

BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING MINUTES
APRIL 20, 2021
8:00 P.M.

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

ABSENT: Councilperson Marte

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

Mayor Amatorio called the meeting to order at 8:10 p.m. with the reading of the Open Public Meetings Act Statement, "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. Meeting dates for the year are confirmed at the Annual Meeting. The Annual Notice is sent to the Record, Star Ledger, Twin Boro News, and Cablevision, placed on two Municipal Bulletin Boards and is on file in the Office of the Borough Clerk."

The Salute to the Flag was led by Councilperson Deauna.

AGENDA CHANGES

Council President Rivera stated that the title of Ordinance 21-2576 should read recreational vehicles instead of non-commercial vehicles.

APPROVAL OF MINUTES

Motion by Councilperson Pascual to approve the minutes of the March 16, 2021 Regular Public Meeting, March 16, 2021 Closed Session Meeting (not to be released), April 6, 2021 Work Session Meeting, April 6, 2021 Closed Session Meeting (not to be released), April 12, 2021 Special Meeting, and April 12, 2021 Special Closed Session Meeting (not to be released). Councilperson Deauna seconded the motion. All present voting in favor, none opposed.

VERBAL COMMUNICATIONS I

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

John Smith, resident, commented with regards to the Public Library's budget, indicating that the budget allocation should be less because they have been closed. Mr. Smith inquired if the library had any leftover monies in the budget, and whether the same was allocated in the budget. He stated that the library should use any leftover funds from last year. Mr. Smith also inquired the status of their annual audit. Mr. Smith commended the Library Director for her work, but expressed concerned over their budget, including the funds they will receive and its allocation.

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

Borough Administrator Gallo stated that even though the library has been closed, they expended their funds in other projects. He further stated that the library plans to extend their hours and offer more programs. Mr. Gallo stated that residents can submit an OPRA request for a copy of the audit report.

Mayor Amatorio stated that the funds the library is bonding requires a matching grant, which has been allocated in their budget. He explained that the library plans to have renovations. Mayor

Amatorio further stated that the library board has their own budget hearing and commented that the library is very conservative with their expenditures.

PRESENTATIONS

None.

CORRESPONDENCE

None.

ORDINANCES

A. Tabled Ordinances

Mayor Amatorio read into the record:

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

ORDINANCE 21-2576 – AN ORDINANCE ENTITLED “COMMERCIAL AND RECREATIONAL VEHICLE PARKING” THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BERGENFIELD (TABLED 4-6-21)

No action taken.

B. Adoption of Ordinances

Mayor Amatorio read into the record:

The following ordinances published herewith were first read by title on April 6, 2021 and posted on the bulletin board of the municipal center.

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”

Public Comments on Ordinances #21-2579 and #21-2580.

Barry Doll, resident, commented with regards to the bond ordinance, and inquired how much the borough has in outstanding bonds and notes, and how much will be owed including the 4 million. He stated that considering there are bonds that have not been issued, the borough should stop taking more debt going down the road.

Borough Administrator Gallo stated that 15 million has been set aside for the new municipal building.

Borough Auditor Paul Lerch stated that the Borough has about 29 million in debt, with 14 million authorized, but not issued.

Borough Attorney Schettino stated that the authorized debt has been set aside for the new municipal building. He explained that because of the market, it is recommended that municipalities take advantage to issue debt for these projects instead of using their operational funds. Mr. Schettino stated that if the borough does not proceed with the municipal building, then the borough can cancel the authorized debt. He also explained that the recommendation is to take out more debt since the rates are low, rather than pay with capital reserves.

Borough Auditor Paul Lerch also noted that the borough has been paying down the debt aggressively and has been very conservative, which is impressive. He stated that the Borough had a borrowing power of 105 million, but borrowed very little in comparison to the percentage of debt.

Mayor Amatorio commented that the funds have been authorized, but have not been utilized. He further commented that the borough has to make payment on the amount that has been utilized. He explained that even with the additional 4 million, the numbers have been computed by the professionals and if there is any the municipal budget, it is very minimal. He noted that the funds are necessary to repave the roads, improve the parks, and run programs in the Borough. Mayor Amatorio stated that Mr. Doll's comments will be taken into consideration.

Motion by Councilperson Kornbluth to close public comments on ordinances #21-2579 and #21-2580. Councilperson Lodato seconded the motion. All present voting in favor, none opposed.

Motion by Councilperson Pascual, second by Councilperson Lodato, to pass Ordinances #21-2579 and #21-2580 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>aye</i>
Councilperson Deauna:	<i>aye</i>	Council President Rivera:	<i>aye</i>
Councilperson Marte:	<i>absent</i>	Councilperson Pascual:	<i>aye</i>

C. Introduction of Ordinances

Motion by Councilperson Pascual that the following ordinance be introduced and passed on first reading and setting May 4, 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 ordinance. Second by Councilperson Kornbluth.

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

ORDINANCE 21-2581 – AN ORDINANCE AMENDING CHAPTER 186 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “LAND DEVELOPMENT”

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

A. CONSENT AGENDA

CONSENT RESOLUTION 21-148. 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. **21-149**/To Approve Bill List
- b. **21-150**/To Authorize Tax Refund – 21 Westminster Avenue
- c. **21-151**/To Authorize ReBid – Heating and Cooling Systems Maintenance
- d. **21-152**/To Award Bid and Approve Contract – Nature’s Choice Corporation
- e. **21-153**/To Approve Proposal for Additional Professional Services – New Municipal Building – RSC Architects
- f. **21-154**/To Approve Final Payment – 2020 Road Improvement Program – Remington & Vernick Engineers

Councilperson Kornbluth requested that Item E. Resolution #21-153 be removed from the consent agenda.

Motion by Councilperson Deauna, second by Councilperson Lodato, to approve the Consent Resolution as amended.

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>absent</i>	Councilperson Pascual:	<i>aye</i>

21-153/To Approve Proposal for Additional Professional Services – New Municipal Building – RSC Architects

Motion by Councilperson Deauna, second by Council President Rivera, that Resolution #21-153 be approved.

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

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

B. Resolutions

21-155/To Re-appoint Tax Collector and Approve Contract – Juan C. Ortiz

Motion by Council President Rivera, second by Councilperson Lodato that Resolution #21-155 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>	Council President Rivera:	<i>aye</i>
Councilperson Marte:	<i>absent</i>	Councilperson Pascual:	<i>aye</i>

UNFINISHED BUSINESS

A. 2021 Municipal Budget

1. **21-156**/To Read Budget by Title Only

Motion by Council President Rivera, second by Councilperson Kornbluth that Resolution #21-156 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>	Council President Rivera:	<i>aye</i>

Councilperson Marte: *absent* Councilperson Pascual: *aye*

2. Public Comments on the Adoption of the 2021 Municipal Budget.

Barry Doll, resident, questioned the reserve for uncollected taxes. He commented that the borough has sold tax liens each year, and has never had to foot the bill for delinquent taxes. He inquired why there needs to be a reserved for uncollected taxes. He also questioned the school tax levy in the municipal budget.

Borough Auditor Paul Lerch explained that the RUT, reserve for uncollected taxes, is necessary because the Mayor and Council has a responsibility to levy and pay County and School Board taxes. Additionally, the borough has to set aside funds for tax appeals, whether or not 100% is collected. Mr. Lerch commented that the borough has never collected 100%. He stated that given the need to pay taxes, delinquencies, and tax appeals, the borough has to put these funds in the budget for cash flow. He further explained that the school board tax is based on an estimation.

Mary Sullivan, resident, questioned total miscellaneous revenues. She inquired what it is, the purpose of it, and why it is down 2.7 million from last year. Ms. Sullivan also inquired why capital improvements is down over 3 million from last year.

Borough CFO Rich Cahill stated that the DEP grant funds are considered as capital appropriations on the expenditure side of the budget.

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

3. **21-157**/To Adopt the 2021 Municipal Budget

Motion by Councilperson Kornbluth, second by Councilperson Rivera that Resolution #21-157 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>	Council President Rivera:	<i>aye</i>
Councilperson Marte:	<i>absent</i>	Councilperson Pascual:	<i>aye</i>

Mayor Amatorio thanked the finance committee, Borough CFO Rich Cahill, Borough Auditor Paul Lerch, and Borough Administrator Corey Gallo for a great budget with another zero-tax increase.

NEW BUSINESS

A. Recommendation and Nomination to the Shade Tree Committee

SHADE TREE COMMITTEE

Mayor recommends and nominates Steve Perrone to serve on the Shade Tree Committee for a one-year term, term expiring December 31, 2021.

Motion by Councilperson Pascual, second by Councilperson Kornbluth, that the nomination be confirmed. All present voting in favor, none opposed.

Committee/Department Reports

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

VERBAL COMMUNICATIONS II

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

John Smith, resident, inquired who is responsible for maintaining escrow accounts for applications before the Zoning Board of Adjustment and the Planning Board. He questioned who monitors the accounts and informs the applicant when it is out of funds. Mr. Smith commented that \$3,000 in escrow is acceptable for work on single-family homes, but needs to be higher for multi-family homes. He questioned who is liable if professionals are not paid for their work on applications. He also inquired if the application can be heard if there are no funds in the account.

Sergeant Major Williams, resident, commended the Police Chief, Deputy Chief, and the entire Police Department for an outstanding job this week, and stated that the officers should be recognized.

Mary Sullivan, resident, inquired the status of pickleball courts. She commented that many residents from all ages are interested and would welcome a facility for outdoor use. Ms. Sullivan further commented that popularity of the sport is exploding nationwide and some residents even pay to play at indoor courts. She recommended the area of the Swim Club at Twin Boro Fields as the perfect spot for the courts because of the noise. She noted that the courts can be utilized for both tennis and pickleball.

Borough Administrator Gallo stated that the borough is in the process of submitting an application for a grant for pickleball courts. He commented that there are tennis courts that need to be refurbished, and so the borough is looking to install two additional courts to include pickleball.

Diana Flagg, resident, stated that two weeks ago, she referenced an advertisement in the paper, and nothing has been done because there is a new advertisement in the paper. She inquired what was the outcome from the special meeting held on Shimmy Stein, and inquired whether he received a RICE notice. Ms. Flagg also questioned the number of lawsuits against the borough.

Borough Attorney Schettino stated that the Mayor and Council cannot address the matter.

Fred Sahlberg, resident, questioned whether the Mayor and Council can order the Zoning Board of Adjustment to hold their meetings in person.

Borough Attorney Schettino stated that the Mayor and Council cannot order them to meet in person.

Mayor Amatorio stated that the governing body cannot tell them to, but has asked that they meet in person.

Fire Chief Kneisler III stated that on April 10th and April 11th, the Volunteer Fire Department battled a fire that had the potential to impact several businesses and living quarters. He thanked and commended all the volunteers, the Police Department, the BVAC and mutual aid from neighboring towns that responded to the call. Chief Kneisler III stated that the Fire Department will be hosting their annual Memorial Day Ceremony outside the fire house on Front Street at 10:00 a.m. and will acknowledge members for their years of service. He invited all to attend the ceremony on Memorial Day.

Mayor Amatorio commended Fire Chief Kneisler III and all the volunteers for their hard work and commented that their efforts are appreciated.

Mary Hernandez, resident, thanked the Fire Department for their response to the fire. She commented with regards to new developments coming in, and stated that a traffic study should be conducted and inquired whether there will be commuter parking. She expressed that these developments and studies have to be done thoughtfully, as the Fire Department and Volunteer Ambulance Corp will be unable to travel down roads because of developments like 83 Hickory Avenue. Ms. Hernandez inquired the status of the Site Plan Committee minutes and agendas, and

commented that the Traffic Safety Committee meetings should be open to the public. She also commented that if there is a suspension, residents should be made aware. She stated that kids should be given lessons on how to safely ride their bikes, and the amount in escrow accounts should match the project.

Barry Doll, resident, questioned whether the Mayor and Council made a decision on the suspension. He stated that information on Facebook indicates that a meeting was held to suspend the individual.

Mayor Amatorio stated that the individual received a RICE notice and therefore the governing body cannot discuss the matter.

Jacqueline Romney, resident, commented with regards to traffic safety and inquired if any study has been conducted and questioned whether the ordinance will be relaxing parking. She stated that she has been reviewing motor vehicle accident reports, and commented that the Traffic Safety Committee should be open to the public via zoom. She further commented that she provided information on committees that were formed by other towns and gave examples of their programming. Mr. Romney inquired if the Deputy Chief can explain why the number of accidents is three times higher than surrounding municipalities.

Motion by Councilperson Pascual to close Verbal Communications II. Councilperson Lodato seconded the motion. All present voting in favor, none opposed.

Borough Attorney Schettino stated that the Finance Committee is responsible to post escrow accounts and process bills. He explained that when the account is short, they should inform the secretary or the board to determine how much should be posted. He further explained that the board should not hold a meeting until the funds are posted. The escrow accounts can be set by ordinance and can be categorized by amount and the type of application. Mr. Schettino stated that the board can determine the amount based on a copy of the bills being paid by the applicant.

Councilperson Lodato inquired if the borough can assert a lien if the professionals have not been paid.

Mr. Schettino explained that this can complicate the matter because it will cost more to take the resident to court.

Mayor Amatorio stated that the borough is looking into the installation of pickle ball courts.

Borough Attorney Schettino stated that if the Site Plan Committee is an advisory committee, they may not publicly advertise the meeting, and may not need to keep minutes. He explained that as an advisory board, they make a recommendation to the board. He further explained that if the recommendation is made in writing, that may be available as a public document.

Borough Administrator Gallo explained that the Site Plan Committee is made up of borough professionals, representatives from each department, for the purpose to provide the applicant an opportunity of a review to determine any items that are wrong with the application before it is presented to the board. Mr. Gallo stated that applicant has the right to leave the application as is, or make modifications.

Borough Attorney Schettino stated that since it is an advisory committee, there are no statutory guidelines that need to be followed. If the meetings are publicly advertised, then the committee should prepare minutes and approve them at a following meeting. If the committee provides recommendations, then there is no need to have approved minutes.

COUNCIL COMMENTS

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

Councilperson Lodato expressed his sincere condolences to former Councilman Harold Nafash.

Council President Rivera thanked all the departments for their involvement in the preparation of the municipal budget. He expressed that he is hopeful that the Board of Education will follow the Borough's example with their budget. Council President Rivera commended the Bergenfield Volunteer Fire Department for their work in fighting the fire and thanked them all for their service and for keeping us safe.

Councilperson Kornbluth thanked the Police Department and the Bergenfield Volunteer Fire Department for their work and bravery during the fire, and wished all a good night.

Councilperson Pascual commended the Bergenfield Volunteer Fire Department and the Police Department for their professionalism and for preventing the fire from spreading to other businesses and homes. He thanked both departments for putting their safety at risk to keep the borough safe. He also thanked everyone for attending the meeting and wished all a good night.

Mayor Amatorio commended the Bergenfield Fire Department, the Police Department for a job well done, as well as the Bergenfield Volunteer Ambulance Corp. for their presence at the scene. He thanked all the volunteers for their service. Mayor Amatorio stated that the Health Department has been very successful with their vaccination program, and commended all their efforts, as well as the Office of Emergency Management. He commented that there was a soft launch for the Mayor Wellness Program, which was a great success. He stated there will be events every day during the eight-week program. Mayor Amatorio congratulated the Finance Department on an excellent municipal budget.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Council President Rivera, second by Councilperson Kornbluth, and all present voting in favor, the meeting was adjourned at 9:32 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk