

**BOROUGH OF BERGENFIELD**  
**MAYOR & COUNCIL WORK SESSION MINUTES**  
**VIRTUAL MEETING VIA CISCO WEBEX**  
**FEBRUARY 2, 2021**  
**8:00 PM**

**PRESENT:** Mayor Arvin Amatorio and Council President Hernando Rivera, Council members Thomas Lodato, Buddy Deauna (8:10 p.m.), Rafael Marte (8:15 p.m.), Ora Kornbluth, 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 8:03 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 January 29, 2021 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."

The Salute to the Flag was led by Councilperson Pascual.

Mayor Amatorio thanked everyone for participating in the meeting. He understands these are challenging times and appreciates the Council, the Borough Administrator, the Borough Attorney, the Borough Clerk and residents for taking the time to join the meeting.

**AGENDA CHANGES**

Borough Administrator Gallo stated that Resolution #21-070 and #21-071 need to be removed from the agenda. He stated that the Borough Labor Counsel was unable to finalize the agreements in a timely manner, and therefore the same need to be pulled and added to the next meeting agenda.

Motion by Councilperson Pascual, to remove Resolution #21-070 and #21-071 from the agenda. Councilperson Kornbluth seconded the motion. All present voting in favor, none opposed.

**PRESENTATIONS**

None.

**CAPITAL IMPROVEMENTS/BOROUGH ENGINEER**

Borough Administrator Gallo stated that we received a report from the Borough Engineer, but the Engineer was unable to connect to the meeting.

Mr. Gallo reported that the Borough met with PSE&G this week to review the gas lines that will be replaced, which will impact about 30 roads. PSE&G is looking to complete this major road program in between spring 2021 and spring 2022, similar to the work that was completed in 2018. Based on the tabulations, the Borough's obligation will be around a million dollars' worth of work, in addition to other projects. In March, the Borough will also start underground work, which will include non-invasive pipework, and will be completed in the spring.

Mayor Amatorio inquired if the Borough Engineers are ready to start work this year.

Mr. Gallo stated that the Borough Engineers started to put together a plan and identified roads that are need of repair based on ongoing review. Anderson Avenue will be completed under NJDOT, and other roads will be completed under CDBG. The CDBG work is under County review and is awaiting their approval. Mr. Gallo stated that the Borough will be in the range of a million to 2.5 million worth of roadwork. The Borough will also be completing sidewalk repairs this year.

Mayor Amatorio noted that the PSE&G work was scheduled to take place last year, but was postponed to this year due to the COVID-19 pandemic.

Councilperson Rivera inquired if Maiden Lane and Rector Court will be completed this year.

Borough Administrator Gallo confirmed the roads are part of the PSE&G work.

## **ORDINANCES**

None.

## **UNFINISHED BUSINESS**

None.

## **NEW BUSINESS**

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

Borough Administrator Gallo stated that the year-end numbers from 2020 have declined. The Borough is improving on the and has been trending downwards each year. Mr. Gallo stated that part of the reason the 2020 worker's compensation cases improved were due to the pandemic, since some employees worked in different areas and remotely. However, the Borough continues to complete employee training to ensure safety in the workplace.

## **ADMINISTRATOR'S REPORT**

Borough Administrator Gallo stated that dealing with a snow emergency a collaborative effort like this is a collaborative effort, and therefore he has been communicating with the governing body all day. He thanked DPW Superintendent Phil Neville, supervisors and staff, Police Chief Rabboh and the Police Department, Fire Chief Kneisler, Captain Byrnes and the entire Fire Department, OEM Coordinator Ryan Shell and the entire Ambulance Corp. for all their efforts during the snowstorm. Mr. Gallo stated that the DPW started to work on the roads on Sunday at 5:00 p.m., and worked all throughout the night and even collected garbage. The laborers returned to work today, collected recycling, and will complete bulk pick-up on Wednesday. He further stated that garbage and recycling will be collected on Thursday and Friday as well. Mr. Gallo reminded residents to be precautious when shoveling the snow, as the BVAC responded to several calls because of potential heart attacks. Mr. Gallo noted that all measures have been taken to remind the residents to remove their vehicles from the street due to the snow emergency. He stated that in addition to the reverse 911 call and Nixle messages, the Police Department knocked on doors and blew their sirens. Mr. Gallo reported that 95 residents moved their cars without receiving a summons, as the ultimate goal is to have compliance. However, after several attempts, 45 vehicles were ticketed and 19 were towed. Mr. Gallo stated that later in the week, the snow will be removed from Washington Avenue. He stated that the COVID-19 testing center over at 1 S. Washington Avenue changed their hours of operations. Mr. Gallo stated that the center will be open on Monday from 9 a.m. to 1 p.m., on Wednesday from 1 p.m. to 7 p.m., and on Saturday from 9 a.m. to 4 p.m. He stated that center has been servicing around 300 to 500 people a week. Mr. Gallo stated that the food pantry will be open tomorrow and Thursday, since it has been closed due to the snowstorm.

## **MAYOR & COUNCIL REPORT**

Councilperson Kornbluth

in 2020, BVAC responded to 2,112 calls. In January 2021

they responded to 157 calls. The BVAC just finished their standby due to the storm and responded to many calls today. PPE supplies for the COVID-19 pandemic continue to be replenished and maintained at high levels. OEM is working on scheduling a program to help with the vaccine clinic once it opens up. OEM also opened the Emergency Operation Center after the last storm, and secured significant amount of PPE donated by corporations for BVAC, Fire Department and Police Department.

Councilperson Marte

stated that the Zoning Board of Adjustment held their meeting yesterday on February 1<sup>st</sup>. The board heard three applications, one for a deck and another for a pool, and both were approved. The third application considered was the one for 145 W. Main, in which the attorney and traffic expert explained information and answered some of the residents' questions. The application was held until February 24<sup>th</sup>, at which time the board may render a decision.

Councilperson Lodato

the Library Board of Trustees met on January 21<sup>st</sup> to reorganize and as a result, Mr. Tom Neats will continue as President. The Planning Board also met on January 25<sup>th</sup> for reorganization purposes, but there were no applications. Former Mayor Rivas will continue to serve as Chairman and Ben Cabrera will serve as Vice-Chairman. As there were no appointments made for board attorney, the Borough will issue an RFQ for the position.

Councilperson Pascual

the Bergenfield museum had 270 visitors, even though they were impacted by the COVID-19 pandemic. Interpretative signs have been completed and installed at Cooper's Pond. The virtual tea party took in a donation of \$1,400 and repairs were made to the roof.

Councilperson Deauna

No Report. The Board of Health and Municipal Alliance will be meeting in the next coming days, and so an update will be provided at the next meeting.

Councilperson Rivera

I also attended the Planning Board meeting and have no further report.

Mayor Amatorio

the preparation for the storm involved a team effort between the Department of Public Works and the Police Department. The number of vehicles parked on the street were much less than the last storm. I must clarify that at this point, the Borough has not received any additional vaccines. The borough continues to coordinate with the County in hopes that more vaccines will be arriving soon. The preparation for the vaccines is a collaborative effort between the Board of Health and OEM. The Borough continues to provide COVID-19 testing for residents and is hoping to have everyone tested. A robo-call will be done to make everyone aware of the new schedule at the testing center. The food pantry will be open tomorrow as we continue to receive food from suppliers.

**CORRESPONDENCE**

None.

## **PUBLIC COMMENTS**

John Smith, resident, complimented DPW for a job well done during the snowstorm. He commented that the DPW employees should be provided protection when they are plowing the roads because residents sometimes become irate when they are told they cannot throw the snow back onto the street. Mr. Smith commented with regards to Resolution #21-069, and inquired how many engineers have been hired. He stated that one of the engineering firms should be able to complete the work. He further commented that the Borough needs to make sure the planner is available to attend meetings, as the current planner is never available to attend the Zoning Board of Adjustment meetings, when his input was necessary. Mr. Smith stated that it should be noted in the contract that the planner must attend board meetings upon request. Mr. Smith also thanked the Borough Administrator Corey Gallo and DPW for their efforts to assist a resident that needed to attend his father's funeral. Mr. Smith stated that he reached out to the Borough Administrator because the resident was unable to travel on the road during the snowstorm, but the DPW cleared the road within minutes, and the resident was able to attend the funeral.

SGM Warren Williams, resident, inquired when the civil service list will be available for residents that are interested in becoming police officers. He stated that several veterans are interested in applying, but there is no list available. He also inquired when the exam will be posted. SGM thanked Councilman Marc Pascual for his assistance in reaching out to the businesses to ensure they were following the proper flag protocols. He further commented that the Council should be providing a report on the status of the Veterans Committee as the minutes have been submitted.

Jose Gonzalez, resident, stated that he has a couple of questions with regards to proposed projects. Mr. Gonzalez stated that when the Mayor was running for office, he was in favor of more apartment building construction in Bergenfield. Mr. Gonzalez inquired if this is part of his agenda during his term, and if not, then why are there more applications being proposed with the Zoning Board of Adjustment. Mr. Gonzalez stated that his second question is whether the Mayor and Council can explain the process and the timeline in the requirement to grant variances in the residential zones for building construction, and where the governing body stands on building complexes in the residential zones.

Mary Hernandez, resident, thanked the DPW for their efforts in the snowstorm. She expressed that DPW did a great job in handling the storm and even posted pictures on Facebook of them completing garbage collection. She requested clarification on the resolution approving Local 108's contract. She stated that it is clear that this is a contract, but inquired who the union represents. Ms. Hernandez requested confirmation that Ordinance 20-2565, which establishes the salary ranges for non-unionized employees is dead. She stated that employees should receive higher stipends, but suggested that the ordinance for elected officials be separate from employees that are appointed, and others that receive stipends. Ms. Hernandez also inquired why the Site Plan Committee has no agenda or minutes on the website, as she understands the committee discussed 83 Hickory Avenue at their last meeting. Ms. Hernandez stated she was unable to find any information and inquired the status of the project. She stated that she would also like to address the potential conflict of interest that exists on various boards, as there is a husband-and-wife team on the Planning Board and Zoning Board of Adjustment, and there is a husband-and-wife team between the Board of Health and the Mayor and Council. Ms. Hernandez stated that with the number of residents in town, the appointed members should not be related. Ms. Hernandez commented that she knows several people that would like to be on a board, but cannot serve on the boards. She expressed her concern for liability issues all across the boards. She also expressed that the Mayor and the Board Administrator were involved in the Board of Health meeting in a manner which shocked her. She expressed her concern for the town.

Mike Shanahan, resident, stated that on an on-line post, the Mayor indicated that he plans to create new opportunity zones along the business district. Mr. Shanahan stated that he does not

understand what a new opportunity zone is. He also commented that bulk pick-up should not be held tomorrow, since residents will not be able to bring out their bulk in the snow.

Mary Sullivan, resident, commended the DPW for a job well done. Ms. Sullivan thanked Phil Neville and the entire DPW crew. She inquired if the Borough will receive aid from the smaller New Jersey Food Pantry 2.8-million-dollar fund. She inquired if aid will be received for the Borough food pantry from that fund. Ms. Sullivan also thanked Councilman Pascual for having the old flags removed and replacing them with new beautiful flags.

Barry Doll, resident, inquired if the St. Patrick's Day parade is on hold.

There being no one else who wishes to be heard, Mayor Amatorio closed public comments.

Mayor Amatorio stated that Resolution #21-069 authorizes an RFQ is for Municipal Planner. He explained that the RFQ references the engineer, but this is specifically for the planner. Mayor Amatorio clarified that most planners are licensed as engineers as well. He also stated that part of the reason to issue the RFQ is because of the planner's availability.

Borough Administrator Gallo stated that with regards to civil service, the Borough has done everything that can be done on this end. He stated that the Police Department is full to capacity at this time. He clarified that there are two openings that are pending due to ongoing matters. Mr. Gallo stated that the Borough has a list, and for the next two years, the list will consist of Bergenfield and Englewood residents. He stated that the Borough will call for a list when the opportunity is presented.

Mayor Amatorio stated that the governing body has a vision to develop and energize the business district, but this does not only refer to buildings. He stated that the hope is to create economic development. He stated that a year or two ago, the Planning Board completed a Master Plan which was approved by the Mayor and Council. The Master Plan changed some of the zoning areas in Bergenfield and created overlay zones. He explained that parts of Washington Avenue, parts of Main Street, Legion Drive, and Woodbine are considered overlay zones, with regards to residential and business development. He commented that these areas are ready for development, which is a positive approach to make the Borough competitive in terms of finance, progress, and development. Mayor Amatorio stated that this does not mean irresponsible development. He explained that the Borough has a zoning ordinance, and if an applicant wants to do something different from the zoning ordinance, then they need to seek a variance from the board, which also follows certain procedures and regulations. Mayor Amatorio stated that he is pro-development and revitalizing economic development in the business district. He further stated that this is the reason he hopes to create opportunity zones. Mayor Amatorio stated that there are many vacant stores and buildings along the avenue, and in order to attract new businesses, we want to partner with investors to provide incentives to make sure they invest in the Borough and spark economic development, and make the Borough more competitive.

Borough Attorney Schettino stated that the first step typically is that a property owner or developer will go the building department with a set of plans and ask for a permit to be issued. The Zoning Officer reviews the plans to determine whether a variance is required. If a variance is not required, then the building department will issue the permit for the project after receiving detailed plans. If a variance is required, the property owner or developer submits an application for a variance. He explained that if it is a D variance, the application goes to the Zoning Board of Adjustment. If it does not involve a D variance, then it goes to the Planning Board. A D variance requires five (5) affirmative votes, all other variances require a majority of the members present. Once an application is deemed complete, typically by the engineer, the board has 120 days to render a decision, which is known as the time of decision rule. However, if it appears that the application will take longer than 120 days, the attorney for the board will request that the applicant waive or extend the time for decision rule, which is quite routine especially on complicated applications or when issues come up that require adjournment. He explained that when this occurs, the restriction of the timeline, is then waived. He stated that typical applications can usually be decided within 120 days. However, if the application is amended due to comments from the public or the board, it

can take longer than 120 days. Once the application is submitted, and the board renders a decision, the applicant has 45 days from when the approval is published as decision of the board to file an appeal. If it is a denial, the applicant has this time to file an appeal, and if it is an approval, objectors have this time to file an appeal to the superior court. With regards to the variances, there is a criterion that the applicant must include why the variance is warranted for this particular application. An applicant will present testimony from an engineer, architect, and/or planner, and perhaps all three. There are instances when a traffic engineer is also required.

Mayor Amatorio requested clarification for the public and inquired that when the application is before the Zoning Board of Adjustment or Planning Board, the applicant has to abide with certain standards to receive the variance. He stated that for perception purposes, when a variance has been satisfied, is the decision of the board moot or discretionary.

Borough Attorney Schettino stated that it is solely the decision of the board as to whether to grant or deny the variance relief requested. Mr. Schettino stated that as to whether it is objective or subjective, it is a combination. He stated that there are objective standards, but within those objective standards, there can be some subjectivity. He stated that within one application, two the board can hear two different planners give two different opinions. He stated that architects are strictly objective and straight forward, with very little room for subjectivity, and the same applies to the engineer. He stated that the most subjective is the planner. There is some objectivity and some subjectiveness. It is up to the members of the boards to make a determination as to the witnesses they find most credible, and to make a decision based on their opinion, as to whether the applicant has satisfied their burden to justify the granting of the variance.

Councilperson Lodato stated that the evidence which will help to decide the application in favor or against, is that of the professionals such as the architect, engineer, planner, and traffic consultant perhaps. However, the objectors to the application also have the right to bring similar experts in opposition. This also adds to the time the application takes to complete.

Mayor Amatorio stated that given the explanation provided, the board weighs all the evidence received. He commented that if the expert witnesses are only provided by the applicant, that is the only expert testimony the board will receive to make their decision.

Councilperson Kornbluth stated that the board will also take into account the comments from the public as well.

Borough Attorney Schettino stated that the board also has their own experts, which may provide testimony, but their main purpose is to provide guidance on what the applicant needs to provide to substantiate their proof. However, the board professionals may also ask questions of the applicants' experts to ensure the board has all information they need before rendering a decision.

Mayor Amatorio noted that the purpose for this explanation is for the public to understand the process and clarify that when the board hears the application, all this information is available.

Borough Administrator Gallo stated that with regards to the collective bargaining agreement, it is the white-collar union contract, which involves employees in the building department, clerical staff and similar positions. The Borough negotiated the contract, but it needs to be finalized. The union is seeking a raise, and so the Borough prepared a three-year contract for them. The final contract will be disclosed at the next meeting. Mr. Gallo commented that with regards to the salary ordinance, the ordinance cannot be broken up into three groups. The ordinance is categorized and designates a range for employees outside of the union. The salary ranges include a low and high end, to set forth the ability to offer a two-to-three-year contract for employees. Mr. Gallo further stated that the governing body appoints the members of the Board of Health. The instances that occurred involved a difference of opinion on who should proceed to service the Borough as the Health Officer. He stated that having been on the front line, Mid-Bergen was given a one-year contract to provide the services, and prior to that, the County provided the services. He stated that the benefit to have an outside officer, is that the Borough has a full-time staff in the Health Department that provides full services such as marriage licenses, dog licenses, vaccinations for

children in need, flu vaccines to seniors, etc. The Borough offered Mid-Bergen a one-year contract to work for the Borough. The board decided and it was 2-2 tie, and an impasse, subsequently, the Mayor and Council decided to allow the board to function as is, and allow Mid-Bergen to serve another year. Mr. Gallo stated that everyone shares the same interest, which is to provide the Borough residents the best services we can. The Mayor and Council values all the staff and their services, but felt differently about the portion that Mid-Bergen handles. Lastly, with regards to the food pantry, the County has a taskforce, which has access to those funds. Mr. Gallo addressed questions received via email, and stated that the signs posted on Washington Avenue advertising apartments will be taken down. As far as the COVID-19 vaccines, it is a function of the Health Department, and the question of how they will be disseminated is currently being worked on. Mr. Gallo confirmed that 100 vaccines were received and the Health Department distributed them to emergency staff and high-level people that the health office designated. Mr. Gallo further confirmed that neither he nor the governing body had any input on the list whatsoever. He also received a question as to why the Borough is making areas more congested such as 83 Hickory. Mr. Gallo stated that the Borough does not control who submits an application. As the Borough Attorney explained, the application must go through the process. He stated that as this application goes through the process, the board will decide on whether it is viable. Mr. Gallo also stated that the Borough is in the midst of the pandemic, he is unsure about the St. Patrick's Day Parade.

Mayor Amatorio stated that there has been some discussion with regards to the Board of Health. Although we are working closely with the Department of Health for the implementation of COVID-19 vaccines and testing, at no point is the governing body trying to intervene or disrupt the operations of the Department of Health, especially with regards to their policy decisions. The Borough is more active on the operational side providing the support and logistics the Department of Health needs. The governing body expressed their choice to return to the County for services, especially during the COVID-19 crises, but the Board of Health has spoken and the governing body respected their decision and approved the contract at the last meeting.

**A. CONSENT AGENDA**

**CONSENT RESOLUTION 21-062.** 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. **21-063**/To Approve Bill List
- b. **21-064**/To Approve Change Order No. 3 – FY’ 2019 NJDOT North Prospect Road Improvements – AJM Contractor
- c. **21-065**/To Approve Pay Certificate No. 3 - FY’ 2019 NJDOT North Prospect Road Improvements – AJM Contractor
- d. **21-066**/To Authorize State Contract Purchase for Police Vehicles Uplifts/Installation – G.T.B.M., INC
- e. **21-067**/To Approve Retirement – Police Telecommunicator Catherine Racas
- f. **21-068**/To Authorize RFQ – Planning Board Attorney
- g. **21-069**/To Authorize the Re-Advertisement of RFQ – Municipal Planner/Engineer for Economic Development

Motion by Council President Rivera, seconded 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>	Council President Rivera:	<i>aye</i>
Councilperson Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

**B. Resolutions**

**21-070/To Approve Agreement – Tax Collector**

Resolution #21-070 was removed from the agenda.

**21-071/To Approve Agreement – Local 108**

Resolution #21-071 was removed from the agenda.

**COUNCIL COMMENTS**

Councilperson Lodato thanked everyone for attending the meeting, and commended the DPW for the great manner in which they dealt with the storm. He commented that this storm has been like none other recently, and DPW did an outstanding job.

Councilperson Deauna thanked the DPW and wished all a good night.

Councilperson Marte thanked all the DPW employees for a job well done and wished everyone a good night.

Councilperson Kornbluth thanked Phil Neville and the DPW crew for a job well done during the storm. She also thanked all emergency services including the Police Department, the Fire Department, the BVAC and OEM for answering all the calls and protecting us. Councilperson Kornbluth thanked all the residents who cooperated and allowed us to plow the streets. Stay safe and good night.

Councilperson Pascual thanked Phil Neville and the entire DPW team, the Police Department, OEM, Borough Administrator Gallo, and residents for working together to clear out the vehicles and allowing the DPW to plow the streets.

Council President Rivera stated that he is for the progress of the Borough in different ways. He also stated that with regards to the boards, the boards have the autonomy and authority to take action, but the governing body has the ability to appoint people in hopes to improve the Borough. He commented that the governing body has to respect the decisions of the board. He stated that as a team, the Borough Administrator, DPW, the Police Department, OEM and cooperation of residents, the borough was able to get the job done. He wished all a good night.

Mayor Amatorio thanked the DPW again for a great job well done, and thanked the Police Department for their operations, as well as the Fire Department, BVAC and all emergency services. He stated that if we all work together; we can accomplish great work. He also thanked the residents for participating in the meeting tonight. He also thanked the Board of Health and all the Department of Health employees, Nurse Pat and all the health workers, for contributing all their efforts during this pandemic. He stated that the snow emergency continues and reminded residents to keep their vehicles off the road.

**CLOSED SESSION**

RESOLUTION **21-070**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Attorney-Client Privilege
  - 1. Personnel Matters

On a motion by Councilperson Kornbluth, seconded by Councilperson Pascual, and all present voting in favor, the meeting was adjourned to the Closed Session at 9:29 p.m.

**ADJOURNMENT**



There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, seconded by Councilperson Marte, and all present voting in favor, the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Marie Quinones  
Borough Clerk