

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
APRIL 6, 2021**

PRESENT: Mayor Arvin Amatorio and Council President Hernando Rivera, Council members Thomas A. Lodato, Buddy Deauna, Rafael Marte (arrived at 8:34 p.m.), and Marc Pascual

ABSENT: Councilmember Ora Kornbluth

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

Mayor Amatorio called the meeting to order at 8:08 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."

The Salute to the Flag was led by Councilperson Lodato.

AGENDA CHANGES

Council President Rivera stated that Resolution #21-145 has to be added to approve the lease agreement to utilize Conlon Hall as the vaccination center. Borough Administrator Gallo stated that the title of Resolution #21-141 on the consent agenda should be amended from 2019 road program to 2021 road program.

Council President Rivera made a motion to add Resolution #21-145 to the agenda and amend Resolution #21-141 on the consent agenda. Councilperson Pascual seconded the motion. All present voting in favor, none opposed.

PRESENTATIONS

A. Proclamation - 2021 UDrive. UText. UPay. Distracted Driving Crackdown

Mayor Amatorio read the proclamation into the record.

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Robert Klein, borough engineer, stated Melrose Place needs to be done, and the contractor will be there in the end of the month. Mr. Klein stated there is ongoing rehabilitation work on roads that were completed over the last couple of years. RVE is working with administration on the 2021 road program. Melrose Place needs to be milled and overlaid. The add-ons will be Highview Ave, at the dead-end portion, which is the northern part. That part will be concrete. Mr. Klein stated the intersection at Whitman will be concrete and will be done at the same time. All the work will be done before May.

Mr. Gallo stated the other roads to be completed in 2021 are S. Railroad, Davis, the west end of Merritt, Spring Ave, Beverly Place, and Elder Ave. There is more sewer work that needs to be done on Marcotte Lane and there needs to be more design. He commented that this road needs to be done in 2022, and has already had conversations with the residents about it.

Councilperson Pascual inquired if the lines were painted on Clinton Avenue, as some of the lines were missing.

Mr. Klein stated that they did.

Mr. Gallo stated they will check the lines.

ORDINANCES

A. Adoption of Ordinances

Mayor Amatorio read into the record:

The following ordinances published herewith were first read by title on March 16, 2021 and posted on the bulletin board of the municipal center.

ORDINANCE 21-2576 – AN ORDINANCE ENTITLED “COMMERCIAL AND NON-COMMERCIAL VEHICLE PARKING” THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BERGENFIELD

ORDINANCE 21-2577 - AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

ORDINANCE 21-2578 – AN ORDINANCE TO ESTABLISH THE SALARY RANGES OF EMPLOYEES NOT SUBJECTED TO UNIONIZED CONTRACTUAL UNITS OF THE BOROUGH OF BERGENFIELD

Public Comments on Ordinances 21-2576, 21-2577, and 21-2578.

Councilman Lodato requested that no further action be taken with ordinance #21-2576, as it may require some further amendments, and therefore should be tabled.

Motion by Councilperson Lodato, second by Councilperson Deauna, that ordinance #21-2576 be tabled.

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

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

Public Comments on Ordinances 21-2577 and 21-2578.

Barry Doll, resident, stated he sent an email to the council this afternoon, and wanted to know if it was received. Mr. Doll read the email he sent. He stated that one of his concerns is the salary ordinance, specifically the salary for the Mayor and Council. Mr. Doll stated that while he is not opposed to the salary adjustments, approval should come from the residents. He suggested that the section be pulled from the ordinance and placed on the November ballot for the voters to decide. Mr. Doll stated that approving the salary ordinance as indicated sends the wrong message.

Diana Flagg, resident, stated that in the time of COVID-19 pandemic, the council should be ashamed of giving themselves a raise. Ms. Flagg inquired why the zoning board secretary is getting \$3,600, while the other secretaries are only making \$1,200, and commented about the fairness to other secretaries that are not receiving the same raise. She further commented that people are losing their jobs, others are crying poverty, and it is a slap in the face to everyone that has lost their job. Ms. Flagg distributed to the council an ad that she had seen in the newspaper. She commented that if the borough will go after one group of people, it needs to make sure to go after everyone, as there are many unknown day care centers in Bergenfield without a license.

John Smith, resident, stated that he disagrees with the comments made regarding the Zoning Board of Adjustment Secretary, as the board holds multiple meetings during the month. Mr. Smith stated that the secretary not only prepares the minutes, she answers phone calls from residents, the attorney, the planner, engineer, and handles other responsibilities. He clarified that the salary range is from \$2,400 to \$3,600. He stated that when she was reappointed by the board, a motion was made to give her an increase in salary. He inquired if the council or the board approves the salary. Mr. Smith stated that she serves as the secretary for both boards and does a great job. He commented that the last Recreation Committee minutes posted are from 2019, as well as the Rent Leveling Board and Shade Tree Committee. As such, they should be compensated from \$1,200 to \$2,400.

Councilperson Lodato stated that the of the secretary's salary is decided by the board, and has to be within the salary ordinance range.

Mary Hernandez, resident, commented that she liked Mr. Doll's idea of separating the officials' salaries, as the ordinance is very confusing. She commented that some of the positions are hired, appointed, and elected, and then there are people making double and triple the amounts. She stated that there needs to be some consistency. Ms. Hernandez commented that Hilda is doing a fantastic job on the Zoning Board of Adjustment and the Planning Board, and stated that Hilda is always very responsive. Ms. Hernandez requested clarification on the cap bank ordinance.

Norman Schmelz, resident, stated this is an honor and privilege to be a member of the Mayor and Council. He commented that there should not be a pay increase during the COVID-19 pandemic, when there are people claiming poverty. Ms. Schmelz stated that he reviewed the minutes going back to January, and was proud to see that all the members have been attending the meetings. He commented that in years past, there have been one or two members out without any repercussions. Mr. Schmelz stated he is completely against a salary increase for the council members.

Gerry Naylis, resident, requested the council identify where ordinance #21-2577 improves the health, safety, and welfare of the citizens. Mr. Naylis inquired what motivates the council to increase the amount of spending. He commented that the government at the state level passed the cap to protect the taxpayers and the governing body is exceeding the cap the state established. Mr. Naylis questioned why there needs to be an increase in that amount if the borough has surplus. Mr. Naylis inquired who decides the minimum and maximum in a salary range and what is the criteria for evaluating performance. Mr. Naylis stated there are other issues that will come up that will result in lawsuits and discrimination. He commented that the public should be better informed as to what the motivations of the council are.

Council President Rivera made a motion to close public comments. Councilperson Deauna seconded the motion. All present voting in favor, none opposed.

Richard Cahill, CFO, stated that when the budget is introduced every year, it is subject to two cap calculations, one is called the operating cap and the other is the tax cap. The ordinance referenced tonight pertains to the operating cap. Mr. Cahill stated that the Division of Local Government Services establishes an allowable increase each year based on consumer price index. This year there is an increase of 1% based on the index rate, and the Borough is allowed to raise the operating expenses up to 3.5%. Mr. Cahill there is no additional cost added to the budget. He explained that the Borough met the cap and are under the cap by about \$1.5 million. He further explained that this gives the Borough flexibility years going forward, as it can bank any money that is below the cap, and use it towards the next year. Mr. Cahill provided the example that if the number of members of the fire or police department were to be increased, or there is a need to create a new department, this would give the town the ability to increase the operating cost to meet those needs.

Mayor Amatorio stated the Borough is not raising taxes this year, as the budget is almost identical to the budget last year. He explained that increasing the cap is a safety net in the event that something happens, and the Borough needs to increase the budget.

Borough Attorney Schettino explained the cap bank ordinance can be utilized to exceed the cap in the future. He clarified that the ordinance does not allow the Borough to increase the taxes this year, it is allowing the Borough to have the flexibility in future budgets, to use the cap bank if it becomes necessary. The Borough is in essence building a cap bank because it is spending less than the budget is allowing you to do so in the budget.

Borough Administrator Gallo inquired how much did the budget increase.

Mr. Cahill stated the budget increase is a minimal amount, but there is no increase in taxes. He stated that the budget presented is the third zero in five years.

Mayor Amatorio stated the salary ordinance is passed every year.

Borough Administrator Gallo stated there are classified and unclassified positions in the Borough. Civil service positions are classified, and other positions are done by individual contracts. He explained that the range of how each person is compensated is evaluated based on their years of service, qualifications, employment history, and current trends for the pay in the position in other municipalities.

Borough Attorney Schettino stated that when salaries are going to change, it would be done by resolution and listed on the meeting agenda. The public will be able to see what salary is being established and will have an opportunity to comment. He stated that there will be another public meeting in the future where the resolution will be adopted to establish the actual salaries.

Motion by Councilperson Pascual, second by Councilperson Marte, to pass Ordinances #21-2577 and #21-2578 on second and final reading, are 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>absent</i>
Councilperson Deauna:	<i>aye</i>	Council President Rivera:	<i>aye</i>
Councilperson Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

B. Introduction of Ordinances

Motion by Councilperson Marte that the following ordinances be introduced and passed on first reading and setting Tuesday, April 20, 2021 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 ordinances. Second by Council President Rivera.

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

ORDINANCE 21-2579 – BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF BERGENFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$4,195,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

ORDINANCE 21-2580 – AN ORDINANCE AMENDING CHAPTER 240 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “RENT CONTROL”

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

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

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

ADMINISTRATOR'S REPORT

Borough Administrator Gallo stated there are two fire trucks that need to be donated. He explained that the trucks were originally bid, but the responsive bidder cancelled the bid. He stated that a former Councilman from Edgewater created a foundation that does this type of work and is interested in the truck. Mr. Gallo stated that the organization has donated trucks to the Dominican Republic in the past. He commented that it is a reputable, non-profit organization that has done this in the past and are willing to work with the governing body to find the trucks a home. Borough Administrator Gallo stated that the trucks need to be moved.

Mayor Amatorio and Councilperson Marte stated there are other organizations that are also interested in the trucks.

Mr. Gallo stated that he met with the Veterans Advisory Committee, the Department of Public Works and the Police Department regarding the Memorial Day Parade, as the Borough looks to move forward with the parade and celebrations. The Veterans Advisory Committee would like to start at Cooper's Pond, go up to Prospect Avenue, and then down New Bridge Rd to end at Memorial Park. He commented that the Police Department had no issue with the changes. He commented that the Borough needs to be proactive because it is easy to cancel the parade, there but there needs to be a plan in place to proceed. He stated that the ceremony will be at Borough Hall at 11:00 a.m. and the parade will begin at 2:00 p.m. Mr. Gallo stated that he has been working with the engineers on the 2021 road program. He stated that the borough will be spending close to \$400,000 this year to repair sidewalks affected by borough trees. Mr. Gallo stated that as part of this program, there will be time and materials bid specifications to give residents with broken sidewalks due to private trees the ability to repair them. The borough will prepare a list of the residents that are interested to share with the contractor. Mr. Gallo stated that he was very pleased with the turnout at the candlelight vigil last weekend. He thanked the Stigma Free Committee and everyone who participated in the event. Mr. Gallo stated that the two trucks that have been awarded by the grant have been ordered and should be delivered in about 16 to 18 months. In the meantime, there will be upgrades made in the garage to accommodate them. Mr. Gallo stated the Borough is pushing to enter into a long-term agreement with Conlon Hall. He explained that in future years, the space can serve as recreation center for the community and there will be a lot of programs run out of there, which will be a long-term benefit for the community.

MAYOR & COUNCIL REPORT

Councilperson Deauna

stated he attended a fire department meeting two weeks ago along with Councilman Lodato and Councilman Pascual. It was a contentious meeting. They listened to the complaints. He assisted with the distribution of food to the seniors at the senior citizen housing and there will be another distribution of food tomorrow. He stated he always has a conflict with attending the health department meetings as they are at the same time as the Mayor and

Council meetings. The Health Department has the Johnson and Johnson vaccine available for the residents.

Councilperson Marte

stated the Veterans Committee is organizing a way of identifying the veterans in town and organizing fundraisers to help them. One of those fundraisers is being coordinated by Councilman Pascual. The zoning board heard three applications, two were adjourned, and one was incomplete. There was an application for 83 Hickory Avenue for 6 units. Discussion will continue to be heard at the next meeting and 145 W. Main Street still needs to be completed. There will be a special meeting to get through the application on April 27th.

Councilperson Pascual

stated they introduced the rent control ordinance for the Rent Leveling Board.

Councilperson Lodato

stated Councilmembers Pascual and Deauna were invited to attend the last monthly Board of Fire Officers meeting. It was a contentious but also very productive. The subject of the meeting was the procedure for funding the LOSAP accounts. The exchange of information between the department and the borough was very helpful. The fire department has responded to 167 calls to date. The required annual training is on schedule. There are presently 9 recruits attending the Bergen County fire academy. The Planning Board is scheduled to meet on April 19th but there are no applications as of now for that evening, but that is subject to change.

Council President Rivera

stated he attended the candlelight vigil and it was a great success. He thanked all the residents that participated. He stated the department chief of New Bridge Medical Center had an idea for vaccination for the community. People from other towns can register to be vaccinated, but it will here in town for the residents.

Mayor Amatorio stated the health department is continuing with the vaccination efforts. They vaccinated people yesterday at Conlon Hall. The next opportunity will be on the week of the 19th. There is also a new clinic that is registering to vaccinate residents at the Bergenfield Medical building. They are doing that on a daily basis. They are encouraging residents to register on the borough website. There are 1800 registered residents already and have been sending the names to New Bridge to be vaccinated. The health department through Mid Bergen and the Board of Health received 200 doses of the Johnson & Johnson vaccines for homebound residents. They continue to encourage people to report if they have neighbors or friends that can not come to a vaccination site and are from Bergenfield. The health department will visit them, which is crucial for the seniors. At the same time, testing still continues. There was a meeting two weeks ago with the Diocese of Newark and the Monsignor about the use of Conlon Hall. They allowed the Borough to use Conlon Hall for vaccinating people even though the lease agreement hasn't been signed and approved. It's a good will from the diocese and St. John's Church. The use of Conlon Hall will help the town

implement the sports programs, recreation programs, from youth to senior population, and the cost is very reasonable.

Borough Administrator Gallo stated the senior citizens will be vaccinated tomorrow at the senior center by the county and New Bridge Medical.

CORRESPONDENCE

a.) Kessler/Resident **RE:** Request for Street Closure/68 Harriet Avenue to 86 Harriet Avenue/Saturday, May 1, 2021/7:00 a.m. to 7:00 p.m.

Motion by Councilperson Marte, second by Councilperson Deauna, to approve Correspondence Item A. All present voting in favor, none opposed.

PUBLIC COMMENTS

Diana Flagg, resident, inquired how much the extravaganza for Conlon Hall is going to cost the residents. She commented that she does not understand why people are begging for a community center. She inquired if there was a decision made about Police Officer Brown, as well as the lawsuit regarding Deputy Chief Massey. Ms. Flagg inquired the salary of QPA consultant Suzanne Taylor, as it was not included in Resolution #21-144.

Borough Attorney Schettino stated that the governing body cannot address litigation matters in a public session.

Mary Sullivan, resident, stated her street has not been repaved in many years. She commented that a repaving project started over 15 to 20 years ago, the residents were told that private contractors would come in, but after ripping the roads and lifting the manholes, the project was never completed due to funding. She inquired if anyone has driven down Delford Avenue, and who makes the decision on which roads will be paved. Ms. Sullivan also inquired if the council is aware that all town ordinances restricting the sell and use of marijuana will be null and void by August 2021, now that marijuana is legal in New Jersey. She inquired if the council is actively working to readopt ordinance #18-2535, which was originally adopted October 2018. Ms. Sullivan stated residents were denied permission to speak about non-agenda items at last night's zoning board meeting. The chairman stated that allowing residents to speak was at his discretion. She asked Mr. Schettino if that is accurate. Ms. Sullivan stated that the chairman also imposed a five-minute limit for residents, which is not in the by-laws or noted on the agenda. She inquired if this is what the council supported when they chose the chairman.

Fred Sahlberg, resident, stated he called the police department on Easter Sunday because of an issue in his neighborhood. He spoke with Ms. Tino, a dispatcher, who was professional, polite, and courteous. Mr. Sahlberg stated that she put him on hold to research the ordinances to answer his questions. He commented that he would like to give her an accolade. Mr. Sahlberg inquired why the Zoning Board of Adjustment and the other boards are not mandated to hold meetings in-person. Mr. Sahlberg stated that the Chairman of the Zoning Board of Adjustment made an inappropriate remark during the meeting, and the liaison to the board should do their own investigation and speak with the Borough Administrator to follow any necessary policies and procedures.

John Smith, resident, inquired what he needs to do to be remove off the robo calls. He stated that the information given in the robo call should be posted on the borough website. Mr. Smith stated the library should have money left over from their budget since it was closed for a good part of last year. Mr. Smith stated it is wrong for them to receive approximately \$1.4 million with the new budget and have a bond for construction that is costing the residents another \$145,000. Mr. Smith stated there is no information posted on the committee and board on the websites. He commented that there is currently information posted for the Planning Board, Zoning Board of Adjustment, Veterans Advisory Committee, and the Library Board. He commented that the Senior Citizen's Committee has not posted information, and receive \$5,000 in their budget every year. He further

that he received a call regarding a Stigma Free Committee event, but there is nothing on the website. Mr. Smith inquired whose job is it to clean the parks in town. Mr. Smith stated there is a park on the dead-end side of Woods Avenue, with a sign that says NJ Green Acres, that has refrigerators, washing machines, and trees knocked down. He commented that the park at the end of Hallberg Avenue is also a dumping ground. Mr. Smith stated that he agrees with the residents with regards to the Chairman of the Zoning Board of Adjustment, as he made another inappropriate comment. Mr. Smith stated that someone needs to speak to him about his comments. Mr. Smith also mentioned that there were three new applications considered, and all three have violations. Mr. Smith commented that the Building Department needs to make sure the applications are complete. He also commented that when he requested to place a banner on the avenue to advertise the VFW pig roast, his request was denied. He questioned who gave United Soccer Club permission to place a banner across Washington Avenue.

Mayor Amatorio stated the merits of the applications before the Zoning Board of Adjustment cannot be discussed at this meeting.

Carolyn Schmelz, resident, stated she is going to OPRA the Zoom meeting and the minutes. She expressed that the comments made by Zoning Board of Adjustment Chairman were rude and crude. Mrs. Schmelz stated when it was time for public comments, the Chairman said "Shoot your load". She stated that she and other residents mentioned the comments that were made, but they were not in the minutes, and commented that there is no transparency. Mrs. Schmelz stated that more action has to be taken other than sensitivity training, and referenced that she was placed on mute when she tried to gather her thoughts to ask a question. Mrs. Schmelz inquired if the Council is for or against all the building construction. She stated that it makes no sense to build condos in residential areas, when they can be located on Washington Avenue to revitalize the downtown. Mrs. Schmelz stated the Memorial Day parade has always been on Washington Avenue because it is the Borough's downtown and inquired the need to change. She also inquired the status of the tennis courts. She questioned why the Council cannot be involved with the Zoning Board of Adjustment because it is an autonomous board, but can opine at a Board of Health meeting.

Brian Fajardo, resident and a small business landscaper, stated the landscapers are not a big business and they are trying to provide for their families. He stated they have to think about moving their equipment and trailers from their homes, as there is nowhere nearby and then the owners have to risk the chance of having their equipment stolen or damaged. Mr. Fajardo stated he knows there have to be regulations, but there is plenty of space at his home and he helps senior citizens that are neighbors. He commented that there have been no complaints for the past 15 years of having his equipment on his property. He requested the Council consider giving them the opportunity and inspect small trucks and trailers. He stated that residents pay more taxes every year and asked the Council to consider the small businesses.

Jacqueline Romney, resident, stated she participated in a few Zoning Board of Adjustment meetings and no one has given the residents an answer to what are the benefits of buildings being built in the community. She inquired the incentives that are being offered to small businesses in Bergenfield.

Gerry Naylis, resident, provided clarification on an incorrect statement on the agenda. Mr. Naylis stated the contract is for 19 Daggett Street, not 232 N. Washington. He commented that someone made the assumption the borough is buying the entire parcel from Washington Avenue to the training center. He further commented that the agenda should be reviewed before it is advertised, as the people can be misled as to the actions of the Borough.

Borough Administrator Gallo stated Mr. Naylis is correct in stating the borough is purchasing one property.

Jen DaCosta, resident, inquired the status of Adheek Tennis Courts on Pelham Avenue. She also inquired what is the plan for the 200 COVID-19 vaccines that were received, and questioned if 200 vaccines will be received each week. Ms. DaCosta also inquired what work will be done on Deerfield Street. She commented that the Zoning Board of Adjustment meetings are chaotic and

questioned if the Council has a say on the work that will be done. Ms. DaCosta expressed concern over building, and stated that homes should not be taken down to build apartment buildings with 6 to 18 units.

Mary Hernandez, resident, commented with regards to the agendas and minutes for the site plan committee, as there are no records for 83 Hickory Avenue. She commented that developers are coming in and building with no intentions of staying in town. She expressed that no one is paying attention and ordinances or other actions should be taken.

Wendy, resident, commented with regards to 145 W. Main, and inquired why there is an interest to build in an area that is not zoned for it. She stated that she is familiar with the traffic patterns on Main Street, and commented that depending on the school hours, traffic can be backed up from the railroad tracks to Prospect Avenue. She expressed that the traffic will worsen and the idea is ludicrous.

Motion by Councilperson Pascual to close public comments. Councilperson Marte seconded the motion. All present voting in favor, none opposed.

Mayor Amatorio stated the governing body cannot comment on existing litigation and personnel matters, and commented that a decision has not been rendered.

Borough Administrator Gallo stated that the QPA consultant will oversee the Borough's QPA, until the employee receives his test results. He commented that it is good practice to have someone to oversee the work to ensure things are done properly. He further stated that the people that determine which roads should be repaired is a combination of staff from the Department of Public Works, the Borough Engineers, the Police Department and himself. He explained that the process is more extensive than milling and paving, as it involves budgeting and maximizing projects. He stated that much more work will be required on Anderson Avenue, and Marcotte Lane will be pushed off this year because of all the work that needs to be done in advance. He commented that a road will not be paved if it needs to have utility work done first. Mr. Gallo stated that each time he receives a complaint, it is addressed.

Mayor Amatorio stated the governing body has already discussed the matter pertaining to the marijuana ordinance, and knows that a new ordinance needs to be adopted in order to opt-out. He commented that even though the deadline is August, the matter will be addressed sooner, and will be listed at the next agenda.

Borough Attorney Schettino stated that the role of the Mayor and Council is to appoint members to the Zoning Board of Adjustment and Planning Board. The governing body cannot designate their budget, but designates the range of salaries for employees, and appropriates the funds for the professionals. He explained that the Borough can prohibit certain uses, and as such, applicants have the right to grant relief for a non-permitted use from the Zoning Board of Adjustment. He stated the application is called a D variance, and statutes outline the criteria an applicant needs to meet in order for the board to grant the variance. Mr. Schettino further explained that the Borough cannot say they do not want the type of application, or that the applicant has no right to apply to the Zoning Board of Adjustment for relief. He commented that this is illegal, and the borough is not allowed to do that. He further commented that this could be challenged in court, and the Judge would say the borough is not permitted to prevent someone from submitting an application to the board. Mr. Schettino stated the Zoning Board of Adjustment and the Planning Board are considered quasi-judicial boards, meaning they are similar to the court of law, without all of the formality. Mr. Schettino also stated that the boards have to allow residents to speak on applications, as residents have the right to question anyone who testifies before the board on behalf of an application. He further stated that it is the board's prerogative to open the meeting for public comments on any topics. He mentioned the boards have to be careful when limiting speaking time with respect to an individual application because it is part of the record. However, the Chairman of the board has the right to control the meeting. He stated that similar to a judge, the Chairman can stop someone from being argumentative or asking the same question over and over again. He stated that there should not be a time limit on the time to make a statement, but can be restricted if

someone is not making a statement that it relevant or if the comments are inappropriate. Mr. Schettino stated that the Mayor and Council have no control over the decisions made by the Zoning Board of Adjustment or the Planning Board. He commented that an applicant can sue the borough if there is undue influence by members of the governing body, and as such, should be unaware of the particulars of an application or voice any opinion other than the hearing itself. Mr. Schettino explained members of the governing body do not give up their right as citizens, so if they live within 200 feet of an application and want to voice their opinion as a resident, they can comment and voice their opinion as a resident. Mr. Schettino stated this is unusual because even in that situation, they may not want to comment out of the concern that they gave the view of an unduly influence to the board.

Mayor Amatorio stated there were issues in the past that occurred, and so the presence of the governing body at the hearing is discouraged.

Borough Attorney Schettino stated if the board has adopted by-laws, the Chairman cannot unilaterally change the by-laws. He further stated that the public has to be allowed to comment on every application and given the opportunity to question every witness. Mr. Schettino stated that some boards allow questioning after each person testifies. He stated that if a board decides they will hold off all questions after an application is complete, that means the applicant is required to bring all their witnesses back at the last hearing and the board has to allow the public to ask any questions about the application to any of the witnesses that testified.

Councilperson Marte stated the board voted to meet from 8:00pm-11:00pm.

Borough Attorney Schettino stated that boards can set time limits on a meeting. If the by-laws allow for public comments and it is on the agenda, then the board should make a point of ending testimony and the hearing earlier. Mr. Schettino stated that the governing body cannot force any independent board members to undergo sensitivity training, but can say that the member will not be reappointed if they do not partake in the training. He explained that the burden of proof is up to the applicant, as the applicant will have to provide testimony as to the benefit. He stated that if there is no benefit or positive criteria, then there is no basis to approve the application.

Councilperson Marte stated the reason there was a vote last night was to give everyone the opportunity to be heard.

Borough Administrator Gallo stated that there are factors between the differences of the Zoning Board of Adjustment, the Planning Board and the Board of Health. He stated that when the State of Emergency was declared in 2020, certain operations needed to go into effect. He explained that as the Borough Administrator, he was given authority to oversee all the actions related to the COVID-19 pandemic. He stated that the second factor is contractual. Mr. Gallo stated that the comments made were related to the contractual obligations set forth between the health department, the borough, and this service, whether it was the County of Bergen or Mid Bergen Regional. He commented that over the course of 2020, the responsibilities that were required were not met to their standards. He further commented that due to the state of emergency, the matters that take place with the Board of Health, and how they will affect the Borough and contractual obligations, involve him and the governing body. Mr. Gallo stated that the borough will partner with New Bridge Medical to try and bring the vaccines to the borough as there is a need for this service in the community. The Board of Health has also gone through all the possible avenues to have the vaccines here as well. He commented that a reverse 911 call was made to encourage residents to register for vaccines on the borough website. He explained that every registration in the system is time stamped, and can include residents from neighboring towns. Mr. Gallo stated that New Bridge Medical will administer 200 vaccines on Monday, and those inoculated are guaranteed their second dose.

Mayor Amatorio stated the borough is promoting the registration system as much as possible, in hopes to prioritize Bergenfield residents. He explained that since this is a federal program, the vaccines cannot be limited to Bergenfield residents.

Council President Rivera commented that the council is not building the new buildings. He explained that people submit applications to the building department, and if they are denied, they will apply to the zoning board. He stated that everyone has the right to go before the zoning board. He further stated that the zoning board will say yes or no to the application.

Borough Administrator Gallo stated that the area in question is a wooded area. He explained that the Planning Board provided authority to build five homes. He stated that the church was able to sell all of the properties and one person purchased the property. Mr. Gallo explained they have the right to apply for an application to take those lots and take the necessary measures to build five homes. He commented that it is up to the board to render the decision. The Mayor and Council have no jurisdiction over the application. He further commented that no one from the council or the board should be commenting on it because it will create bias and the bias will create a lawsuit from the applicant.

Mayor Amatorio stated ordinance 21-2576 was tabled, but Mr. Fajardo's comments and concerns were heard.

Borough Administrator Gallo stated the comments made by the Zoning Board members will be reviewed. He further stated that some boards have changed how they post information as some are more active than others. Mr. Gallo stated not all of the boards have met in the past year, and there is a process they are implementing to have the meeting minutes posted.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 21-123. 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. **21-124/**To Pay Bills
- b. **21-125/**To Support 2021 Arbor Day Celebration
- c. **21-126/**To Support 2021 Earth Day Celebration
- d. **21-127/**To Declare Solidarity with the Asian and Asian-American Community
- e. **21-128/**To Certify Compliance with the EEOC Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 and sign the Group Affidavit
- f. **21-129/**To Approve Tax Exemption Status – Bais Medrash Bergenfield NJ Corp – 381 S. Prospect Avenue
- g. **21-130/**To Authorize Refund of Redemption Monies to Outside Lien Holder for TTL #19-00011
- h. **21-131/**To Approve Tax Court Settlement Refund – 1-5 S Washington Avenue
- i. **21-132/**To Approve Tax Court Settlement Refund – 375 S. Washington Avenue
- j. **21-133/**To Approve Agreement – Municipal Alliance Grant -Bergen County Department of Health Services
- k. **21-134/**To Approve Temporary Emergency Appropriation
- l. **21-135/**To Approve Temporary Capital Budget
- m. **21-136/**To Authorize Application for the New Jersey Library Construction Bond Act Grant Program
- n. **21-137/**To Approve Hazard Mitigation Plan
- o. **21-138/**To Authorize Advertisement for Part-Time Summer Help
- p. **21-139/**To Authorize Advertisement for Part-Time Senior/Community Bus Drivers
- q. **21-140/**To Authorize Advertisement for Summer Internship Program
- r. **21-141/**To Approve Proposal for Surveying and Design Services – 2021 Road Improvement Program – Remington & Vernick Engineers
- s. **21-142/**To Approve Purchase – 232 N. Washington Avenue and 19 Dagget Street

t. **21-143**/To Approve Proposal – Borough’s WAN Services and Internal Network Support
- Educational Technology Integrators

Motion by Council President Rivera, second by Councilperson Deauna, to approve the Consent Resolution as amended.

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

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

B. Resolutions

21-144/To Approve Hire – QPA Consultant – Suzanne Taylor

Motion by Councilperson Pascual, second by Councilperson Deauna, that Resolution #21-144 be approved.

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

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

21-145/To Approve Agreement – Conlon Hall Vaccination Center

Motion by Councilperson Deauna, second by Councilperson Marte, that Resolution #21-145 be approved.

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

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

COUNCIL COMMENTS

Councilperson Deauna thanked everyone for coming and advised everyone to take care and stay well.

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

Councilperson Pascual thanked everyone who attended last week’s candlelight vigil.

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

Council President Rivera stated there will be a 0-tax increase for the third year. He stated they have no control over the Board of Education and the County budget. He thanked everyone for coming to the meeting.

Mayor Amatorio thanked everyone for coming and wished everyone a good night.

CLOSED SESSION

RESOLUTION **21-146** /Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Personnel
 - 1. Building Department Personnel Matter
- B. Attorney-Client Privilege
 - 1. 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 Marte, second by Councilperson Pascual, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 10:33 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Pascual, second by Councilperson Lodato and unanimously carried, the meeting was adjourned at 10:54 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk