

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
MARCH 1, 2022**

PRESENT: Mayor Arvin Amatorio and Council President Buddy Deauna, Council members Thomas A. Lodato, Rafael Marte (8:06 p.m.), Ora Kornbluth, and Marc Pascual

ABSENT: Councilperson Hernando Rivera

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

Mayor Amatorio called the meeting to order at 8:05 p.m. with the reading of the Open Public Meetings Act Statement, "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. Meeting dates for the year are confirmed at the Annual Meeting. The Annual Notice is sent to the Record, Star Ledger, Twin Boro News, and Cablevision, placed on two Municipal Bulletin Boards and is on file in the Office of the Borough Clerk. Notice of this meeting by the January 28, 2022 Sunshine Notice was 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

Motion by Councilperson Kornbluth to add Resolution #22-105 to approve the sale of surplus property to the Consent Agenda. Council President Deauna seconded the motion. All present voting in favor, none opposed.

PRESENTATIONS

A. Veteran's Advisory Committee Presentation

John Smith, Chairman of the Veteran's Advisory Committee, stated that the Memorial Day Parade committee met with the local business owners, and the committee recommends that the parade be moved back to Washington Avenue. However, he requested that the parade route run from Borough Hall, down Washington Avenue, and end at the VFW. He stated that the "Flag of Our Fathers" mural will be painted on the outside wall of the VFW. The mural will be celebrated on Memorial Day. The Memorial Day ceremony will be held in front of borough hall at 11:30 a.m., the flag raising will be held at 12:00 p.m., and then the parade will start at 12:15 p.m. He stated that everyone should start lining up for the parade at 11:00 a.m. Mr. Smith also stated that Mrs. Sue Muller in the Administrator's office will send letters to all participants. He suggested that the borough have a cut-off time for participants to register. He requested that robo calls and advertisements be done the Friday before the parade. He also requested that the borough have a school bus to shuttle residents from Prospect Avenue to Washington Avenue because of limited parking. Mr. Smith also recommended that a donation be made to the High School band for their participation in the parade.

Mayor Amatorio inquired if any activities will be held at Memorial Park.

Mr. Smith stated that no events will be held at Memorial Park. The programming will continue at the VFW. He stated that tables will be set-up for local vendors to donate food.

B. Administrative Hirings and Appointments

22-096/To Hire Part-Time Laborer – John Papay

Motion by Councilperson Kornbluth, seconded by Councilperson Pascual, that Resolution #22-096 be approved.

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	aye
Council President Deauna:	aye	Councilperson Rivera:	absent
Councilperson Marte:	aye	Councilperson Pascual:	aye

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Borough Engineer Robert Klein from RVE stated that all the work has been completed from last year, with the exception of some asphalt that has to be done in April. The current projects include Marcotte Lane and the installation of speed humps. He is also working with the borough to finalize the list of 2020 roads.

ORDINANCES

A. Adoption of Ordinances

The following ordinances published herewith were first read by title on January 18, 2022 and posted on the bulletin board of the municipal center.

ORDINANCE 22-2591 – AN ORDINANCE AMENDING CHAPTER 186 OF THE CODE OF THE BOROUGH OF BERGENFIELD ENTITLED “LAND DEVELOPMENT” TO PERMIT ONE EACH CLASS 1 CANNABIS CULTIVATOR LICENSE AND CLASS 2 MANUFACTURER LICENSE AND ENACTING NEW CHAPTER 127 TO ESTABLISH A CANNABIS TRANSFER TAX AND USER TAX

Public Comments on Ordinance 22-2591.

Shergoh Alkilani, co-founder of Eleven Eleven, stated that he started the company with his sister, who is the main owner of the business, for indoor agricultural use. He stated that the company applied to the Cannabis Regulatory Commission (CRC) in December. He explained that the company had to meet many requirements before submission. He is the purchaser of the Sears property. He understands there are some concerns with traffic near the property and security. He stated that the property will be more secured than a bank because no outside visitors will be permitted. The property will be secured at all levels and videos will be made available to the Bergenfield Police Department. The company will only sale to wholesaler dispensaries. As such, the only visitors permitted will be those making the deliveries. Mr. Alkilani stated that the corporate transactions will be moved by armored vehicles.

Borough Attorney Schettino inquired whether there were any air quality and/or ventilation requirements as part of the application. Mr. Alkilani explained that factories are required to have permits from DEP, and are required to have air filters on all pieces of equipment. He stated that if someone stands a foot away from the facility, they will not have any smell.

It was questioned whether the public at-large will be permitted. Mr. Alkilani stated that no one is allowed in, only certain people will have access to certain levels. All employees will have to be vetted and have a background check, and their names will have to be shared with the CRC.

It was questioned how often will the trucks travel to the facility. Mr. Alkilani stated that the trucks will come to the facility on a cyclical basis, depending on the plants and harvest. The trucks will come in and the products will be delivered, similar to how it is done at a pharmaceutical company.

Councilperson Deauna questioned what are the benefits to the borough. Mr. Alkilani stated that when the State of New Jersey passed the adult use bill, they approved the use of transfer tax, meaning that the borough will benefit from 2% of all sales, in addition to property taxes. He explained that currently, New Jersey is the most expensive, with an ounce costing about \$180. If a harvest is completed before the end of this year, the borough can receive over a million dollars in tax revenue from the product. He further stated that as part of his application, he needed to ensure that the facility is 200 feet from a school and/or church, similar to the liquor license requirements. There will be no signage on the facility, simply the building address, and the building will be modernized to look like a pharmaceutical office.

Councilperson Kornbluth inquired if there are other facilities that are operating in the State. She inquired if there are any studies regarding usage. Mr. Alkilani stated that nineteen licenses will be issued in the State.

Mayor Amatorio inquired if there are any environmental concerns. Mr. Alkilani stated that the facility will be self-sufficient, is required to have DEP permits and will recycle water.

Councilperson Lodato inquired what will be the impact to the community. Mr. Alkilani responded that the company will have a community development program in hopes to work with the community as much as they can. The company can make donations and run programs as they hope to become good corporate citizens.

Councilperson Kornbluth inquired how the applications will be awarded. Mr. Alkilani stated that the applications are reviewed on a rolling basis, first come first served. He explained that since the company is owned by a woman, it will weigh in their favor. He stated that the CRC received 430 applications on December 15th.

Councilperson Pascual questioned what will happen to the products that are not sold. Mr. Shergoh stated that the products have to be documented and incinerated off-site by an approved entity. The products have a shelf life of two years, and as such, he is able to sell another type. However, it has to be reported to the State, as the license will have very stringent requirements.

Council President Deauna inquired if anyone will be able to break-in to the facility. Mr. Alkilani stated that the facility will be under twenty-four-hour security and each plant will have a barcode.

Barry Doll, resident, stated that he remembers receiving a button stating that Bergenfield is drug free. He noted that the representative did a very nice job and covered all the bases, but he is a salesman. Mr. Doll stated it all sounds great, but where is the evidence of what is occurring in other towns in terms of health issues or the towns being sued. Mr. Doll further stated that not one person called in favor at the Planning Board meeting. Mr. Doll spoke with the senior citizens and received a petition signed by fifty people that are against this matter. He noted that the Planning Board voted 5 to 3 in favor of the ordinance. Mr. Doll stated this goes against the Borough sponsored mission statement. He further stated that 60% of residents voted to approve marijuana in New Jersey, not in Bergenfield. He stated that Bergenfield voted to opt-out, and inquired what has changed. He also commented that the facility has to be 500 feet from a school, not 200 feet, and next door is a music school. He advised the governing body to vote it down.

Councilperson Lodato questioned the definition of a school. He stated that he looked in the matter, and the municipal land use law does not define "school," and referenced court cases that determined a facility, such as a child development center, is not a school. He further stated that

the armory is a government building, but not the type of government building that is prohibited in the license. Mr. Lodato stated that this matter is tricky, because there is no definition of school.

Judy Despommier, resident, stated she lives off of Washington Avenue on Lilac Street, which is very close to the proposed facility. She stated that she suffers from asthma and is concerned for her own health. She inquired what are the risks to her personal health. She stated that if prisoners can break out of Rikers Island, people will be able to break into the facility. Ms. Despommier stated that illegal use of drugs due to the pot factory will deter families from visiting the diner or O DiBella Music Inc. She is concerned the borough will be losing more businesses, and noted that the PNC Bank was robbed.

Pat Noseworthy, resident, stated that this is unheard of. She commented that people move into Bergenfield because it is the friendly town. She stated that her brother teaches at O DiBella Music Inc., and businesses are not going to want Bergenfield as their address.

John Smith, resident, stated that at the Planning Board meeting, the ordinance was reviewed to ensure this falls within the master plan. The attorney clarified that the board is not voting for or against the ordinance, the vote is that it meets the master plan. Mr. Smith stated that the applicant mentioned all the positives, but was never questioned for the negatives. The positives have to outweigh the negatives. Mr. Smith also stated that O DiBella Inc. is not registered as a school. He noted that the presenter is not prepared because he did not mention the negatives.

Fred Sahlberg, resident, stated a point of order, that the Planning Board did not approve the ordinance, there should have been another vote to accept it. He stated that to Mr. Doll's point, O DiBella Inc may not be a school, but the intent of the law is to protect children, and children visit the music store. He advised the governing body to take the children into account. Mr. Sahlberg stated this is the gateway drug. He worked in criminal justice for many years, and even if the drugs are not being sold here, they are being produced, will be sold in another town and will end up coming back here. The governing body should consult with the Board of Health and look into the cases and lawsuits in Colorado.

Bill Flores, resident, stated that he moved into Bergenfield over twelve years ago, and he was happy moving into town. He understands there is a money value to this, but eventually the governing body will decide to change the classes again and have retail shops selling out of here, people coming from all over and selling it here, leading children to become drug dealers and hooked on it. Mr. Flores stated the borough should be proactive instead of reactive. He knows from seeing other people go through it that addiction starts with marijuana, and then leads to other drugs.

Annamarie, resident, thanked everyone for speaking on this matter. She stated that the majority of people object to having this in Bergenfield. She stated that everyone needs to consider the children and people of this town.

Kathy Sahlberg, resident, stated that everyone is bringing up great points and inquired if the building in question will be used as is, or if the applicant will go to the Zoning Board of Adjustment to create a higher building or have more rooms.

Mary Sullivan, resident, stated that the waste products will be incinerated, but questioned how their garbage will be collected. She also questioned if the facilities and restrooms will be cleaned internally, or whether and outside company will clean. She commented that cameras do not stop things from happening. Ms. Sullivan inquired how secure will this be. She also stated that the more facilities, the less money they will go to the local retail businesses in the area. Ms. Sullivan stated that the original ordinance prohibited other uses, the public cannot trust the governing body will not change their minds again. She questioned the status of Happy Daze selling paraphernalia.

Jenny Susana, resident, stated that she moved into the borough twenty years ago. She expressed that the facility should be used to have an after-school activity for children under twenty. She loves Bergenfield, but it is nothing like when she moved in.

Patricia Doll, resident, reminded the governing body that an ordinance was passed against this. She questioned where they would like to live.

Helen Garcia, resident, stated that Bergenfield is considered one of the 100 best communities. She questioned whether the governing body would like to change that. She stated that businesses should be opened that will keep their children away from drugs.

Norman Schmelz, resident, stated that he has lived in the borough for over fifty years. He expressed that he hopes the borough continues to be a best town, and advised the governing body to stop taking advice from people out of town. He commented that this is his backyard, and that he does not want to be compared to Englewood, Teaneck, Hackensack, and Paramus. He stated he would like his town compared to Old Tappan and Demarest. He stated that for many years, the borough fought to not build the apartment complex on Annex Place and West Johnson. He stated that no one voted for this ordinance, and the engineer did not have a copy of the master plan. He commented that drugs are sold in the bathrooms in schools. He questioned whether the clubs such as the Dominoes Club were asked for their input. Mr. Schmelz questioned if this will lead to another lawsuit, and inquired if there is any connected between the applicant and anyone on the board. He commented that this should be addressed before it is voted on. He stated that members previously commented they will never sell pot, and questioned whether there is any guarantee. He stated that there was an article in the paper that indicated the municipal alliance is not involved, and questioned for the Board of Health was reached for their input. He advised the borough to think about the kids and not the money, and vote no.

Amanda, resident, stated that has lived in the borough for eleven years and has children. She stated that she is in support of growth and cultivation. She stated that the comments being made are very stereotypical. The revenue is a benefit and is no different from bars being open and alcohol being sold. She stated that children are not accessing marijuana in the stores, they are buying it off the street. She stated that 66% voted for this because there are positives. She commented that the current building is an eyesore, and is looking forward to a newer building. She also commented that there is no difference between this and a distillery. She expressed that the positives outweigh the negatives. Children will not be able to walk into a store and buy marijuana, its very similar to alcohol. She further stated that it is up to the parents to teach their children the difference between right and wrong. Ms. Amanda stated that medical marijuana helped her grandma who had cancer by easing the pain. It helped her grandma, and therefore sheds a different light on the matter.

Odalys Cabrera, resident, stated that she remembers visiting the roller rink on a school field trip. It was a fun activity in town. She stated that now the first thing people will see is a marijuana building. She commented that this is a nice town and she felt welcomed when she moved in. She further commented that when people voted for this, they voted to smoke it, not grow in town. She stated that the borough should build a place for families, not to grow marijuana.

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

Mayor Amatorio clarified the 66% statistic is from the Bergenfield referendum and is not from New Jersey state. Mayor Amatorio stated the council voted no the first time because it was the right thing to do. If the council didn't, then all of the licenses would have automatically been allowed in Bergenfield. They had to opt-out to determine if the operations would be allowed in town.

Borough Administrator Gallo stated there was a time frame the municipality had to choose to either allow any kind of these businesses to operate or to opt-out. The only way a municipality can control what types of businesses and applications they would be willing to accept is by opting out. The town

had to opt-out to be able to opt-in if a business presented itself. Mr. Gallo explained you have the ability to control it that way versus if you did nothing, the town is opened to all types of cannabis business.

Borough attorney Schettino stated if no action was taken, the municipality would allow for all types of uses. Many towns initially passed the ordinance banning all types of marijuana use in the municipality. Several communities (Cliffside Park, Fort Lee, Teaneck) are now allowing, not only manufacturing but retail sales also. The ordinance does not permit any other type of use other than manufacturing. None of the stores would be permitted to operate or sell marijuana in the community. The intent is not to allow point of sale of marijuana. It's illegal to sell marijuana to children, but can buy it from their friends and on the street. Every community, including Bergenfield, has drug use in its high school. Mr. Schettino stated to think manufacturing plant for marijuana is going to add to children buying marijuana, there is no factual basis or study for it. The statements being made are opinions and not facts. There will be a security gate controlled by a armed officer

Mayor Amatorio stated there were potential applicants who expressed their interest to come to Bergenfield but rejected them as the municipality is not interested in point of sale.

Borough Administrator Gallo stated the facilities are not like banks. A bank is a bad example of what a facility like this is. Banks have access. If you are a resident, you won't be able to get in through the front door. There will be a secured gate controlled by an armed officer and there will be controls throughout the building of who's entering and who's not. There are vendors that are allowed into those areas, but those people are regulated, background checked, and analyzed. The person that will be cleaning the bathrooms will not have access to the areas where the marijuana will be.

Mr. Alkilani stated negative and positive criteria are related to a planning testimony. It's specific to municipal land use law. He will hire a planner who will agree there is no negative criteria. They are using the building as is. They will show where they are striping and adding security features when they come before the Planning Board. There wouldn't be a negative aspect if they are adding more security. Mr. Alkilani stated there won't be any issues of increased traffic or environmental issues. They are in a B-2 zone and there was a retail store in the past. A retail store would generate 10,000 times more traffic with consumers going in and out. They will have 80 employees but won't be there all at the same time. There will be a turnover of people. A financial and economic analysis will be provided.

Mayor Amatorio inquired if there will be increased traffic and environmental issues.

Borough Attorney Schettino stated the Planning Board has 35 days from when they received the ordinance to take action. If they don't take any action after 35 days, the ordinance can be adopted by the governing body. Mr. Schettino state if the Planning Board makes a decision one way or another, it's not binding on the governing body. It's only a recommendation. If they take a position that's inconsistent with the master plan, the governing body would have the planner come to the council meeting and state whether he believes it is consistent with the master plan or not. It still doesn't prevent the governing body from voting on it. It does give an argument that the ordinance may considered spot zoning. Mr. Schettino stated by specific legislation by the state, he didn't know if spot zoning would apply.

Mr. Gallo stated every plant, every seed, is documented with the state of New Jersey and is accounted for. Mr. Gallo explained unless the ordinance changes, the governing body is looking to just approve cultivation/manufacturing. Mr. Gallo stated the building will have no markings. No one will know what the facility is. There will be no permitted access to the complex unless you are supposed to be there. There will be no impact to the local businesses. Mr. Gallo stated employing 80 in the area will aid the daily intake of revenue for the diner and the local businesses in the

community who will need food. There is a lot of misinformation being disseminated to the public that isn't fair to the governing body and the applicant. The DEP is super regulated with the environmental issues which is be addressed and approved.

Mayor Amatorio stated if there was any other application, they would first have to get a license from the state.

Mr. Alkilani stated they will be recycling the water that will used internally. Even those things need to be inspected and things they receive from other agencies need to be inspected by the CRC. Every employee has a Id card. Certain people can only get into certain areas. People need to have permission from CRC to be permitted into the building and will be monitored by video the entire time.

Mr. Gallo stated it's just like any armed security building, whether it's the Federal Reserve or an airport. You can't get into areas unless you're badged, regulated, and vetted. Mr. Gallo stated that same process will take place here. All confiscated drugs are sent to an incinerator. It will be controlled with what's going into the truck, transported to the location of the incinerator, which is not anywhere near here. The state police enforce it along with representatives from the drug enforcement administration and monitored closely of what is being destroyed. Mr. Gallo stated paraphernalia is a funny thing. Paraphernalia is only paraphernalia only in legal terms. There are bags that are being sold at Happy Daze that have hidden compartments in it. The bag itself is not illegal to sell. It becomes an issue, and the person is charged with paraphernalia if in the hidden compartment if a police officer stops them under the suspicion of drugs, there's drugs in the bag. Then it's charged possession of a dangerous substance and paraphernalia. The idea they are selling items is not accurate. They are a smoke bag and were approved by the borough to operate. There is no indication they are selling anything other than tobacco products.

Mayor Amatorio stated some residents have raised some issues which has been brought to the police department's attention.

Mr. Gallo stated he and Mr. Schettino explained in detail the opt in versus the opt out. This is not the former roller rink. The building was sold and was supposed to be a gym. COVID-19 hit and it didn't happen. This gentleman bought the building and he is seeking the use for it. It will employee potentially 80 employees as referenced. In addition, there is potential for improvement and benefit to the area. It's taking an unoccupied space and creating a use for it. There have been many discussions and studies with the use of marijuana in relation to the use of alcohol. The state of New Jersey still needs to go through an extensive series of vetting before anybody is issued a license. After a license is issued, there is an extended series to ensure their facility, security, ventilation is up to standard. It is going to be vetted more than any other industry. There will be no change in the height, access points will be modified to make them more secure, add ventilation systems, and upgrade security measures. The footprint of the building is not changing.

Mr. Schettino stated if they make any changes to the structure and require a variance, they will have to apply for a variance.

John Smith stated there will traffic problems if they are going to have 80 employees driving to work. It is wrong to say there won't be any negative criteria and is up to a planner to decide that. The planner should have been here to answer questions from the residents.

Mayor Amatorio stated once he applies for a business permit, is when he will present whether there is positive or negative criteria. The governing body is just voting on passing the ordinance tonight.

Borough Attorney Schettino stated there isn't an application before the governing body, nor does the governing body have jurisdiction to hear the application. The governing body is adopting an ordinance, which has to be consistent with the master plan. Mr. Schettino stated when the

gentleman files an application, he will need site plan approval. If there's a traffic issue demonstrated, it would be a basis to deny a site plan application. Another basis to deny a site plane would be if there isn't a safe means of egress and ingress on the site. It would be for the applicant to present testimony before the Planning Board. If he needs a variance, then he would have to satisfy the positive and negative criteria with respect to the specific application. The issue here is the adoption of the ordinance and whether the governing body feels it is consistent with the master plan.

Motion by Council President Deauna, second by Councilperson Marte, to pass Ordinance 22-2591 on second and final reading and is hereby adopted and notice of same shall be published according to law.

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

Councilperson Lodato:	nay	Councilperson Kornbluth:	aye
Council President Deauna:	aye	Councilperson Rivera:	absent
Councilperson Marte:	aye	Councilperson Pascual:	aye

B. Introduction of Ordinances

Motion by Councilperson Marte that the following ordinances be introduced and passed on first reading and setting March 15, 2022 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. Councilperson Kornbluth seconded the motion.

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

ORDINANCE 22-2596 - AN ORDINANCE TO ESTABLISH THE SALARY RANGES OF EMPLOYEES NOT SUBJECTED TO UNIONIZED CONTRACTUAL UNITS OF THE BOROUGH OF BERGENFIELD

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	aye
Council President Deauna:	aye	Councilperson Rivera:	absent
Councilperson Marte:	aye	Councilperson Pascual:	aye

UNFINISHED BUSINESS

No discussion.

NEW BUSINESS

No discussion.

ADMINISTRATOR'S REPORT

No report.

MAYOR & COUNCIL REPORT

No reports.

Mayor Amatorio

No report.

CORRESPONDENCE

No correspondence.

PUBLIC COMMENTS

Sergeant Major Williams, resident, questioned the stipulation of the parking spaces approved by the Zoning Board of Adjustment for the 372-378 S. Washington approved. There is an old car parked in the back and inquired what department he should address his complaint to. He inquired if there is an ordinance for curbside pick up.

Borough Administrator Gallo advised that he visit the Building Department to make a complaint to the Zoning Officer or make the complaint in writing via email. He is also welcome to contact the Administrator's office with any concerns.

John Smith, resident, stated that the first Zoning Board of Adjustment meeting of the year will be on Monday. He reviewed the applications and went to the areas. Wildrose is one of them. Mr. Smith stated the individual wants a renovation, but he knows it's not going to be a renovation. It's going to be a knockdown with 5 bedrooms. They are only going to allow parking for only 1 vehicle. He is the only Zoning Board member that brings up the issue of there being no place to park. The council needs to address the issue of the number of parking spaces. No one is using their garage. The municipal land use law states that a non-conforming use lot cannot be increased or decreased. All the applications coming before the Zoning Board are non-conforming lots and are being approved. The ordinances need to be changed. Mr. Smith stated he had submitted an OPRA request for complaints for 44 Hallberg Avenue and there weren't any summonses or warnings. Scott looked at the house back in August 2021 because there was water being pumped out of the basements. Ordinance are being passed and no one is enforcing them. Mr. Smith inquired what is being done about 16 Dick Street.

Councilperson Marte stated the governing body has discussed it before. They have discussed allowing residents to widen their driveways.

Mary Sullivan, resident, stated the Ukrainian flag should be hung outside.

Fred Sahlberg, resident, asked the council to drive by Merritt Avenue on their way home. There are police cars parked with no parking. He was first told that it is for employee parking as the back of the building is being dug up. His wife called the next day and asked if the employees are parking there, can the residents park there after hours and on weekends. They were told they couldn't. He was then told residents can park but the employees and workers. He inquired if the cones can be taken down for now as there is no one parking there and put the cones up when the employees have no other place to park.

Mr. Gallo stated it's not the employees of the borough that are not going to park there, it is the construction employees. Mr. Gallo stated once construction starts, there will be 35-40 employees of the construction company here on a daily basis. Some of the employees are parking at Stop & Shop and some are being shuttled from the bank parking lot on Main Street. Other employees at some point, when Staples corporate enter into an agreement with us, the rest of the employees will be parking in the Staples parking lot. The spots on Merritt Ave will be exclusively for the employees for the construction company 7am-3pm. They will have placards and will be updated on a daily basis. Residents can still park in front of their homes according to the street signs. They are not trying to impact the residents who live in the area.

Norman Schmelz, resident, inquired about the Metzler Brook project. Mr. Schmelz stated the drawings done by Remington & Vernick showed no dimensions. Mr. Schmelz stated if they are able to help the six houses on each end would be a great justice to at least those people. The lot purchased next door was written in an ordinance to be paved and was to be used for parking when the new building was built. Mr. Schmelz inquired if the fire trucks are going to be given away. He inquired why it's taking 3 years to get rid of fire trucks. He stated there are cars parked at the bank and at the pool. Mr. Schmelz stated he completed an OPRA form to find out how the areas in need of redevelopment were chosen. He received 100 pages but was not given an answer. He looked at meeting minutes and did not see any discussion. He saw the Neglia report online and pictures. The other side of Washington Avenue is terrible and is not included in the report. Mr. Schmelz stated in the whole package, he found three sets of plans, which emails were received from Mr. Swirinski. Stating he was interested in the properties. At some point, Neglia Engineering was told to do the report on those three areas first. It scares a lot of people when the first drawing is showing 124 units for the bank is. Mr. Schmelz stated they are forcing redevelopment on those areas. The Planning Board was not a professional meeting last night. The board engineer could not answer the questions he asked. He inquired if there will be a Stigma Free meeting this month and if it will be open to the public. Mr. Schmelz stated he will give a donation to the Friends of Music and stated it's a great idea.

Mr. Gallo stated last week T&M was there and they are working on the report. The report that Remington & Vernick issued isn't applicable and needs to be modified to DEP standards. They need to figure out the volume of water and the distance to ensure they will be able to build something suitable to capture under the worst conditions. The goal is to make it all better. Mr. Gallo stated they will still be doing that but need to pave it first. It has to be done in the spring as they need to dig down. The cars parked at the pool are gone. The cars parked at the bank are DPW employee cars. They are using the transport bus in the morning to come here. Mr. Gallo stated the whole proposal had to be broken up because it is too expansive. It is the same areas being addressed when Mr. Schmelz was the Mayor. Mr. Schmelz stated the first area picked was 60 W. Main Street, which is the bank. 314 S. Washington Avenue is number 2 on the list which is not in the main sector from here down to Clinton Avenue, and the third one was 358 S. Washington Ave.

Mayor Amatorio stated they identified the entire area and they chose the vacancies in the area. He stated there is no conspiracy. The governing body told the planner there are some interests for certain properties that were sold or going to be sold by the landlord. The planner then chose those properties just in case there was some obligation for redevelopment. Mayor Amatorio stated the planner knows there are interested developers.

Mr. Gallo stated they would like to sell the bank because it would be revenue and is part of the area in need of redevelopment. He stated someone is interested in buying the whole parcel. Mr. Gallo stated they had told Neglia about interest in the areas. It's discussed in the meetings. It isn't approved just because it is being discussed. A developer will throw out a number to maximize their profit. It doesn't mean it is going to come to fruition.

Councilperson Pascual stated the Stigma Free meeting will be Thursday at 7:30pm at the library and is open to the public.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 22-097. 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. **22-098/To Pay Bills**

- b. **22-099**/To Authorize Refund of Redemption Monies to Outside Lien Holder for TTL #19-00005
- c. **22-100**/To Authorize Refund of Redemption Monies to Outside Lien Holder for TTL #21-00002
- d. **22-101**/To Approve Tax Refund – 50 Highview Avenue
- e. **22-102**/To Approve Tax Appeal Settlement – FAMCO Realty c/o Elite Management for properties located at 10-12 S. Washington Avenue, 18 S. Washington Avenue, 22 S. Washington Avenue, 24-30 S. Washington Avenue and Portland Avenue
- f. **22-103**/To Approve Tax Appeal Settlement – 260 S. Washington Avenue
- g. **22-104**/To Approve Tax Appeal Settlement – 40-42 Harcourt Avenue
- h. **22-105**/To Approve the Sale of Surplus Property

Motion by Councilperson Pascual, seconded by Councilperson Marte, to approve the Consent Resolution.

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

Councilperson Lodato:	aye	Councilperson Kornbluth:	aye
Council President Deauna:	aye	Councilperson Rivera:	absent
Councilperson Marte:	aye	Councilperson Pascual:	aye

COUNCIL COMMENTS

The Mayor and Council thanked everyone for attending the meeting and for their comments.

CLOSED SESSION

RESOLUTION 22-106/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Attorney-Client Privilege
 - 1. PBA Local 309 Update
 - 2. Fair Share Housing Update
- B. Personnel
 - 1. Municipal Court Personnel Matters
 - 2. Police 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 Councilperson Marte, seconded by Council President Deauna and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 11:20 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Pascual, seconded by Council President Deauna and unanimously carried, the meeting was adjourned at 11:46 p.m.

Marie Quinones
Borough Clerk