

BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
MAY 17, 2022
8:00 P.M.

PRESENT: Mayor Arvin Amatorio and Council President Buddy Deauna, Council members Ora Kornbluth, Hernando Rivera and Marc Pascual

ABSENT: Council members Thomas Lodato and Rafael Marte

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 Buddy Deauna.

AGENDA CHANGES

Councilperson Kornbluth requested to add the Bergenfield Public Library's request for street closure on June 26, 2022 from 10:00 a.m. to 5:00 p.m. for their Summer Reading Kick-off event, and a Personnel Action Letter from the Board of Fire Officers to Correspondence. She also added Resolution #22-196 to appoint outside counsel Harriet F. Klein J.S.C. from the firm Wilson, Elser, Moskowitz, Edelman & Dicker LLP, and Resolution #22-197 to hire summer intern Hallie Wikfors to resolutions. On a motion by Council President Deauna, seconded by Councilperson Pascual, and all present voting in favor, the agenda changes were approved.

APPROVAL OF MINUTES

Motion by Councilperson Pascual to approve minutes of the April 19, 2022 Regular Public Meeting, April 19, 2022 Closed Session Meeting (not to be released), May 3, 2022 Work Session Meeting, and the May 3, 2022 Closed Session Meeting (not to be released). Councilperson 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.

John Smith, resident, stated that with regards to Ordinance 22-2601 on stormwater management, the ordinance only addresses major construction. He stated that smaller developments are an issue as well. Mr. Smith stated that residents place their gutter pipes under the lawns and into the storm drains. He further stated that on Cameron and Dudley, the water goes onto the street because of the run-off from the new homes.

Councilperson Kornbluth inquired if it is legal to have the water go into the street.

Borough Attorney Schettino stated homes are supposed to have zero run-off, which is the reason they are required to have retention basins and seepage pits.

Mr. Smith also stated that he noticed in the Health Officer's report that people smoke Hookah at Republic 23. He stated that there were issues there this past weekend, and the same is happening at Aloha Krab.

Borough Administrator Gallo stated that the matters will be addressed with the Health Officer. In terms of the ordinance, minor changes had to be made to the verbiage based on the recommendations from the NJDEP.

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

PRESENTATIONS

None.

CORRESPONDENCE

- | | |
|-------------------------------------|--|
| a) Ballo/Bergenfield Public Library | RE: Request for Street Closure for Summer Reading Kick-off Event/June 26, 2022/10:00 a.m. to 5:30 p.m. |
| b) Naylis/Board of Fire Officers | RE: Personnel Action Letter dated 5/17/22 |

Motion by Councilperson Pascual to accept Correspondence. Councilperson Rivera seconded the motion. All present voting in favor, none opposed.

ORDINANCES

A. Adoption of Ordinances

Mayor Amatorio read the following into the Record:

The following ordinances published herewith was first read by title only on April 5, 2022 and posted on the bulletin board of the municipal center.

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.

Public Comments on Ordinance 22-2600.

Jerry Naylis, resident, inquired what criteria was used to determine what properties are in need of redevelopment.

Borough Attorney Schettino explained that it's a process. A planner was hired to complete a study and the Planning Board made recommendations during a hearing to the Mayor and Council. Mr. Schettino stated the criteria is statutory. There are several criteria, but only one criteria is needed to be considered as an area in need of redevelopment.

Mr. Naylis commented that the governing body didn't know what the criteria was.

Borough Attorney Schettino stated that he never said the governing body didn't know what the criteria was. The council relied upon the statute that states it goes to the Planning Board. The

Planning Board makes a recommendation based upon an expert report by a planner. The report is submitted both to the Planning Board and the council.

Mr. Naylis inquired what impact will a change of these particular properties, should there be new or additional housing, have in stormwater, roads, sewers, water supply, traffic, etc. Some additional projects in town are resulting in additional flooding. Mr. Naylis stated once the projects are approved and things are built, it'll be late as we are finding out houses are getting flooded now which weren't before.

Borough Attorney Schettino stated when a project has to be approved, it has to go the Planning Board for site plan approval for ever factor mentioned and is reviewed by the Planning Board so the community can absorb whatever the project is. Mr. Schettino stated Bergenfield would be unique if a few properties would be redeveloped, because there are developments being built in many smaller towns such as Park Ridge, and has not impacted any of the factors mentioned. It has to be presented to the board and the Planning Board has to be satisfied issues don't arise.

Motion by Councilperson Pascual, second by Councilperson Rivera, to pass Ordinance 22-600 on second and final reading and are hereby adopted and notice of same shall be published according to law.

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

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

Mayor Amatorio read the following into the Record:

The following ordinance published herewith was first read by title only on May 3, 2022 and posted on the bulletin board of the municipal center.

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

Public comments on Ordinance 22-2601.

John Smith, resident, stated that the ordinance has to be revised and members from the Planning Board, Zoning Board of Adjustment, and the building department should be involved.

Motion by Councilperson Kornbluth, second by Council President Deauna, to pass Ordinance 22-2601 on second and final reading and are hereby adopted and notice of same shall be published according to law.

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

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

B. Introduction of Ordinance

Motion by Councilperson Pascual that the following ordinance be introduced and passed on first reading and setting June 21, 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 title of the ordinance into the record:

BOND ORDINANCE 22-2602 – BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF BERGENFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,300,000 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>absent</i>	Councilperson Kornbluth:	<i>aye</i>
Council President Deauna:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>
Councilperson Marte:	<i>absent</i>	Councilperson Pascual:	<i>aye</i>

A. CONSENT AGENDA

CONSENT RESOLUTION 22-185. 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. **22-186**/To Approve Bill List
- b. **22-187**/To Approve Tax Refund for Veteran Tax Exemption – 27 Sieber Court
- c. **22-188**/To Approve Contract for Record Retention Services – Foveonics Imaging Technologies Inc.
- d. **22-189**/To Approve Proposal for Broadband/Cell Tower Consulting Services – Anser Advisory
- e. **22-190**/To Approve Grant Agreement between the Borough of Bergenfield and the Department of Environmental Protection for EV Trucks, replacement of equipment; purchase of electric charging stations and electric infrastructure
- f. **22-191**/To Approve Change Order No. 1 – FY’2021 NJDOT Municipal Aid Project Anderson Avenue – 4 Clean Up
- g. **22-192**/To Approve Pay Certificate No. 3 – FY’2021 NJDOT Municipal Aid Project Anderson Avenue – 4 Clean up

Motion by Councilperson Kornbluth to approve the Consent Resolution. Council President Deauna seconded the motion.

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

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

UNFINISHED BUSINESS

A. Ordinance on Parking Requirements

No discussion.

B. Ordinance on Lighting Requirements

Councilperson Kornbluth stated that the committee met and has comments and suggestions to offer, but will wait for all members to be present to discuss.

NEW BUSINESS

A. Public Hearing on Grant Application

❖ Public Hearing on the Submission of a 2022 Bergen County Trust Fund Grant Application

1. Public Comments on the Grant Application

No one came forward.

2. **Resolution 22-193**/To Authorize the Submission of a Bergen County Open Space, Recreation, Floor Plan Protection, Farmland & Historic Preservation Trust Fund (Bergen County Trust Fund) Grant Application

Motion by Councilperson Pascual, second by Council President Deauna, that Resolution #22-193 be approved.

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

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

B. Administrative Hires & Appointments

22-194/To Hire Full-Time Code Enforcement Inspector and Building Inspector – Todd Gelayder

Motion by Council President Deauna, second by Councilperson Rivera, that Resolution #22-194 be approved.

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

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

22-195/To Hire Part-Time Laborer – Stephen Guyt

Motion by Councilperson Kornbluth, second by Council President Deauna, that Resolution #22-195 be approved.

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

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

22-196/To appoint outside counsel Harriet F. Klein J.S.C. from the firm Wilson, Elser, Moskowitz, Edelman & Dicker LLP

Motion by Councilperson Kornbluth, second by Councilperson Rivera, that Resolution #22-196 be approved.

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

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

22-197/To Hire Summer Intern in the Health Department - Hallie Wikfors

Motion by Councilperson Pascual, second by Council President Deauna, that Resolution #22-197 be approved.

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

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

Committee/Department Reports

Motion offered by Council President Deauna that the Committee/Department Reports be spread upon the minutes in full and filed. Councilperson Pascual 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.

Todd Gelayder, Code Enforcement and Building Inspector, thanked the governing body for his appointment.

Jerry Naylis, resident, inquired what criteria the Mayor and Council relied on in designating the areas for speed humps. Mr. Naylis inquired about how many speeding tickets were issued over the past 3-5 years on the affected streets. Mr. Naylis inquired if the borough looked into the federal guidelines and whether the speed humps should be used to slow down traffic. He stated that the borough did not review the data nor considered how the borough will deal with damage to borough vehicles. He also inquired if residents in the area were notified.

Borough Administrator Gallo stated that he met with the Police Department traffic division and DPW to review the areas because traffic needed to be slowed down due to excessive speeding. He is unsure how many tickets were issued, but the information can be obtained via OPRA. Mr. Gallo stated that these were coordinated efforts between his office, departments, the engineers, and trusts that the proper processes were followed. The signage and striping will be completed this week. Mr. Gallo stated they were bombarded with complaints from residents about traffic, speeding and reckless driving throughout town. The targets areas are streets located by recreation areas and the schools.

Jacqueline Romney, resident, stated that she sent several emails regarding the traffic safety committee, inquiring when the committee meets, where their agendas and minutes are listed, and why the committee is not open to the public. She has sent continuous emails for the information and has not received a response.

John Smith, resident, stated that with regards to the committees to review parking and lighting requirements, he believes the wrong people have been appointed to the committees. He stated that he is unsure what the Police and Fire Department will be able to offer on the matters. He commented that the members of the committees should be comprised of members from the Planning Board, building department, and Zoning Board of Adjustment.

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

Borough Attorney Schettino stated that the ordinance on areas in need of redevelopment did not adopt a redevelopment plan. The ordinance was published properly, but the ordinance title has to be amended to reflect areas in need of redevelopment have been designated.

Councilperson Pascual motioned to amend the title of the ordinance to read as follows:

BOROUGH OF BERGENFIELD - AN ORDINANCE DESIGNATING THE FOLLOWING PROPERTIES AS AREAS IN NEED OF REDEVELOPMENT - ORDINANCE NO. 22-2600 - 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.

Councilperson Kornbluth seconded the motion.

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

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

COUNCIL COMMENTS

The Mayor and Council thanked everyone for attending the meeting and wished all a good night.

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, the meeting was adjourned at 8:50 p.m.

Marie Quiñones-Wilson
Borough Clerk