

**OFFICIAL MINUTES  
BOROUGH OF BERGENFIELD  
MAYOR AND COUNCIL WORK SESSION  
OCTOBER 6, 2020**

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

ABSENT: Council member Hernando Rivera

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 Marte.

**AGENDA CHANGES**

Motion by Council President Marte, second by Councilperson Kornbluth to remove resolution 20-287 from presentations, amend Ordinance 20-2568, section 186:3, to exempt one family dwellings and two family detached dwellings from paying development fees, and add resolutions 20-306, 20-307, and 20-308 to the consent agenda. All present voting in favor, none opposed.

**PRESENTATIONS**

**A. Hires and Appointments**

**20-285/To Hire Part-Time DPW Laborer – Ryan Johnson**

Motion by Council President Marte, second by Councilperson Deauna, that Resolution #20-285 be approved.

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

**20-286/To Hire Part-Time DPW Laborer – Charles Egas**

Motion by Council President Marte, second by Councilperson Kornbluth, that Resolution #20-286 be approved.

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

**20-287/To Hire Part-Time DPW Laborer – Andrew Morel**

This resolution was removed from the agenda.

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Robert Klein, borough engineer, reported that the following roads have been paved and are complete: Sunset Place, Windsor Road, Whitman Street, Grove Street, and Bush Street. The following roads are still scheduled to be paved: N. Prospect Avenue, W. Clinton Avenue, part of Carnation Street into Brookview Terrace and Melrose Avenue. Mr. Klein stated he anticipates those roads to be done by the end of the month or mid-November. Mr. Klein stated Melrose Avenue is part of this year's projects. The whole length of Melrose Avenue will be done including the concrete sections. N. Prospect should be done by the end of the month. Mr. Klein stated he asked the contractor for an updated schedule. There is some pipe work to be done on W. Clinton Avenue.

Mayor Amatorio inquired if the work being done on Melrose Avenue is part of this year. Mayor Amatorio stated the borough needs to be given ample time to give notice to the residents to make alternative routes as W. Clinton Avenue is a very busy road. Mayor Amatorio stated the Board of Education will begin with hybrid classes starting October 19<sup>th</sup>, 2020. It would be best if W. Clinton Avenue can be completed prior to this date. It will be disastrous for the parents and students traveling in that area by the high school and Roy Brown middle school.

ORDINANCES

A. Adoption of Ordinances

The following ordinance published herewith was first read by title only on March 3, 2020 and posted on the bulletin board of the municipal center. **(TABLED 3-17-20)**

**ORDINANCE 20-2561 – AN ORDINANCE TO ESTABLISH THE SALARY RANGES OF EMPLOYEES NOT SUBJECTED TO UNIONIZED CONTRACTUAL UNITS OF THE BOROUGH OF BERGENFIELD**

Public comments on Ordinance 20-2561.

No action taken.

Mayor Amatorio read into the record:

The following ordinances published herewith were first read by title only on August 18, 2020 and posted on the bulletin board of the municipal center.

**ORDINANCE 20-2567 – AN ORDINANCE TO AMEND, SUPPLEMENT, AND REVISE THE CODE OF THE BOROUGH OF BERGENFIELD, LAND USE, CHAPTER 186 ENTITLED “LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF BERGENFIELD” (20 Percent Set-aside)**

**ORDINANCE 20-2568 – AN ORDINANCE TO AMEND, SUPPLEMENT, AND REVISE THE CODE OF THE BOROUGH OF BERGENFIELD, LAND USE, CHAPTER 186 ENTITLED “LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF BERGENFIELD” (Fee Ordinance) as amended**

**ORDINANCE 20-2569 – AN ORDINANCE REPLACING THE ENTIRE CONTENTS OF THE EXISTING AFFORDABLE HOUSING ORDINANCE OF THE BOROUGH OF BERGENFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS (Affordable Housing)**

Public Comments on Ordinances 20-2567, 20-2568, and 20-2569.

John Smith, resident, stated he would like to have section 1, letter P, in ordinance 20-2567 clarified. Mr. Smith inquired why the development fee was not going to be imposed on single-family dwellings in ordinance 20-2568. Mr. Smith stated he read in the ordinance that the grant variance is not waivable and the board cannot grant the developer the variance.

Borough Attorney Schettino stated that means the board does not have the discretion. Mr. Schettino stated there will not be a fee for single-family dwellings. It must be a detached dwelling, not a townhouse. Mr. Schettino stated two-family homes are also excluded. If a duplex is divided so there are two separate owners, they would be exempt. If it is not subdivided and there are 4 units, they are still exempt because you have to go up to five units. The development fee would have to be paid.

Mary Sullivan, resident, stated the governing body should make sure all of the ordinances are sent to the Zoning Board.

Motion by Council President Marte, second by Councilperson Kornbluth, to pass Ordinances 20-2567, 20-2568, and 20-2569 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>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>absent</i>
Council President Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

Mayor Amatorio read into the record:

The following ordinances published herewith were first read by title only on September 15, 2020 and posted on the bulletin board of the municipal center.

**ORDINANCE 20-2570 – AN ORDINANCE AMENDING CHAPTER 299 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “VEHICLES AND TRAFFIC”**

**ORDINANCE 20-2571 – AN ORDINANCE AMENDING CHAPTER 95, ARTICLE 1, OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “DOGS”**

Public Comments on Ordinances 20-2570 and 20-2571.

No one came forward.

Motion by Councilperson Deauna, second by Councilperson Kornbluth, to pass Ordinance 20-2570 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>abstain</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>absent</i>
Council President Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

Borough attorney Schettino stated the changes were made to ordinance 20-2571 because the ordinance was inconsistent with the statute law. It needs to be consistent with the statute or else it would not be enforceable.

Motion by Councilperson Kornbluth, second by Council President Marte, to pass Ordinance 20-2571 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>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>absent</i>
Council President Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

#### B. Introduction of Ordinances

Motion by Councilperson Kornbluth the following ordinances be introduced and passed on first reading and setting Tuesday, October 20, 2020 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. Second by Council President Marte.

**ORDINANCE 20-2572 – AN ORDINANCE AMENDING CHAPTER 299 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “VEHICLES AND TRAFFIC”**

**ORDINANCE 20-2573 – AN ORDINANCE AMENDING ARTICLE V OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “RETAIL FOOD ESTABLISHMENTS”**

**ORDINANCE 20-2574 – AN ORDINANCE AMENDING CHAPTER 111 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “BICYCLES”**

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

Motion by Council President Marte that the following ordinance be introduced and passed on first reading and setting Tuesday, October 20, 2020 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. Second by Councilperson Deauna.

**ORDINANCE 20-2575 – CAPITAL ORDINANCE OF THE BOROUGH OF BERGENFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE ACQUISITION OF REAL PROPERTY IN CONJUNCTION WITH THE NEW MUNICIPAL BUILDING PROJECT IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$1,075,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE BOROUGH'S CAPITAL IMPROVEMENT FUND.**

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

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

#### UNFINISHED BUSINESS

None.

#### NEW BUSINESS

##### A. Liquor License Transfer

1. Hearing on the Person to Person Transfer of Liquor License No. 0203-32-015-010 located at 87 S. Washington Avenue; Zona Rosa Club Lounge LLC to CGLV Star Management LLC d/b/a Republic 23

2. **Resolution 20-288**/To Approve the Person to Person Transfer of Liquor License No. 0203-32-015-010 located at 87 S. Washington Avenue; Zona Rosa Club Lounge LLC to CGLV Star Management LLC d/b/a Republic 23



trees and trimmings. A resident sent a letter of thanks for a quick response.

Council President Marte

No report.

Councilperson Kornbluth

stated the recreation committee has started fall baseball. The outdoor basketball league has been playing in Memorial Park and is finishing up. They are both following state COVID-19 protocols. They have reached out to the Superintendent of the Schools to see if there is any possible gym or field space to try to figure out what sport the schools are not doing and try to coordinate there. OEM submitted a 200-page document to FEMA for reimbursement for the borough COVID-19 expenses. They hope to get back over \$120,000 from FEMA and the Bergen County CARES Act. The Ambulance Corps. has seen an increase in COVID-19 calls over the past few weeks and year to date have gone on 1,652 calls.

Councilperson Pascual

No report.

Mayor Amatorio

stated the Borough is continuing to operate the food bank. We are fortunate and grateful for getting donations

from

Table 2 Table, different churches, and other organizations on a regular basis. A refurbished computer was donated by the county that will be used when the food bank will be operating at borough hall. Mayor Amatorio explained going forward, residents who will be getting food from the food pantry will have to submit an application with the corresponding proof of income. The library celebrated Filipino Heritage month last Saturday with a virtual program. The bike with a cop event was a success. He thanked the Dominoes Club for donating a new bicycle and the police department on behalf of the council. Many kids benefitted from the lecture and the activities initiated by the police department. The Planning Board met to memorialize the decision of denying one of the applications. They have been grinding the trees and debris accumulated from the storm. A large machine was rented to convert the debris to mulch and will be used in the parks. It will be given to the public if there is any excess mulch. The health department will provide the vaccine at Memorial Park from 3-6pm. Mount Sinai will be bringing free COVID-19 antibody testing on October 19<sup>th</sup>, 2020 at the VFW. He thanked Councilperson Kornbluth, his wife for coordinating it, and John Smith for hosting and providing the venue.

## CORRESPONDENCE

a) Rainey/Clean Communities

**RE:** Request to Reserve Cooper's Pond for Community Litter Cleanup/Sunday, October 18, 2020/2:00 p.m. – 4:00 p.m.

b) St. Joseph's University  
Medical Center WIC

**RE:** Request to Reserve Borough Council Chambers for WIC Program in 2021/2<sup>nd</sup> and 4<sup>th</sup> Monday of every month

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

## PUBLIC COMMENTS

John Smith, resident, stated he made an OPRA request for 5 items regarding the lease agreement for the PAL and only wants to hear comments from the Mayor and Council members. Mr. Smith stated he brings this up every year and inquired if anyone read the lease agreement that is going to be approved tonight. The lease agreement expired in 2018. He requested records showing the PAL's 501C3 status, but received 990 form. Mr. Smith stated the paperwork he received shows one insurance company on the top, but the bottom has a different insurance company. An insurance policy should only have one insurance carrier. Mr. Smith stated the PAL is supposed to tell the borough who they are allowing to use the fields.

Mr. Vasquez, resident, inquired if there is any possibility of having a food truck in town. He has been a resident since 1988 and would like to help serve the community.

Joan McClugage, stated the sprinkler at Hickory Park was still on last week and shouldn't have been running. The sign on Hickory Avenue that tells you how fast you are going is gone. She feels that this town is going down. The children in the park are playing without any masks and we're not being safe anymore. It needs to be monitored better. The park was full of people without masks all weekend and inquired what can be done about it.

Jacqueline Romney, resident, stated there were a few questions that were not answered or clear. Ms. Romney stated she has been following the traffic reports after the tragic death of Alvin. The traffic safety committee met on August 5<sup>th</sup> and there was discussion at the meeting of how the \$50,000 grant money was going to be spent towards traffic safety. She inquired if those funds have been used. Ms. Romney requested clarification of the bicycle safety ordinance. She stated that she sent two emails asking if the community's part of the pedestrian safety enforcement and education fund has been updated. The question has not been answered regarding the statistics reports pertaining to 54 car crash accidents in August. Ms. Romney inquired what the borough has done to address the cyclist's deaths and injuries. Ms. Romney stated the traffic safety committee was not involved in the last event that was sponsored by the town. The representatives of the committee were not given the opportunity to engage and have an impact since notice was not given ahead of time, and that is desperately needed. There have been 2 deaths in town already and the numbers continue to rise. She commented that here was an accident on the same day of the bike with a cop event. Ms. Romney inquired what is being done and asked why the traffic safety committee is not working with the council and Police Department to make a bigger impact.

Mary Sullivan, resident, inquired if the flu shot offered by the town is the regular flu shot or the high dose one.

Borough Administrator Gallo stated he will ask the nurse tomorrow and will inform Ms. Sullivan. Mr. Gallo stated the PAL has complied with all required information. He will follow up and review it again tomorrow to ensure it is not fraudulent. The certificate of insurance looks fine. Mr. Gallo stated he checked with the IRS and they had told him the PAL is in good standing. The lease is very simple. They cannot move forward until all of the necessary paperwork was submitted. The PAL is working closely with the Recreation Committee with the sports. Mr. stated he met with the president of the board and went over what's expected of the PAL.

Mayor Amatorio stated the PAL is working with the Recreation Committee. Mayor Amatorio stated the food truck ordinance was amended to allow licenses for food trucks. The first reading is tonight and the second reading will be at the next meeting. If there no changes or opposition from the council, they will approve or deny the ordinance based on discussions. The public will be able to comment.

Mr. Gallo stated he heard about the signs today and the police department will investigate to see what happened. The sprinklers have been shut off. Mr. Gallo stated there have been some warm days in September. The sprinklers will shut off after 15 minutes.

Mayor Amatorio stated the state does not mandate people to wear masks outside. The Borough encourages residents to wear masks. The Police Department can address phone calls if social distancing is not being followed in public places and remind the public of the same. The Police Department cannot be in public places all the time. The Mayor and Council are doing their best to provide the quality of service to the residents. For the most part, people are satisfied with the direction of the borough. Mayor Amatorio stated the bike ordinance was introduced today, along with two traffic safety ordinances. One ordinance is to prohibit left turns off West Central Avenue to Prospect Avenue. Mayor Amatorio stated these are three ordinances that are being acted upon as a result of the safety committee. He explained that reports do not have to go back to the safety committee, as the safety committee is not the clearinghouse. He further explained that the safety committee can make recommendations and suggestions, but the ultimate decision must come from the Police Department, DPW, the Borough Engineer, and other Borough departments that have accountability. Mayor Amatorio expressed that the function and involvement of the safety committee is appreciated. Mayor Amatorio stated when the state awards funds, it is not received immediately. Mayor Amatorio stated that the striping of the crosswalks depends upon the condition and the recommendations made by DPW and the engineer. The DPW and the Police Department have been working hard regardless of a limited budget and manpower. He thanked Ms. Romney for her input and her dedication.

Mr. Gallo stated that the Borough listened to the traffic safety committee's concerns. Mr. Gallo explained that it is a process and it takes time. He commented that the bike safety program was organized with enough time, and the message was provided to the Superintendent of the Schools, and he provided all the information to the schools. The notice was posted and advertised on the website and social media, and a reverse 911 call was done. Mr. Gallo stated that all the information received from the traffic safety committee was shared with the Police Department to receive feedback. He commented that no committees are meeting in person, with the exception of the Mayor and Council. The Police Department, DPW Superintendent, and OEM coordinator were all involved in the process and provided input. He explained that two ordinances are in the books based on all the reports and feedback. He further explained that the application for funding is being processed in the State, and a resolution is on the agenda to approve the same. He confirmed that the grant has been awarded, but the funds have not been received or used. Mr. Gallo also confirmed that the DPW stripes the crosswalks once a year when there is available staff.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

**CONSENT RESOLUTION 20-289.** 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. **20-290**/To Pay Bills
- b. **20-291**/To Authorize Tax Refund – 35 Cooper Street
- c. **20-292**/To Authorize Tax Refund – 87 Grove Street
- d. **20-293**/To Authorize Tax Refund – 160 N. Washington Avenue
- e. **20-294**/To Authorize Tax Refund – 40 Momar Drive
- f. **20-295**/To Approve Capital Purchase – 2020 FORD F450 AWD REG CAB 145” WB 60” CA XL – Department of Public Works – Beyer Ford LLC
- g. **20-296**/To Approve Capital Purchase – Three (3) 2021 UTILITY INTERCEPTOR BASE VEHICLES – Police Department – Chas S Winner Ford Inc
- h. **20-297**/To Approve Capital Purchase – Fire Department Turnout Gear – New Jersey Fire Equipment Co.



- i. **20-298**/To Approve Change Order No. 2 – 2019 Road Improvement Program – AJM Contractors
- j. **20-299**/To Approve Pay Certificate No. 3 – 2019 Road Improvement Program – AJM Contractors
- k. **20-300**/To Approve Lease Agreement – Bergenfield P.A.L
- l. **20-301**/To Approve Revised Agreement – Municipal Dept Collections – Penn Credit
- m. **20-302**/To Reject Bids – Municipal Building Heating System Update Re-bid
- n. **20-303**/To Authorize Appointment of Municipal Representatives to the Bergen County Community Development Regional Committee for FY 2020-2021
- o. **20-304**/To Approve Temporary Capital Budget Amendment
- p. **20-305**/To Approve Amendment – 2019 NJDOT Municipal Aid Program-North Prospect Avenue – Remington & Vernick Engineers
- q. **20-306**/To Approve Tax Refund – 50 McDermott Avenue
- r. **20-307**/To Approve Capital Purchase – Grapple Claw for Payloader 524K Machine – Department of Public Works – Jesco Inc.
- s. **20-308**/To Approve Pedestrian Safety Improvements Grant – Department of Community Affairs

Motion by Councilperson Kornbluth, second by Council President Marte, 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>	Councilperson Rivera:	<i>absent</i>
Council President Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

**COUNCIL COMMENTS**

Councilperson Lodato thanked everyone for coming to the meeting.

Councilperson Deauna stated that November 3<sup>rd</sup> is quickly approaching and reminded everyone to vote as it is their civic duty.

Council President Marte thanked everyone for coming and to have a good night.

Councilperson Kornbluth thanked everyone for coming and to have a good night.

Councilperson Pascual thanked everyone for coming and to have a good night.

Mayor Amatorio thanked everyone for coming, wished everyone a great night, and advised everyone to stay safe, stay healthy, and wear their masks.

**CLOSED SESSION**

**RESOLUTION 20-309**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Contracts/Agreements
  - 1. Administrative Contract Updates

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 Council President Marte, second by Councilperson Deauna and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:26 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, second by Council President Marte and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Marie Quinones  
Borough Clerk