

BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 21, 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: 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 8:03 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."

The Salute to the Flag was led by Councilperson Marte.

AGENDA CHANGES

Councilperson Lodato motioned to add resolutions to the consent agenda to approve resolution 21-299 Oster Properties tax settlement agreement and resolution 21-300 My Town Marketing's proposal for a business crawl marketing program. Mr. Lodato also added to the Fire Department's request to change the route of the Northern Valley Fire Chief's parade to correspondence. Council President Rivera seconded the motion. All present voting in favor, none opposed.

APPROVAL OF MINUTES

Councilperson Lodato motioned to approve the minutes of the August 17, 2021 Regular Meeting, August 17, 2021 Closed Session Meeting (not to be released), September 9, 2021 Work Session Meeting, and September 9, 2021 Closed Session Meeting (not to be released). Council President Rivera 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.

Mayor Amatorio stated that given the flooding concerns expressed at the last meeting, the Borough engaged in a short-term plan in hopes to make it easier for residents to complete the permit process with help from DEP and the town. The long-term plan is to have the Borough Engineer revisit the Metzler's Brook report and provide recommendations. He announced that FEMA representatives will be at Borough Hall on Sunday to assist residents with their applications. The borough will also approve the waiving of fees for all construction permits due to Storm Ida.

John Smith, resident, stated that back in July, he spoke with the Mayor and Council about construction in the borough. He expressed that before the governing body takes action, they should look into all the construction and cutting of trees. He stated that the governing body passes ordinances, but does not enforce them. He inquired what will happen with the synthetic field that will be put in at Twin Boro Park. The smaller projects are causing the storm drain problem.

Norman Schmelz, resident, inquired whether the engineer reviewing the report will be the same engineer that prepared the report in 2013. Mr. Schmelz stated that he sent everyone an email and

never received an answer back. He commented that he always responded to emails when he was mayor and expressed that he should have received a response. The sewer consultant had sent an email to the borough administrator recommending the report be reviewed and a retention basin be put in certain areas.

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

PRESENTATIONS

A. Proclamations in honor of Hunger Action Month

Mayor Amatorio stated that this month is dedicated to ending food insecurity and thanked all the kind hearted individuals, businesses, and organizations that donated to the food pantry and helped in the community. He read a proclamation for everyone that made contributions into the record. He expressed that on behalf of all the citizens, he appreciates the donors' generosity and applauds them. The following organizations and individuals were awarded a plaque for their contributions to the Food Pantry: The Dominoes Club, VFW Post 6467, Bergenfield Elks Lodge 1477, Table to Table, the Food Brigade led by Carmine and Karen Demarco, Food Mart Supermarket, and Inserra Supermarkets, Inc – ShopRite. Mayor Amatorio stated there were many people that made donations to the food pantry, and whether the gesture was big or small, he expressed his appreciation.

CORRESPONDENCE

- | | |
|------------------------|---|
| a.) Peters/Resident | Re: Request for Street Closure for Annual Block Party/Ford Court between Ford Court and South First Street/Saturday, September 25, 2021/3:00 p.m. until 11:00 p.m. (Rain Date: October 2, 2021) |
| b.) Schmelz/Resident | Re: Metzlers Brook Drainage Investigation Report date July 2013 |
| c.) Naylis/Bergenfield | Re: Northern Valley Chief's Parade/Change of Location/Sunday, October 11, 2021 |

Borough Administrator Gallo stated the Fire Department is respectfully requesting that the parade route be changed due to a scheduling conflict with Bergenfield High School. The parade will begin on Magnolia and Carnation, and proceed towards Cooper's Pond. He also mentioned that it is a long-standing tradition for them to have a beer at the end of the parade.

Council President Rivera motioned to suspend prohibition of alcoholic beverages on public property for this event. Councilperson Deauna seconded the motion. All present voting in favor, none opposed.

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

ORDINANCES

None.

A. CONSENT AGENDA

CONSENT RESOLUTION 21-290. 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. **21-291/**To Approve Bill List
- b. **21-292/**To Approve Areas in Need of Redevelopment

- c. **21-293**/To Approve Insertion of Special Item of Revenue in the 2021 Budget – 2021 Drive Sober or Get Pulled Over Grant – Chapter 159
- d. **21-294**/To Approve Grant Cancellation – Fiscal Year 2021 Municipal Alliance Grant
- e. **21-295**/To Approve Proposal – Mitel VoIP Phone System – Eastern Datacomm
- f. **21-296**/To Approve One-Year Contract Extension – Electrical Maintenance Services – East West Electrical Contractors
- g. **21-297**/To Approve the Waiving of Building Department Fees for Repair Work and Improvements due to Hurricane Ida
- h. **21-298**/To Approve Tax Refund – 71 Harcourt Avenue
- i. **21-299**/To Approve Tax Settlement – Oster Properties
- j. **21-300**/To Approve Proposal – Business Crawl Marketing – My Town Marketing

Motion by Councilperson Marte to approve the Consent Resolution as amended. Councilperson Deauna 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

None.

NEW BUSINESS

A. 420 Windsor Road Request

Borough Administrator Gallo explained that residents at this address would like to expand their driveway and infringe on borough property.

Borough Attorney Schettino stated that he needs the specifics of the location. His office prepared a resolution to approve the license agreement. Mr. Schettino commented that it is common for property owners to infringe on public property.

Mayor Amatorio inquired whether a variance is required and if the governing can approve the license agreement pending the variance. He noted that an application for a permit should be submitted first, and then they can seek the variance if necessary.

Mr. Schettino stated that the board can provide a conditional approval pending approval from the Mayor and Council.

B. Special Projects Engineer Proposal – Metzler & Hirshfeld Brooks

Borough Administrator Gallo stated that he reviewed two reports from 2003 and 2013. He stated that one of the things that stood out were the references to the 100-year flood. T&M Engineers have already started working on this, and noted that the plan established would have failed in this storm. Mr. Gallo stated that the size and locations of the basins need to be determined. He further stated that due to the emergency, the borough can apply for funding for storm clean-up. FEMA representatives will be in the borough on Sunday to assist homeowners with their applications. The governing body has made a commitment to analyze this situation and come to a solution. Mr. Gallo stated since 2015 they have had meetings with the DEP and tried to push them to figure out ways to alleviate this burden. The borough is ahead of the curve in line with the DEP and will continue to push forward.

Mayor Amatorio stated that if the plan needs additional improvements, the borough will seek the assistance from the State and Federal government to come up with a long-term plan and a report to follow in near future.

21-301/To Approve Engineering Proposal – Metzler’s Brook Flood Attenuation Due Diligence Review

Motion by Councilperson Lodato, second by Council President Rivera, that Resolution #21-301 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>

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.

Fred Sahlberg, resident, commented that it was very honorable to honor the people that contributed to the food pantry. He inquired if the Council contributed to homeowners to waive the fees for storm related permits.

Borough Administrator Gallo stated that the resolution to waive the fees was approved this evening.

Sergeant Major Williams, resident, stated that the flashing light on New Bridge Road has not been working and people are speeding down the road. He commented that when the train is passing, with hundreds of cars, backs up all the way to Prospect Avenue causing a real traffic concern. The pedestrian crosswalk sign is also missing.

Borough Administrator Gallo stated that the Police Department Traffic Division manages the flashing light and should be notified.

Raymond Wise, resident, inquired what is the timeframe to resolve the flooding issue and whether Department of Public Works looked into the sewage problems he was experiencing at his property.

Borough Administrator Gallo stated that the engineers need to analyze the plan and inspect the book, as this needs to be looked at a much bigger scale. The borough is seeking clearance from the State to clean the brook. He will follow-up with the Department of Public Works on the sewage back-up.

Mary Sullivan, resident, inquired why there is no reference to the Police Department website on the borough website. She stated that when residents want to park overnight, they are unaware the program exists.

Jacqueline Romney, resident, stated that she also sends emails and never receives a response. She expressed that she is disappointed because no one responded to her invitation to visit her work place and see people living with traumatic brain injuries from car crashes. She commented that there were sixty-three car crashes noted on the police report. She inquired why the Traffic Safety Committee hasn't met in 2021. Ms. Romney stated that she emailed the liaison Council President Rivera to inquire why the meetings are not being held in-person. She inquired what the town is

doing, as the car crashes are impacting many residents. She asked that everyone look at the pictures she presented and answer her questions.

Norman Schmelz, resident, commented that someone needs to create a job description for the Mayor and Council that includes answering emails. He commented that in the 2003 report, there were no dimensions. He stated that if the basins are put in, a couple of feet of flood water will be relieved. He further stated that if the basins are widened, it will not help the situation. He commented that he hopes that this is not just all talk, as the borough probably will not receive any funding. Mr. Schmelz commented that maybe the new building is not a priority.

John Smith, resident, inquired how many places does the borough have to store borough vehicles. He also inquired who is responsible to maintain the area at Twin Boro. He stated that he visited the dog park two days in a row, and the park hasn't been cleaned. Mr. Smith also stated that residents are complaining because the rocks and plastic used in the park are cutting their dogs' paws. He commented that the Department of Public Works is not maintaining these areas, and the borough should also clean the debris along the railroad tracks. Mr. Smith stated that CSX should clean the area or be fined, because the debris is falling onto school property. He also stated that the street light on Hallberg Avenue keeps flashing.

Borough Administrator Gallo stated that there are several locations to park borough vehicles, but many of the vehicles will be auctioned in the next coming weeks. Twin Boro is maintained by the borough. CSX is responsible for cleaning the debris off their property and have been contacted.

Diana Flagg, resident, stated that she has spoken with the Borough Administrator regarding people coming into Bergenfield and putting signs on vacant stores. She inquired if the borough doesn't mind that the vacant stores look like garbage. She stated that the borough cannot help there are vacant stores, but can ensure they are maintained. She also commented with regards to the debris in front of Mr. Dubno's property. Ms. Flagg inquired if the borough is having COVID-19 testing again. She also inquired why she received a notice that overnight parking is suspended for the month of September. Ms. Flagg commented that she noticed the police department is hiring. She inquired why are police officers leaving and whether there is a morale problem.

Borough Administrator Gallo stated that the Department of Public Works notified the property owner that he is responsible for the debris pick-up. The borough was planning on offering COVID-19 testing in conjunction with the school district, but there is not enough demand. Testing may become available in the next coming weeks due to the new mandates. Mr. Gallo stated there are three vacancies in the Police Department table of organization, but cannot discuss personnel matters.

Mayor Amatorio stated overnight parking may have been lifted in light of the Jewish high holidays.

Borough Attorney Schettino stated that personnel matters cannot be discussed in open session.

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

COUNCIL COMMENTS

Councilperson Lodato stated that former Mayor Charles O'Dowd Jr. passed away. He served during 1979 to 1995. He thanked everyone for coming to the meeting

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

Councilperson Marte thanked everyone for coming and thanked all the organizations and individuals that donated to the food pantry.

Council President Rivera stated that the food pantry has been stronger than ever because of all the donations. He thanked everyone for coming and wished everyone a good night.

Councilperson Pascual thanked everyone that helped with the food pantry.

Borough Administrator Gallo stated that the traffic issues taking place in the borough are a function of the Police Department. He explained that investigating the matters and number of accidents fall under the responsibilities of patrol and traffic division in the Police Department. He stated that the governing body has confidence in the Police Department that they will do what is needed to improve these matters.

Mayor Amatorio thanked everyone and wished everyone a good night.

CLOSED SESSION

RESOLUTION **21-302**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Attorney-Client Privilege
 - 1. New Municipal Building Bid
 - 2. PBA Local 309 Update
 - 3. Police Department Personnel Matters
 - 4. Fire Department Personnel Matters

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 Council President Rivera, second by Councilperson Pascual, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:30 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Marte, second by Council President Rivera and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk