

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
OCTOBER 5, 2021**

PRESENT: Mayor Arvin Amatorio and Council President Hernando Rivera, Council members Thomas A. Lodato, Buddy Deauna, 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 8:01 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 Councilperson Pascual.

AGENDA CHANGES

Councilperson Kornbluth made a motion to add Resolution 21-318 to authorize auction of public property to the consent agenda. Councilperson Marte seconded the motion. All present voting in favor, none opposed.

PRESENTATIONS

A. Hiring and Appointments

21-303/To Hire Crossing Guard – Novalene Venable

Motion by Councilperson Lodato, second by Councilperson Marte, that Resolution 21-303 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>

21-304/To Hire Part-Time Laborer – Dennis Dysangco

Motion by Councilperson Kornbluth, second by Council President Rivera, that Resolution 21-304 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>

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Borough Administrator Gallo stated the Borough Engineer was unable to make it this evening. He stated that the contractors are moving along with the road work. The contractors are challenged with the shortage of pipe material. They are also starting some of the work pertaining to the JoMed construction project, which is on a 30-day timeline and dates back to 2018. Hopefully, they can get most of the work done in the next couple of weeks. They will probably go into November with the paving depending on the weather.

ORDINANCES

A. Introduction of Ordinances

Motion by Council President Rivera that the following ordinances be introduced and passed on first reading and setting Tuesday, October 19, 2021 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 ordinances. Seconded by Councilperson Deauna.

Mayor Amatorio read the titles of the ordinance into the record:

ORDINANCE 21-2586 - BOND ORDINANCE TO AMEND IN ITS ENTIRETY THE BOND ORDINANCE (ORD. NO. 18-2527) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE MUNICIPAL BUILDING RENOVATION PROJECT IN, BY AND FOR THE BOROUGH OF BERGENFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$12,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS," ADOPTED ON JUNE 19, 2018.

ORDINANCE 21-2587 – AN ORDINANCE AMENDING CHAPTER 273 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “STREETS AND SIDEWALKS”

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>

UNFINISHED BUSINESS

None.

NEW BUSINESS

Councilperson Lodato proposed a change to the zoning ordinance. He stated that for a three- or four-bedroom house, the requirement is 2.5 parking spaces. Councilperson Lodato explained there is a footnote in the ordinance that states if there is traction that exceeds 0.5, you go to the next whole number which would be three, 0.5. or less, you go down to the lower number which is two. Councilperson Lodato stated it doesn't make any sense to him when they are trying to address parking conditions, which only will get worse in residential zones. He stated that parking provision seems to work against the borough. Also, it does not address five- or six-bedroom houses or take into consideration the population and apply it. He suggested the governing body look at the ordinance and apply a standard.

Borough Attorney Schettino stated the planner should give a recommendation. If the planner's recommendation is taken, the governing body introduces the ordinance, and sends it to the Planning Board for review. It would then come back to the governing body for adoption.

ADMINISTRATOR'S REPORT

Borough Administrator Gallo stated T&M walked around Metzler's Brook and checked out different areas. It will take them 4-6 weeks to have a better understanding and complete a report. Mr. Gallo

stated that addressing these issues will be a priority in 2022, and the funding will be available in 2022, as the borough has already applied for it. Mr. Gallo stated that in mid-October, unvaccinated employees of the borough and the Board of Education will be required to test on a weekly basis. They had set this up earlier this year, but the site was not a good place and there was no demand. Unvaccinated individuals fall under surveillance testing and the insurance will cover the first round. Mr. Gallo explained that the second will be the responsibility of the employer or employee to fund their testing. The borough has partnered with New Bridge Medical and will be able to utilize their facility on Washington Avenue. He will have more information in the next couple of days and will be post notices on the borough website and all social media pages. The bid results for the Twin Boro field will be available next week. The police department is conducting traffic safety classes with the schools this month and is hosting a bicycle safety event in the end of October. Mr. Gallo stated that he spoke with the PBA state delegate today and learned that there are over 20,000 refugees at Fort Dix, and as such, they have established a clothing drive. PBA requested Bergenfield be a designated location for the clothing drive. A location in town will be set up. Mr. Gallo stated there are many recreation events scheduled for the month of October. The borough started working on a Business Crawl from October 20, 2021 to October 31, 2021 to highlight and showcase businesses. The Trunk or Treat will be on Washington Avenue on October 31, 2021 between 3:00 pm and 6:00 pm. There will be a Haunted House and a movie at Coopers Pond on Friday, October 29, 2021 and the parade will be October 30, 2021 at Coopers Pond.

MAYOR & COUNCIL REPORT

Councilperson Lodato

stated the Northern Valley Fire Chief's parade scheduled for this coming weekend has been cancelled. The Planning Board had a special meeting scheduled for last Thursday. It was cancelled because the applicant had submitted revised plans too late. It will be carried to the next meeting.

Mayor Amatorio stated they lost Mr. Berger, a member of the Planning Board. Mr. Berger passed away. He just heard of the news today and expressed his condolences to the family.

Councilperson Deauna

stated the Board of Health held a Zoom meeting on October 12, 2021. 87% of 16-year-olds and above are already vaccinated. 97% of seniors are also vaccinated. They have been distributing lunch to the seniors and will be distributing again tomorrow.

Councilperson Marte

stated there was a Zoning Board of Adjustment meeting yesterday and the board heard 3 applications. Two applications were for a change of commercial space use. The one application was approved unanimously with some conditions to follow. The application for Bergen Regency LLC, 51-59 Bedford Avenue for the construction of a multi-family dwelling, 7-unit townhouses, was adjourned to the next meeting on November 1, 2021.

Councilperson Kornbluth

stated the recreation department is busy planning a full weekend of Halloween festivities. BVAC has gone on 1,525 calls year to date. They brought their average response time to 3 minutes and 41 seconds. OEM

responded to Hurricane Ida. They assisted the Teaneck Fire Department in rescuing trapped motorists on the Teaneck and Bergenfield border on Windsor Rd. They also assisted numerous stranded motorists throughout town as well as working with FEMA and helping residents.

Councilperson Pascual

No report.

Council President Rivera

No report.

Mayor Amatorio

stated FEMA officials were in borough hall two Sundays ago, and spoke to 76 property owners that submitted their application. The Department of Health and the Bergenfield Board of Health have been working together with regards to the testing and the potential clinic for booster shots. New Bridge Medical is willing to come to Bergenfield and provide the booster shots. They have been visiting schools to inform them about the Halloween parade and the other festivities. The food program was in coordination with the county. The county brings the food and they help distribute it. The engineers will soon provide their report of Metzler Brook.

CORRESPONDENCE

None.

PUBLIC COMMENTS

John Smith, resident, stated that at the last meeting, he asked whether the artificial turf at Twin Boro Lane will be kept, and expressed his concerns that the grass has cancer agents. He had also inquired where all the water from the artificial turf will go. Mr. Smith inquired who does the interviewing for DPW. He commented that people are leaving because it's not what they are expecting. Mr. Smith stated in May and September, he brought up the issue of a resident paying for a garbage can. The borough administrator stated that an investigation will be done and there is still no answer. The borough ordinance doesn't say the resident has to pay for a garbage can if its lost or stolen, yet the resident was charged \$144. The resident should be reimbursed. Mr. Smith inquired what the building height is in the B zone. He noted that residential apartments are on top with businesses on the bottom level in the B zone. The Zoning Board received an application for 51-59 Bedford Avenue to build 7 apartments with no businesses. The applicant's attorney stated they were under 40 feet, when they were not. The building department didn't tell them they needed a variance. It's not in a mixed-use zone. The applicant doesn't want to have businesses. Mr. Smith suggested the borough rent the bank building. Mr. Smith stated there are still basketball hoops on the street. He also stated there is still debris by the railroad tracks on Clinton Avenue and Church Street. Mr. Smith stated there should be money put in next year's budget for road safety signs.

Borough Administrator Gallo stated he put in an order for 100 signs.

Karla Moran, resident, inquired about the plan of action for the brook is going forward. They had flooding from Hurricane Ida and was told that it wasn't the town's, county's, or the state's responsibility. She inquired who is responsible for maintaining the brook is so it doesn't happen again.

Mayor Amatorio stated they heard her concerns and apologized for what she experienced. They understand it's a tragic event for residents whose homes along the brook had flooded basements. Mayor Amatorio stated there was a study conducted in 2003 which was available to the borough, but was never implemented. Mayor Amatorio stated they authorized the borough engineer to review the study to see if it is still relevant and how much it will cost if the plan is implemented. The report will take 4 to 6 weeks and they will make a decision then. The borough is asking the federal government for funding and assistance.

Borough Administrator Gallo stated that one of the ideas from the initial study was to put retention basins under certain strategic areas along the brook to offset the allowance of water to flow less during heavy, impeded storms. He stated the flooding would have occurred if that model from 2013 was used. Mr. Gallo stated part of the model was flawed because the brook would have had to be moved. He commented that the DEP frowns upon moving a waterway. Mr. Gallo explained the borough engineer is working with the DEP to come up with a plan. He stated that the report will be received in November and then then the borough will prepare for funding in 2022. He stated that nothing has been done in the past several years and was the issue was passed down. Mr. Gallo stated he is committed to getting it done, but it will take time. The borough will fix what they need to do. Some of the responsibility will fall on the borough and some on the homeowner. The 2022 budget will have funding for this project. Mr. Gallo stated he has been working with the federal government for a grant since 2020. The funding is currently before the senate finance committee for final review and should be approved for funding in the amount of \$250,000-\$1.2 million.

Mayor Amatorio stated that the council will consider and approve an initial budget of \$260,000 to find out the what extent action needs to be taken to address flooding in the area.

Council President Rivera stated they are going to make sure funding will be available.

Councilperson Kornbluth stated they had applied for a grant before Hurricane Ida.

Barry Doll, resident, suggested looking into what responsibility Tenaflly has with the brook, since it originates in Tenaflly. Mr. Doll inquired what the amendment for Ordinance No. 21-2586 means. Mr. Doll stated he heard the new building is going to cost more than \$12 million. He commented that this town cannot afford that kind of money. The brook takes priority and maybe the residents will sue the town. He inquired who developed the budget for \$12 million. Mr. Doll stated he would like to have a report from the Board of Education on what they are doing.

Mr. Gallo stated the \$12 million bond was cancelled and a new one is being re-issued. There is another termination of outstanding bonds that were never issued that will be cancelled as well.

Sergeant Major Williams, resident, stated the cones for the crosswalks are still not in place. He commended the first responders for responding to an accident in front of his home last Wednesday, as they responded in four minutes. He stated that part of the problem causing the accident was the street light on the corner. It needs to be brightened. He inquired the status of the lights for the flag poles. Sergeant Major Williams stated around 10:45 p.m. to 11:00 p.m., there were 25-30 kids gathered on the ball field after the park closed. He stated that by the time he called the police, they had scattered. Patrol is needed at certain times since there are kids at the park after hours.

Borough Administrator Gallo stated they have been trying to get the lights for months. The paperwork was submitted. He will contact the county again have them contact PSE&G. Mr. Gallo stated he had received hundreds of complaints that the parks were closed. He left one gate open to allow access to play in the grass, and now they have this issue. He cannot ask the Police Department to lock the gates at 11:00 p.m., but will let the police chief know of the situation.

Norman Schmelz, resident, stated that he sent everyone a picture via text message. Councilperson Pascual was the only member who admitted receiving an email from him but didn't respond. He posted on Facebook about council members not responding to emails they receive. Mr. Schmelz stated the current council has been here for at least 15 years, and it is the council that didn't act on it. Mr. Schmelz stated the amount mentioned for funding was \$260,000, but on the resolution, the

amount is \$200,000. Mr. Schmelz stated it's funny how the numbers change. He sent everyone a text message of a picture of the culvert, which can be cleaned out. He inquired why everyone ignores text messages and emails and commented that it's disrespectful.

Councilperson Pascual stated he doesn't respond to emails from Mr. Schmelz because they are taken to a different level. The other resident who spoke was calm and collected. Councilperson Pascual stated that while he was volunteering his time at St. John's carnival, was not the time and place for him to speak about it. Councilperson Pascual stated that when they were both at the booth, Mr. Schmelz was politicizing everything while other people were around. Councilperson Pascual stated he always answers people and gives his business card and commented that it is nothing personal.

Fred Sahlberg, resident, stated at the last council meeting half the people didn't have a mask. The sign downstairs should be changed. Mr. Sahlberg stated the employees in the supermarkets need to wear masks for their protection and the sign on the door states "wear a mask if not vaccinated." Mr. Sahlberg stated they can change the sign to say "masks required if not vaccinated".

Borough Administrator Gallo stated the building has been opened to the public. For the protection of the staff, they are trying to be flexible since some people are not vaccinated. They are close contained and wear masks. Mr. Gallo stated in the common hallways, they expect people to wear masks. Mr. Gallo stated the best protection for the staff is to wear a mask.

Borough Attorney Schettino stated there are too many differences of opinion. Even if you had the vaccine, you can still be a carrier and can get someone else ill. You can't be too safe with this. Mr. Schettino stated Tom Brokaw had made a good comment. He said "they asked the greatest generation to go fight a war overseas and risk their lives. Many of them came back injured and were killed in action. Now they are just asking people to wear a mask and they think it's too much of a sacrifice."

Councilperson Kornbluth stated in the past two weeks, she knows personally of 10 breakthrough cases of vaccinated people getting sick, including four of her family members, staff members, and teachers. They were all vaccinated and still had COVID-19.

Mike Shanahan, resident, inquired what is the detrimental part in having overnight parking and how the borough was able to get by for almost a month in September with overnight parking.

Mary Sullivan, resident, stated most of the residents didn't know overnight parking was allowed. It wasn't on the website or announced. She inquired about what percentage of the borough employees are vaccinated. Ms. Sullivan thanked Councilperson Pascual for calling her while on vacation about a matter.

Borough Administrator Gallo stated that overnight parking was announced on the borough website, the police department website, and Facebook. Mr. Gallo stated there are a few borough employees that are not vaccinated. The Board of Education is also doing well with their numbers. He further stated there are going to put in retention basins structured underneath the field, which will retain the water at Twin Boro field, and is required by DEP. Mr. Gallo stated the DPW job responsibilities are explained during interviews in detail. It's a challenge since everyone starts on the back of a truck, and a lot of people think it's easy until they actually do it. There are time constraints and they are strict with the rules. There are full-time employees that have been disciplined by being suspended up to 20-days off for tardiness. There are many people that leave the DPW because they don't feel it is a good fit for them. There are eight full-time positions that are still open. The department is down fourteen to fifteen employees going back to 2015. He commented that the employees are required to have a CDL license to become full-time. The building on Main Street is not habitable. It's a knockdown and is part of the economic study and area in need of redevelopment. Mr. Gallo stated once the plans are done and the Planning Board does their part, then it can be sold. At that time, the borough will have the right to do what it needs to do. Mr. Gallo stated he will speak with the DPW and the Police Department about the basketball hoops on the streets to resolve that issue. Mr. Gallo stated they will address the issue with the brook as Mr.

Doll suggested. It is something they are looking into, as the drain and the pipe are part of the study. Mr. Gallo stated he is just as frustrated as Sergeant Major Williams about the lights on the poles. Mr. Gallo further stated it is a challenge for the DPW to clean up streets in the fall with cars parked all over the place. He commented that it is more difficult for police departments to patrol the streets and for emergency services to travel on the street. Mr. Gallo stated that the borough can look into suspending overnight parking during certain times of the year. Mr. Gallo stated he understands Mr. Schmelz is frustrated with the brook and the flooding issues. Mr. Gallo commented that he has been here since 2015 and there were conversations about the brook at times. However, he noted that Mr. Schmelz likes to point his finger at the council stating it's the council's fault. He reminded Mr. Schmelz that during the time he was Mayor, there was a Republican Governor whom Mr. Schmelz had access to along with a Republican DEP chairman. He stated there was a forum the governing body had, but it only went so far. Mr. Schmelz had the opportunity many times this is on and could have place the matter on the agenda for every meeting. Mr. Gallo stated he's not stating it's completely Mr. Schmelz' fault, but he should not come to the meeting to complain that the governing body did not do anything. It's nobody's fault. They have to all work together. He commented that it's unacceptable and inappropriate to point blame, to politicize it, and bash blame on social media.

Mayor Amatorio stated the recommendation to prohibit overnight parking came from the Police Department, Fire Department, and the Bergenfield Volunteer Ambulance Corps. because of the challenges driving down streets during the night.

Motion by Councilperson Pascual to close public comments. Councilperson Marte seconded the motion. All present voting in favor, none opposed.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 21-305. 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. **21-306**/To Pay Bills
- b. **21-307**/To Approve Preliminary Expenses Related to Metzler's Brook
- c. **21-308**/To Authorize Cancellation of Capital Appropriations
- d. **21-309**/To Approve Tax Refund for Veteran Exemption – 135 Mackay Drive
- e. **21-310**/To Approve Tax Refund – N Washington Avenue
- f. **21-311**/To Approve Tax Refund – 375 S. Washington Avenue
- g. **21-312**/To Approve Tax Refund – 136 N. Washington Avenue
- h. **21-313**/To Approve Tax Refund – 26 Lincoln Avenue
- i. **21-314**/To Approve Tax Refund – 69 Kuggas Place
- j. **21-315**/To Approve Tax Refund – 65 Whitman Street
- k. **21-316**/To Approve Tax Refund – 125 E Clinton Avenue
- l. **21-317**/To Approve Capital Budget Amendment
- m. **21-318**/To Authorize Auction of Public Property

Motion by Councilperson Marte, second by Councilperson Deauna, to approve the Consent Resolution 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>	Council President Rivera:	<i>aye</i>
Councilperson Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

COUNCIL COMMENTS

Councilperson Lodato stated he understands Mr. Doll's concern about the cost of the new building. The problem with picking a number for the municipal building is that the worst he can foresee, is spending that kind of money, and the building not meeting the needs of the borough. The most expensive part will probably be the quarters for the police department. The police department is probably the most highly regulated entity in the borough. Councilperson Lodato stated certain square footage and certain departments are needed for record retention, evidence storage, the sally port, bullet resisting glass, etc. There is nothing in the building that is not needed.

Councilperson Deauna sympathized with the residents during the flooding. He hates people that blame the council. They have limited authority when it comes to natural calamities. It is bad to use the calamity for political purposes.

Councilperson Marte thanked everyone for coming to the meeting and wished everyone a good night.

Councilperson Kornbluth thanked everyone for coming and stated just because she is voting for the bond, she is not necessarily voting for the building. She stated it is the right time to lock in the bond since bond rates are better now than before.

Council President Rivera stated they can spend hundreds of hours trying to make the building better as it should be. He stated since the maintenance of the building is so costly, they had decided to renovate the building, which is a high number also. At that time, it was \$10.5 million. Council President Rivera stated that constructing a new building is the best solution. The cost for construction is different today from what it was 2 years ago. It is more expensive today due to the pandemic and inflation. Council President Rivera stated they didn't accept the first bids because they were too high at that time. The number today is lower. It will not increase the property taxes. Council President stated that Karla is not alone. There are many families in town, around 200 or more, that had flooding. He stated for next year, they will have money in the budget to address this issue. He further stated that the overnight parking is always an issue because people have different opinions. However, this requirement is based on the recommendations of the police department.

Councilperson Pascual invited Karla to the next council meeting so she can be up to date as to what is happening and understand the process. He apologized to the audience for him getting out of line. He tried to keep his composure but he felt bullied.

Mayor Amatorio wished everyone a good night and thanked everyone for coming to the meeting.

CLOSED SESSION

RESOLUTION **21-319**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Attorney- Client Privilege
 - 1. PBA Local 309 Contract Update

- B. Personnel
 - 1. Building 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, second by Council President Rivera and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:31 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, second by Councilperson Deauna and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk