

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

**8:00 p.m.**

**March 16, 2021**

**PRESENT:** Mayor Arvin Amatorio and Council President Hernando Rivera, Council members Thomas 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 8:07 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 Marte.

#### AGENDA CHANGES

Borough Administrator Gallo stated that discussion of the PBA Local 309's contract needs to be added to the closed session meeting. Councilperson Kornbluth stated that Ordinance #21-2578 should be added to the Introduction of Ordinances and Resolutions #21-199 and #21-120 need to be added to the Consent Resolution.

Council President Rivera motioned to add the PBA Local 309 contract, Ordinance #21-2578, and Resolutions #21-199 and #21-120 to the agenda. Councilperson Marte seconded the motion. All present voting in favor, none opposed.

#### APPROVAL OF MINUTES

Motion by Councilperson Marte to approve minutes of the February 16, 2021 Regular Public Meeting, February 16, 2021 Closed Session Meeting (not to be released), and March 2, 2021 Work Session Meeting. Councilperson Deauna seconded the motion. All present voting in favor, none 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, inquired if the two resolutions Councilperson Kornbluth mentioned were being added or removed from the agenda. Mr. Doll inquired if there was paperwork distributed to the public on the introduction of the budget. Mr. Doll stated the residents should have something to look at if they are going to make comments. Mr. Doll inquired if ordinance 21-2578 was tabled.

Councilperson Kornbluth stated the salary ordinance was added to tonight's agenda. The ordinance was tabled last year.

Borough Attorney Schettino stated it was on the agenda last year, but action was never taken. Therefore, the ordinance automatically dies and has to be introduced again in the following year.

Norman Schmelz, resident, stated he has a question regarding Ordinance 21-2576. He inquired if anyone that lives in Bergenfield was involved in the negotiations with the residents of Bergenfield. He commented that there are people from out of town negotiating for the council. Mr. Schmelz stated if anyone from the town attended those meetings and actually looked at all of the resident's face to face. Mr. Schmelz stated he grew up in town and has lived here since 1963. He commented that in the meetings, there were five people from out of town and eleven contractors. Mr. Schmelz stated he does a lot of walking around town and there are probably around 250 people that letters could have been sent to. Mr. Schmelz stated driveways have been created on both sides of houses in Bergenfield. He referenced that he heard something about being grandfathered in, and then heard that there was no such thing as being grandfathered in. Mr. Schmelz stated that the Planning Board meeting, the Mayor referenced things that were grandfathered in some of the ordinances. He questioned if the people that park on their lawns or have trucks in the driveways now will be grandfathered in.

Jose Gonzalez, resident, inquired if the new norm is for the public to ask their questions first and then Council answers their questions at the end of the public comment portion. He inquired why this has changed.

John Smith, resident, stated the resolution to approve amendments to the Veteran's Advisory Committee is justified. He mentioned that some members are incapable of moving on with the program as planned, and then there are others that would like to step forward and be a part of the committee. Mr. Smith stated that the committee has developed a new website, which is up and running, and has already received many hits. He stated that perhaps the Borough website can refer visitors to their site, which will offer Veterans and families important information. Mr. Smith stated that when the Planner for economic development is hired, he or she should review the year-end report from the Zoning Board Attorney. Mr. Smith commented that the R5/R6 zone has to be changed. He further commented that residents would be more understanding if the information was plain and simple and if they were provided the correct information. Mr. Smith referenced instances in which the Planning Board did not accept a report from the Police Department and approved a project regarding the Ohr Ha Torah, when the application was before the Zoning Board of Adjustment for several years. Mr. Smith stated that the Planning Board members need copies of the land use books, and the professionals need to submit their year-end reports.

Maria Ng, resident, inquired if all future meetings will be held in-person or virtually. She stated it is a good idea to continue having the meetings via zoom.

Diana Flagg, resident, inquired why ordinance 21-2576 was being brought up again during the COVID-19 pandemic. She stated that it is best to leave it alone until better times. Ms. Flagg also commented that the contractors are making money and paying their taxes. Ms. Flagg further stated that Ordinance 21-2578 should be tabled, because it is giving Council raises in a time when the COVID-19 pandemic is going on.

Mayor Amatorio stated that the budget is listed for introduction only.

Borough Administrator Gallo stated there is no public comment portion for the introduction of the budget. Once the budget is introduced, it will be posted, and residents will have plenty of time, about 30 days, to review and discuss it.

Mayor Amatorio stated that the comment on grandfathering applies to the property if they are compliant. He stated that as of right now, there is a zoning ordinance that does not permit the parking of commercial vehicles in a residential area. He further stated that without this ordinance, the Code Enforcement Official can write them all tickets. Mayor Amatorio stated that the goal is to accommodate the businesses who will be affected, so that they are not in violation of the ordinance. The governing body authorized the Borough Administrator to discuss the terms for the proposed ordinance.

Mr. Gallo stated it is not a negotiation, but a discussion. He stated that this year alone, three meetings have been held with various business owners regarding their concerns and complaints.

Mr. Gallo stated he has even shown pictures at public meetings. Mr. Gallo stated that part of the problem is that the COVID-19 pandemic kept people home. Therefore, residents do not want to live next to someone who is starting their diesel truck at 6:00 a.m. He commented that the properties are zoned for residential use, but people are running their businesses in these areas.

Borough Attorney Schettino stated grandfathering only exists when you have a permitted use before the ordinance is adopted. For example, if commercial vehicles are permitted to park in a residential zone, and then you enact an ordinance that prohibits it, the vehicles that were once permitted would become a non-permitted use. He stated that the prior uses that existed prior to the ordinance, are considered to be grandfathered in. However, that is not the case here. He stated that commercial vehicles parking in a residential zone has always been prohibited. He further stated that the ordinance may not have been enforced, but it was never a permitted use. Mr. Schettino stated that the ordinance attempts to balance the concern of people who have established businesses and are using their residential homes to park with the residential property owner who doesn't expect to be next to a commercial use. At this point in time, this is the best solution to the problem. The ordinance can be introduced and if changes need to be made, they will be made.

Mr. Schmelz inquired if there were any people from Bergenfield who were involved with the negotiation.

Mr. Gallo stated that as the administrator, it is his job to have these discussions and report back to the governing body. The construction official, the code official, and myself were available to discuss their concerns with the business owners, and the information was passed on to the governing body. He stated that this ordinance has been discussed since last October.

Mayor Amatorio stated the consensus of the governing body was to allow the Borough Administrator and the code enforcement official to discuss the issues with the residents to avoid politicizing the issue. Mayor Amatorio stated that even though the governing body was not in attendance at the meetings, the concerns were fully discussed.

Mr. Schettino stated it is the Borough Administrator's job to gather the facts and bring them back to the governing body. The governing body then reviews it, asks questions, and then makes a decision.

Mayor Amatorio stated they are trying to help the residents comply with the regulations.

Councilperson Pascual stated he personally spoke with residents who had to deal with neighbors that experienced wet grass and have trouble getting into their driveways due to commercial vehicles blocking the street. Councilperson Pascual stated they are trying to come up with a solution for both parties and find a balance.

Mr. Schettino stated that sometimes people have a misunderstanding of the public comment portion the meeting. The law requires any public meeting to be open to the public before the governing body takes action. The public comment is an opportunity for the residents to make a statement, criticism, concern, or ask questions. There is no obligation to receive answers to your questions. Mr. Schettino stated that members of this governing body attempt and do answer your questions. This isn't an opportunity for discussion back and forth, especially when many people want to speak and there is a five-minute limitation. Mr. Schettino stated this is considered to be a more efficient way to give the public their full five minutes without interruption and then the governing body can attempt to answer their questions if they choose to. It is not intended for there to be a dialogue or an opportunity to have a discussion of any kind.

Mayor Amatorio stated that the planner will look into the matters Mr. Smith mentioned, and that the Planning Board will be part of his responsibility. Mayor Amatorio stated that the public meetings will remain in-person, unless changes need to be made due to the number of positive COVID-19 cases. Mayor Amatorio commented that people have different preferences, and that the Council meetings were being held virtually due to the pandemic. He further stated that since the numbers have been improving, the Council decided to return to in-person meetings. Mayor

Amatorio stated that at this time, the regulation permits 50% capacity, which allows the meeting to accommodate close to 100 people. Mayor Amatorio thanked Ms. Flagg for her opinion regarding Ordinance 21-2576, and stated that with regards to the ordinance for non-commercial vehicles, the Borough is trying to accommodate the residents who are not compliant in order to strike a balance. He further commented that the Ordinance 21-2578 is the same salary ordinance that is considered and adopted each year to establish the salary ranges.

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

PRESENTATIONS

A. Administrative Appointments and Hires

**21-108/To Hire Part-Time Laborer – Chris Brown**

Motion by Councilperson Kornbluth, second by Councilperson Marte, to approve Resolution #21-108.

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>

CORRESPONDENCE

- a). Kneisler III/resident **Re:** Request to Reserve Cooper’s Pond/Friday, April 9, 2021/1:00 p.m.
- b). Rainey/Shade Tree Committee **Re:** Request to Reserve Cooper’s Pond for Free Tree Seedling Give-a-Way and Litter Clean-up Celebration Events/Sunday, April 25, 2021/2:00 p.m. to 4:00 p.m.

Motion by Councilperson Marte to accept Correspondence A through B. Councilperson Pascual seconded the motion. All present voting in favor, none opposed.

ORDINANCES

A. Introduction of Ordinances

Motion by Councilperson Deauna that the following ordinances be introduced and passed on first reading as amended and setting April 6, 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 ordinance. Seconded by Councilperson Pascual.

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

**ORDINANCE 21-2576 – AN ORDINANCE ENTITLED “COMMERCIAL AND NON-COMMERCIAL VEHICLE PARKING” THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BERGENFIELD**

**ORDINANCE 21-2577 - AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

**ORDINANCE 21-2578 – AN ORDINANCE TO ESTABLISH THE SALARY RANGES OF EMPLOYEES NOT SUBJECTED TO UNIONIZED CONTRACTUAL UNITS OF THE BOROUGH OF BERGENFIELD**

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>

Councilperson Lodato commented that the Mayor correctly stated that the salary ordinance establishes ranges for each of the titles set forth in the ordinance. He commented that there is one exception, and it could be because of the most recent amendment. He stated that the salary for the Councilmembers and Mayor do not establish a range, and wondered if there were a typo in the left column. Councilperson Lodato stated that there should be a range for the Mayor and Council. He stated that the only title that does not include a range is for OEM, which is an hourly rate.

Borough Administrator Gallo stated that a salary can be set. He confirmed that the Mayor's current salary is \$5,000 annually and the range can go up to \$8,000. He further stated that the Council members salary is \$4,300, and can have a range up to \$6,500. Mr. Gallo commented that the salary for the governing body has not been changed in over 20 years. He further commented that the OEM hourly rate is done intentionally for emergency purposes.

#### A. CONSENT AGENDA

**CONSENT RESOLUTION 21-109.** 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. **21-110/**To Approve Bill List
- b. **21-111/**To Approve Tax Refund – 31 Pine Drive
- c. **21-112/**To Approve Tax Refund – 31 Highgate Terrace
- d. **21-113/**To Approve Settlement – 375 S. Washington Avenue
- e. **21-114/**To Approve Revised Agreement – Riverside Agreement
- f. **21-115/**To Approve Amendments to the Veteran's Advisory Committee
- g. **21-116/**To Approve Shared Services Agreement - Special Law Enforcement Officer – SLEO III
- h. **21-117/**To Authorize Bid Specifications – Collection of Grass Clippings & Yard Waste, Stumps & Logs, Leaves and Xmas Trees
- i. **21-118/**To Accept LOSAP List and Authorize Payment – Bergenfield Volunteer Fire & Ambulance Departments
- j. **21-119/**To Approve and Appoint Planner/Engineer for Economic Development
- k. **21-120/**To Approve Bergen County Trust Fund Project Contract – 2020 Bergen County Open Space Project entitled Cooper's Pond

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

#### UNFINISHED BUSINESS

None.

#### NEW BUSINESS

A. 2021 Municipal Budget

**21-121/**To Introduce Municipal Budget for Calendar Year 2021 and Advertise Public Hearing to be held on April 20, 2021

Motion by Councilperson Kornbluth, second by Council President Rivera, that the Municipal Budget be introduced and advertised for public hearing on April 20, 2021.

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>

Mayor Amatorio thanked the finance committee, the Borough Administrator, Deputy CFO Kent Christner, and the CFO for proposing a very good budget for this year despite the pandemic, the aggressive projects, and the 0% municipal budget increase for the town.

Borough Administrator Gallo stated there will be 0% increase in the tax rate. The taxable values of properties, and the assessed values of certain homes due to construction rose this year by \$25.2 million. Mr. Gallo further stated that the Borough will use some of the surplus to balance the budget, but has to keep funds aside for a rainy day. Mr. Gallo commented that this is a time when people are struggling and the Borough is helping by continuing to service the residents. Mr. Gallo stated the Borough cannot control what happens with the Board of Education and the County, but the Borough will continue to work to keep the budget leveled. The Borough will continue to pave roads and complete pending projects. Furthermore, there is a possibility of receiving money for the stimulus, but will have no impact on all the work that is already being done. He noted that the expenditures are only \$100,000 more than the expenditures last year, and revenues have been less because of the COVID-19 pandemic. Mr. Gallo noted this municipal budget will offer the third 0% increase in five years.

Rich Cahill, CFO, stated that surplus gives the Borough great flexibility, and noted that the borough's finances are in great shape. Mr. Cahill stated that it is a tribute to the Mayor and Council and administration.

#### Committee/Department Reports

Motion offered by Council President Rivera that the Committee/Department Reports be spread upon the minutes in full and filed. Councilperson Lodato seconded the motion. 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.

Carolyn Schmelz, resident, stated that many inappropriate comments were made during the Zoning Board of Adjustment meeting. She further stated that she was disappointed with the comments made in the newspaper, with regards to people being angry because they are opposed to the building and are taking it out on Mr. Stein. Mrs. Schmelz stated that she was offended by the Irish comments, but she was more offended by the sexual innuendos. She stated that there has to be accountability, because even though people are upset about the building, that has nothing to do with the comments made at a public meeting. Mrs. Schmelz also commented that the Council states they cannot comment about the Zoning Board of Adjustment because it is an autonomous board. However, the Board of Health is also an autonomous board, and the Mayor, the Borough Administrator, and two Councilmembers attended their meeting and were very persistent regarding appointments and the removal of Mid-Bergen Regional Health Commission. Mrs. Schmelz also referenced that she sent an email to the all the members regarding Stigma Free Committee, and asked why some people are thanked for their services, but not others. She commented that some

members are thanked for their services, but others didn't even know they were removed from certain boards. Mrs. Schmelz also stated that a part-time Code Enforcement Officer should be hired to handle all the issues around town. She commented that when there was an issue with basketball nets, the Code Enforcement Officer issued hundreds of tickets. She also inquired if residents can make a second driveway and park in their backyards.

Mary Sullivan, resident, inquired if any action will be taken with regards to the racist and anti-Catholic comments made during the Zoning Board of Adjustment meeting on March 1, 2021. She commented that residents have complained about the unprofessional actions taken by the members of the Zoning Board of Adjustment in the past. She commented that it has disintegrated into derogatory comments of the traditions and beliefs of residents. Ms. Sullivan referenced that Mr. John Smith had taken the time to present the governing body with detailed evidence of the inappropriate activities taken by Chairman of the board. She further referenced that the governing body decided to disclose the names of the residents that complained, and then held a private meeting without the public, and issued no repercussions. Ms. Sullivan stated that she expects a public apology at the Zoning Board of Adjustment meeting.

Barry Doll, resident, stated that he was not offended by the comments made by the Zoning Board of Adjustment members with regards to the Irish community because he is used to it. He stated that he was more offended when the Chairman of the board did not admit any wrongdoing or offer an apology for the comments made. Mr. Doll stated that it seems like the Chairman made his mind on how he will vote on the application for the apartments, and requested that he be removed from the board.

John Smith, resident, stated that part of the confusion is the lack of knowledge on the role of the boards. He stated that during the Planning Board meeting, a member did not take into consideration a basic requirement with regards to traffic. He stated that the Police Department prepared a study, but the member did not take it into consideration. Mr. Smith commented that he is the only member in possession of the zoning land use book, which includes all the New Jersey laws and ordinances, and he brings it to all the meetings. Mr. Smith stated that all the members should receive a copy of the book and should carefully review it. He further referenced that when residents have questions, they are referred to a different board or department to receive answers. He stated that information on the boards should be made available to residents. He also stated that members should have the plans in front of them during the meetings, to ensure they review them before making a decision. Mr. Smith commented that residents are coming to Mayor and Council meetings for guidance. He further commented that board members should be required to review the land use book and plans for applications.

Sergeant Major Williams, resident, stated he had emailed all the members information on behalf of the Veterans Advisory Committee, and would like the Council to disseminate the information to the public for services available to veterans and their families.

Mike Shanahan, resident, stated there should be an explanation on the roles of the Zoning Board of Adjustment and Planning Board on the borough website. He stated that residents attend the meetings without an understanding of the actions that will take place. He further stated that he started to attend the board meetings when they become available on Zoom, and he is astounded and appalled by the way the public is treated by the board members. Mr. Shanahan stated that it is completely disrespectful and dismissive.

Bernadette McCabe, representative from the Bergen Irish Association, stated that she was upset about the comments made regarding the Irish community and would like an explanation and apology from the members of the Zoning Board of Adjustment.

Norman Schmelz, resident, stated that he has talked to many people with regards to trucks being parked next to their homes. He stated that this has been occurring for over 50 years, and it is disheartening when people who have been in Bergenfield for 4 to 5 years judge the entire town. He further stated that it is interesting the Borough is only going after certain contractors. He inquired how many people are working from home due to the COVID-19 pandemic and are running

businesses from their home. He commented whether the Council is only after the blue-collar workers, as it seems acceptable for lawyers to work from home. Mr. Schmelz referenced an issue he had with his neighbor who was a hoarder, and the building department would inform him that the garbage was cleaned up, and the issue went on for years. He commented that Bergenfield is a blue-collar town, and it seems that other people are forcing this on the Council. Mr. Schmelz stated that there will be unintended consequences, as people are already permitted to knock down houses to build giant apartment complexes. He stated that the contractor on Hickory Avenue is looking to sell or develop townhouses, since he can no longer park his trucks on the property. He commented that people are concerned with the apartments on 145 W. Main Street because if the application is approved, Hickory Avenue will be approved as well. Mr. Schmelz stated that applications that have been rejected in the past are coming before the boards, and the members seem to forget the applications were rejected. He commented that residents are upset and are seeking support from the governing body, but the Council cannot comment. He further commented that the Council had no problem hounding the Board of Health to ensure the members voted how the Council wanted them to.

Maria Ng, resident, stated that she submitted a letter with her opinions on the Zoning Board of Adjustment. She stated that the board Chairman is very knowledgeable about zoning, but the issue is his behavior. She commented that the Chairman is unprofessional and biased, and stated that the Mayor and Council need to take action.

Jose Gonzalez, resident, stated that when he moved to this country in 2001, he fell in love with the community because of its diversity. He stated that the comments made at the Zoning Board of Adjustment meeting included bigotry and were unacceptable. Mr. Gonzalez stated that the Irish have worked hard in this country to create bridges and have helped in shaping the country. Mr. Gonzalez stated that as an immigrant, he has heard these comments before. He stated that he is more concerned that the comments were made naturally and freely by the members, and that is unacceptable. He stated that it will become the norm if no serious action is taken, and therefore, the Chairman should resign or be removed from the board. Mr. Gonzalez referenced that a petition has been signed by hundreds of residents. He further commented that it is March 15<sup>th</sup>, and no apology has been made.

Mary Hernandez, resident, expressed her concern with the statement Mr. Stein made. She commented that she is hoping that the Zoning Board members keep the residents in mind when voting on the application, and do not base their decision on retaliation. Mrs. Hernandez stated at last night's Planning Board meeting, a loophole was brought up that has been going on for 20 years. She explained that if someone has a larger lot, depending on how it is divided, the person can build a significantly bigger home on a smaller lot, without any variances. Mrs. Hernandez stated her understanding is that there have been attempts to close that loophole. She requested the loophole be fixed and that an ordinance be submitted. She also formally requested the agendas and meeting minutes for the site plan committee, since they are not available on the website. She stated that there are folders on the website, but they are empty. She referenced that the Site Plan Committee reviewed 83 Hickory at their last meeting, but there is no agenda or minutes on the matter. Mrs. Hernandez requested that the new planner focus on zones to enhance areas in town that revitalize the downtown area, and place less emphasis on developers coming in, buying three lots and putting in apartment building. Mrs. Hernandez requested that the meetings should be listed as being held virtually on the calendar of the borough website. She stated that due to the COVID-19 restrictions, a remote option needs to be provided for residents that do not leave their homes. Mrs. Hernandez also requested that the meeting schedule be confirmed with the Board of Education, as their meetings are scheduled on Mondays, as well as the Planning Board and Zoning Board of Adjustment meetings. Mrs. Hernandez inquired when will the ordinances introduced this evening will be voted on and when they will be passed.

Diana Flagg, resident, stated that meetings need to be held in public because people are very laid back in their homes, and seem to forget the outside world is listening. She stated that comments were made about the Irish community, as well as jokes about "who's on top." She further stated that at a previous Zoning Board of Adjustment meeting, Mr. Stein made inappropriate comments, and the Zoning Board of Adjustment attorney never corrected him about his language. Ms. Flagg



stated that the comments made reflect back to the Mayor and Council, as the members are appointed by the Mayor and Council. She stated that an apology is owed to the town.

John McHugh, resident, stated that he was offended by the comments and jokes made by Zoning Board of Adjustment members because they were out of line. Mr. McHugh stated he is against 145 W. Main Street because it will set the precedence for Hickory Avenue. Mr. McHugh stated adding more properties will create several issues, because adding 18 units will put an undue burden on the police department, fire department, EMS, and the schools.

John Smith, resident, stated that residents submit letters to the Zoning Board of Adjustment, and the members are told to disregard the letters because they cannot be cross examined. He understands the procedure, but the traffic planners, architects and other professionals submit their reports based on information from the transportation department. Mr. Smith inquired how can this information can be accepted, if the transportation department is not present to be cross examined. Mr. Smith requested clarification.

Diana Flagg, resident, inquired why is a planner/engineer being hired for economic development in Bergenfield.

Motion by Councilperson Kornbluth made a motion to close Verbal Communications II. Councilperson Marte seconded the motion. All present voting in favor, none opposed.

Borough Attorney Schettino stated that an ordinance has to first be introduced and then advertised in the newspaper for a public hearing. After a public hearing, the council is free to vote on that ordinance at any time, including the meeting at which the public hearing is conducted. Mr. Schettino stated the council can keep carrying the ordinance to another meeting if they need additional time, make revisions, or table the ordinance if they are not ready to vote. He stated that an ordinance can be tabled until the year is over. If action is not taken by the end of the year, the process has to start all over again. He stated that there are vacant properties in Bergenfield, as well as some areas, that are in need of redevelopment. In order to declare an area in need of redevelopment, you need a professional planner and an engineer to conduct a study to determine whether or not it meets the statutory criteria to declare an area in need of redevelopment. Mr. Schettino stated the council wanted to hire someone through RFQ's. They went with a firm that has dealt with this in the past and has worked in other communities with redevelopment projects. He commented that this isn't additional money being spent, as it is the same cost to the town regardless of the professional. The council preferred a professional that solely focused on this issue.

Mayor Amatorio stated that Mr. Gallo listened to the recording of the comments that were made at the Zoning Board of Adjustment meeting. The governing body and the Borough Administrator did not have any information regarding the comments made prior to the Mayor and Council meeting, and had no facts to assess the situation. They listened to the recording and forwarded it to the Borough Attorney, to understand if further actions needed to be taken. Mayor Amatorio stated that the consensus of the governing body is that regardless if the members are elected or appointed, jokes made during public hearings in reference to a particular ethnicity are inappropriate. The Borough Attorney recommended that advisement be provided the boards, reminding them that these are not appropriate comments to be made by any members, especially if it offends any ethnicity. The governing body collectively decided to conduct sensitivity training, not only for all boards, but for all the employees of the borough of Bergenfield. Furthermore, a statement will be given by the Chairman of the Zoning Board of Adjustment. Mayor Amatorio stated that jokes, inappropriate comments, and this kind of behavior does not fit in any of the committees, boards, or council. He further clarified that the comments he made in the newspaper included that the comments were insensitive and not what Bergenfield stands for. The governing body tries to celebrate the ethnicity and culture of every resident in Bergenfield. Mayor Amatorio stated that he cannot preempt the statement that will be made by the board, but the governing body has been in communications with them.

Councilperson Marte stated that as the liaison to the board, he brings information to the Council for discussion. The Council has been in communication with the members of the Zoning Board of Adjustment. Councilperson Marte personally extended his apologies to the women that were offended, as well as the residents from the Irish community. He confirmed that the council does not agree with any information that is offensive. He further stated that he listens to the public and brings the information the council. The Council always has to analyze the situation, and does not sit on or overlook information.

Mayor Amatorio apologized for the incident and the behavior that took place, as it is not the policy of Bergenfield and the administration. The governing body is doing everything possible to correct the mistake. Mayor Amatorio apologized to those residents who were offended, as this is not who we are as a community.

Borough Administrator Gallo stated the forum is to speak at this meeting. Mr. Gallo stated he felt it was in the best interest of the Mayor and Council to make a statement at this meeting.

#### COUNCIL COMMENTS

Councilperson Lodato stated that the council meetings have always been held in public forum and have only been done remotely because of the health crisis. He agreed that the public forum brings more formality than speaking from home. The comments discussed tonight might not have been made had the meeting been in public. Councilperson Lodato stated if he personally had made such a comment, he expects he would have shortly realized it was said in bad taste, and would have taken the first opportunity to apologize for it, which would have been the first public meeting. Councilperson Lodato stated that tomorrow is St. Patrick's Day and it is the first time the Borough is not having a parade in town, but hopefully next year they will be able to continue with the tradition.

Councilperson Deauna stated everyone is invited tomorrow for the St. Patrick's Day flag raising. He apologized for the comments made as he himself is sensitive to insults.

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

Council President Rivera stated he was disappointed with the way the comments were handled and the behavior cannot be supported for the future of any community. He congratulated the Irish community and wished everyone a happy St. Patrick's Day.

Councilperson Kornbluth thanked everyone for coming to the meeting and apologized to everyone that was offended. She is sorry the comments were not made in the best of taste and hopefully they will be corrected tomorrow.

Councilperson Pascual thanked everyone for coming to the meeting. He hopes that the meetings will continue to be held in-person. The comments made during the Zoning Board of Adjustment meeting were inappropriate and therefore he apologized for their behavior. He wished everyone a good night.

Mayor Amatorio stated that he hopes to be united as a community and that this incident is an eye opener for others to be more sensitive to our neighbors, friends, and other people's culture. He respects the residents' opinions about issues such as the apartments, but this is how government works. Mayor Amatorio stated members need to keep their opinions to themselves because it will not help the situation.

#### CLOSED SESSION I

**RESOLUTION 21-122/**Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

A. Attorney-Client Privilege

## 1. Agreement Regarding Property Use

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, seconded by Councilperson Pascual, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 10:10 p.m.

### ADJOURNMENT

There being no further business to come before the Council, on a motion by Councilperson Kornbluth, seconded by Councilperson Marte, and unanimously carried, the meeting was adjourned at 10:49 p.m.

Respectfully submitted,

Marie Quinones  
Borough Clerk