

**BOROUGH OF BERGENFIELD
MAYOR & COUNCIL EMERGENCY MEETING**

10:00 a.m.

March 16, 2020

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

ABSENT: Councilperson Rafael Marte

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

Mayor Amatorio called the meeting to order at 10:15 a.m. with the reading of the Open Public Meetings Act Statement, "In compliance with the Open Public Meetings Act, the notice requirements have been provided as soon as possible and have been satisfied. Notice of this Emergency Meeting via Sunshine Notice dated March 16, 2020 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 Mayor Amatorio.

DISCUSSION ON COVID-19 STATE OF EMERGENCY

Mayor Amatorio thanked everyone for coming to the meeting on such short notice, especially the team that has been working around the clock, administration and OEM, for communicating with the public and updating information on the website. He advised that even though some members shared reservations, this is an important topic given what is happening around the world. He stated that OEM has provided them a declaration to consider, and noted that the County may be taking more drastic measures, including the closure of businesses.

Councilperson Rivera inquired the status of private parties, and whether parties of 25 people or more are prohibited.

Councilperson Kornbluth stated that she believes the Borough cannot stop private parties.

Borough Attorney Schettino stated that the Borough can implement restrictions, but the County and State be the one to take those measures.

Councilperson Kornbluth stated that the declaration states there cannot be more than 100 people for public gatherings, and inquired if the same applies to businesses like Lidl.

Borough Attorney Schettino stated that some businesses are already limiting the number of people in the store, and the businesses will need to be notified of any changes.

Borough Administrator Gallo stated that they were in contact with the stores yesterday, and addressed concerns they had for their employees. Mr. Gallo stated that the businesses were advised of the possible changes that may take place, and offered assistance if needed.

Councilperson Pascual inquired if the limit of 100 people includes store employees.

Councilperson Kornbluth stated that she believes it does not, because if the number included the employees, the businesses will only have about five people. She believes the number excludes employees. She commented that 100 people may be too high.

Borough Attorney Schettino stated that is the lowest number at this time.

Councilperson Kornbluth stated the number is down to 50 people, per CDC recommendations. She explained that the number should depend on the type of business.

Mayor Amatorio recommended the number should be based on the type of business, because Lidl is much larger than smaller businesses.

Borough Attorney Schettino stated that it can be limited to 100 people, provided they can meet the recommendation of 6 feet social distancing. He explained that the Borough can move incrementally, and can make the necessary changes in the future. He stated that if the matter worsens, you may need to revisit the matter, but start at a number people can adjust.

Ryan Shell, OEM Coordinator, explained that the governing body will need to endorse the declaration in order to move forward.

Mayor Amatorio stated that the reason for the meeting is to pass a resolution endorsing the declaration submitted by the OEM Coordinator, upon his recommendation.

Councilperson Lodato inquired that in the absence of a State of Emergency, does Council have the power to implement and enforce these items.

Borough Administrator Gallo stated that the Office of Emergency Management holds the power to proceed, but there has to be a declaration.

Councilperson Kornbluth expressed that this is important because people are not taking the matter seriously and Council needs to stand firm because of the concern.

Borough Attorney Schettino stated that if the matter gets progressively worse, there are other measures to take like curfews and store closings. He expressed that the next steps can be to lower the numbers of social gatherings, and further expressed that none of the recommendations are an extreme. Mr. Schettino stated that the Planning and Zoning Boards should not be cancelled indefinitely, because there are applications that need to be considered.

Borough Administrator Gallo stated that the meetings are postponed for this month.

Councilperson Kornbluth stated that her concern is that their meetings require more public interaction and presentations, in order to review the plans.

Borough Attorney Schettino stated that if the meetings are closed for this month, the situation can worsen and then further action has to be taken later on. He stated that medical experts are saying this can take another two months to peak and then drop.

Councilperson Rivera stated that the Council has to use everything in their power to take action and try to prevent any further exposure and spread of the virus.

Councilperson Kornbluth stated the reason the number is not higher is because testing is not being done.

Borough Attorney Schettino stated that he thinks this is reasonable and is a good starting point. He explained these are the measures other towns are taking.

Councilperson Kornbluth stated that the school district should send information to parents on social distancing.

Councilperson Pascual stated there are children in the parks.

Borough Administrator Gallo stated that the Police Department will remove people they see at the parks. He also suggested that Coopers Pond be closed because people walk on the track and may

use the equipment in the park. He expressed that the culture needs to change, people can walk around the block, as long as there is social distancing.

Borough Attorney Schettino stated that at the meeting tomorrow, there has to be a resolution amending the meeting schedule to hold only one meeting a month, which will be the second meeting of the month.

Councilperson Kornbluth stated that the governing body is also looking into other means to share the meeting information with the public, and is looking into a program called Zoom. She inquired whether the governing body can hold the meeting even though all the members have to sit next to each other on the dais.

Borough Attorney Schettino explained that the reason for social distancing is if someone has a cough or presents any of the symptoms. He stated that if a member is not feeling well, they should not attend the meeting. Mr. Schettino stated that government has to function, and the State of New Jersey has not provided the right to exclude the public. He further stated that the local governments have to meet to conduct business and cannot exclude the public yet. Mr. Schettino stated that in order to exclude the public, there has to be other means to have them call into the meeting. He recommended that perhaps the first three rows be blocked off in order to meet the social distancing restriction. He further recommendation that members should have wipes to clean their station, and if they are not feeling well, should not attend the meeting.

Borough Administrator Gallo stated that meeting should be brief tomorrow, as most items are listed for introduction and do not require public comments. He stated that the salary ordinance can be tabled to hold the hearing at a future meeting. Mr. Gallo further stated that the budget and capital budget have to be introduced. He expressed that all further matters can be addressed at the second meeting in April.

Borough Attorney Schettino stated that members can visit Borough Hall individually on the day to day, and committees can meet to discuss matters and bring to the Council when they are ready for action. He also stated that the Mayor and Administrator can send updates, but members cannot reply all.

Mr. Schettino stated that the Council has provided their recommendations for the OEM Coordinator's consideration, and if acceptable, are to be included in his declaration.

RESOLUTION 20-124/TO ENDORSE AND SUPPORT DECLARATION MADE BY THE OFFICE OF EMERGENCY MANAGEMENT ON COVID-19

Motion by Councilperson Kornbluth, seconded by Councilperson Rivera, to endorse the declaration made by OEM on COVID-19.

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

PUBLIC COMMENTS

No one came forward.

COUNCIL COMMENTS

Councilperson Kornbluth and the entire governing body thanked Ryan Shell, OEM Coordinator, for all his time and efforts during this time.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, second by Councilperson Rivera, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:42 a.m.

Respectfully submitted,

Marie Quinones
Borough Clerk