

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
APRIL 5, 2022**

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

ABSENT: No one.

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."

The Salute to the Flag was led by Council President Deauna.

AGENDA CHANGES

Councilperson Kornbluth made a motion to add Resolution 22-148 to approve professional service agreement Police Department floor plans and to add the Bergenfield Book Proposal to new business. Councilperson Marte seconded the motion. All present voting in favor, none opposed.

PRESENTATIONS

A. Proclamation - 2022 UDrive. UText. UPay. Distracted Driving Crackdown

Mayor Amatorio read the proclamation into the record.

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Robert Klein, Remington & Vernick Engineer, stated Anderson Avenue will be paved the week of April 18, 2022 and will take approximately two days. The speed humps project is currently out to bid and will be due next week. A schedule for the project will be received from the contractor once the bid is awarded. Mr. Klein stated they are in the process of preparing the bid documents for Marcotte Lane and a proposal for Hickory Avenue is on the agenda tonight. They will begin the plans once they receive authorization. The 2022 road program consists of Blauvelt Avenue, portion of Tulip Street, Carnation Street, portions of Bergen Avenue and First Street, West Broad Street, and the parking lot for the new municipal building.

Borough Administrator Gallo provided clarification that the paving is for the parking lot next to the gas station, not the new parking lot. The parking lot needs to be leveled and drained.

Mayor Amatorio inquired when the residents will be notified of the repaving of the roads. He inquired who will give the notice.

Mr. Klein stated residents will receive notice at least two days in advance. The contractor will prepare the notices, they will review them, and then the contractor will distribute them. Mr. Klein stated they will develop a schedule do the work on Hickory Ave as it is near the school and there is

a lot of work. They want to take advantage of the grant and minimize the impact to the school. It's too much work to have it all done this summer.

Mr. Gallo stated there is curb work, storm sewer work, sidewalks and aprons that need to be cleaned up and modified.

Mayor Amatorio stated every time there is a big project, it spills over into the next year. They need to take advantage of the summer months when there is no school. There is still time if they start now. There are a lot of complaints about speeding on that street and the hump cannot be put in until the road is paved.

Mr. Klein stated they still need to see what utility work is needed. He stated that to squeeze all the work on that road and take full advantage of the grant will require more than three months of time. Mr. Klein stated they still need to survey, prepare the bid, and go out to bid. They don't know the full scope of the work until they get the videos.

ORDINANCES

A. Adoption of Ordinances

Mayor Amatorio read into the record:

The following ordinances published herewith were first read by title on March 15, 2022 and posted on the bulletin board of the municipal center.

ORDINANCE 22-2597 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Public Comments on Ordinance 22-2597

Barry Doll, resident, inquired what the ordinance and the money is for. He stated the budget isn't approved yet and already there is an adjustment for capital expenditures. Mr. Doll inquired why they can't wait until the budget meeting to discuss this instead of doing it by piece meal.

Rich Cahill, CFO, stated this ordinance is done every year as a formality. The director of Division of Local Government Services establishes a percentage rate that operating expenses can be increased each year. The percentage rate is based on consumer pricing index. The rate of increase for this year is 2.5%. Mr. Cahill stated that by law, the borough is allowed to increase that rate to 3.5%. It gives the borough the ability to bank for future operations and it has no impact on taxes.

Councilperson Kornbluth stated it's been on the agenda every year.

Mayor Amatorio stated the borough has never exceeded the budget.

Borough Attorney Schettino stated the auditor and the CFO recommend this ordinance is adopted.

Motion by Councilperson Pascual, seconded by Councilperson Rivera, to pass Ordinances 22-2597 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:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Council President Deauna:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>
Councilperson Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

B. Introduction of Ordinances

Motion by Councilperson Marte that the following ordinance be introduced and passed on first reading and setting Tuesday, April 19, 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 ordinance. Seconded by Councilperson Rivera.

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

ORDINANCE 22-2599 – 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 \$2,100,000 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.

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

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

Motion by Councilperson Marte that the following ordinance be introduced and passed on first reading and setting Tuesday, May 17, 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 ordinance. Seconded by Councilperson Kornbluth.

ORDINANCE 22-2600 – AN ORDINANCE ADOPTING REDEVELOPMENT PLAN - BLOCK 127, LOT 5, COMMONLY KNOWN AS 45 WEST MAIN STREET; and BLOCK 126, LOTS 9-12 & 14-16 (AREA D), AREA WITHIN VICINITY OF PORTLAND AVENUE, S. WASHINGTON AVENUE AND W. CLINTON AVENUE, BLOCK 130 (AREA E), AREA ALONG W. CHURCH STREET FRONTAGE, VETERAN’S PLAZA TO N. WASHINGTON AVENUE, BLOCK 125 (AREA F), PREPARED PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET. SEQ.

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

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

UNFINISHED BUSINESS

None.

NEW BUSINESS

A. Proposed Bergenfield Book by Arcadia

Mayor Amatorio stated there is a proposal for Arcadia. A writer from Teaneck wrote a book with historical pictures of Bergenfield. The group spoke with the Museum Society a few years ago, but

there were some challenges with resources. Mayor Amatorio stated he had made a proposal to the person and contacted the Museum Society to look at the pictures and other library materials. There were enough materials to put together a book. The borough can assist with the publication and production of the book which would cost \$3,000. Mayor Amatorio stated they will look into it and get more information.

Borough Attorney Schettino stated he doesn't think the borough would be permitted to give him money for him to make money for his business. It would be different if he was a non-profit. Mr. Schettino stated the borough can commit to buying a certain number of books and distribute them to the schools.

Councilperson Kornbluth inquired who paid for the books for Teaneck. She stated she does not see any benefit to the municipality.

ADMINISTRATOR'S REPORT

Borough Administrator Gallo stated as much as they want to be aggressive with the roads program, they need to be more conservative due to the increase in gas and oil prices. They've met their obligations. The utility work for the new municipal building is progressing. The company has all the steel needed for the building. The foundation will be done in the next couple of weeks when the weather breaks. Mr. Gallo stated the recreation department will host the Easter egg hunt on April 9th, 2022 at Coopers Pond from 10am-12pm. The rain date is April 10th, 2022 from 12pm-2pm. There is a host of upcoming events by the recreation department. Family Fun Day will be Sunday, June 5th, 2022. Mr. Gallo stated there will be summer camp, movie nights in June, July, and August, outdoor dining on Washington Avenue June 18th, 2022, and summer dance parties at Coopers Pond.

MAYOR & COUNCIL REPORT

Councilperson Lodato

stated the Stigma Free committee is going to meet next Thursday. Planning Board met on March 28, 2022 to review ordinances and approve two additional areas of redevelopment. The library board will be meeting next Thursday night.

Councilperson Deauna

stated the Barrier Free committee met and discussed restoration and beautifying areas in Bergenfield. There were new appointments.

Councilperson Marte

stated the Zoning Board met yesterday. There was a new board member sworn in. There were four applications for additions heard and were all approved with conditions. Dunkin Donuts is applying to put a drive-through. It was previously heard, unanimously approved to be heard, and adjourned to the next meeting. Their next meeting will be on May 2, 2022 and will be held in-person.

Councilperson Lodato stated he also attended the Zoning Board meeting last night as the Planning

Board liaison just to observe. There was a residential application with an irregular shaped lot on Glenwood Drive. The applicant is knocking down the existing house and proposing to build a five bedroom house with several variances, a one car garage, and a driveway to accommodate one car. The problem is that once the kids living in the house grow up, where will they park their cars. Councilman Lodato stated the parking ordinance needs to be amended.

Mayor Amatorio inquired if it can be put on the agenda for discussion to upgrade the parking ordinance.

Councilperson Kornbluth

stated OEM helped coordinate and responded to a missing child report. BVAC also helped. OEM responded to 580 calls year to date. All winter sports are finished. Youth spring sports have started and are practicing. The men's softball league has begun. They held a Rutgers safety class at the high school for all the coaches. The batting cages at Memorial Field are almost complete. The Challenger program has been meeting on the track at the high school on Sunday afternoons and will continue until April. The recreation department has been working on various events as Corey had mentioned over the summer.

Councilperson Pascual

stated he attended the Shade Tree committee meeting last night. He stated if residents have any problems with borough trees, they could contact DPW. He stated in celebration of the town's 21st anniversary Tree City celebration, they will be distributing tree seedlings at Coopers Pond on April 22, 2022 from 10am-1pm.

Mayor Amatorio

stated they will be launching the Mayor's Wellness campaign on the 24th. There will be different activities scheduled from Monday to Friday. He invited the public to join. He gave a shoutout to the emergency services for acting quickly in helping with the missing child reported and appreciated residents searching their yards. The Challenger program is every Sunday from 12:30-2:00pm. The kids would love to see the community support them. He wished the high school students who will be performing at Disney in Orlando the best of luck.

CORRESPONDENCE

a). Naylis/Board of Fire Officers

RE: Personnel Letter dated March 16, 2022

Motion by Councilperson Marte, seconded by Council President Deauna, and all members present voting in favor, to approve Correspondence Item A. All present voting in favor, none opposed.

PUBLIC COMMENTS

John Smith, resident, stated he is getting water in his basement and garage as a result of the construction next door to him at 44 Hallberg Avenue. He had completed an OPRA request asking for the engineer's report on all paving inspections done in town. There was no inspection done when they put the pavers down, and in the ordinance, it states it is supposed to be done in three stages. An extension to his OPRA was requested because the engineer did not have the information, which tells him there weren't any inspections done. Mr. Smith stated that the application that was reviewed by the Zoning Board had "a he and she den." He stated that once the application is approved, the applicant makes the den a bedroom since seven bedrooms would not be approved and no one from the building department will go and check. Mr. Smith also stated this is what is happening on Hickory Avenue. He inquired about the developer's agreement for Congregation Ohr Ha Torah and stated that their basement is loaded with water. He inquired what equipment is being purchased and for what department in ordinance 22-2599. He stated that the new garbage trucks were purchased, but he is still seeing the old garbage trucks being used. He also stated that his street hasn't been cleaned since last August. He inquired why is he paying more, if his services are being cut. Mr. Smith further stated that every business on the Avenue was in violation of the lights, but only certain ones were hit. He inquired who is supposed to notify him of the Fair Share Housing meetings. Mr. Smith stated the applicant before the Zoning Board last night wanted a speed hump placed on Glenwood Drive or a flashing sign. Mr. Smith stated he noticed a Bergenfield ambulance is parked at 317 S. Prospect Avenue all the time, next to the synagogue. He inquired if there is a reason for it.

Mary Sullivan, resident, thanked the council for putting the Ukrainian flag up. She inquired if there is going to be a COVID-19 vaccine clinic at Conlon Hall for the fourth booster shot. Ms. Sullivan inquired why there was a grant sought for Hickory Avenue. She inquired if the speed humps are going to go first and the street over it or vice versa. The zoning board engineer stated last night that speed humps should not be added to recently paved roads because it will compromise the roadway and result in cracking. Ms. Sullivan stated the schedule for meetings still shows the November Mayor and Council work session scheduled for Thursday, November 3rd, 2022 instead of Tuesday, November 1st, 2022.

Mayor Amatorio stated it was a one-time grant that was received from the state. The funds that were going to be spent on Hickory Ave can be spent for other roads.

Mr. Gallo stated that Bergenfield was only 1 of 3 towns who received the grant. Hickory Avenue is a busy street that runs through town and is near schools. Mr. Gallo stated they have spoken with several engineers and the road needs to be paved and then the speed hump will be put on top.

Councilperson Marte stated another reason they want to pave Hickory Avenue is that by installing speed humps, the amount of speeding will be reduced.

Eileen Fay, resident, stated she is against the marijuana manufacturing plant and is concerned about it increasing crime on the site. Also, wholesale will become retail in the future. Ms. Fay stated marijuana has a terrible smell and inquired if anyone has been to an active facility.

Barry Doll, resident, inquired about the status of the Eleven Eleven developer for the cultivation and manufacturing of marijuana. Mr. Doll stated he noticed the applicant may not have been honest in his application stating there would only be 37 cultivating licenses issued. At the March 24th, 2022 Cannabis Commission meeting, there were 51 licenses issued and 17 manufacturing for a total of 68. Mr. Doll stated it's not right the public cannot comment on the resolutions for

temporary emergency appropriation and temporary capital budget in the consent resolution. He stated every dollar amount over what the council feels is appropriate should not be automatically pushed through without discussion from the public first. He inquired if the town is going to pick up garbage in Dumont and if there was any public comment. Mr. Doll inquired what the requirement is for background checks for any and all public officials. He suggested a sign be placed at the back of borough hall so people know where to enter the building.

Mr. Gallo stated introduction to the capital budget ordinance is different than the cap bank. He stated in the capital ordinance, there's the operations budget which is a municipal budget. The capital budget is where they buy goods and bond for them. There is no public comment when an ordinance is introduced. There will be a hearing at the second meeting. Mr. Gallo stated there is no update and nothing was decided at the state level regarding the marijuana application. Mr. Gallo stated he will look into the water in the basement issue.

Mr. Schettino stated the construction official should make sure the elevation of the other property has not been changed to direct the water onto Mr. Smith's property. The developer's agreement was prepared by the Planning Board on that application and had to be approved by the Mayor and Council. If the work was started before the developer's agreement was approved, that was a mistake. Mr. Schettino stated permits should not have been issued. The resolution of approval had a condition in it, being the need for a developer's agreement. The developer's agreement incorporates the condition of the resolution and requires the applicant to post all necessary fees for inspection and all work required to be done.

Mr. Gallo stated the Hickory Avenue property is not inspected by the Bergenfield building department. They are allowed to live in their existing home until the other two-family home is built, at which time they are required to knock down their existing home. The permits were issued by another town. He will look into the ambulance issue.

Councilperson Kornbluth stated two of the local synagogues had a fundraiser and raised \$70,000-\$100,000. They equipped every member of the BVAC with an AED and other emergency equipment for their private cars so they can respond directly from their homes.

Mr. Gallo stated he was asked by the governing body to look at the ordinance regarding the lights. He called other towns and the planner and has not received any responses. He stated that many towns are allowing the white lights.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 22-126. 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. **22-127**/To Pay Bills
- b. **22-128**/To Approve Carnival Application
- c. **22-129**/To Approve Raffle Applications 1377, 1378, and 1379
- d. **22-130**/To Authorize Refund of Redemption Monies to Outside Lien Holder for TTL #07-00033
- e. **22-131**/To Authorize Fee for Third or More Redemption Requests
- f. **22-132**/To Authorize Refunds for Tax Court Judgements for Several Properties
- g. **22-133**/To Reject Bids and Authorize Rebid – Twin Boro Field Improvements – Phase 1
- h. **22-134**/To Approve Change Order No. 3 – 2019 Road Improvement Program – AJM Contractors

- i. **22-135**/To Approve Payment Certificate #4 Final and Maintenance Bond – 2019 Road Improvement Program – AJM Contractors
- j. **22-136**/To Approve Proposal – Hickory Avenue Improvement Project – Remington & Vernick Engineers
- k. **22-137**/To Approve Proposal – 2022 Road Program – Remington & Vernick Engineers
- l. **22-138**/To Authorize Grant Application – EV Trucks, Replacement of Equipment, Purchase of Electric Charging Stations and Electric Infrastructure
- m. **22-139**/To Approve Proposal – 2021 MS4 Stormwater Annual Report – T&M Associates
- n. **22-140**/To Approve Proposal – Professional Surveying Services to Prepare a Boundary and Topographic Survey of the Property located at 232 N. Washington Avenue
- o. **22-141**/To Approve Developer’s Agreement – Congregation Ohr Ha Torah
- p. **22-142**/To Approve Temporary Emergency Appropriation
- q. **22-143**/To Approve Temporary Capital Budget
- r. **22-144**/To Approve License Agreement with Bertram Associates
- s. **22-145**/To Approve Change Order No. 1 Final – Sanitary and Storm Sewer Rehabilitation Program – Vortex Services LLC
- t. **22-146**/To Approve Pay Certificate No. 4 Final – Sanitary and Storm Sewer Rehabilitation Program – Vortex Services LLC

Motion by Councilperson Pascual, second by Councilperson Rivera, to approve the Consent Resolution.

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

B. Resolutions

22-147/To Approve Hire – Part-Time Laborer – Gustavo Constain

Motion by Councilperson Kornbluth, seconded by Councilperson Marte, that Resolution #22-147 be tabled.

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

22-148/To Approve Professional Services Agreement - Police Department Floor Plans for the New Municipal Complex Project – RSC Architects & T&M Associates

Motion by Councilperson Pascual, seconded by Councilperson Marte, that Resolution #22-148 be approved.

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

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

COUNCIL COMMENTS

The governing body thanked everyone for coming and to have a good night.

CLOSED SESSION

RESOLUTION **22-149**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Attorney-Client Privilege
 - 1. 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 Kornbluth, second by Councilperson Rivera and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:33 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, second by Councilperson Pascual and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:00 p.m.

Marie Quinones
Borough Clerk