

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

**8:00 p.m.**

**September 15, 2020**

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

**ABSENT:** No one.

**ALSO PRESENT:** Borough Administrator Corey Gallo  
Borough Attorney John Schettino  
Deputy Borough Clerk Hilda Tavitian

Mayor Amatorio called the meeting to order at 8:03 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 Councilperson Kornbluth, second by Council President Marte to add PAL contract and St. John's Church to closed session. All present voting in favor. None opposed.

**APPROVAL OF MINUTES**

Motion offered by Council President Marte, second by Councilperson Deauna, to approve minutes of the August 18, 2020 Regular Public Meeting, and August 18, 2020 Closed Session Meeting (not to be released), September 1, 2020 Work Session Meeting, and September 1, 2020 Closed Session Meeting (not to be released). All present voting in favor, no one 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.

Barry Doll, resident, stated he enjoyed and had fun playing monopoly growing up. It was an excellent tool for teaching about real estate, making money, and good investments. Mr. Doll inquired why the borough needs to purchase the properties at 230 N. Washington Avenue and 19 Daggett Street. Mr. Doll stated when the town buys property, the money comes from the taxpayers. Mr. Doll inquired about the cost of the purchases and what will be done with the properties. Mr. Doll stated they are not able to get a new borough hall building due to the bids being too high and a fire engine the borough can't get rid of. He is concerned with the revenue flow in town, the virus, taxes, and what is going to happen next year. Mr. Doll questioned how the town is going to manage finances, administration, the residents, laws, and schools.

John Smith, resident, stated someone is not doing their job if there are still tax overpayments. They should know in the tax office how much taxes are due. Mr. Smith stated 51 Wilbur Rd had come before the zoning board in 2017 for a renovation, knocking the whole house except for one wall. The taxes in 2017 were \$10,000, and are still \$10,000. The new houses #15-31 on Glenwood Drive East are paying the same amount in taxes since the houses were built 3-4 years ago.

Joel Berkowitz, resident, commended Barry Doll, John Smith, Diana Flagg, Mary Sullivan, and Fred Sahlberg for consistently watching the governing body and asking questions in trying to keep everything right. They are here for this town. Mr. Berkowitz suggested the governing body make the effort to see that other members of the community know these meetings are here. The governing body should have Zoom meetings, televised conferences, and invite people to come here safely so others can take part in what happens in this community.

Mayor Amatorio stated the property being purchased is the one by the corner and explained that the purchase of the property will save the borough money in the future, during the renovation of the new borough hall. He further explained that savings realized from not moving the cell tower is more than the purchase price of the property. Mayor Amatorio stated that he had a discussion with the Tax Assessor, in which the Tax Assessor confirmed he is bringing additional assessments of \$800,000 close to \$1 million.

Borough Administrator Gallo stated the property was offered to the borough for sale. The properties are the one next to the training center and in front of the training center. He explained that an assessment and analysis were done to evaluate the properties and the pricing was acceptable. Mr. Gallo explained the borough will be able to expand the borough's footprint in the future with the development of the new Borough Hall. Mr. Gallo explained that the cost to move the cell tower for the new building is close to \$1.4 million. He further explained that this would result in a loss of revenue for the next 10 years. Mr. Gallo noted that part of the plan to purchase the two properties is to avoid moving the cell tower. He also noted that the purchase was planned for in the 2020 budget, since the Borough was already in negotiations. Mr. Gallo commented that it is more effective for the Borough to purchase the property, and maintain the revenue of \$200,000. Mr. Gallo also stated that he understands that some of the numbers in the assessments are lagging, but knows that the COs are going to the Tax Assessor. Mr. Gallo noted that he is copies when the Certificates of Occupancy are sent from the Building Department to the Tax Assessor.

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

## PRESENTATIONS

### A. Hiring and Appointments

#### **20-271**/To Hire Crossing Guards for the 2020-2021 School Year

Motion by Council President Marte, second by Councilperson Kornbluth, that Resolution #20-271 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>aye</i>
Council President Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

#### **20-272**/To Hire Telecommunicator – Michael Kasper

Motion by Councilperson Kornbluth, second by Councilperson Lodato, that Resolution #20-272 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>aye</i>
Council President Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

Correspondence

A. Neff/Resident

**RE:** Request to Reserve Memorial Park Pavilion/Friday,  
October 30, 2020/5:00 p.m. to 8:00 p.m.

Motion by Council President Marte, second by Councilperson Lodato, to approve Correspondence Item A. All present voting in favor, none opposed.

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)**

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

**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.

B. Introduction of Ordinances

Motion by Councilperson Kornbluth that the following ordinance be introduced and passed on first reading and setting Tuesday, October 6, 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.

Mayor Amatorio read the title of the ordinances into the record:

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

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

Motion by Councilperson Deauna that the following ordinance be introduced and passed on first reading and setting Tuesday, October 6, 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.

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

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

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>aye</i>	Councilperson Pascual:	<i>aye</i>

A. CONSENT AGENDA

**CONSENT RESOLUTION 20-273.** 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. **20-274/**To Approve Bill List
- b. **20-275/**To Approve Raffle Application RA 1365
- c. **20-276/**To Approve Addendum to Contract Agreement – Electrical Maintenance Services – East West Electrical Contractors
- d. **20-277/**To Approve Pay Certificate No. 3 – Memorial Field Backstop and Fencing Improvements – The Landtek Group
- e. **20-278/**To Approve Pay Certificate No. 2 – 2019 Road Improvement Program – AJM Contractors
- f. **20-279/**To Approve Tax Refund – 11 Sylvamdur Avenue
- g. **20-280/**To Authorize Credit Card and Electronic Payments – MSB Payment Processing
- h. **20-281/**To Appoint Designated Employer Representative (DER) – Phil Neville

Motion by Councilperson Rivera, second by Council President Marte, that the Consent Resolution be approved.

On a roll call, the vote on the Consent Resolution 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>aye</i>	Councilperson Pascual:	<i>aye</i>

B. Resolutions

**20-282/**To Authorize Appointment of Municipal Representatives to the Bergen County Community Development Regional Committee for FY 2020-2021

Motion by Councilperson Deauna, second by Councilperson Rivera, that Resolution #20-282 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>aye</i>
Council President Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

**20-283/**To Authorize the Purchase of 230 N. Washington Avenue and 19 Daggett Street as amended

Motion by Council President Marte, second by Councilperson Deauna, that Resolution #20-283 be approved.

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

UNFINISHED BUSINESS

A. Mobile Retail Food Establishments Ordinance

No discussion.

#### B. Bicycle Safety Ordinance

No discussion.

#### NEW BUSINESS

##### A. Bergen County Municipal Joint Insurance Fund Lost Time Accident Frequency

Borough Administrator Gallo stated that the numbers have improved, as the Borough only experiences two (2) lost time accidents over the past quarter. The numbers are still trending and Borough is taking the necessary safety measures. The employees involved have received training as recommended by JIF.

#### Committee/Department Reports

Motion offered by Council President Marte that the Committee/Department Reports be spread upon the minutes in full and filed. Second by Councilperson Rivera. All 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.

John Smith, resident, stated that the zoning board attorney made statements regarding 35 Regent Street in the letter he sent to the governing body that was dated August 10, 2020. Mr. Smith stated that in his complaint, he provided the governing body documentation and a tape recording of parts of the zoning board meeting. Mr. Smith read into the record remarks Mr. Mondello made during the meeting. Mr. Smith stated he finds fault with what Mr. Mondello had written in the letter he submitted to the governing body, and in the comments said by him during the zoning board meeting. Mr. Smith stated, in his opinion, the meeting was one sided and there was no reprimand. He commented that the governing body should have listened to the tape and dished out punishment. Mr. Smith stated he made an OPRA request for all zoning board meeting minutes and agendas from 2014-2020. He thanked Hilda and Marie for receiving a quick response. He stated that there were no zoning board meeting minutes for 2016. Mr. Smith stated that in the past six years, zoning board members did not vote for an extension that was listed under correspondence. Mr. Smith stated all of the board members should have been present at the meeting as the board attorney said it was past practice to approve requests for extensions when it is presented as correspondence. Mr. Smith also stated that the board attorney had to recuse himself from the 35 Regent Street extension, since his brother is doing the pool landscaping and design. Mr. Smith stated that when the zoning board grants a variance, they are making the lot non-conforming and under the law, non-conforming lots can never be increased or decreased. However, the zoning board can change that. Mr. Smith stated that the burden of proof is never requested by the chairman or the attorney during zoning board meetings and he has proof of that from 2014 to present.

Mary Sullivan, resident, stated she has told her friends she stays in Bergenfield because she likes the town since there is diversity in the police department, the schools, the planning board, the library board, and the council. Ms. Sullivan stated this is how America looks now and how everyone is represented on the council and the boards, but that is not the case for the zoning board. She commented that zoning board is being controlled by one group, which is not in the best interest of the town. Ms. Sullivan suggested making new nominations to the zoning board in January to represent the entire town and bring diversity to the board. Ms. Sullivan inquired if a reassessed property is not on the County books by October 1<sup>st</sup>, are the new taxes in effect.

Mr. Gallo stated it should take effect. Mr. Gallo stated he has a meeting with the Tax Assessor and Tax Collector this week and will confirm the same.

Barry Doll, resident, stated that at last night's zoning board meeting, the zoning board learned that the attorney's brother was involved with landscaping and work on the pool. Mr. Doll stated the governing body reported there was no wrongdoing by the zoning board. Mr. Doll inquired if the Council found out last night that the board attorney has a direct conflict of interest and had recused himself from the matter. Mr. Doll noted that another attorney will need to sit in next month's meeting to hear the resolution. Mr. Doll stated that he strongly feels this needs to be looked at thoroughly to see what happened and suggested the Council meet with the board members to obtain more information. Mr. Doll commented that this only came up because of the persistence of the residents and the governing body did not know anything about it.

Carolyn Schmelz, resident, stated Council President Marte went on the podium on the first night of the outdoor dining and stated "welcome to new Bergenfield." Mrs. Schmelz stated that Channel 12 News mentioned Aldi's was opening in the new Bergenfield. Mrs. Schmelz inquired what is the new Bergenfield. Mrs. Schmelz stated that she is disappointed because every time she sends an email to the elected officials, she never receives a response from them. Mrs. Schmelz stated there is no crosswalk at Main Street and Portland Avenue. There should be one as it is a crazy intersection.

Gwen Hill, resident, stated she had sent Mr. Gallo an email with a video of her curb last night. Ms. Hill stated they are going to tear up the street tomorrow. She has a son with severe brain damage that has problems getting on and off the bus. She commented that the curb is crumbling even though it has been patched up several times.

Mr. Gallo stated he is going to have the inspector go take a look. He commented that he never received a response and was under the impression the inspector spoke to Ms. Hill. He will confirm with the inspector and have them follow-up with Ms. Hill.

Mary Hernandez, resident, requested that the governing body continue to have virtual council meetings for people that are home and unable to attend because of ADA compliance. She commented that there is no reason the meetings cannot be held over zoom. Ms. Hernandez stated she was present when the safety committee was discussed, and it was never mentioned that the meetings would be private. She requested that meetings be open to the public a few times during the year. Ms. Hernandez inquired if ordinance 20-2561 is going to be voted on tonight and if it is to be tabled as long as COVID-19 continues to be an issue.

Jacqueline Romney, resident, stated she is concerned with the number of motor vehicle crashes and inquired if any studies were done to determine the cause of the accidents. She inquired if there is any speed enforcement actively being implemented. Ms. Romney stated there are a lot of streets and crosswalks that are not properly painted and inquired how often they are remarked.

Mr. Gallo stated they mark them once a year.

Borough Attorney Schettino stated the comments made about the zoning board were not accurate as to the outcome of the meeting. The conflict of interest issue was addressed with the board. They acknowledged that one of the individuals should not have participated in the hearing of the applicant. They understand when there is a conflict, that not only can you not vote on the application, but you cannot participate as a board member. You can participate as a member of the audience since the member is still a resident. They realized this, acknowledged it, and informed the committee that going forward they would address all conflict of interest issues in the appropriate manner. The board attorney announcing he had a conflict, recusing himself from discussing it, and stating another attorney was going to sit in on the application, is exactly what is supposed to happen. Mr. Schettino stated unless he had a conflict before and participated in it before disclosing it, then there would be an issue. The applications for extensions will be handled differently by the zoning board. It will be treated as an application, with testimony before the board, and the explanation to the board was found to be acceptable as to why an extension should be granted going forward. The committee told the zoning board that the request for the extension had to be made before the time period lapsed with the length of time, since they had to secure a permit. The statute that expired dealt with the issue of whether or not a permit was secured prior to expiration. In this case, not only did they have a permit, but finished the completion of the structure. Mr.

Schettino stated what they did not pursue at the time was the accessory structural use, which was the swimming pool. The variance runs with the land and there is a time limit. They complied with the ordinance and the case law. The council did raise concern about the extent of the variance coverage that was given. They explained that they gave a significant coverage variance because they felt the pool captures up to 6 inches of water. The committee from the governing body said they felt the board had to be more conservative with the coverage variances, as 79% was excessive.

Mayor Amatorio stated the question with regards to whether they put a shovel in the ground based under the initial approval for the permit, and if they needed another permit or the original permit, were good enough to allow them to continue with their project. He stated that both attorneys involved found that there was not a need to apply for another extension. He further stated that both attorneys agreed that the actions that took place were legal, but the Committee expressed their concern that the manner in which it was handled was messy. Mayor Amatorio stated that the Zoning Board should have informed the public that there was an application to continue with the permit, rather than make a change on the agenda. The reason as to why the board was voting to approve it should have been explained.

Mr. Smith stated they never submitted the plans for the pool and it wasn't in the memorialization.

Mr. Schettino stated they will take another look at the resolution.

Borough Administrator Gallo stated he will obtain a copy of the resolution. Mr. Gallo stated he will have DPW look at the issue on Main Street and Portland Avenue to see if they can paint stripes in the crosswalk. Mr. Gallo stated they have addressed the striping around the school areas. There is a team of laborers that is painting and striping. Mr. Gallo stated that streaming the council meetings through Facebook Live is under consideration, but it is not an easy process. Mr. Gallo stated anyone who has safety concerns can email him and he will forward them to the police and the traffic safety committee.

Mayor Amatorio stated Ms. Sullivan makes some valid points regarding how the town looks and the representation on the different organizations and committees. However, he explained that the Council cannot appoint someone based on race, ethnicity, or religion, members have to be appointed based on their qualifications. Mayor Amatorio commented that there is representation from various ethnicities from the Borough on the Zoning Board. He also stated that there is no official or unofficial discussion about a new Bergenfield. Mayor Amatorio stated there were a lot of challenges when the meetings were held virtually and there were residents who wanted to have in-person meetings. He further stated he has no problem if the safety committee is willing to have their meetings in public. He stated that the comments will be taken into consideration.

Council President Marte stated he was referring to the outdoor dining event when he said that the new Bergenfield was being celebrated. Council President Marte commented that he has no idea why Channel 12 News referenced the new Bergenfield in quotes.

Councilwoman Kornbluth inquired what the numbers look like compared to the numbers seen last year.

Police Chief Rabboh stated that accidents will start to go up in the near future because more people will be going to work and there will be more cars on the road. The statistics show low numbers since people were staying home and there was no work or school. He explained that the number of the summonses does not explain it all. Chief Rabboh explained that many times, officers will stop someone and give them a verbal warning. He stated that there are officers out there right now stationed throughout town. The goal is to educate the public first. Chief Rabboh stated tickets issued are not always about speeding. There are tickets issued for careless and reckless driving, seat belts, and not using turn signals.

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

COUNCIL COMMENTS

Councilman Deauna stated he is glad to see everyone in-person. He thanked Ms. Sullivan, Mr. Smith, and Mr. Doll for their constructive criticism. He wished everyone a good night and advised everyone to stay safe.

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

Councilwoman Kornbluth thanked everyone for coming and wished everyone a good night.

Councilman Pascual thanked Mr. Smith, Mr. Doll, and Ms. Sullivan for coming tonight and for making good points. He wished everyone a good night.

Councilman Rivera stated it was great to see everyone and wished everyone a good night.

Councilman Lodato told Mr. Smith he is quick to blame. Councilman Lodato stated it is Mr. Mondello's brother that is creating a conflict of interest and Ron has no choice but to recuse himself. He did the right thing. The applicant is going to end up paying for the other attorney to sit in for Mr. Mondello. The significance of the property the borough is going to purchase is its location. Councilman Lodato explained that it's adjacent to the borough hall, which makes the property bigger and one of his goals is to build a commuter parking lot someday. He mentioned that another possibility is constructing a new fire house that might house both fire companies on the east side of the railroad tracks.

Mayor Amatorio thanked everyone for coming to the meeting. Mayor Amatorio stated that they will look into all of the allegations and issues with the boards, but it is unfair to accuse someone just because it appears a certain way.

#### CLOSED SESSION

RESOLUTION **20-284**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Attorney-Client Privilege and Personnel
  - 1. PBA Local 309 Update
  - 2. Police Contract
  - 3. PAL
  - 4. St. John Church

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 Marte, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:22 p.m.

#### ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilman Rivera, second by Council President Marte, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:22 p.m.

Respectfully submitted,

Hilda Tavitian  
Deputy Borough Clerk



