Deauna, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk