

**BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL
REGULAR MEETING MINUTES
DECEMBER 20, 2022
8:00 P.M.**

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

ABSENT: Councilperson Rivera

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

Mayor Amatorio called the meeting to order at 8:09 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, Cablevision, and 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 offered by Councilperson Kornbluth to have Correspondence Item B—Request from the Bergenfield Little League to hold Coin Tosses in 2023, and Resolutions #22-398 to Approve Proposal – Areas in Need of Redevelopment and #22-399/To Approve MOA – PBA Local 309. Councilperson Pascual seconded the motion. All present voting in favor, none opposed.

APPROVAL OF MINUTES

Motion by Councilperson Marte to approve minutes of the October 18, 2022 Regular Public Meeting and October 18, 2022 Closed Session Meeting (not to be released), November 3, 2022 Work Session Meeting and November 3, 2022 Closed Session Meeting (not to be released), December 6, 2022 Work Session Meeting and December 6, 2022 Closed Session Meeting (not to be released). Council President Deauna 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, inquired whether the signs will be put up for Veteran's parking and the purple heart recipients by the VFW. He would like to make sure there will be a sign placed by the VFW because it is not in the ordinance.

Borough Administrator Gallo stated that they have been working on determining where the spots will be, and will then take care of the signage.

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

PRESENTATIONS

A. Proclamations and Recognitions

Mayor Amatorio stated that he is excited to honor the residents that volunteered at the Halloween events. He stated that on behalf of the Borough of Bergenfield, he extended his appreciation to their commitment and service to our community. The borough has prepared citations and proclamations for those residents who have stepped up to dedicate their time and energy.

Mayor Amatorio read the proclamations into the record and presented certificates to the following residents for all their efforts: Anthony Roldan, Mandy Suero, Angelique Pinedo, Benjamin Rodriguez, Bergenfield Dominoes Club, Casey Robinson, Jaime Pinedo, Joanne Steccato, Kristen Robinson, Lucille Volmer, Marko Barlovic, Ramon Cesar DeLaRosa, Ryan Martin, Shannon Robinson, Vinny Malley and Zoe Rouggeris.

CORRESPONDENCE

- a) Ballo/Friends of the Bergenfield Library **RE:** Requesting Approval for Two Town Garage Sales in 2023/April 29-30, 2023 and October 7-8, 2023/9:00 a.m. to 5:00 p.m.
- b) DiLello / Bergenfield Little League **RE:** Requesting Approval for Coin Toss Fundraiser for Several Dates in 2023, including 3/4, 3/18, 4/22, 5/6, and 5/20 of 2023 from 9:00 a.m. to 3:00 p.m.

Motion by Council President Deauna, seconded by Councilperson Marte, to accept Correspondence Item A and B. 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 were first read by title only on December 6, 2022 and posted on the bulletin board of the municipal center.

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”

Public Comments on Ordinances **22-2608**, **22-2609**, and **22-2610**.

No one came forward.

Motion by Councilperson Kornbluth, seconded by Councilperson Marte, to pass Ordinances **22-2608**, **22-609**, and **22-2610** on second and final reading and are hereby adopted and notice of same shall be published according to law.

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

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

A. CONSENT AGENDA

CONSENT RESOLUTION 22-390. 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.

Mayor Amatorio stated that the consent agenda includes the additions starting with Resolution #22-391 to Resolution #22-399.

- a. **22-391**/To Approve Bill List
- b. **22-392**/To Schedule the 2023 Reorganization Meeting
- c. **22-393**/To Approve Shared Services Agreement – TV Inspection Services – Northwest Bergen County Utilities Authority
- d. **22-394**/To Approve Shared Services Agreement – Sanitary Sewer Cleaning – Northwest Bergen County Utilities Authority
- e. **22-395**/To Approve Proposal – Surveying for Roosevelt Avenue and North Taylor Street for the 2023 Road Improvement Program – Remington & Vernick Engineers
- f. **22-396**/To Approve Chief Financial Officer Salary
- g. **22-397**/to Approve Transfer of Appropriations
- h. **22-398**/To Approve Proposal – Areas in Need of Redevelopment
- i. **22-399**/To Approve MOA – PBA Local 309

Councilperson Kornbluth stated that she has a question on Resolution #22-396. She inquired whether the CFO will continue to serve part-time and confirmed his pay increase.

Borough Administrator Gallo stated that yes, that is correct.

Councilperson Lodato questioned Resolution #22-398, since the previously designated areas were already completed.

Borough Administrator Gallo stated that the proposal is for an expansion of Church Street. The original proposal ended by the Nissan Dealership, and is now being expanded further.

Councilperson Kornbluth inquired if the proposal is to expand the areas to be studied, how come the same firm is not being used.

Borough Administrator Gallo confirmed it is the same group, Neglia will complete the study.

Councilperson Kornbluth also inquired if Resolution #22-392 needs to be pulled, since the governing body is not sure of the date and time for the meeting.

Borough Attorney Schettino stated that no, there is no need to pull the resolution. The resolution can be amended to read that the meeting is approved to be held on Wednesday or Thursday between the hours of 5:00 p.m. and 8:00 p.m. Both possible dates need to be confirmed because there will not be another meeting to approved.

Motion by Councilperson Marte to approve the Consent Resolution as amended. Councilperson Lodato seconded the motion.

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

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

Borough Administrator Gallo announced that he is happy to report that in reference to Resolution #22-399, the agreement between the PBA and the Borough has been resolved. The Collective Bargaining Agreement has been approved and the contractual issues that were previously taking place are no longer affected. Both sides are happy with the end result and it will be a positive impact on the community.

Mayor Amatorio stated that in reference to the same, he would like to thank the PBA and the Borough, specifically our attorneys and Administrator Gallo for navigating our differences in the negotiations. This is a positive result for our community and we look positively at moving forward.

UNFINISHED BUSINESS

A. Residential Parking Ordinance Requirements

No Discussion.

B. Lighting Ordinance Requirements

No Discussion.

NEW BUSINESS

No New Business.

COMMITTEE/DEPARTMENT REPORTS

Motion offered by Council President Deauna that the Committee/Department Reports be spread upon the minutes in full and filed. Seconded by Councilperson Marte. All present voting 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.

Jim DeNorscia, resident, stated that he is putting the Council on notice of title 59 tort claims act because of the dangerous conditions on S. Prospect and 19 Dalton Place. He stated that he mailed a letter, but had a return to sender stamp. He commented that he has lived on Dalton Place for 27 years. He stated that drivers coming off Dalton to Prospect cannot see clearly when to make a turn because of the number of parked cars for the dentist office. He stated that the cars park beyond the yellow line on Prospect Avenue. He asked if a no parking sign can be put up and if the curb can be painted yellow for 12 feet. Mr. DeNorscia stated it is a problem when residents want to make a left-hand turn. There will be an accident it is simply a matter of time.

Borough Attorney Schettino stated that the police will have to go out there and make the recommendation as the experts.

Borough Administrator Gallo inquired how many residents live on Dalton. He stated that the yellow curb line has to legally be 12 feet, which the police have done.

Mr. DeNorscia stated there are about seven to eight residential home on Dalton. He stated that legally its 12 feet, which is traditional, but there are other curbs that are longer.

Borough Administrator Gallo stated that he understands Mr. DeNorscia's concerns, but will need to be in touch with the Police Department regarding the matter.

Mayor Amatorio stated that the matter has been noted and will be investigated.

Angelica DeLaCruz, resident, stated that she is giving a complaint on the Health Inspector, as she never heard from her. Angelica DeLaCruz stated that there is a heating issue in her home and she is experiencing issues with her landlord. She is trying to find temporary housing for her family.

Borough Administrator Gallo stated that he aware of the situation and understands the resident has been having heating issues in her home. The Health Inspector will be in touch.

Borough Attorney Schettino stated that in this type of situation, if the landlord is not providing heat in the apartment, then the Health Inspector has the right to provide temporary housing. Then the landlord would be responsible to pay until they have the heat running.

Borough Administrator stated that he believes the matter is more complicated. He provided the residents his business card and stated that he will reach out to the residents to discuss further.

Angelica DeLaCruz stated that the bedroom heater does not work, so she her family moved into the living room. The heater in the living is only partially working. She stated that the Health Inspector informed her to buy a temperature checker to check the temperature in the kitchen, bedroom, and living room. She stated that the temperature readers say its 64-65 degrees. She stated there is only one thermostat for four units and its only 68 degrees.

Robert Lighthorn, resident, stated that he and his girlfriend moved into the apartment in the summer time. As a truck driver, he is away from the home and is not on the lease. He stated that the apartment was fine until it started to be cold. He stated that when they asked the landlord about the heat, they complained to him and there was no response. The landlord checked the temperature and the reader said it was 72 degrees. He stated that it is never consistent. Then an appointment was made with the Health Inspector and she stated that it needs to be fixed because there is plastic on the windows. The inspector then inspected the apartment without telling Angelica DeLaCruz. Several months passed and they did not hear from the inspector. When Ms. DeLaCruz went to the Health Department, she was told the case is closed. He inquired when Angelica DeLaCruz was going to be notified because she never received any notice regarding her case. The Health Inspector recommended that the landlord place a lock box on the thermostat. Mr. Lighthorn inquired how is the heat being shut off if the landlord is the only one with the key. It goes from low 20 degrees to 100 degrees, to the extent that the temperature checkers and gauges almost exploded. He stated that he tried to communicate with the Health Inspector, but is never able to reach her. Now, they received an eviction notice from their landlord, even though they pay their rent-on time.

Borough Administrator Gallo stated that he will gather all the right information to assess this case further. He has spoken with the Health Inspector and started to learn about the situation. He explained that the Health Department is independent from his interaction, but the case sounds like it should not have been closed. He will need to speak to the Health Department to advise further.

Mr. Lighthorn stated that when he was at the Health Department yesterday morning, they said someone by the name of Todd was going to get in contact with him to schedule an inspection. Ms. DeLaCruz and children have not slept in the apartment for over a month because of the living conditions.

Mayor Amatorio stated that the matter will be looked into.

Barry Doll, resident, stated that he sent a letter on December 12th, along with extra copies regarding the application by 145 W Main Street LLC for two family homes on block 106 lots 601, 6.02 and 6.03. The application requests approval of 7 variances. Mr. Doll read the following statement regarding the application:

“We appeal to the Council to overturn the Zoning Boards decision to approve this application. The reasons are as follows: 1. Violation of Bergenfield Land Development: Section 186 attachment 2 schedule B: minimum area requirement for a two-family house in zone five is a minimum of 10,000 sq ft. Minimum lot width is 100 ft. The Zoning Boards application approved three two-family houses on two lots on land size that is half of the minimum size required for the lot. 2. Violation of Planning Board ruling adopted March 17, 2014. Building of one family houses only on property. If the Planning Board had approved each lot for a two-family home as the developer implied then why did they need to have variances issued by the Zoning board. 3. The Zoning Board’s decision disregards the approved development in Bergenfield as per the Master Plan. Allowing two family houses with only 5,000 sq. ft by 50 ft wide will open the entire town to similar if not larger developments to residential neighborhoods 4. The Developer did not prove any need or benefit to the community by building two family houses. The Developer ignored the neighbor’s concerns regarding traffic flow, environmental, and quality of life issues. These two housing developments will create lasting hardships for the neighborhood. We ask an appeal to the Counsel to stop and/or overturn the Zoning Board from approving the variances at its January 8th meeting. The Counsel has responsibility to appoint members to the Zoning Board. We request that the council hold up any appointments to the Zoning Board until this is resolved. We believe that misleading information was presented at the December 5th Zoning Board meeting by the Developer. There was indication that the Planning Board approved the property of two two-family homes which this misinformation could have influenced a members vote. This is on behalf of the 145 West Main Street association which are neighbors within that area.”

John Smith, resident, stated that at the last few meetings, he has not complained, but will complain about the parking situation on Prospect Avenue. He stated there is a synagogue on Prospect Avenue where members park during the week. He stated that it is difficult when people are pulling into the traffic because they cannot see due to the parked cars. Mr. Smith also stated that cars are parked on the wrong side the street or opposite to the flow of traffic. He stated these vehicles should be fined. He noted that the issue also happens on Murray Hill Terrace when the landscapers are blowing the leaves into the road. Mr. Smith stated that the VFW received a violation notice because a trailer was parked on the grass. He stated that he thinks the Code Enforcement officers are wrong because they cited an ordinance violation for parking on a non-driveway area in a residential area. He stated the VFW is a commercial property and nothing in the ordinance states that parking is prohibited for commercial parking. He commented that if the borough is going cite the VFW for renting parking spaces on its premises, then all the other places should be cited as well.

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

COUNCIL COMMENTS

Councilperson Lodato thanked everyone for attending the meeting and wished all a good night.

Council President Deauna thanked everyone for coming and wished everyone a Merry Christmas and Happy Hannukah.

Councilperson Marte congratulated all the volunteers that were honored. He stated that as a liaison to the Zoning Board of Adjustment, he knows that the members of the boards have been pre-qualified. The boards have members with a lot of different backgrounds to make decisions. He stated that we have done all we can to ensure each board is effective at representing the residents.

Councilperson Kornbluth wished everyone happy holidays and thanked all the volunteers who participated to make Halloween events very successful.

Councilperson Pascual wished everyone happy holidays. He also wished everyone a Happy Hannukah and stated that the Menorah lighting was wonderful. He wishes that more members of the community will come out and support it.

Mayor Amatorio thanked all the volunteers and employees for all their efforts. He stated that he hopes everyone enjoys the holidays. He expressed that it has been great to work with everyone this year. He also expressed his appreciation for the Fire Department, the Police Department, and the Volunteer Ambulance Corp.

CLOSED SESSION

RESOLUTION 22-400/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Attorney-Client Privilege
 - 1. 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 Kornbluth, seconded by Councilperson Marte, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:13 p.m.

On a motion by Councilperson Kornbluth, second by Councilperson Pascual, the meeting returned to open session at 10:10 p.m.

ADJOURNMENT

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

Respectfully Submitted,

Marie Quinones
Borough Clerk