

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
NOVEMBER 17, 2020**

PRESENT: Mayor Arvin Amatorio and Council President Rafael Marte, Council members Thomas A. Lodato (7:12 p.m.), Buddy Deauna, Ora Kornbluth, Hernando Rivera, and Marc Pascual

ABSENT: No one.

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

Mayor Amatorio called the meeting to order at 6:50 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. Notices for this meeting dated November 5, 2020 and November 13, 2020 have been sent to the Record, Star Ledger, Twin Boro News, Cablevision, placed on two Municipal Bulletin Board and are on file in the office of the Borough Clerk. In case of an emergency, exits are to the rear and your left. Please turn off all cell phones."

CLOSED SESSION I

RESOLUTION 20-322/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Contracts/Agreements
 - 1. Health Department Services
- B. Personnel
 - 1. Police Department Personnel Interviews

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 Council President Marte and all present voting in favor, the meeting was adjourned to Closed Session I in the Executive Chambers at 6:50 p.m.

On a motion by Councilperson Kornbluth, second by Councilperson Deauna and all present voting in favor, the meeting returned to open session in the Council Chambers at 8:03 pm.

The Salute to the Flag was led by Council President Marte.

AGENDA CHANGES

Motion by Councilperson Kornbluth, second by Council President Marte to add Resolution #20-341, #20-342, and #20-343 to the consent agenda. All present voting in favor, none opposed.

PRESENTATIONS

- A. Hires and Appointments

20-323/To Approve Hire – Full-time DPW Laborer – Casey Baudone

Motion by Council President Marte, second by Councilperson Deauna, that Resolution #20-323 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>

20-324/To Approve Hire – Full-time DPW Laborer – John Barber

Motion by Council President Marte, second by Councilperson Deauna that Resolution #20-324 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>

20-325/To Approve Hire – Part-Time DPW Laborer – Daniel Denaci

Motion by Council President Marte, second by Councilperson Deauna, that Resolution #20-325 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>

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Borough Engineer Robert Klein stated that all of the roads that were part of this year's program have been completed, with the exception of Melrose Avenue. The contractors are finishing up the pipework and then will pave the road. Mr. Klein stated they are working with the contractor to complete the work by Thanksgiving. Mr. Klein commented that if the work is not done by Thanksgiving, it should be completed the week after. He further reported that there is some striping that needs to be completed. Mr. Klein expressed that rain has tampered with progress of the projects, but they should all be completed soon as the weather should be favorable.

Borough Administrator Gallo stated that Brookview needs to be done.

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)**

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.

B. Tabled Ordinance

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

ORDINANCE 20-2576 – AN ORDINANCE ENTITLED “COMMERCIAL AND NON-COMMERCIAL VEHICLE PARKING” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BERGENFIELD (TABLED 10-20-20)

Motion by Councilperson Rivera, second by Councilperson Pascual to remove Ordinance 20-2576 from the table.

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>

Borough Administrator Gallo stated that letters were sent to violators who were in violation of the zoning ordinance and were parking commercial vehicles in their driveway. Mr. Gallo stated that two weeks ago, a meeting was held with some of the business owners that were in violation. He stated that in attendance were himself, the construction/zoning official, and some of the business owners. Mr. Gallo reported that it was a good meeting with about 30-35 people in attendance. He commented that 50 people had received letters, as another letter was also sent. Mr. Gallo commented that the residents understand they cannot use their yard as a business for commercial use. He commented that the weight limit of the vehicles needs to be determined. He further commented that there were some relevant points made. He noted that if a father and a son from the same family, both work in the business, they will have to register their vehicles with the building department, and will be able to park two commercial vehicles if they are both primary residents of the home. If there is only one person assigned to the home, the resident will be allowed to park one commercial vehicle. Mr. Gallo stated that all other work items will need to be tucked away. He commented that the Borough is not looking to hurt the business owners. Mr. Gallo further commented that property owners have the right to live in a residential zone, and not have a commercial business, that is not zoned for the area, working in that community. Mr. Gallo stated that the Borough respects the fact that people are trying to run a business, but it cannot be done in an outlandish way. Mr. Gallo stated the trucks need to be tucked away, as there are dump trucks, back loaders, bobcats, and excavators sitting in backyards all day. He commented that it is not fair to other property owners that live in that community. Mr. Gallo stated there is still more work to be done. Mr. Gallo stated there needs to be a limitation on the size of the vehicle.

Mayor Amatorio suggested the building department and the administrative office come up with a recommendation and a synopsis of what was discussed during the meeting with the business owners, and send a copy to the council so that the issue can be addressed. The ordinance being proposed only pertains to the parking of commercial vehicles. Mayor Amatorio suggested revisiting the zoning ordinance and look at the activities that may be permissible and if the uses are allowable.

Motion by Councilperson Kornbluth, second by Council President Marte to table Ordinance 20-2576.

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

None.

NEW BUSINESS

None.

ADMINISTRATOR'S REPORT

Borough Administrator Gallo stated that the Borough had a nice Veteran's Day ceremony on November 11, 2020. He thanked Congressman Gottheimer and Assemblyman Tully for their attendance and for speaking at the event. Mr. Gallo stated that the ceremony was streamed on social media via Facebook live. Mr. Gallo stated that administration is looking into the technology to post meetings on Facebook Live and store them on the website. Mr. Gallo stated that the event had a good turnout and was well received. He received comments from residents who expressed that they enjoyed the ceremony. Mr. Gallo reported that the Holiday in the Park scheduled to be held on December 7th will need to be cancelled due to the pandemic. He commented that the Borough will decorate the park, light the tree, and put-up decorations around town. He further reported that the Fire Department and the BVAC will be hosting their holiday lights parade on December 20th. Mr. Gallo stated that the route will be expanded to cover more areas in town, so that residents do not need to leave their homes. Mr. Gallo commented that as Mr. Klein reported, the road work is being completed around town. The Borough will look to go out to bid for the underground pipework that will be done in the winter months. Mr. Gallo stated that the meeting scheduled for December 1st will probably be the last in-person meeting due to the uptick in COVID-19 cases.

MAYOR & COUNCIL REPORT

Councilperson Deauna

stated that health services were discussed at the Board of Health meeting. The Shade Tree Committee received a \$3,000 grant for healthy trees in Bergenfield. There is a resident who would like to become a member of the Shade Tree Committee.

Council President Marte

stated there were 5 applications for review at the October 19th, 2020 Zoning Board of Adjustment meeting. One application was denied and two were carried to the following month's meeting held on November 1, 2020. There was a lot of controversy regarding the application for 145 West Main Street, but it was not heard. Many residents within 200 feet complained they did not receive letters. It is supposed to be heard on November 18, 2020 after new letters are sent. There are residents within 200 feet and beyond who are opposed to this application, which proposes to build 14 units 3 stories building.

Councilperson Kornbluth

stated the OEM is fully stocked with PPE. They submitted the FEMA reimbursements for the COVID-19 expenses. They have seen a significant increase in cases. They are noting a delay in reporting due to the labs and the doctors. They monitored yesterday's storm and luckily there was no significant damage in Bergenfield. BVAC was recognized by the state for designing the number one (1) best charting system of any EMS agency either paid or volunteer. The state now uses BVAC as the model template for every other EMS agency in the State. There was an increase in the past month of overall call volume including COVID-19 cases. Volunteers have been stressed by the pandemic both mentally and physically. They are imploring residents to use COVID-19 precautions to stop the spread. EMT

classes have been reduced in size due to COVID-19 restrictions. There have been 1,870 calls years to date.

Councilperson Pascual

no report.

Councilperson Lodato

stated the Planning Board meeting was cancelled as there were no pending applications. The library board met last Wednesday, but he was unable to attend the meeting. The holiday lights parade went without a hitch last year, and is sure this year will go well, even though there will be some challenges. He commended those who arranged the Veteran's Day Ceremony. It went very well.

Councilperson Rivera

stated he had a meeting with Table 2 Table regarding the food pantry and they promised to continue to work with Bergenfield. There are 200 people who are receiving food from the food pantry for their families. He thanked Table 2 Table.

Mayor Amatorio

stated the Library Board of Trustees is contemplating about scaling back and going back to curbside pick-up because of the COVID-19 restrictions. The board will make a decision in the near future. The Veterans Committee did a great job with the ceremony. He thanked the committee, John Smith, members of the VFW and auxiliary board, and the DAV for helping with the celebration for Veteran's Day. The Planning Board meeting was cancelled. He recently nominated the entire Health Dept. to the State for a job well done responding to the pandemic this year. The Department of Health acted as one of the leading departments together with the DPW in helping with the food pantry. Table 2 Table will continue providing food to Bergenfield. Mayor Amatorio stated they are working close with the county and the rest of the food pantries around in the area. If they have excess food, they will give it to our food pantry and if we have excess food, we give it to them. Bergenfield received a donation of 95 turkeys. He thanked fellow masons and other organizations for their generosity in helping the Bergenfield community in time of need. The Borough Engineers are wrapping up the paving projects for the year.

CORRESPONDENCE

None.

PUBLIC COMMENTS

John Smith, resident, handed a zoning map of Bergenfield from 1979 to Councilman Lodato and stated that it was outdated. The Council made zoning changes that are not shown on the map. Mr. Smith suggested the liaison should have the Planning Board Engineer update the zoning map. He commented that the building department does not even have the map. Mr. Smith stated resolutions 20-336 and 20-343 are overlapping in hiring a planner, engineer for economic development and the firm that is being hired does the same thing. They are doing the economic development in the

resolution for the Windshield Survey. Mr. Smith stated the zoning board had a problem with the planner. The planner refused to show up for the meetings. Mr. Smith thanked the council for supporting the Veteran's Day ceremony. The Mayor's wife and the Philippine Nurse's Association did a terrific fundraiser for the VFW.

Mr. Schettino stated resolution 20-336 is a Windshield Survey where they survey all the properties in town to see what existing home qualifies for rehabilitation. The other resolution is to appoint someone to see what areas in town are in need of redevelopment. He commented that the firm may have the ability to do that, but they are not being appointed to do the work. The Windshield Survey is being done for Affordable Housing, resolution 20-336 is just for residential and resolution 20-343 could be commercial. Mr. Schettino stated resolution 20-336 is required to hopefully reduce the number of new housing needed in Bergenfield.

Mayor Amatorio stated resolution 20-343 is to authorize an RFQ, not appoint a firm.

Jose Gonzalez, resident, stated that the majority of residents are opposed to the proposed building and construction of apartments at 145 West Main Street. There may be potential tax increases and overcrowding of schools. Mr. Gonzalez commented that there is already congestion and many traffic accidents in that area. Mr. Gonzalez inquired how such a building can be built right in front of one of the most beautiful parks in town, Coopers Pond. He commented that this will also lead to environmental effects of carbon monoxide. Mr. Gonzalez stated the application violates two ordinances in town. The proposed building is going to be built in front of the school and Coopers Pond. He stated that there were 70 people at the rally last Friday, all who are concerned with the project. Mr. Gonzalez stated the governing body are the leaders and need to take the residents' concerns into consideration.

Borough Attorney Schettino stated the governing body does not vote on the application. It's unusual for people to come to a Mayor and Council meeting on an application that is pending before the Zoning Board of Adjustment. Mr. Schettino stated that residents need to express their concerns during the comment portion of the Zoning Board of Adjustment meeting.

Mayor Amatorio stated the Council can listen to Mr. Gonzalez's concerns. However, the governing body cannot respond to any questions as the case is pending before the Zoning Board of Adjustment, and statements made can be used in litigation.

Mark Notarangelo, resident, thanked Mr. Gallo for meeting with the residents and looking forward to some reasonable resolution. Mr. Notarangelo inquired who on the board was born and raised in Bergenfield.

Mary Sullivan, resident, stated she was glad the borough administrator met with the business people and was trying to work out a resolution. Ms. Sullivan stated they should also speak with the residents that are in close proximity to the business owners. She commented that residents should be entitled to get what they paid for living in an R5 zone. Ms. Sullivan inquired if the January 1st meeting will be held via Zoom.

Mr. Gallo stated they are trying to figure out if the meetings are going to be via Zoom going forward.

Mayor Amatorio stated that part of the discussion is trying to have the governing body meet in-person at borough hall and have the meeting live-streamed virtually. He commented that the changes will also depend on the regulations in January.

Mary Hernandez, resident, inquired how many times someone can bring something to the Zoning Board of Adjustment and when there is a limit. Ms. Hernandez inquired if ordinance 20-2561 has been tabled.

Borough Attorney Schettino stated that applicants cannot bring the same exact application more than once after a decision has been made. However, if a substantial change has been made, you can bring it for the same property. He commented that applications can be brought to the board

many times, as long as it is different from the original application denied by the board. There is some subjectivity as to what is considered a different application.

Councilperson Kornbluth stated ordinance 20-2561 is still tabled.

Mayor Amatorio stated the governing body cannot comment about the apartments because the Zoning Board will be hearing the case tomorrow and the governing body cannot influence or interfere with the decision the Zoning Board makes. Mayor Amatorio stated that the applicants were denied a couple of times according to the building department. He stated that the applicants went to the site plan committee and the committee made some recommendations. He commented that there was a process the applicant underwent. Mayor Amatorio explained the forum is with the Zoning Board of Adjustment. He explained that there is a lot of misconception in the public that the governing body can influence the decision. He confirmed that the only time the governing body has interaction with the Zoning Board of Adjustment is when they reorganize at the start of the year and appoint members to the board.

Mr. Gonzalez inquired about the process the council takes to appoint committee members.

Mayor Amatorio stated the governing body appoints the members of the board during the reorganization meeting, usually on January 1. He explained that each member of the board has a term. A zoning board member will serve a three- or four-year term depending on the position and vacancy on the board. Once a member is appointed, they become autonomous. Mayor Amatorio stated that an applicant before the Zoning Board will discuss the merits of the case with the Zoning Board. If the Zoning Board members are convinced to grant the variance, then the permit will be approved. Mayor Amatorio stated if the Zoning Board decides to deny an application and the applicant thought the board erred in not granting the variance, the applicant can appeal the decision to a higher body and go into litigation. It is a legal process and not an opinion.

Mr. Schettino stated it would be a violation of law. Mr. Schettino explained any discussion involving an application has to be done at a public meeting before the board. If members of the governing body were to reach out to the board members and tell them they should not vote for it because they think it is not a good application, it would be a violation of the law. The applicant can take them to superior court. Mr. Schettino stated when an applicant is applying to the Zoning Board, they are not violating the ordinance. They are seeking the variances, as mentioned, which means the applicant is seeking relief from the existing zoning ordinance. Mr. Schettino stated no matter how outrageous an application may be, they still have the right to file it and have all the necessary discussions. He explained that whether the application is submitted to the Zoning Board or Planning, they have to be reviewed at a public meeting before the public. Mr. Schettino stated Mr. Gonzalez's speech needs to be delivered before the board. People should be going to the meeting to voice their objections, so the board members can hear the residents that are opposed to the application. The boards are legally required to consider the comments of residents, especially those residents who live within 200 feet of the application. They are obligated to hear the testimony.

Mr. Smith, Zoning Board member, stated the building department denied the application and by law the applicant can go to the site plan committee. The site plan committee cannot make changes, but can make recommendations to the applicant. The applicant then goes back to the building department. If the application is denied again, then the application is heard before the Zoning Board. A resident has the right to say what they want and question what is being said during the Zoom meeting by the engineer, attorney, or planner. The Zoning Board members need to take into consideration the residents' comments.

Mayor Amatorio stated the applicant can appeal the decision made by the Zoning Board. The Mayor and council cannot interfere as it is a legal process.

Councilperson Rivera offered some historical information on the project, and explained that the new apartment building that recently opened, applied to the board over 10-20 years ago, and was denied several times by the board.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 20-326. 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. **20-327/**To Pay Bills
- b. **20-328/**To Approve Tax Settlement – TD Bank located on N. Washington Avenue
- c. **20-329/**To Approve Transfer of Appropriations
- d. **20-330/**To Approve Chapter 159 - Insertion of Special Item of Revenue in the 2020 Budget – Bulletproof Vest Partnership Grant
- e. **20-331/**To Approve Grant Cancellation – Municipal Alliance Grant
- f. **20-332/**To Approve Agreement – Green Chip E Waste Services
- g. **20-333/**To Approve Change Order No. 1 – 2019 Road Program – AJM Contractors
- h. **20-334/**To Approve Shared Services Agreement – Sanitary Sewer Cleaning – Northwest Bergen County Utilities Authority
- i. **20-335/**To Approve Shared Services Agreement – TV Inspection – Northwest Bergen County Utilities Authority
- j. **20-336/**To Approve Proposal – Windshield Survey – Community Grants, Planning and Housing, LLC
- k. **20-337/**To Approve Tax Court Judgement – 160 N. Washington Avenue
- l. **20-338/**To Approve Change Order No. 1 – 2019 NJDOT North Prospect Road Improvements – AJM Contractors
- m. **20-339/**To Approve Contract for Repair Work on Existing Plumbing and Heating System – MPM Plumbing LLC
- n. **20-340/**To Amend Resolution for the Capital Purchase of 2020 F-450
- o. **20-341/**To Approve Agreement – Alcohol & Drug Abuse Testing for non-CDL Employees – Valley Medical Group
- p. **20-342/**To Approve Agreement – Alcohol & Drug Abuse Testing – Valley Medical Group
- q. **20-343/**To Authorize RFQ – Planner/Engineer for Economic Development

Motion by Councilperson Rivera, second by Councilperson Kornbluth, to approve the Consent Resolution.

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>

COUNCIL COMMENTS

Councilperson Deauna reminded residents that COVID-19 is on the rise again and advised everyone to please be careful.

Council President Marte thanked everyone for coming to the meeting and advised everyone to take care of themselves and their family and to enjoy Thanksgiving.

Councilperson Kornbluth thanked everyone for coming and wished everyone a Happy Thanksgiving.

Councilperson Pascual wished everyone a Happy Thanksgiving.

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

Councilperson Rivera stated he was glad to see everyone here, wished everyone a Happy Thanksgiving.

Mayor Amatorio thanked everyone for coming to the meeting and wished everyone a Happy Thanksgiving.

CLOSED SESSION

RESOLUTION **20-344**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

A. Contracts/Agreements

1. St. John's the Evangelist Church Conlon Hall Rental Agreement
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 Council President Marte and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:10 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Rivera, second by Councilperson Kornbluth and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk