

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
DECEMBER 6, 2022**

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

ABSENT: Council members Thomas A. Lodato and Rafael Marte (Arrived at 8:09 pm)

ALSO PRESENT: Borough Administrator Corey Gallo
Borough Attorney John Schettino
Borough Clerk Marie Quiñones-Wilson

Mayor Amatorio called the meeting to order at 8:06 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

Motion by Councilperson Kornbluth to have Presentations of Proclamations done at a future meeting, add Bergenfield Volunteer Fire Department's Personnel Action Letter to Correspondence, and add Resolution 22-388 To Confirm Endorsements to Community Development Block Grant (CDBG) Projects – East Church Street Improvement Project to Consent Agenda. Councilperson Rivera seconded the motion. All present voting in favor, none opposed.

PRESENTATIONS

None.

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Robert Klein, borough engineer, stated all the roads that were scheduled have been milled and paved. The only road pending is the dead-end portion of Tulip Street because it required utility replacement work first, and now needs to be milled and overlaid. It will probably be done Thursday or Friday. Mr. Klein stated the roadwork will depend on the weather.

Councilperson Pascual inquired if the speed humps on Hickory Avenue have been done.

Borough Administrator Gallo stated that they are done, but the Police Department needs to review the work for the third one. All the roads will be done on schedule, weather permitting.

ORDINANCES

A. Adoption of Ordinances

Mayor Amatorio read into the record:

The following ordinances published herewith were first read by title on November 3, 2022 and posted on the bulletin board of the municipal center.

ORDINANCE 22-2607 - AN ORDINANCE TO AMEND, SUPPLEMENT, AND REVISE THE CODE OF THE BOROUGH OF BERGENFIELD ENTITLED "OFFICERS AND EMPLOYEES"

Public Comments on Ordinance 22-2607.

Fred Sahlberg inquired if the ordinance includes all employees.

Borough Administrator Gallo stated the ordinance is required to be compliant with civil service. He stated that it is more applicable to the Police and Fire Department employees. He explained that since the NAACP consent decree has been lifted, the ordinance has to reflect that the lists and testing will be for Bergenfield residents only.

Barry Doll, resident, inquired when someone applies for a position and is appointed, would they need to own property in Bergenfield. Mr. Doll inquired what is the point of this, since after they are appointed, they can move and live anywhere else. Barry Doll stated it is great that we put emphasis on residents, but people who work in this community should live in this community.

Mr. Gallo stated they need to have a Bergenfield mailing address. He explained these are the rules and requirements for civil service. He explained that it affords Bergenfield residents to apply such as, a high school student who does not want to attend college. Mr. Gallo stated you cannot restrict someone to live in town, it's illegal to restrict someone from going where they want. The state law is that you cannot work within the state system without living in the State of New Jersey.

Motion by Council President Deauna seconded by Councilperson Rivera to close public comments on Ordinance 22-2607.

Motion by Councilperson Pascual seconded by Councilperson Kornbluth, to pass Ordinances 22-2607 on second and final reading and are hereby adopted and notice of same shall be published according to law as amended.

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

B. Introduction of Ordinances

Motion by Council President Deauna that the following ordinance be introduced and passed on first reading and setting Tuesday, December 20, 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 22-2608 – AN ORDINANCE AMENDING CHAPTER 186 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED "LAND DEVELOPMENT"

ORDINANCE 22-2609 – AN ORDINANCE ENTITLED "ELECTRIC VEHICLES" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BERGENFIELD

ORDINANCE 22-2610 – AN ORDINANCE TO AMEND, SUPPLEMENT, AND REVISE THE CODE OF THE BOROUGH OF BERGENFIELD, CHAPTER 299 ENTITLED "VEHICLES & TRAFFIC"

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

Councilperson Lodato: *absent*
Council President Deauna: *aye*
Councilperson Marte: *aye*

Councilperson Kornbluth: *aye*
Councilperson Rivera: *aye*
Councilperson Pascual: *aye*

UNFINISHED BUSINESS

A. Residential Parking Ordinance Requirements

No discussion.

B. Lighting Ordinance Requirements

No discussion.

NEW BUSINESS

None.

ADMINISTRATOR'S REPORT

Borough Administrator Gallo stated the Department of Public Works is still continuing with the cleaning of the leaves. Updates will be provided on the borough website and Facebook page on the areas that the DPW will be working on, as another attempt will be made to clean up the remaining leaves. He stated after December 10th it will be important that residents no longer have their leaves out on the street and begin bagging the leaves instead. Mr. Gallo stated the Health Department on December 11th is hosting their rabies clinic by the DPW garage from 10:00 am – 1:00 pm. Mr. Gallo stated that fall sports have ended and the winter sports are starting. There were over 100 turkeys given out, courtesy of Republic 23. There were boxes of fresh produce, canned goods, and condiments that supplemented many families' meals for Thanksgiving for those in need. The DPW hosted Holiday in the Park this past weekend. There was a visit by Santa Claus and treats were provided for the kids. The Recreation Department had other events set up, such as an inflatable ride and a petting zoo. There were over 1,500 people in attendance. It was a great turn out for an event running from 2:00 pm – 5:00 pm. He stated that it is unfortunate that there was an issue with the tree lighting and as such, he apologized on behalf of the DPW and himself. He stated they took prior measures, buying all new lights, and tested them around 12:00 pm to ensure they worked. He stated that at 5:00 pm some of the lights didn't turn on. It should not overshadow the day, because the kids and the other people, including the high school band that performed, enjoyed the day and were happy with the event. He reminded everyone that the volunteer dinner is Thursday night, December 8th, 2022 from 6:30 pm-9:30 pm at Conlon Hall. There were over 225 invites sent to the volunteers and they are close to 150 people who will be attending. The food and refreshments being served are from restaurants in town.

MAYOR & COUNCIL REPORT

Council President Deauna

stated OHSA has reported the omicron virus is coming around again. He urged everyone to be careful.

Councilperson Marte

stated there are no reports from the departments. He stated that on November 29th, he attended the economic meeting at Bergen County Plaza where the county executive presented an opportunity for grants

and other opportunities. He stated it is also an opportunity for students to help the business districts and can earn credits toward their academic achievements.

Councilperson Kornbluth

mentioned pickleball will be starting at Conlon Hall. She thanked the DPW, Recreation Department, and all volunteers for making Holiday in the Park a success. The BVAC has gone on 2,162 calls year to date.

Councilperson Rivera

stated more than 100 turkeys were given out in less than one hour on Thanksgiving Day. There were a lot of people who attended.

Councilperson Pascual

stated he attended the Shade Tree Committee meeting on December 5, 2022. There were 4 requests for tree removal in which two will be granted. There were five new requests for tree removal that will be reviewed by the committee members. If anyone has a borough tree in their area they have concerns about, they should contact Javier Nunez in the DPW.

Mayor Amatorio

stated they have completed the distribution of food at the Murray Hill Senior Center. He gave a shout out to the council members who attended the distributions and the cub scouts who participated in the last two distributions. He is very happy to see young kids participating with these events. Yesterday, there was a ribbon cutting at the library for the official launch of the Children's Center at the Public Library. The library was renovated and there are new murals and new carpeting. The next Planning Board meeting will be cancelled due to lack of applications. The high school flea market was very successful.

CORRESPONDENCE

A) Hernandez/Franklin School Parents' Association

RE: Request to Reserve Memorial Park for 5th End of the Year Celebration/Wednesday, June 6, 2023 with a rain date of

Tuesday, June 13, 2023/8:00
a.m. to 3:00 p.m.

B) Naylis/Bergenfield Volunteer Fire Department

RE: Personnel Action Letter
dated November 30, 2022

Motion by Councilperson Marte, seconded by Councilperson Kornbluth and all members present voting in favor, to approve Correspondence Items A and B. All present voting in favor, none opposed.

PUBLIC COMMENTS

Avinash Melkote, Dumont resident, stated there has been an increase of train traffic along the CSX subdivision. There are 8 grade level crossings between New Bridge Road in Bergenfield and New Milford Ave in Dumont. He stated according to 49-CFR:222, train engineers are required to sound the horn four times at 96-110 dBs each time they approach a grade level crossing. Sometimes, these train horns are loud enough to be heard from 2 or 3 miles away. These incessant train horns are causing noise pollutions in Bergenfield, Dumont, and other surrounding towns. These train horns can be as loud as 110 dBs. Based on the metrics, 100's of people within Bergenfield and Dumont are exposed to hazardous levels of noise. Mr. Kote asked that the Mayor and Council seek a quiet zone designation from the FRA for the 8-grade level crossings New Bridge Road in Bergenfield and New Milford Ave in Dumont. He stated if both towns were to implement improvements like signal upgrades, constant warning times systems, vehicle detection systems, mediums, power out indicators, or four quadrant gates, depending on the risk calculation of each crossing, they would be able to qualify for a quiet zone designation from the FRA. He stated with this designation engineers would have no need to routinely sound the horns, but they could if there were any imminent hazards. He asked that the Mayor and Council work collaboratively with Dumont and other towns within Bergen County on financing an engineering study that would estimate the cost of a quiet zone and explore federal and state grant monies to defer the cost and enter into an agreement with CSX to appropriate monies towards the design and implementation of a quiet zone.

Barry Doll, resident, stated the Thursday of the Volunteer Dinner is a holy day of obligation for those who are Roman Catholic and suggested taking this into consideration when planning future volunteer dinners. He stated that in resolution 22-386, additional monies are being given to the Mayor and Council. He stated that there should be a more moderate increase over the years rather than doubling it. Mr. Doll stated the Cannabis Commission met last week, and the pot factory was again rejected, turned down, and not considered. There is some misleading information that this is for medicinal purposes, but it is strictly for recreational marijuana. He stated there was a nice article in the Twin Boro News, which highlighted two 4th grade students from Hoover School who received a state award for their art poster contest "Do Not Do Drugs in New Jersey." He stated the students should be recognized for their creativity and talent for winning this award. He does not want to think the council is neglecting the students because they are opposing this pot factory and should be recognized. Mr. Doll stated the Zoning Board of Adjustment members are taking the laws the council passed and saying they can do anything they want regarding ownership of property, how large it can be, where it can be, and how it can be built. Mr. Doll stated they approved, for an R5 dwelling, a two-family house that requires 10,000 sq. feet of space and 100 ft width of space. The developer at the Zoning Board of Adjustment meeting wants to put three, two family houses on 15,000 sq. ft or 5,000 sq ft per two family houses. They are interpreting and usurping the council's power over deciding who can build what and where. He is appealing that decision for whatever it takes. Some of the people that came tonight are in tears over what can happen to their homes. He stated nobody on the Zoning Board, except a couple of members, addressed the sizeable lot difference. He requested the council deny this application He stated once a precedent is broken, it is a precedent for everybody.

Fred Sahlberg, resident, stated tomorrow is December 7th and as such, the flag will be at half staff for Pearl Harbor Day. Mr. Sahlberg stated people who are appointed usurp the council's authorities and overstep their boundaries. He stated in the 1970's the THC that got people high was only 2%, but now it's almost 10%. He stated that is why he is glad the council agreed not to sell marijuana in Bergenfield. He inquired how often is the infrastructure scheme updated in Bergenfield. He stated there is going to be a time the town will have to increase the Police, Ambulance, Fire Department based on all of the projects raising the population.

Dr. Nelson Reynoso, resident, stated he didn't receive his invitation to the volunteer dinner. He is a volunteer on the Board of Education committee. He stated the decision taken by Zoning Board of Adjustment last night was reckless. There is chaos in the mornings outside of Franklin School and to have three structures of this size would be a total disregard to the safety of our children. He had inquired at the meeting why a traffic safety study was not performed, and was told it was not required. He is concerned for the children and how a safe environment can be created. He doesn't want greedy investors and developers coming to town to make profits. He requested the council to consider developing better plans where variances are approved in a responsible way.

Mike Shanahan, resident, stated on the corner of Bradley Avenue and North Summit Avenue, there is a large blue tarp that someone has covered around the entire fence so you can not see any of the traffic as you travel down Summit Ave. He has seen people almost get hit because of it and is it only a matter of time.

John Smith, resident, stated this Saturday is the Army verses Navy game. There will be food, refreshments, and liquor. He stated on March 10, 2023, the Veterans Committee and the Auxiliary will be sponsoring a USO show. The theme will be the 1960's and 1970's and will be in recognition of the 50th Anniversary of the Vietnam War.

Sgt. Major Williams, resident, requested information regarding Pearl Harbor Day be posted on the borough website. He suggested starting to schedule round table meetings to find a way to start getting veterans benefits to them. The council liaison and Mayor should be involved with helping to set up the USO dance. They will need volunteers and mentioned they are finalizing the Carl Thompson project.

Councilperson Kornbluth stated the purpose of the Zoning Board of Adjustment is to seek relief on applications.

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

COUNCIL COMMENTS

Borough Administrator Gallo stated the borough will make sure all flags are flown at half-staff and will post information on the borough website and Facebook to honor and remember Pearl Harbor Day. Mr. Gallo stated he is a practicing Roman Catholic. There is early mass at 7:30 am in town within Bergenfield, others in Dumont, and approximately 6-7 different churches you can attend for the holy day of obligation. There are many times when he cannot make mass and will watch it online. Mr. Gallo stated they are not able to have the event on a Friday or Saturday as it interferes with other people's cultures and religions. The event cannot be held on a Sunday because there are a lot of other obligations and family events. Mr. Gallo explained they tried to have it on Thursday in order to accommodate everyone. The issue with the development of the property on West Main St. is not with the Zoning Board of Adjustment. The property was subdivided years ago by the Planning Board. The people who previously served on the Planning Board created the platform for these three properties to be built. The Zoning Board of Adjustment gave them the variance to expand what they wanted to and did what they felt was right. Mr. Gallo stated it is outside of the Council's purview to say to them how to operate. If they are not taking their positions responsibly by not looking at the best interest for the town, they need to be re-evaluated. The idea is not fair to say we need to look at

things differently or they are doing something wrong. Mr. Gallo stated, regarding the quiet zone designation, it is almost an impossible order to accomplish in the community. They have had extreme difficulties with CSX. He cannot get them to cut a weed, let alone create a quiet zone. Mr. Gallo stated they will work with Dumont and try to connect with CSX to try and create something, but it will be challenging. Borough Administrator Gallo apologized for not looking into the tarp. He thought it was left over from the filming that was going on. He will have the Police Department out there tomorrow morning to inspect it. The volunteer dinner is for the borough volunteers. The Board of Education is a separate entity and he doesn't usually invite its members. Mr. Gallo stated, as per the Mayor's suggestion, if Mr. Reynoso would like to come, he is more than welcome. Eleven Eleven was given exclusive authorization, but the borough is not involved in whether the application is approved.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 22-375. 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. **22-376**/To Pay Bills
- b. **22-377**/To Adopt Notice of Tort Claim Form
- c. **22-378**/To Approve Transfer of Appropriations
- d. **22-379**/To Approve Tax Refund – 223 S Washington Avenue
- e. **22-380**/To Approve Tax Refund – 90 W Church Street
- f. **22-381**/To Appoint Special Counsel and Approve Agreement – Bruno and Ferraro Counselors at Law
- g. **22-382**/To Approve Shared Services Agreement – Vehicle Maintenance and Repair Services – Borough of Paramus
- h. **22-383**/To Endorse the Housing Authority of Bergen County Application for CDBG Grant Funding for Brookside Gardens Conversion of Heating Boiler Project
- i. **22-384**/To Authorize Entering into a Grant Agreement – North Taylor Street Improvements – Contract Number NV-BFIELD-01-22 – County of Bergen
- j. **22-385**/To Approve Proposal for the “Areas in Need of Redevelopment” Studies and Presentations for 80 and 90 West Church Street
- k. **22-386**/To Approve Stipend Increase
- l. **22-387**/To Approve Change Order No. 1 – Marcotte Lane Roadway Improvements – A. Takton Concrete Co.
- m. **22-388**/To Confirm Endorsements to Community Development Block Grant (CDBG) Projects – East Church Street Improvement Project

Motion by Council President Deauna, second by Councilperson Pascual, to approve the Consent Resolution.

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

COUNCIL COMMENTS

Council President Deauna thanked everyone in Bergenfield and the Mayor for his guidance and being his campaign manager. He will do his best to work hard for Bergenfield.

Councilperson Marte thanked all for coming and to have a good night.

Councilperson Kornbluth thanked everyone for their support in her having a successful election run. She reminded everyone that the Menorah will be lit on Tuesday, December 20th, 2022 at 5:30 p.m.

Councilperson Rivera wished everyone a Happy Hanukah, Feliz Navidad, and a Merry Christmas.

Councilperson Pascual wished everyone a good night.

Mayor Amatorio thanked everyone for coming. He congratulated Councilperson Kornbluth and Councilperson Deauna for a great run at the last elections. He also congratulated Marie Quiñones-Wilson, Borough Clerk, for being elected President to the Bergen County Municipal Clerk's Association. He wished everyone Happy Holidays and Merry Christmas.

CLOSED SESSION

RESOLUTION **22-389**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Attorney-Client Privilege
 - 1. PBA Local 309 Update
 - 2. 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 9:06 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Pascual, second by Councilperson Kornbluth and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:29 p.m.

Marie Quinones
Borough Clerk