

BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
JANUARY 18, 2022
Virtual Meeting via Zoom
8:00 P.M.

PRESENT: Mayor Arvin Amatorio and Council President Buddy Deauna, Council members Thomas Lodato, Rafael Marte (joined at 8:31 pm), Ora Kornbluth, Hernando Rivera 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 8:14 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. Notice of this meeting via the January 14, 2022 Sunshine Notice has been sent to the Record, Star Ledger, Twin Boro News, and Cablevision and posted on two municipal bulletin boards and the Borough website."

The Salute to the Flag was led by Councilperson Pascual.

AGENDA CHANGES

None.

APPROVAL OF MINUTES

Motion by Councilperson Rivera to approve minutes of the 2022 Reorganization Meeting. Council President 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, stated he is opposed to Ordinance #22-2591 for the development of cannabis cultivator and manufacturer Licenses. He stated that Bergenfield is a family/community town and does not need this type of operation. Mr. Doll stated he also sent his thoughts in opposition of the planned new borough hall to the council and the borough administrator because of all the problems the country is facing. He stated that the council should not approve resolution #22-022 to appoint RSC Architects and instead step back and withdraw from it and think about where they are, what they are trying to accomplish, and approach this in a reasonable and thoughtful manner.

Mike Merlo, resident, stated that as a coordinator for the municipal drug and alcohol alliance, he objects to the approval of Ordinance #22-2591. It goes against the values of the Municipal Alliance. Mr. Merlo stated just because it's deemed legal, it doesn't mean Bergenfield should follow through and have it in town.

Norman Schmelz, resident, questioned Ordinance #22-2591. He stated back in 2018, an ordinance was passed to opt out and then again on May 4, 2021. Mr. Schmelz stated there was a closed

session meeting regarding the topic on marijuana and requested clarification as to why it was discussed in closed session. He stated that this is a big enough issue that should be talked about in front of the residents. The ordinance is being introduced tonight and it will be interesting to see which councilmember introduces it, seconds it, and who votes for it. He understands why the municipal alliance is against it. It is concerning that there is a place on Washington Avenue that may be selling paraphrenia with all the drug issues in the high school. The scene of having cigar and smoke shops in town is troubling. Mr. Schmelz stated everyone sees the license as making money from it. Mr. Schmelz stated this is only the start and questioned what the borough will sell next.

Angie, resident, stated she and both of her parents grew up in this town. She stated she is disgusted with the marijuana plant ordinance and is even more upset that it is even an option and is being discussed. She stated that just because this has been legalized, it does not mean it should be condoned and is upsetting to know that it is being considered. She has changed her perception of the town and the way its going.

Jacqueline Romney, resident, stated she understands the residents' questions and concerns regarding the marijuana ordinance. She inquired what towns are participating in this and what studies have been done to determine the positive and negative impacts to the community. Ms. Romney inquired about updates on the installation of traffic lights, the agreement of having a memorial for Alvin, and if a date is scheduled for the traffic committee meeting.

John Smith, resident, stated that back in 2018/2019 the council said no to the marijuana ordinance. He stated back then it was for medical marijuana. He inquired if this is just for medical marijuana purposes or everything.

Mary Sullivan, resident, inquired why the marijuana ordinance is even being considered. A ban was already passed. She stated that any proposed change to the ordinance should be brought before the public, not in a back-room discussion. Bergenfield should not be showing support for the production or use of detrimental drugs. It will send the youth the message that marijuana is acceptable and will increase the crime in town, as people are stealing the products for resale.

Mayor Amatorio stated the borough has been debating the issue about the building over and over again. He appreciates the points Mr. Doll raised. The council made the decision to go ahead. He stated that the project has been funded, the contract signed, and the project will be starting soon. Mayor Amatorio stated they are going to set up speed humps and going to purchase speed radars along with other equipment to address the traffic safety issues. He stated the governing body is cognizant of opting out previously. He explained that if the borough failed to opt out, the town would have automatically been opted in, and it would have taken over 5 years for the borough to opt out. The governing body believes that cannabis should not be sold in town. This is a different issue now because there is a facility that can accommodate the application. This facility is to manufacture and cultivate marijuana, the public will have no access to the facility. It's a restricted and secure area. The discussion is to allow them to proceed to try and obtain approval from the state. The facility will harvest five times a year. The products will not be available on the street and are processed out of town. There will be no interaction with the public. The only people that would be able to enter would be state or town officials, upon approval.

Borough Attorney Schettino stated the business will have security onsite with cameras and personnel. He explained that people will not be able to enter the facility, only their employees, and no one will be aware there is a production facility. He commented that this will be no different than someone selling alcohol. He stated the matter is being discussed in public. The ordinance is listed for introduction and the residents are commenting on it. The ordinance will then be advertised for public hearing. It was also be sent to the Planning Board for review. The public will have ample opportunity to review the ordinance, research, and ask questions. The revenue projections dedicated to Bergenfield is several hundred thousand dollars. He explained that someone will have

to go out of town to purchase for their personal use and will not be able to purchase it from this facility.

Mayor Amatorio stated every item is barcoded and recorded with the state. The employees will be watched and it is in a secure area. He explained that every tree is barcoded from the time it is planted until the time it is harvested.

Mr. Schettino stated it is heavily regulated. The initial action by the council, to not permit it, was a good action. If they did not take that action, all types of marijuana distribution, retail, and sales would have been permitted. The initial decision to ban all marijuana was to prevent some of the concerns raised this evening, which was the ability to sell marijuana to the general public from permitted retail places. The action taken was appropriate and served its purpose because it prohibited any type of marijuana facility until the borough further reviewed the matter and determined what, if any type of facility, would be permitted in the Borough. Mr. Schettino explained, as this ordinance indicates, there will be no sale of marijuana in the borough and the only type of facility that will be permitted is manufacturing and production at this specific location. He stated that approval also needs to be granted from the Planning Board. Mr. Schettino stated that considering this ordinance doesn't mean this is going to happen. It is the most benign type of license as it is not distributed to the general public.

Councilperson Rivera stated that just because the council approved the introduction for the marijuana ordinance, it doesn't mean it is going to happen. He stated that permission will not be granted for retail uses. He noted that the State will only offer 37 licenses of this type in the state. The borough will receive 2% directly to the CFO, which will be half of \$1 million every year for this type of production. Councilperson Rivera stated if they don't take it, another town will and the borough will lose the revenue.

Mayor Amatorio stated the conservative projection given to the council for the first year was \$700,000, but in the second year of production it could reach up to \$1.2-1.3 million. He stated the borough took everything into consideration including the result of the referendum when it was on the ballot. He stated that 66% of the residents of Bergenfield approved marijuana in town. They listened to the voice of the people, but at the same time want to ensure their kids do not have direct access to marijuana. Mayor Amatorio stated there are 15 towns in Bergen County that opted in, including Teaneck. There will be no distribution in Bergenfield.

Councilperson Marte stated there will only be a few numbers assigned by the state. This is the direction neighboring towns are taking. It will be very profitable for Bergenfield.

Borough Administrator Gallo stated by introducing the ordinance, the company is able to submit an application to the state for cultivation and manufacturing purposes. The borough does not want to get involved in the distribution or sale. This is a revenue stream. Mr. Gallo stated they are not sure if the application will be awarded. There is a significant number of applications in comparison to the permits that will be issued. Cultivation is controlled with a high level of security. He stated this is the area the borough wants to be in because it has the most return.

Council President Deauna stated he was opposed to it at first, but over time, when it was presented to him, he was enlightened. The security will be like Fort Knox. No one will be able to see it and the income will help the taxpayers.

Mayor Amatorio stated there are more than 500 applications for 37 licenses. If the applicant is not awarded, they can pull the plug if they longer wish to continue.

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

PRESENTATIONS

None.

CORRESPONDENCE

a.) Eaches/Bergenfield Garden Club RE: Request to Reserve Coopers Pond for Meetings and Events in Calendar Year 2022

Motion by Councilperson Marte to accept Correspondence. Councilperson Rivera seconded the motion. All present voting in favor, none opposed.

ORDINANCES

A. Adoption of Ordinances

Mayor Amatorio read the following into the Record:

The following ordinances published herewith were first read by title on January 4, 2022 and posted on the bulletin board of the municipal center.

ORDINANCE 22-2590 - AN ORDINANCE TO ESTABLISH THE SALARY RANGES OF EMPLOYEES NOT SUBJECTED TO UNIONIZED CONTRACTUAL UNITS OF THE BOROUGH OF BERGENFIELD

Public Comments on Ordinance 22-2590.

Barry Doll, resident, inquired the last time the salary ranges were changed and what are the percentages for the salary increase. Mr. Doll stated the chiefs' and the clerks' salaries should be separated.

Diana Flagg, resident, inquired if the Mayor and Council will be getting raises.

Mayor Amatorio stated the salary ordinance is passed every year after the reorganization. They pass the salary range, but changes aren't necessarily made in that year.

Borough Administrator Gallo stated the reason the ordinance is grouped in that manner is because it includes all the employees not subject to unionized contracts.

Motion by Councilperson Pascual, second by Council President Deauna, to pass Ordinances 22-2590 on second and final reading and is hereby adopted and notice of same shall be published according to law.

Councilperson Lodato:	<i>nay</i>	Councilperson Kornbluth:	<i>abstain</i>
Council President Deauna:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>
Councilperson Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

B. Introduction of Ordinances

Motion by Councilperson Kornbluth that the following ordinance be introduced and passed on first reading and setting March 1, 2022 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 Councilperson Marte.

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

ORDINANCE 22-2591 - AN ORDINANCE AMENDING CHAPTER 186 OF THE CODE OF THE BOROUGH OF BERGENFIELD ENTITLED "LAND DEVELOPMENT" TO PERMIT ONE EACH

CLASS 1 CANNABIS CULTIVATOR LICENSE AND CLASS 2 MANUFACTURER LICENSE AND ENACTING NEW CHAPTER 127 TO ESTABLISH A CANNABIS TRANSFER TAX AND USER TAX

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Council President Deauna:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>
Councilperson Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

A. CONSENT AGENDA

CONSENT RESOLUTION 22-026. 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. **22-027**/To Approve Bill List
- b. **22-028**/To Approve Cancellation of all the 2021 & 2022 mother lot Assessment – 186 Melrose Avenue
- c. **22-029**/To Approve Grant Writing Proposal - Assistance to Firefighters Grant Application
- d. **22-030**/To Approve Contract – Borough Engineer – Remington & Vernick Engineers
- e. **22-031**/To Approve Contract – Special Projects Engineer – T&M Associates
- f. **22-032**/To Approve Contract – Bond Counsel – Rogut McCarthy LLC
- g. **22-033**/To Approve Contract – Labor Counsel – McCusker, Anselmi, Rosen & Carvelli, P.C.
- h. **22-034**/To Approve Contract – Tax Appeal Counsel – Boggia Boggia Betesh & Voytus LLC
- i. **22-035**/To Approve Contract – Borough Auditor – Lerch, Vinci & Higgins LLP
- j. **22-036**/To Approve Contract – Risk Consultant – GJEM – Otterstedt Insurance Agency
- k. **22-037**/To Approve Contract – Grant Writer – Millennium Strategies LLC
- l. **22-038**/To Approve Contract – Borough Appraiser – Associated Appraisal Group
- m. **22-039**/To Approve Contract – Alternate Public Defender – Steven Sciancalepore, Esq.
- n. **22-040**/To Approve Contract – Borough Prosecutor – Marc A. Calello, Esq.
- o. **22-041**/To Approve Contract – Alternate Borough Prosecutor – Linda H. Schwager, Esq.
- p. **22-042**/To Approve Contract – Municipal Advisor Services – Phoenix Advisors LLC
- q. **22-043**/To Approve Contract – Borough Attorney – John L. Schettino
- r. **22-044**/To Approve Participation in the Nationwide Settlement Agreements with Johnson & Johnson, McKesson, Cardinal Health, and Amerisourcebergen
- s. **22-045**/To Approve Proposal – Elevator Maintenance Services – Top Floor Elevated Solutions LLC
- t. **22-046**/To Approve Proposal – Fleet Electrification Project Management Services - Climate Change Mitigation Technologies LLC
- u. **22-047**/To Approve Proposal – Professional Services for Tax Appeal – Pennoni Associates
- v. **22-048**/To Accept Retirement – Alan Tenney
- w. **22-049**/To Accept Retirement – Charles P. Grimm
- x. **22-050**/To Approve Contract – Municipal Court Administrator

Motion by Council President Deauna to approve the Consent Resolution. Councilperson Rivera seconded the motion.

On a roll call, the vote on the Consent Resolution was recorded as follows:

Councilperson Lodato: *aye*
Council President Deauna: *aye*
Councilperson Marte: *aye*

Councilperson Kornbluth: *aye*
Councilperson Rivera: *aye*
Councilperson Pascual: *aye*

UNFINISHED BUSINESS

A. Resolutions

22-022/To Approve Proposal – RSC Architects

Motion by Councilperson Pascual to approve Resolution #22-022. Councilperson Rivera seconded the motion.

On a roll call, the vote was recorded as follows:

Councilperson Lodato: *aye*
Council President Deauna: *aye*
Councilperson Marte: *aye*

Councilperson Kornbluth: *aye*
Councilperson Rivera: *aye*
Councilperson Pascual: *aye*

B. Nominations and Appointments to Boards and Committees

Mayor's Senior Citizen Committee

Mayor appoints the following members to serve on the Mayor's Senior Citizen Committee for a one-year term, term expiring December 31, 2022.

Steven Bellavia
Lorraine Bernich
Barbara Gerin
Cheryl Scalora
Joseph Scalora

Motion by Council President Deauna, seconded by Councilperson Pascual, that the nominations be confirmed. All in favor, none opposed.

Site Plan Committee

Mayor appoints the following member to serve on the Site Plan Committee for a one-year term, term expiring December 31, 2022.

Joseph Scalora

Motion by Councilperson Marte, seconded by Councilperson Kornbluth, that the nominations be confirmed. All in favor, none opposed.

Zoning Board of Adjustment

Mayor Amatorio gave the floor to Council President Deauna to make three appointments for the Zoning Board of Adjustment. He stated there are four vacancies on the board.

Council President Deauna recommends and nominates the following to serve as members of the Zoning Board of Adjustment:

Jose Morel, Member, 4-year term exp. 12/31/25
Sara Berger, Member, 4-year term exp. 12/31/25

John Smith, Member, unexpired 4-year term exp. 12/31/22

Mayor Amatorio stated there is an alternate position available and understands the Council wishes to make the appointment. He stated that the name Marc Friedman was offered for re-appointment, but it is up to Council President Deauna to make the appointment. Mr. Friedman currently serves on the board as an alternate.

Marc Friedman, Alt. #1, 2-year term exp. 12/31/23

Motion by Council President Deauna, that the nominations be confirmed. Councilperson Marte seconded the motion.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Council President Deauna:	<i>aye</i>	Councilperson Rivera:	<i>aye</i>
Councilperson Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

Traffic Safety Committee

Mayor Amatorio stated the only nominations pending are for the members of the community.

Mayor appoints the following members to serve on the Traffic Safety Committee for a one-year term, terming expiring 12/31/22.

Corey Gallo, Borough Administrator
Mustafa Rabboh, Police Chief
Phil Neville, DPW Superintendent
Chris Tully, Board of Education
Steven Naylis, Fire Department
Ryan Shell, OEM
Lora Schade, Ambulance Corps.

Motion by Council President Deauna, seconded by Councilperson Marte, that the nominations be confirmed. All in favor, none opposed.

NEW BUSINESS

None.

Committee/Department Reports

Motion offered by Council President Deauna 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.

Sean Urban, resident, stated that back in October he brought up issues they were having on S. Washington Avenue and Bergen Avenue in regards to the noise coming from Republic 23. After the council meeting, they had dialogue with the owner. He learned that the reason for all the noise was due to work being done on the roof, which compromised the sound system. The noise seemed to

level off, but it's still not where it needs to be. He stated the last time he approached the council, no one was able to tell him what the decibel level should be. He did some research and received some guidance from the State of New Jersey about the noise level regulations. He stated that from 7pm-10 pm, there is a permissible level of 50 decibels. He downloaded the application that provides him decibel readings and the noise level was consistently in the high 60 decibels over the past weekend. He inquired if there is anything the council can do about it and what he can do. He stated there still aren't signs for parking changes made in December.

Angie, resident, stated she is concerned with where everything is heading and the changes taking place in town. New Jersey as a whole has been urbanizing more. Homes are being knocked down to build apartments. It is upsetting to see the town turning from a suburban town to a city and residents should know if that is going to be the case. The Mayor and Council should be more open with the residents with their visions for the future for the town. It is very disheartening.

Barry Doll, resident, stated the town is changing and is becoming more urbanized. The important thing is how it's being managed. He couldn't believe that the governing body stated the marijuana factory location would be secure and that no one will know about it. Marijuana does have a smell and the air will be going out of the building. It is naïve keeping it a secret. Mr. Doll stated there is a lot going on and the borough shouldn't take on anymore until these issues are resolved.

Diana Flagg, resident, stated the Council President was supposed to appoint someone to the Zoning Board and the Mayor made the appointment of Mr. Friedman. Council President Deauna should have made the appointment. She stated the 66% of people who voted for this wanted marijuana in town to be able to smoke it. She stated that some people want cigar shops and referenced the town is changing into Jersey City. She commented that Bergenfield is being destroyed and it's a disgrace. She inquired if the council consulted with the police department about this matter. She also inquired the name of the company and stated that the illegal immigrants in front of 7/11 can do the harvesting.

John Smith, resident, stated he brought up the noise issue with Republic 23 previously. He refused to allow the DJ's that play at Republic 23 to play at the VFW as they play their music too loudly. They also do hookah smoking at Republic 23. He inquired who is going to enforce the noise level and the smoking. Code enforcement officers should work at night and should complete surprise inspections. Mr. Smith stated the pedestrian traffic signs were purchased back in September. The towns of New Milford, Tenafly, Dumont, and other towns all have the flashing lights and radar showing speed. He inquired if some of the signs can be made by the DPW rather than purchasing them. He also inquired if anyone tried to contact Triple A for signs. He heard some towns were getting signs from Triple A.

Michael Merlo, resident, stated it is completely false that there are no paraphernalia sales in town. He stated there is a store called Happy Daze on the avenue. There is an ordinance that states no drug paraphernalia and no sale of drugs should take place in town, but the store is in operation. Mr. Merlo stated that he looked at the Instagram page for Happy Daze and saw that they have bonges, edibles, vapes, different flavored marijuana, magic mushrooms, and Kush. He inquired if there is an ordinance, how is this store able to operate. Mr. Merlo further stated that in their advertisement, they have backpacks that prevent the smell of marijuana, cereals, etc.

Amanda Dover, resident, stated she is open and in support of having any type of marijuana manufacturing businesses coming to Bergenfield. There are a lot of positives and regulations that go with it. It's a way to progress the community as the Mayor had stated. She stated that two-thirds of the community voted to approve recreational marijuana. Ms. Dover stated she is concerned as to why some of the derogatory remarks made towards people in the town are not being addressed. Ms. Dover stated she understands this is an open public meeting and open public meetings are required to have public comments. However, they are not required to tolerate derogatory language towards anybody else in the town. She stated that making references or even comments about all the illegal

immigrants is inappropriate, should not be tolerated, and should not be representative of Bergenfield. She stated that she is curious as to why the comments go unchecked.

Norman Schmelz, resident, inquired why the conversation was discussed in closed session and if it was a business that approached the council to sell or cultivate. Councilman Rivera had previously stated the Sears building was going to be a jumping gym or playground. He inquired if the zone was going to be changed just for this person as it is in the B1 or B2 zone. He inquired if it is going to be hydroponic, if there will be enough water usage, if there will be requirements from Bergen County utilities, and if the complex will require gates. Mr. Schmelz stated the engineer had made some recommendations which never made it to the meeting as far he is aware of. He inquired if there are minutes or any kind of dialogue that can be shared with the residents. It's great that they going forward with the projects and inquired if the engineers are going to do more work to determine more retention basins. Mr. Schmelz stated Hirschfield Brook goes into Coopers Pond, but Metzler's Brook does not. Mr. Schmelz stated a letter written to Cory Booker by the borough administrator stated they had to dredge Coopers Pond to fix the problems with Metzler's Brook. Mr. Schmelz stated he didn't know how any engineer would suggest dredging Coopers Pond would help with the problem on the other side of the railroad tracks. Mr. Schmelz stated his wife, back in 2020, had questioned the need for crosswalks for Main Street to get to Portland Avenue. The county made a recommendation to put a ramp in back in November 2020. Nothing was done in 2021. It's a dangerous intersection to cross the street. Mr. Schmelz requested verification that they are only applying for a license for cultivation. Mr. Schmelz stated a construction manager is being hired to keep the cost down with the project of building the new borough hall. It will be one cost if it takes one year and another cost if it will take two years. He stated by extending the length of the building process, it's going to cost more money. He stated he read in the minutes that someone questioned the 125th Anniversary Committee picture of Marie being identified as the lady in green. He stated that are a member of the committee, they had asked for that picture to be removed.

Mary Sullivan, resident, stated the marijuana production facility is disingenuous. The ordinance included cultivation and production. If it was not their intent, the council should not have included the provision in the original ordinance. It is not convincing that it will be highly regulated when marijuana is available even in the schools. Ms. Sullivan stated on December 18th, she emailed Mr. Gallo pictures of the road construction debris that the Anderson Avenue contractor left behind just like they had done in the past. She stated that nothing has been done and she is concerned the contractor has already been paid. Both piles of the construction debris and the port-a-johns, which has been there for months, are still there. The next contractor has moved in with more construction material and equipment for what purpose. She stated work cannot be done in the winter and questioned why they can't use town property to park their vehicles and materials. The lot is used by the DPW to dump the snow that they remove from the dead-end streets and the parking lots. It leaves the town open for lawsuits should anyone be injured. Construction sites are being abused by unscrupulous contractors that have no consequences from town but are continuing to be awarding them with more contracts. She stated that shame on the council members for refusing to hold a meeting with all council members to discuss nominees for the Zoning Board.

Carolyn Schmelz, resident, inquired if pickle ball is still in the works for this upcoming year and still on the agenda to be done.

Nelson Reynoso, resident, stated urbanization is one of the most important issues in New Jersey. This organization will dramatically change the fabric of how they live. If you look at different towns that have gone in this direction, you can see that it has caused problems. A study was done about people leaving New Jersey because they do not want to live in an urbanized location. The council needs to think about what type of Bergenfield they want for the future and if there is a plan to address the concerns. Mr. Reynoso stated he is concerned about the traffic problems as there have been a number of people who have been close to being hit by cars and is concerned about the children. A child has already been killed in town. He stated that they should learn from Alvin's legacy and make some traffic plans moving forward.

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

Mayor Amatorio stated he appreciates the comment made regarding the despicable comment made in reference to the applicant hiring immigrants. It is not proper and not acceptable. These kinds of comments are condemned.

Borough Administrator Gallo stated they will have a conversation with Republic 23 regarding the noise level. The owners have been cooperative in trying to address the issues there. He stated he is unsure what happened with the parking signs. The ordinance was changed and the signs should have been put up, and so he will follow up tomorrow. Mr. Gallo stated there are zones in the borough and the Zoning Board has done a good job in policing that. The job of the Zoning Board is to ensure that the community and the zones are protected. Mr. Gallo stated there are areas of economic redevelopment the borough is looking to pursue. Those areas are mostly in the Washington Avenue and Portland Avenue area that are rundown and not in the best condition. If a developer comes in and wants to fix it, it is something the borough needs to entertain. Mr. Gallo explained these matters have to go through a process. The governing body is against the point of sale and distribution of marijuana. Cultivation and manufacturing are different aspects that will have no impact to the community. The borough is unsure if the application will be awarded. The public should be more concerned if the borough didn't go through this due diligence. Mr. Gallo stated he doesn't agree with the comments made by Ms. Flagg and other residents. The intentions are good and the governing body has evolved to the conditions in dealing with the obstacles and challenges that arise. The town is in a better place today than it was 7 years ago. Mr. Gallo stated they are trying to improve the processes and trying to make it better. Mr. Gallo explained this is why ordinances are changed, resolutions are passed, and quality of life issues are addressed. Mr. Gallo stated they are hiring code enforcement officers and other staff to address enforcement issues. He agrees that there should be more people out there to enforce the rules. The borough police department is also in the purview of enforcing ordinances. Mr. Gallo further stated the DPW and the borough staff were decimated in the last couple of weeks with COVID-19. He stated this is one of the reasons the borough shut down to the public. He stated there was a dangerously low-level number of staff. The DPW did an amazing job with just plowing the streets the day of the storm with a significantly low number of staff. It is a challenge for everybody at this time. There are a lot of pedestrian signs that will be disseminated in the spring as he doesn't want to put them out in the snow for them to be destroyed. There will be speed humps placed all over town that will change how people drive through Bergenfield. He expressed that the borough relies on the Police Department for public safety. He stated that meeting after meeting they hear complaints about traffic safety, which is all charged to the police department. Mr. Gallo explained there are people in charge who need to address these matters. It is not the council's fault the Police Department is not upholding the functions they have to do, which will be addressed in the upcoming months and will be taken care of. He will look into getting signs from Triple A. Mike Merlo has done a great job serving on the Municipal Alliance committee. There are police members on that committee that have mentioned Happy Daze is a problem. This is an issue that has gone on deaf ears. If somebody is selling paraphernalia, it's not a code enforcement violation, it is a police violation. He will bring it the attention of those in charge first thing tomorrow.

Mayor Amatorio stated it is troublesome what Mike Merlo mentioned in relation to the selling of drug paraphernalia. It isn't allowed by ordinance. The police department should handle it and he would like a report on this as soon as possible.

Mr. Gallo stated this was discussed last year in a municipal alliance meeting. The police department representatives were there and stated they would address the issue. It is a vetting process and passing the ordinance is a process the town needs to go through. The borough has a practice of not tolerating derogatory comments. It is a public meeting and unfortunately derogatory comments are said. The application process is the first part and is being vetted. In order to have any bearing and to receive the license from the State of New Jersey, the ordinance needs to be

passed. Mr. Gallo stated they have to see what is the best process for the community and if they walk away blindly without looking at the potential revenue, it would be a disservice to the community. He stated that the matter was discussed in closed session first because there were legal issues that needed to be discussed.

Borough Attorney Schettino stated there was legal advice that had to be given and legal action that had to be taken that are privileged. No formal action was taken in that discussion, other than legal action. He stated that anything that is done to permit a production facility for marijuana is all going to be done in public, as is being done tonight with the introduction of the ordinance. There are only 15 facilities that will be licensed in the state. Mr. Schettino explained any community that is going to have a production facility is going to designate it for one location. It is a complete misinterpretation of characterization that the approval to build apartment complexes and multiple unit dwellings is changing Bergenfield to an urban area. He explained that urban areas are developed where there are few, one- or two-family zones. Bergenfield is predominantly zoned for one- or two-family dwellings, where major portions of the community are solely designated for one or two families. Multiple dwellings are primarily due to the affordable housing cases. Mr. Schettino stated even the most affluent communities in Bergen County, where there is farmland and horses, are having residential developments with over 200 developments being built. Park Ridge has over 400 units going up as a result of legislation increasing their population by 25%. Old Tappan recently had a 200-unit facility approved. They also have condominium and townhouse complexes. It is a gross exaggeration and inaccurate to say that areas zoned for apartments is changing the town to an urban center. The governing body has taken action to protect the residential character of neighborhoods in the last year when they passed an ordinance regarding parking commercial vehicles in residential zones. Mr. Schettino stated you have to allow for multiple dwellings and affordable housing. Affordable housing units are going to be built in multiple dwellings and that is how you are going to meet the affordable housing set asides, where there can be anywhere from 15-20% of the units constructed dedicated to affordable housing. There isn't a town in Bergen County that's not going to have multiple unit dwellings.

Mr. Gallo stated there were questions and concerns after Ida, not only regarding Metzler's Brook but also Hirschfield Brook. T & M was approved to conduct a study at the last council meeting in December 2021 regarding the plan for Metzler's Brook and expanding the study. The Mayor and Council had given Mr. Gallo the direction to review and analyze what could be done to minimize the ongoing issue. The council is committed in a long-term plan. It's going to be a full study, more expansive than the former study done by Remington & Vernick Engineers in 2013. The crosswalk on Portland Avenue was addressed and doesn't know why the engineers didn't do it. Mr. Gallo stated he will place the item on his list of things to do in 2022. He stated the engineering firm was responsible for overseeing the project and the piles of material on Anderson Avenue was addressed. He will follow up with them and it will be cleaned up. The borough asked for \$380,000 in grants for the pickle ball courts, but was given \$75,000-\$82,000. He stated that he will look at the cost and see if it can be done under the capital budget or try and obtain another grant next year. He stated that the park and the tennis courts are in need of an upgrade. Mr. Gallo stated pickle ball is a great idea and they will do it. Mr. Gallo stated more people left New York than New Jersey. The traffic issues and cars driving fast in town are Police Department issues. Mr. Gallo referenced the police report and stated there were 1,300 summonses issued last year and over 8,100 in prior years. He further stated there were 1,200 warnings issued in 2021. He referenced there are matters taking place within the Police Department and this is a means of protest. He will bring the traffic issues to the people in charge of them in the police department.

Mayor Amatorio stated the Mayor and Council have received a lot of criticism for the traffic issues and have been addressing them with the police department. Hopefully, the police department will help with making things better for the residents and things will improve with police department.

Councilperson Lodato stated he is against the retail sale of marijuana in the borough. The manufacturing of marijuana is not nearly as objectionable. The ordinance will be subject to public

notice and a public hearing for comments. The licenses issued are limited by the state. The applicant will be subject to strict scrutiny and follow regulations. The applicant will still need to negotiate for the purchase or lease of the property. Councilperson Lodato stated it is subject to further discussion.

Councilperson Pascual stated this is an introduction and it will be a long process. He grew up in Bergenfield and remembers the Sears location used to be a rink. There were a lot of issues on college night that involved the police department trying to control the crowd. Councilperson Pascual stated it is a vacant lot and there is an opportunity that will be well checked.

COUNCIL COMMENTS

Councilperson Rivera stated they have to review matters with the police department. The police department can do better with addressing the numerous traffic safety complaints made. He thanked everyone for coming to the meeting.

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

Councilperson Pascual wished everyone to stay safe and to take care.

Councilperson Lodato thanked everyone for coming to the meeting.

Councilperson Marte thanked everyone for their comments and their contributions. He stated that issues were addressed very well by the borough administrator. The Mayor and Council are concerned and aware of the street safety issues and will address them. He thanked everyone for coming and wished everyone a good night.

Council President Deauna stated the borough was been hit hard with the COVID-19 pandemic and reminded everyone that the borough offers testing. He applauded Amanda Dover for addressing racist comments made Diana Flagg during the meeting.

Mayor Amatorio expressed his appreciation for members of the council and everyone present at the meeting. They are doing their best to protect the interests of the town. He wished everyone a great night.

CLOSED SESSION

RESOLUTION 22-051/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Attorney-Client Privilege
 - 1. Police Department Personnel Matters
- B. Personnel
 - 1. Administration 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 Councilperson Marte, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 10:35 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Rivera, second by Councilperson Kornbluth, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:22 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk