

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
VIRTUAL MEETING VIA CISCO WEBEX
MARCH 2, 2021**

PRESENT: Mayor Arvin Amatorio and Council President Hernando Rivera, Council members Thomas A. Lodato, Buddy Deauna (joined at 8:20 p.m.), Rafael Marte, Ora Kornbluth and Marc Pascual

ABSENT: No one.

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. Sunshine Notice for this meeting dated February 26, 2021 was 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 Pascual.

AGENDA CHANGES

None.

PRESENTATIONS

A. Proclamation – Irene Weiss

Mayor Amatorio stated that resident Irene Weiss celebrated her 101st birthday in January. He further stated that the special occasion was brought to his attention by DPW employee Dixie Rainey, who has been helping Ms. Weiss. Mayor Amatorio read the proclamation into the record.

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Borough Engineer Robert Klein reported that the Borough has received notification to proceed on Anderson Avenue, which is a DOT funded road. He commented that they are just waiting for the snow to melt and then will be surveying the roads soon after. He stated that the second project, the sewer rehabilitation program, is scheduled to start shortly within the next two weeks. Mr. Klein reported that lastly, the 2021 road program is underway. The Borough needs determine which roads will be done and then a proposal will be prepared. Mr. Klein also reported that Melrose Avenue will be milled and paved as soon as the weather breaks.

Mayor Amatorio inquired if there is a contractor for Melrose Avenue, and when the project will be completed.

Mr. Klein stated that the road is under contract. Once the weather breaks, the contractor will place the road on his schedule to finish the job. The contractor should be commencing the work before the end of March.

Borough Administrator Gallo stated that this year there are roads that will be completed under the PSE&G gas pipework project. He stated that the road program will include those roads, plus the roads that have been identified on the Borough side. He stated that there is a DOT and CDBG program going on at the same time.

Councilperson Pascual inquired that once Melrose Avenue is complete, when will the next road be done.

Mr. Klein stated that Anderson Avenue will need to be completed. When the weather improves, a contractor will be selected to complete that road by early summer or late spring.

ORDINANCES

None.

UNFINISHED BUSINESS

Borough Administrator Gallo stated that he would like to discuss where we are with the commercial and non-commercial vehicle ordinance. Last week, members of the building department and myself met with members from the business community, people that are working from their homes, and continue to work towards creating an ordinance that will help regulate the businesses being run out of residential homes, and vehicles being parked in their driveways. We had positive dialogue with about 40 people running businesses out of their homes, corresponded with them, and it has resulted in some compliance. The obstacle is the height of the vehicles. He stated that in the current ordinance, a vehicle with no more than a single axle, 22 feet length, and 8 feet in width, can be parked in the driveway. The issue is the height of the vehicles because of the different style of vehicles. We are in the process of determining the height requirement, and the timeline. He stated that most of the business owners expressed that from the moment the ordinance is passed, they need about four months to correct the issue. He stated that the meetings have been very productive and everyone understands the reason this is happening. He further stated that at the present time, the borough can enforce the ordinance as is, which stipulates that people cannot conduct business in a residential area. The Borough is trying to reach a level of understanding of where we are as a community. He stated that is one thing to have a business running out of the home and a vehicle parked in the driveway, but it is a different story when residents use their backyard as a dumping ground and have equipment and supplies all over their property, and have staff working on regular basis. This has already started to unwind itself and business are starting to clear up the situation. He stated that the goal is to clear-up some of the issues and finalize the height requirement for vehicles. Mr. Gallo further stated that another meeting may be scheduled with the business community to prepare the ordinance for first read at the next meeting.

Council President Rivera inquired if another meeting will be held with the business owners.

Mr. Gallo stated that the meeting may be held next week.

Council President Rivera stated that there are people that are very upset with this ordinance. He stated that hopefully the meetings will help to address the issue.

Mr. Gallo stated that two meetings have been held with the business owners to review the proposed ordinance. He further stated that no action is taken, the building department and code enforcement is obligated to inform the business community to cease immediately because they are in violation under the zoning laws that have been in place since 1979. Mr. Gallo stated that the Borough is looking to assist the business owners, not hurt them.

Mayor Amatorio stated that if there is a matter that is specifically objectionable on the part of the businesses or residents that have concerns, the issue can be raised and we can resolve it or help the business owner comply with the new regulations. The goal is to place restrictions, but at the same time, help them comply with the restrictions. If the Borough were to enforce the current ordinance, the business owner would be issued a ticket, because they cannot run operations from

their home. Mayor Amatorio stated that at the same time, there are residents concerned that the Borough is not enforcing the ordinance. The proposed ordinance will alleviate the matter by allowing them to run their business without receiving summonses, and addressing the issue in a way that is not affecting their quality of life. The dialogue will continue until everyone is comfortable with the ordinance considered.

NEW BUSINESS

None.

ADMINISTRATOR'S REPORT

Borough Administrator Gallo stated that due to the recent storms, the Department of Public Works continues to do a very good job in making sure all the streets are cleared and salted. The roads had black tops before the neighboring communities, and through all the adversity, the DPW managed to pick-up garbage and recycling. Mr. Gallo stated that since the recycling center burned down, the DPW has to travel further down Route 80 by Route 15 to dump. The food pantry is running at a high level, servicing about 75 to 150 families per week. The borough continues to find ways to ensure food security and providing them all the resources we possibly can. As Mr. Klein referenced, we are in the process of identifying roads and working with PSE&G to plan roadwork for the next year or so. In terms of the park equipment, the goal is to have it all installed before Memorial Day weekend. We are in the process of submitting DEP permits for the work that will be done at Twin Boro fields. The borough has been working on the budget, but it has been sidetracked given the stimulus funding and the impact that it may have in Bergenfield.

MAYOR & COUNCIL REPORT

Councilperson Lodato

the Planning Board met on February 22nd to review an application. The application involved a two-lot subdivision on Hallberg Avenue. Since the lot size is 75X250, and the applicant proposed two lots, one being 50X100 and the other 67X217. Even though the lots are irregular, the division is within its limits, making it a conforming application and it was granted. Councilperson Lodato also reported that the Fire Department still has the two fire apparatuses and would like to dispose of them. He stated that he would like to revisit the discussion to make a decision.

Mayor Amatorio stated that he was also present for this meeting. He confirmed that the applicant asked for no variance relief, just for a permit to subdivide the lots in that manner. As Councilperson Lodato reported, the application was approved.

Councilperson Deauna

on February 17th, the Municipal Alliance Committee held their first meeting to introduce all the members. Chairman Merlo discussed many issues including the effects of the COVID-19 pandemic on mental health issues and increase in drug use. On February 24th, the Bergen County Prevention Coalition conducted a presentation, which was very impressive with viable information. The Center of Alcohol services discussed the bill that removed the penalty for marijuana possession at the state level.

Councilperson Marte

the Board of Education met on February 22nd to discuss the budget and approve the retirement of two teachers. The next Board of Education meeting will be held on March 15th. The Veterans Advisory Committee will like to add a new member to the committee. The Zoning Board of

Adjustment was held yesterday. The matter concerning 145 W. Main was adjourned to the next meeting on March 17th, as residents had many questions and concerns. The board appointed Pennoni as their Engineers, and Gloria Oh as their Attorney. Frank Rotunda and Ron Mondello are no longer with the board. I thank them for their service and wish them well.

Councilperson Kornbluth

the Recreation program has been slow this year due to the winter months and the COVID-19 restrictions. The BVAC received 310 calls year-to-date, and welcomed six new members this month. OEM continues to support the Borough's COVID-19 efforts.

Council President Rivera

congratulated the Dominican Republic for celebrating their Independence Day, and the Borough and its residents for holding their first flag raising ceremony to commemorate the occasion.

Councilperson Pascual

the Shade Tree Federation is accepting applications for William J. Porter Arboricultural Scholarship and Community Tree Project Awards. For more information, please visit the Borough website.

Mayor Amatorio

the Bergenfield Library Board of Trustees is accepting applications for the Lucille Tender Community Service Awards. The deadline has been extended to March 31st.

Councilperson Lodato stated that the board considers people that have provided an exceptional level of service and also considers past applicants.

Councilperson Kornbluth stated that a resident that made it to the world series for poker donated all his winnings to charity, but he is donating \$3,600 to the Bergenfield Food Pantry.

CORRESPONDENCE

None.

PUBLIC COMMENTS

Diana Flagg, resident, stated that she has not been tuning into the meetings because she refuses to look at everyone on the computer. She stated that she is having issues with hearing everyone over the phone. She inquired when will the meetings will be held in-person, assuming that everyone received their vaccines, considering that a meeting was held in January and a celebration was held over the weekend. Ms. Flagg stated that she connected to this meeting because she attended the Zoning Board of Adjustment meeting last night. She stated that when they decided to hold the meeting on March 17th, there were remarks made about Irish drinking on St. Patrick's Day. She stated that to the point, someone said that they will bring the beer, and another person said they will bring the pot. She said these comments were heard publicly, and they thought this was funny. Ms. Flagg stated she was very offended by this. She commented that these people are appointed by the governing body. Ms. Flagg also inquired if a new position was created for the Technical Assistant for the Construction Official.

Carolyn Schmelz, resident, inquired that if someone was to make a donation to the food pantry, who should the check be made out to. She also inquired when the governing body will return to in-person meetings. Mrs. Schmelz stated that with the upgrades being made to the parks, what are the chances the Borough includes a pickleball court. She also inquired if the four months to

enforce the commercial vehicles will start after the ordinance is approved, and whether the code enforcement office will enforce vehicles being parked on lawns.

Barry Doll, resident, stated his comments refer to the Zoning Board of Adjustment and the construction of the building on 145 W. Main Street. He stated that this has been going on for a while, and it seems that they want to change the zone from R5 to RM. He stated that there is no support from members in the area, including the church and the school, and many reasons have been given. He stated that the Zoning Board refers to Title 40:55D-70, in which they can change the zone in two circumstances. He further stated that they can change the zone provided the land, or for the good of the community. Mr. Doll expressed that he does not see where an apartment building is good for the community. He also stated that there are several professionals that have been hired to consider this one application and attending all these meetings. Mr. Doll stated these are needless expenditures of taxpayer monies.

Jose Gonzalez, resident, inquired how many special meetings can be held for one application, and how much of taxpayer monies have been expended. He inquired if the Zoning Board of Adjustment has acquired a planner and engineer to issue their expertise, and would like to know the amount it costs for them to represent Bergenfield.

John Smith, resident, inquired if there are any updates on the taxes being paid by the home on Wilbur Road. He commented that with regards to item U on the consent agenda, the borough needs to revisit the housing plan and overlay zones. He referenced this at the last Planning Board meeting, but they told him to speak with the governing body. Mr. Smith stated that he has a copy of the Zoning and Land Use book, but a copy should be given to each of the members. Mr. Smith also stated that going forward, the Veterans Advisory Committee will send information straight to the Borough Clerk. He stated that information has been provided to the governing body, but no action has been taken. Mr. Smith commented that there is no point to have two attorneys and two engineers on a board. He stated that the appointed professional should listen to the tape to review the application.

Mary Sullivan, resident, stated that she agrees with the other residents in that it is difficult to hear the members. She recommended that the Borough use Zoom for meetings because it's much clearer. Ms. Sullivan expressed that she was highly offended by all the anti-Irish comments made by the members on the Zoning Board. She stated that the comments were extremely offensive and an apology should be issued. She also commented that it is offensive that the meeting is being held on St. Patrick's Day, because it cannot be held during Passover. Ms. Sullivan stated that pickleball courts would be great for the seniors and for all the members in the community. She suggested that the courts can be built over by the swim club.

Mayor Amatorio stated that in terms of returning to in-person meetings, the borough will consider to meet in person despite the pandemic. No new positions have been created; the borough is filling a vacancy for the Technical Assistant to the Construction Official. Mayor Amatorio stated that the Code Enforcement officers will issue tickets for the vehicles parked on laws in the daytime during regular business hours, but the Police Department should issue the tickets during the evening hours. He also stated that the governing body cannot discuss the application in front of the zoning board or comment as to their duties. The governing body cannot tell the board when they should practice their discretion when considering the applications.

Borough Attorney Schettino stated that the board has statutory duties to follow when considering a variance. The board cannot change the zone, but can approve a use variance to allow a use that is not permitted in the zone. The application also requires a certain number of votes for approval. As the Mayor noted, the Zoning Board is an independent board and the governing body cannot comment on their decisions. He stated that any concerns the residents have should be addressed to the Zoning Board of Adjustment. The board can also schedule as many special meetings they deem necessary, and the applicant fully covers the costs through the escrow accounts. The board also has their own experts, appointed by the board, represent the interests of the board with regards to any application before the board.

Borough Administrator Gallo stated that the donations to the food pantry should be made payable to the Borough of Bergenfield, and in the description/memo portion of the check, the donors should include that the donation is for the food pantry, as there is a dedicated account for the donations.

Mr. Schettino stated that the overlay zones were created by the planner, the special master, and the fair share housing attorney appointed by the board. The plan was then sent to the Planning Board for review and comment, came back to the Mayor and Council, and then went before Judge Padavano to review and approve the plan. If the plan is not effective, or does not meet its intended purpose, it can be amended, but Fair Share housing will have to approve the amendment, and the matter will need to be re-settled in the courts. Mr. Schettino stated that it is too early to determine whether the plan is effective, and whether it meets the goals and objectives of the settlement agreement.

Councilperson Kornbluth made a motion to close public comments. Councilperson Marte seconded the motion. All present voted in favor, none opposed.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 21-083. 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. **21-084/**To Pay Bills
- b. **21-085/**To Approve Temporary Emergency Appropriation
- c. **21-086/**To Approve Transfer of Appropriations
- d. **21-087/**To Approve Veterans Tax Exemption – 43 Sussex Road
- e. **21-088/**To Authorize Tax Refund – 25 Haring Street
- f. **21-089/**To Authorize Tax Refund – 87 Hallberg Avenue
- g. **21-090/**To Authorize Tax Refund – 204 New York Avenue
- h. **21-091/**To Authorize Tax Refund of Redemption Monies to Outside Lien Holder for TTL #20-00008
- i. **21-092/**To Authorize Tax Refund of Redemption Monies to Outside Lien Holder for TTL #20-00009
- j. **21-093/**To Approve Tax Settlement – 1-5 S. Washington and E. Main Street
- k. **21-094/**To Approve Tax Settlement – 115 Hillside Avenue
- l. **21-095/**To Approve Tax Settlement – 37-39 S. Washington Avenue
- m. **21-096/**To Authorize Participation and Approve Agreement – Cooperative Pricing System - Riverside Cooperative
- n. **21-097/**To Authorize Application to Sustainable Jersey for Energy Technical Assistance
- o. **21-098/**To Approve Endorsement Resolution – Bergen County Community Development Block Grant FY'2020
- p. **21-099/**To Approve Change Order No. 2 – 2020 Road Program – AJM Contractors
- q. **21-100/**To Approve Pay Certificate No. 3 – 2020 Road Program – AJM Contractors
- r. **21-101/**To Approve Change Order No. 2 – FY' 2020 NJDOT West Clinton Avenue Roadway Rehabilitation – DLS Contracting
- s. **21-102/**To Approve Pay Certificate No. 2 - FY' 2020 NJDOT West Clinton Avenue Roadway Rehabilitation – DLS Contracting
- t. **21-103/**To Rescind Resolution 21-024 and Approve Pay Certificate No. 5 – FY'2017 & 2018 NJDOT Municipal Aid Program – West Central Avenue – A Takton Concrete Corp.
- u. **21-104/**To Demand That The New Jersey State Legislature Accept Its Responsibility to Administer the Provisions of the Affordable Housing Act and Stay Further Action Until Such Times As It Has Promulgated Rules Governing Its Implementation

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

B. Resolutions

21-105/To Approve Agreement – Local 108 R.W.D.S.U., UFCW

Motion by Council President Rivera, seconded by Councilperson Lodato, that Resolution #21-105 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>	Council President Rivera:	<i>aye</i>
Councilperson Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

21-106/To Approve Provisional Promotion – Keyboard Clerk III – Marisol Lopez

Motion by Councilperson Lodato, seconded by Councilperson Pascual, that Resolution #21-106 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>	Council President Rivera:	<i>aye</i>
Councilperson Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

21-107/To Approve Hire – Technical Assistant to the Construction Official – Tracey Zysman

Motion by Councilperson Deauna, seconded by Councilperson Marte, that Resolution #21-107 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>	Council President Rivera:	<i>nay</i>
Councilperson Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

COUNCIL COMMENTS

Councilperson Lodato shared the unfortunate news of the passing of John Bellottie. John was a long-time member of the Planning Board, the Lions Club, and a long-time friend. He was close to 90 years old and passed recently. Mr. Lodato thanked him for his service to the Borough and expressed his condolences to the family.

Councilperson Deauna stated that John Bellottie is also a good friend and always helped the community as a member of the Lions Club.

Councilperson Marte thanked everyone that attended the event on Saturday, the Mayor and Council for their support, the guest speakers, and all the residents that attended.

Councilperson Kornbluth offered her condolences to John's family on his passing. She thanked everyone for attending the meeting, and wished all a good night.

Council President Rivera expressed his condolences to the Bellottie family. He also congratulated the residents of Dominican descent for celebrating their Independence Day, and wished all a good night.

Councilperson Pascual offered his condolences to John Bellottie and his family. He commented that as a Lions Club member, he had an opportunity to share stories with Mr. Bellottie and he was a very nice person. He'll be sorely missed. Councilman Pascual also congratulated the Dominican Republic for celebrating their 177 years of independence.

Mayor Amatorio thanked everyone for attending the meeting. He extended his sincere condolences to the family of John Bellottie. Mayor Amatorio thanks Mr. Bellottie for all his services to the community. He also congratulated the Dominican and Irish community for celebrating momentous occasions this month. Good night and be safe.

ADJOURNMENT

There being no further business to come before the Mayor and Council, motion by Councilperson Kornbluth, seconded by Councilperson Deauna, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:44 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk