

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
AUGUST 17, 2021
8:00 P.M.**

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

ABSENT: Councilperson Ora Kornbluth

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

Mayor Amatorio called the meeting to order at 8:10 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 Lodato.

AGENDA CHANGES

Motion by Councilperson Pascual to add the Engineer's Report to the meeting agenda. Council President Rivera seconded the motion. All present voting in favor, none opposed.

Motion by Councilperson Pascual to add the Jo-Med Contracting Corp. matter to closed session for discussion. Further action may be taken when the meeting resumes in open session. Councilperson Deauna seconded the motion. All present voting in favor, none opposed.

APPROVAL OF MINUTES

Motion by Council President Rivera to approve minutes of the July 20, 2021 Regular Public Meeting and the July 20, 2021 Closed Session Meeting (not to be released). Councilperson Marte 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.

Barry Doll, resident, commented that the tobacco ordinance is an infringement on our liberties and freedoms, when the borough starts to exercise rules on the outside of a building. He understands the rules are important inside public buildings and busses, but should not apply to the outdoor parks. He inquired what is the purpose for this ordinance, the reason and the rationale for proposing this ordinance. He inquired if any complaints have been received and whether anyone has been sick due to smoke in the parks. He commented that very few people smoke, especially in the parks. He stated it becomes a problem when government decides that people cannot smoke in parks.

John Smith, resident, stated that approximately twelve years ago, he came before the council to request this ordinance as a smoker. He stated that when he was coaching for the little league, some towns required smokers to be twenty to fifty feet from the entrance of the park. Mr. Smith stated that he never smokes on the field or in front of the children. He commented that as a smoker, the borough needs to protect the children playing in the park.

Mayor Amatorio stated that the prohibition is ruling for public places, buildings, and parks that are owned and leased by the borough. He explained that there are people that have health reactions to the smoke. The purpose for the ordinance is to protect the children and the vulnerable from health concerns. He commented that the purpose for the ordinance is not to infringe an individual's right to smoke. Individuals can smoke, but not in a public place, as the public has the right to a safe environment.

Councilperson Pascual motioned to close verbal communications I. Council President Rivera seconded the motion. All present voting in favor, none opposed.

PRESENTATIONS

A. Proclamation in honor of George Gorman

George Gorman, resident, celebrated his 90th birthday on August 2, 2021. Council President Rivera read the proclamation into the record and presented him the award.

B. Hirings and Appointments

21-258/To Hire Crossing Guard – James Butler

Motion by Councilperson Marte, second by Council President Rivera, that Resolution #21-258 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>

21-259/To Hire Crossing Guards for the 2021-2022 School Year

Motion by Council President Rivera, second by Councilperson Marte, that Resolution #21-259 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>

CORRESPONDENCE

- a) Chavier/Resident **RE:** Street Closure Request for a Block Party/Stillman Avenue/Saturday, August 28, 2021/2:00 p.m. to 8:00 p.m.
- b) Gallione/Bergenfield Bocce League **RE:** Request to Reserve John A. Aversa Bocce Courts for the 24th Annual Carlo Cecchino Bocce Tournament/Sunday, September 19, 2021/8:00 a.m. to 3:00 p.m.
- c) Stenberg/Calvary Church **RE:** Street Closure Request for a Block Party/Arlington from W. Clinton to Delford Avenue/Sunday, September 12, 2021/12:00 p.m. to 4:00 p.m.

Motion by Councilperson Marte to accept Correspondence items A through C. Council President Rivera seconded the motion. All present voting in favor, none opposed.

ORDINANCES

A. Adoption of Ordinance

The following ordinance published herewith was introduced by title only on July 20, 2021 and posted on the bulletin board of the municipal center.

ORDINANCE 21-2583 – AN ORDINANCE ENTITLED “WATER CONSERVATION” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BERGENFIELD

ORDINANCE 21-2584 – AN ORDINANCE AMENDING CHAPTER 282 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “TOBACCO”

Public Comments on Ordinances 21-2583 and 21-2584.

No one came forward.

Motion by Councilperson Pascual, second by Councilperson Marte, to pass Ordinances 21-2583 and 21-2584 on second and final reading and 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 Pascual that the following ordinance be introduced and passed on first reading and setting September 9, 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 Council President Rivera.

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

ORDINANCE 21-2585 - AN ORDINANCE AMENDING CHAPTER 303 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “VEHICLES FOR HIRE”

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>

A. CONSENT AGENDA

CONSENT RESOLUTION 21-260. 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. **21-261**/To Approve Bill List
- b. **21-262**/To Approve Raffle Application 1370
- c. **21-263**/To Approve Bingo Application 184
- d. **21-264**/To Approve Municipal Alliance Grant
- e. **21-265**/To Approve Tax Refund – Veteran’s Tax Exemption – 31 Pine Drive
- f. **21-266**/To Approve Purchase – Uplifts for Two (2) Police Vehicles

- g. **21-267**/To Approve Change Order No. 1 and Pay Certificate No. 1. – Anderson Avenue Sanitary Cleaning & Video Inspection – National Water Main Cleaning Co.
- h. **21-268**/To Approve Professional Services Proposal for Survey & Concept Plan – Marcotte Lane Road Improvements – Remington & Vernick Engineers
- i. **21-269**/To Approve Professional Services Proposal for Construction Management Services – 2021 Road Improvement Program – Remington & Vernick Engineers
- j. **21-270**/To Award Bid and Approve Contract – 2021 Road Improvement Program Phase 2 – 4 Clean-Up Inc.

Motion by Council President Rivera to approve the Consent Resolution. Councilperson Pascual seconded the motion.

On a roll call, the vote on the Consent Resolution 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

A. Capital Improvements/Engineers Report

Robert Klein, Remington & Vernick Engineers, stated that the road programs are underway. He reported that there are three different contracts which includes Anderson Avenue, which has already been awarded, and a preconstruction meeting will be held tomorrow. The project will be started at the end of the month towards the beginning of September. The second and third projects include the road programs, which will be done in two phases. Phase I has already been awarded and the contractor will start the work soon. Phase II will be awarded this evening, which will be done by the same contractor completing the work on Anderson Avenue. Mr. Klein stated that as Phase II includes Railroad Avenue and the striping of West Clinton Avenue.

Mayor Amatorio inquired the status of Anderson Avenue.

Mr. Klein stated that the project should be completed in the next coming weeks. He stated that the only snag for the road programs is that there is an industry wide issue of delays in materials. He explained that any projects including piping materials or pipe installations will have to work around the issue. He commented that all the contractors are experiencing this issue and all three projects include pipe installations.

Councilperson Marte inquired if Melrose Avenue is completely done. Mr. Klein confirmed that the entire project is complete.

Mayor Amatorio inquired if the projects will not be completed this year due to supplies. Mr. Klein stated that is too soon to determine whether the supplies will be a factor. He further stated that most of the work will be done, especially if the projects do not involve pipe replacements. He commented that any delays will be due to the materials.

NEW BUSINESS

None.

Committee/Department Reports

Motion offered by Council President Rivera that the Committee/Department Reports be spread upon the minutes in full and filed. Councilperson Marte 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, stated that he disseminated a copy of the law signed by the Governor last week regarding pedestrian safety including pedestrians and bicyclists. He stated that he spoke with the Police Chief regarding the kids riding their bicycles without a helmet, and adults riding their motorcycles without a helmet down Washington Avenue. Mr. Smith commented that the Borough should pass an ordinance that the bicycle can be taken away and the parents have to be notified. He also inquired why it takes a long time for an addition or knock down to be reassessed. He stated that a property on Dudley Dr was reassessed after seven years. He also commented that the property on Dudley Dr and Cameron Rd put up a fence on a retaining wall, and another property is connecting to the storm drains against the borough ordinance.

Sergeant Major Williams, resident, stated that at 11:00 p.m. on Sunday, the lights were turned on in the park, kids were playing in the park, and the lights were turned on in the bocce courts. He inquired if all the lights are on the same switches. He also inquired why a small section of Melrose Avenue, winding down to New Bridge Road, was never paved.

Borough Administrator Gallo stated that he will speak to the Recreation Director regarding the lights. He also stated that he will look into Melrose Avenue, but advised that the portion of the road question was probably not part of the scope of work.

Melissa Weigl, resident, stated that on the corner of Elm Street and S. Washington Avenue, there is a business that has a parking lot with about twenty abandoned cars, some of them with no registration, and it's causing an infestation of rats coming to her property. Ms. Weigl stated that she is speaking on behalf of the residents on the street, as complaints have been made to the health and building departments and the residents have been fighting this for many years.

Mary Sullivan, resident, stated that she OPRA requested information regarding 130 Hickory, and learned that the property sold in November 2018 for \$200,000. She commented that the property was renovated and sold for \$309,000, and then sold it sold on April 20, 2020 for \$710,000. She commented that the home is a two-family mega mansion, but the property taxes are \$5,000. She inquired why it's taking this long to reassess the property, and commented that the properties should be charged the proper property taxes. Ms. Sullivan mentioned that she emailed the information to the Borough Administrator. Ms. Sullivan commented that the property was supposed to be updated in October, but nothing has changed. She provided copies of the information for the Borough Administrator's review.

Jacqueline Romney, resident, stated that she sent the governing body an email on April 21st and never received a response. She stated that an issue was mentioned regarding traffic safety and children and bicyclists not wearing helmets. Ms. Romney invited the governing body to meet with people who suffered brain injuries due to a car accident. She inquired what will be done regarding traffic safety as it is an issue that is impacting the community in an alarming rate. She asked Councilman Lodato the efforts that have been made to update the complete streets policy, which is a policy that finds solutions for traffic and pedestrian safety. She inquired how many of the sixty-two car crashes that happened last month resulted in serious injuries. She asked the governing body to respond to her invitation.

Barry Doll, resident, inquired the status of the new borough hall.

Mayor Amatorio stated that regarding traffic safety, there are programs the borough will run using the funding received from the State. He also stated that the borough is currently out to bid for the new building.

Borough Administrator Gallo stated that the bid has been extended from mid-August to September. As such, the bids will be accepted on September 1st. Mr. Gallo stated that about thirteen

contractors are interested in the project. Mr. Gallo also stated that in terms of traffic safety, he learned that speed humps are permitted in the state of New Jersey. Therefore, when roads are paved, the speed humps will be added. This will hopefully slow down traffic dramatically. He further stated that the Police Department will have a booth at Family Fun Night to discuss bicycle and traffic safety. The Police Department is also working with Triple A to present to students at schools, and will host the bicycle run at the end of September.

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

COUNCIL COMMENTS

Councilperson Deauna thanked resident John Smith for sharing information on the recent law signed by Governor Murphy. He also thanked the residents for sharing information on pedestrian safety. He thanked everyone for coming and wished all a good night.

Councilperson Marte thanked everyone for coming to the meeting and wished all a good night.

Council President Rivera commented that the events held the past three Wednesdays were a great success. He reminded everyone that Family Fun Night will be held on September 2nd. He thanked everyone for coming and wished all a good night.

Mayor Amatorio stated that the activities at Cooper's Pond were a great success, and will be improved to held for many years to come. He stated that there has been an increase in the number of COVID-19 cases, and advised everyone to stay safe. He stated that if the case numbers continue to rise, the borough may need to reconsider the event, as the priority is the safety of the residents. He thanked everyone for coming and wished all a good night.

CLOSED SESSION

RESOLUTION 21-271/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Personnel
 - 1. Administration Personnel Update
- B. Litigation
 - 1. Jo-Med Construction Update

Borough Attorney Schettino stated that the council may take action in open session after discussion in closed session.

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 9:09 p.m.

On a motion by Council President Rivera, second by Councilperson Pascual, and all present voting in favor, the meeting returned to the Open Session at 9:30 p.m.

Motion by Councilperson Pascual, second by Council President Rivera, that the settlement agreement with Jo-Med Construction Corp. 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>

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Council President Rivera, second by Councilperson Marte, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:31 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk