

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
MAY 3, 2022**

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

ABSENT: Borough Administrator Corey Gallo

ALSO PRESENT: 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 Councilperson Marte.

AGENDA CHANGES

Motion by Councilperson Kornbluth to add a Closed Session meeting to discuss economic development under attorney-client privilege. Councilperson Pascual seconded the motion. All present voting in favor, none opposed.

PRESENTATIONS

None.

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Borough Engineer Robert Klein, Remington & Vernick, stated the contract for 20 speed humps throughout town has been awarded and will be installed by the end of the month. The Anderson Avenue project has been completed. Surveyors have been on Hickory Avenue the last two weeks, and should have the survey completed by tomorrow. Mr. Klein noted that the bid will have to be reviewed and approved by NJDOT. In the meantime, the sewer videos have been completed and are being reviewed. The plans for the 2022 road program will be prepared and go out for bid soon.

Mayor Amatorio inquired how long it will take to install the speed humps. He inquired if all roads speed humps that will be installed have been identified. He inquired if they can be removed without ruining the road and be transferred to another location. Mayor Amatorio stated Mr. Naylis had mentioned some towns are requesting to remove the speed humps. He inquired if there was any discussion with the fire department about that.

The work for the speed humps will take about a week and another week for striping and signage. Mr. Klein stated all the locations for the speed humps have been identified.

Councilperson Kornbluth inquired how they were chosen.

Mr. Klein stated they met with the police department and the borough administrator. The police department provided a list of suggestions. Mr. Klein stated it can be removed, but it would require

additional work. He explained it is made of asphalt and cannot be used again once removed. He stated they met with the police department, but the fire department was not involved at that meeting.

Councilperson Lodato stated they were concerned with their apparatus trying to get from point A to point B as quickly as they can with the speed humps.

Mayor Amatorio inquired if Mr. Klein was aware of other towns having similar concerns.

Mr. Klein stated he was not aware of any such concerns or any mass programs to remove speed humps. He stated there will be speed humps on Graphic Blvd between Woods Avenue and Harrington Avenue, two on N. Prospect Avenue, one north and one south of W. Central Ave, one on W. Church Street near the Coopers Pond entrance, one on Vreeland Avenue between S. Vivyan Street and N. Prospect Avenue, one on S. Franklin Avenue between Sunset Place and Turnure Street, two on Anderson Avenue, Dudley Drive, one on Cameron Road between Glenwood Drive South and Surrey Lane, two on Sussex Road, Wildrose Avenue between Melrose Avenue and Manning Place, one on Murray Hill Terrace, two on Brookview Terrace, one on S. Summit Avenue, one on N. First Street, one on Phelps Avenue, and one on Merritt Avenue. There will also be one on Hickory Avenue.

Councilperson Lodato inquired how it was determined to put a speed hump on Murray Hill Terrace between Tulip and Magnolia Street. He has noticed that cars drive at a high speed until slowed by a stop sign, but then drive at a high speed again until the next stop sign.

Mr. Klein stated the suggestions came from the police department. The humps are very subtle, about 3 inches high and 12 feet wide. There will be striping and signage for the driver to know it is there.

Councilperson Pascual inquired if there will be more speed humps installed around town and if the engineer can communicate with a member of the fire department. He inquired if W. Broad Avenue is on the list for 2022.

Mr. Klein stated that W. Broad Avenue is on the list to be done this year. They will be accepting bids for Marcotte Lane towards the end of the month.

ORDINANCES

A. Introduction of Ordinance

Motion by Councilperson Lodato that the following ordinance be introduced and passed on first reading and setting 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. Council President Deauna seconded the motion.

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

ORDINANCE 22-2601 – AN ORDINANCE AMENDING CHAPTER 268 OF THE CODE OF THE BOROUGH OF BERGENFIELD ENTITLED “STORMWATER MANAGEMENT”

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

A. Residential Parking Ordinance Requirements

Borough Attorney Schettino stated the commercial parking ordinance can be changed. Residential parking must follow the RSIS standards the state has established for residential parking and cannot be changed. The borough can require a variance or a waiver for tandem parking, which is when one car can park behind the other, and receive credit as two parking spaces. He noted that some towns allow that and require a waiver and other towns make it a variance. Mr. Schettino stated it depends on the borough's intent. If the intent is to curtail homes with more bedrooms, then the parking requirements should be more difficult. As such, for every bedroom, the borough would require a certain number of spaces. If the borough restricts tandem parking, somebody who wants to have four bedrooms, can only have three. If you extend the required width, you make it easier to park. Mr. Schettino stated if someone is going before the board for a variance for parking and argue that they are going to provide tandem parking spaces and the Zoning Board of Adjustment denies it, it forces the person to build less bedrooms.

Councilperson Kornbluth stated the issue is people with 2-4 cars and the width. She inquired why would they want to make it more difficult for residents to park. If they only need two spots and the driveway is long enough for two spots, why make them go to the Zoning Board of Adjustment. Most people who are building big houses are going before the Zoning Board of Adjustment anyway.

Councilperson Lodato stated the intent for his request was to require a sufficient amount of parking spaces, which RSIS does not have. There was an application before the Zoning Board of Adjustment for an 11-bedroom house, which required four parking spaces. RSIS standards only goes up to five bedrooms.

Mr. Schettino stated that the board can deny that without taking any action. The borough can amend the number of parking spaces after five bedrooms, but cannot change the parking requirements for residential properties with 1-5 bedrooms. The borough can impose requirement for 6-10 bedrooms. Mr. Schettino stated whatever is decided should be reviewed by the planner and go through the process. It needs to be sent to the Planning Board for review and comment before it is adopted by the council. Mr. Schettino stated he will contact the planner to receive a recommendation.

B. Lighting Ordinance Requirements

Borough Attorney Schettino stated that he did not find much information on this matter, however, he found an ordinance that can be tailored to the goals of the council. He suggested forming a small committee to look it over and bring back suggestions to the full governing body.

Mayor Amatorio suggested Councilperson Pascual, Councilperson Marte, and Councilperson Kornbluth make up the committee.

Councilperson Lodato stated there was one business that had very bright lights and the council had decided the lights should be turned off until the situation was resolved. He noted that the lights are back on. Councilperson Kornbluth and Councilperson Rivera shared the same sentiments.

Mayor Amatorio stated the businesses are stating that the code allows it. The council should decide whether they want the suspension of the lights implemented or hold off until the ordinance is amended.

Councilperson Marte stated it should be kept as is and not be enforced until the ordinance is amended because clarification is needed.

Councilperson Lodato inquired who decided to turn the lights back on. If it was decided the lights be turned off, the businesses do not have the right to turn the lights back on.

Mayor Amatorio stated they need an interpretation of the ordinance, because there are some gray areas, in which the residents interpret the ordinance one way, and the businesses have another interpretation. He gave the example of the commercial parking ordinance, and allowing businesses to park their commercial vehicles in their homes until the ordinance was addressed. In the same manner, they can give the businesses the same courtesy. He agreed that the ordinance needs to be enforced, but one more month is not going to harm anyone especially since it's been there for years.

NEW BUSINESS

None.

ADMINISTRATOR'S REPORT

Borough Clerk Quiñones stated that copies of the Borough Administrator's report have been provided for the public.

MAYOR & COUNCIL REPORT

Councilperson Lodato

no report

Councilperson Deauna

stated the Barrier Free Committee met at borough hall and discussed a lot of projects such as requesting the DPW help with the handicap ramp in the rest area and widening the entryway to the backroom for handicap access facilities, and have handicap access for parking. The committee has raised about \$3,000 and are still fundraising. They proposed having a car show this month and will need approval from the Mayor and Council. They requested donations towards trophies they will give to participants from various Bergenfield social clubs. They are also requesting approval to install a plaque in memory of Linda Williams. He was unable to attend the Board of Health meeting.

Councilperson Marte

no report

Councilperson Kornbluth

stated the recreation committee held the Easter egg hunt at Coopers Pond. There was a great turn out and the event was a great success. Family Fun Day is on June 5th, 2022. There will be movie nights, music with beer garden and other events planned during the summer. The Bergenfield High School band performed at Disney and did a great job. She congratulated them.
The BVAC went on 754 calls year to date with an 18% increase from the same time last year. The average response time is now down

to three minutes and has resulted from an ambulance being parked on S. Prospect. There is a new Bergen County faith based private ambulance corp. that's been recruiting members from BVAC, creating competition for both members and funding. OEM also responded to recent fires and to the missing person at Coopers Pond on Friday night. It was unfounded.

Councilperson Pascual

stated the Shade Tree Committee celebrated Arbor Day by giving out tree seedlings. There was not a big turnout and so the seedlings were handed out at the Mayor's Wellness Campaign on April 24th, 2022. There was a great turnout at the event and so the committee was able to hand out a lot of tree seedlings.

Mayor Amatorio

stated the Mayor's Wellness Campaign was launched on Sunday with a great turnout. There was Zumba, yoga classes, and walks during the first week already. At the Planning Board meeting, the resolution for the areas of Legion Drive and Woodbine Street was approved. There were no new applications. The Planning Board also endorsed the bond ordinance submitted by Mayor and Council. The Library Board is contemplating changing the carpeting as it is not secure anymore. They have set aside a budget and it will be done next year. Bergenfield baseball had its opening with some council members present.

CORRESPONDENCE

None.

PUBLIC COMMENTS

John Smith, resident, stated that the RSIS standards only address the requirements for 5-bedroom homes, and none of the individuals in the new homes use their garage for parking. He provided an example that there once was an application before the Zoning Board of Adjustment with a horseshow driveway, with 100 ft. frontage, but will not be used for parking. Mr. Smith also commented with regards to the lighting. He commented that he spoke with the resident and advised that the lights are not being used as signage. He referenced the ordinance and stated that there is no mention of bright lights and signage, it says the lights cannot be flashing. He commented that both the business owners and residents are correct and the ordinance needs to be updated. Mr. Smith suggested that the borough review 186.48 C5 & C6, Signs and Billboards and update it. Mr. Smith also suggested that the borough purchase a copy of the New Jersey Zoning & Land Use Administration book for each Zoning Board of Adjustment member to use as a reference. He commented that an application was being considered and it would have been helpful if the members had the book. Mr. Smith commented that the flooding situation is a result of private properties, pavers, and flooding onto the street, and the Department of Public Works does not have anyone to clean storm drains.

Carolyn Schmelz, resident, inquired about the status for the crosswalk on Portland Avenue and Main Street. She commented that she sent Mr. Gallo an email reiterating the letter from the county, which indicated that the county would paint the lines if the town puts in the ramp. Mrs. Schmelz stated she also sent Mayor two emails inquiring why the Mayor's Facebook page is only limited to certain people. She commented that a lot of residents are blocked and there is viable information on the page. She stated that the Mayor cannot block members if town information is being posted by a government official. Mrs. Schmelz stated that blocking being is not being transparent, and she went to the ACLU who said it is unethical. As a government official, the Mayor should not be ignoring emails.

Mayor Amatorio stated he is not blocking anyone.

Mary Sullivan, resident, stated tandem parking should be outlawed but understands everyone who has it is grandfathered in. Mrs. Sullivan stated before all the complaints regarding the lighting came up, she had mentioned there was a problem with the residential lighting being out of hand. She commented that the council should not limit the ordinance to businesses.

Barry Doll, resident, stated one year ago today the Mayor and Council adopted ordinance 21-2581 prohibiting marijuana establishments within the borough, recognizing that the sale and distribution presents concerns of safety, security and general nuisances. He inquired what has changed. He believes the council was given wrong information. He presented aerial shots of the proposed factory and stated he will be sending it to the cannabis commission. He stated the proposed facility is across the street from the pediatric emergency care center, diagonally across the Armory, a government building, next to a music store and school, next to a diner, and close to several churches. He stated that the location is not suitable for the factory. Mr. Doll stated the manufacturing and cultivation of the marijuana is going to be sold to a retailer who will be selling it. It's not for medicinal purposes and will be sold for recreational purposes. There are many residents against it. Mr. Doll inquired if the council has heard from the applicant or the cannabis commission if the application was approved. Mr. Doll stated there already has already been an adjustment to the new municipal building for another \$8,000. Mr. Doll stated he planted several of the trees given out by the Shade Tree Committee and they are not worth it. He stated there were several trees removed from Highgate Terrace and were never replaced.

Mayor Amatorio stated it is not the borough's decision whether the applicant will receive the license, it is up to the state to approve it.

Borough Attorney Schettino stated every bond ordinance has a contingency. There's more than enough in the contingency to cover the \$8,000.

Sergeant Major Williams, resident, stated that Bergenfield VFW was given the opportunity to host the military academy selection and Congressman Josh Gottheimer presented the official letters on April 22nd, 2022. He also stated that this is the most competitive district and there will be changes to the VFW leadership. He noticed someone doing wheelies on Washington Avenue and E. Englewood Avenue, which is raising safety concerns. He stated that there will be more individuals on bikes and motorcycles as the weather gets warmer, which is dangerous with heavy traffic.

Ruben Susana, resident, stated there is a lady that calls his restaurant constantly to inquire why his lights are on. He stated he is frustrated and inquired if there was a decision made about the lighting issue.

Mr. Schettino stated it is still being discussed. A decision will be made in the future and he will hear directly from the building department.

Mayor Amatorio stated a committee was created to review a proposed ordinance. The ordinance will be shared with the Borough Attorney for review. The attorney will make recommendations whether the lights will be permitted and the new ordinance will then be passed. Mayor Amatorio stated Mr. Susana has no obligation to respond to the resident, she should be directed to the borough regarding her complaints.

Motion by Councilperson Pascual, seconded by Councilperson Marte to close public comments. All present voting in favor, none opposed.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 22-165. 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.

Councilperson Kornbluth requested that item n, Resolution #22-179 be removed from the consent agenda and voted on separately.

- a. **22-166**/To Pay Bills
- b. **22-167**/To Authorize Electronic Tax Sale
- c. **22-168**/To Authorize Fee for Second Notice for Electronic Tax Sale
- d. **22-169**/To Authorize Tax Refund – 52 New Jersey Avenue
- e. **22-170**/To Authorize Refund of Redemption Monies to Outside Lien Holder for TTL #19-00010
- f. **22-171**/To Approve Insertion of a Special Item of Revenue in the 2022 Budget – Chapter 159 – DMHAS Youth Leadership Grant
- g. **22-172**/To Approve Insertion of a Special Item of Revenue in the 2022 Budget – Chapter 159 – 2022 Distracted Driving Crackdown U Drive. U Text. U Pay. Grant
- h. **22-173**/To Approve Insertion of a Special Item of Revenue in the 2022 Budget – Chapter 159 – Bergen County Food Security Task Force Grant
- i. **22-174**/To Approve Insertion of a Special Item of Revenue in the 2022 Budget – NJDOT Fiscal Year 2022 Municipal Aid Program Grant
- j. **22-175**/To Approve Insertion of a Special Item of Revenue – NJDOT Local Transportation Projects Fund Program Grant
- k. **22-176**/To Approve Cancellation of Escrow Balances
- l. **22-177**/To Approve Purchase and Contract – Turn Out Gear for the Fire Department – New Jersey Fire Equipment Company
- m. **22-178**/To Approve Contract for Administration Office Copier Lease – Atlantic Tomorrow
- ~~n. **22-179**/To Approve Proposal – Additional Professional Services Agreement for Floor 2 and 3 Plan Revisions – New Municipal Building~~
- o. **22-180**/To Approve Intergovernmental Transfer – Firefighter Darren Orta
- p. **22-181**/To Approve AT&T National Firstnet Plan
- q. **22-182**/To Appoint Clean Communities Coordinator – Jamie Luppino
- r. **22-183**/To Approve Retirement – Fernando Garcia

Motion by Councilperson Marte, second by Council President Deauna, to approve the Consent Resolution as amended.

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:

aye

Councilperson Pascual:

aye

N.22-179/To Approve Proposal – Additional Professional Services Agreement for Floor 2 and 3 Plan Revisions – New Municipal Building

Motion by Councilperson Rivera, second by Council President Deauna, that Resolution #22-179 be approved.

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

Councilperson Lodato:

aye

Councilperson Kornbluth:

abstain

Council President Deauna:

aye

Councilperson Rivera:

aye

Councilperson Marte:

aye

Councilperson Pascual:

aye

COUNCIL COMMENTS

The Mayor and Council thanked everyone for coming to the meeting and wished everyone a good night.

CLOSED SESSION

RESOLUTION 22-184/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

A. Attorney-Client Privilege

1. Economic Development

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 9:23 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, second by Councilperson Rivera, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:52 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk