

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
FEBRUARY 21, 2023**

PRESENT: Council President Marc Pascual and Council members Thomas Lodato, Rafael Marte, and Hernando Rivera

ABSENT: Mayor Arvin Amatorio, Councilman Deauna, Councilwoman Kornbluth

ALSO PRESENT: Borough Administrator Corey Gallo
Borough Attorney John Schettino
Borough Clerk Marie Quiñones-Wilson

Council President Pascual made an announcement to inform the public that we are waiting for one more councilmember in order to have a quorum to start the meeting.

Council President Pascual called the meeting to order at 8:09 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 Lodato.

AGENDA CHANGES

Motion by Councilperson Lodato to add Resolutions #23-092 – To Hire Part-time Laborer Tim Alvarez, #23-093 – To Hire Part-time Laborer Martin Clark, #23-094 – To Hire Part-time Laborer Gregory McLaughlin and Resolutions #23-095 and #23-096 to approve Contracts of Sale to New Business. Councilperson Marte seconded the motion. All present voting in favor, none opposed.

APPROVAL OF MINUTES

Motion by Councilperson Rivera to approve minutes of the January 17, 2023 Regular Public Meeting and January 17, 2023 Closed Session Meeting (not to be released), February 7, 2023 Work Session Meeting, and the February 7, 2023 Closed Session Meeting (not to be released). Councilperson Lodato seconded the motion. All present voting in favor, none opposed.

VERBAL COMMUNICATIONS I

Council President Pascual opened the meeting and invited the public for comments on agenda items only, limited to five minutes per speaker.

Diana Flagg, resident, questioned the hiring of Andrew Stewart, a new hire receiving \$48,000 for the Confidential Secretary position to the Borough Clerk and \$20,000 as a Public Information officer, for a total of \$68,000. She inquired if we ever had a Confidential Assistant and Public Information Officer?

Barry Doll, resident, inquired who was the Confidential Aide and Public Information Officer previously. He also questioned the tax refund for Block 219 Lot 20.01, known as 1 Barry Place, as the amount of \$13,837 seems high. He was curious if this is a business or a refund for a double payment.

There being no one else who wishes to be heard, Council President Pascual closed Verbal Communications I.

Borough Administrator Gallo stated that in reference to 1 Barry Pl, in the resolution it states that the refund is for a total annual bill payment. The resident made a double payment, as per the resolution. In regards to the Confidential Assistant position, a person in our office retired. We filled the position with someone who has since separated from the Borough. We previously had VMMI serve as our Public Information officer, for our press items at a rate of \$4,000 a month. The governing body decided this was not effective because they were not here. We looked to hire someone who has the skillsets, and when we found this person who has both skillsets available, we consolidated and saved money. We were spending \$4,000 a month and now we are spending less. We are actually saving money from last year, and that is why we are doing this.

PRESENTATIONS

A. Fire Department Presentation

Resolution **23-076**/To Hire Austin Torres to the Rank of Firefighter in the Bergenfield Fire Department.

Motion by Councilperson Lodato, second by Councilperson Rivera, that Resolution #23-076 be approved.

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

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

Oath of Office to Firefighter Austin Torres was administered by Councilperson Lodato.

Resolution **23-077**/To Hire Nicholas Iulo to the Rank of Firefighter in the Bergenfield Fire Department.

Motion by Councilperson Marte, second by Councilperson Rivera, that Resolution #23-077 be approved.

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

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

Oath of Office to Firefighter Nicholas Iulo was administered by Councilperson Lodato.

Firefighters Torres and Iulo thanked the Mayor and Council for having them in Bergenfield.

COUNCIL COMMENTS

Councilperson Lodato congratulated both firefighters for joining a fine Fire Department and welcomed them both to Bergenfield.

Councilperson Marte stated that it takes bravery and strong dedication to serve. He thanked them both for their services and extended his congratulations.

Councilperson Rivera stated that the people here in the room are their support. They were able to accomplish this because of the people supporting them. He congratulated them and expressed that he knows they will do their best in Bergenfield.

Council President Pascual congratulated them and thanked them both for choosing Bergenfield and stated that he will pray for their safety.

CORRESPONDENCE

None.

ORDINANCES

None.

CONSENT RESOLUTION 23-078. 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. **23-079**/To Approve Bill List
- b. **23-080**/To Approve Temporary Emergency Appropriation
- c. **23-081**/To Approve Raffle Application RA1391
- d. **23-082**/To Approve Tax Refund – 1 Barry Place
- e. **23-083**/To Accept Resignation – Bryan Batista
- f. **23-084**/To Approve Proposal – Thomas Roos Park Tennis Court Resurfacing and Pickleball Court Installation
- g. **23-085**/To Authorize Agreement – Solid Waste Cooperative Marketing Program – BCUA
- h. **23-086**/To Approve Contract Extension – Credit Card and Electronic Payments of Municipal Court Fees and Financial Obligations – MSB Payment Processing

Motion by Councilperson Lodato to approve the Consent Resolution. Councilperson Marte seconded the motion.

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

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

B. Resolutions

23-087/To Hire Confidential Assistant – Andrew Stewart

Motion by Councilperson Rivera, second by Councilperson Lodato, that Resolution #23-087 be approved.

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

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

23-088/To Hire Public Information Officer – Andrew Stewart

Motion by Councilperson Rivera, second by Councilperson Marte, that Resolution #23-088 be approved.

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

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

23-089/To Hire Part-Time Laborer – Rafael Morel

Motion by Councilperson Rivera, second by Councilperson Marte, that Resolution #23-089 be approved.

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

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

UNFINISHED BUSINESS

No discussion.

NEW BUSINESS

A. Grant Application Public Hearing for the New Jersey Department of Environmental Protection, Green Acres Program, Urban Parks Initiative for the PAL Fields Lighting Improvement Project

1. Presentation on the application.

Peter Bondar from T & M Associates, special projects engineer, presented on the Green Acres grant application for the Urban Parks Initiative to improve the PAL fields lighting. Mr. Bondar distributed copies of the concept plan. He stated that the proposed project involves the park located at Block 187 Lot 63, which has several fields including a baseball field in the northern part of the park, which has no lights, and three in the southern part of the park. The fields can be accessed off Rivera Way and Willow Street. The proposed project involves the replacement of lights of the fields on the southern part of the park, no changes will be made to the field in the north. In terms of the mitigation measures, the site was reviewed and other than Metzler’s Brook, trees and vegetation, there are no wetlands or endangered species of concern. There is no impact due to the improvements, as trees will not be cut down. Mr. Bondar stated that the only impact involves the trimming of some branches for the installation of the new lights. The estimate cost of the project is \$955,000.00.

Borough Administrator Gallo stated that he would have continued to make additional improvements to the Twin Boro Field project. However, the grant writers did not think additional funding at Twin Boro fields would have been successful. Instead, the borough has focused on fixing the lights at the PAL field, which are old and deteriorated, and require a lot of maintenance. He stated this project is important for the children in the community that play on those fields.

2. Public Comments on the application.

Council President Pascual opened the meeting and invited the public for comments on the grant application.

Barry Doll, resident, questioned the cost for the project, and commented that it is close to a million dollars. He stated that the area is part of the flood zone area. He inquired if the improvements will have any impact, and whether the projects are opposed to one another. Mr. Doll also inquired how many times a year are the lights used. He commented that the black cemetery should be considered in the plans, as the area should also be lighted. He also inquired if the areas in the North are being utilized.

John Smith, resident, stated that the estimated cost is \$900,000, but that does not include the over runs. He also inquired if anyone notified Tenaflly. He commented that the lights have to be off at a certain time per an agreement made years ago with the residents of Tenaflly because of their complaints of the lights and the noise. He stated its just something to take into consideration.

Borough Administrator Gallo stated in regards to the cemetery we can only do Green Acres registered on the ROSI list, which excluded the cemetery. He stated the fields are used for baseball, soccer, softball, and as such, those fields are used regularly, in the fall and the spring. T & M Associates are the engineers for this project and the Metzler's Brook improvements. There is collaboration with the engineers and DEP to ensure it is done right. We have to improve our parks; the council has been active in fixing our parks. He stated that the kids and residents deserve good facilities, and the lighting is also a safety concern and can be a liability. He further stated that in terms of the lighting impacting the Tenaflly residents, the LED lights will be MUSCO lighting, which have the technology to drop off and not illuminate out. Mr. Gallo stated that his focus is the Bergenfield residents that deserve better facilities. The grant application is for the total of \$955,000 and the maximum grant is an estimate \$500,000. Mr. Bondar responded that it would be a matching grant. Borough Administrator Gallo stated the council has an obligation to the residents to fix and not allow things to run things to the ground. The costs for improvements will be offset by the grant.

There being no one else who wishes to be heard, Council President Pascual closed the public comment portion.

3. Adoption of Enabling Resolutions.

23-090/To Authorize New Jersey Department of Environmental Protection Green Acres Urban Parks Grant Application

Motion by Councilperson Rivera, second by Councilperson Marte, that Resolution #23-090 be approved.

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

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

23-091/To Authorize New Jersey Department of Environmental Protection Green Acres Program Grant Application

Motion by Councilperson Rivera, second by Councilperson Marte, that Resolution #23-091 be approved.

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

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

23-092/To Hire Part-time Laborer – Tim Alvarez

Motion by Councilperson Rivera, second by Councilperson Marte, that Resolution #23-092 be approved.

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

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

23-093/To Hire Part-time Laborer – Martin Clark

Motion by Councilperson Rivera, second by Councilperson Lodato, that Resolution #23-093 be approved.

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

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

23-094/To Hire Part-time Laborer – Gregory McLaughlin

Motion by Councilperson Marte second by Councilperson Rivera, that Resolution #23-094 be approved.

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

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

23-095/To Approve Contract of Sale – Block 302 Lot 3

Motion by Councilperson Lodato second by Councilperson Marte, that Resolution #23-095 be approved.

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

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

23-096/To Approve Contract of Sale – Block 302 Lot 1

Motion by Councilperson Lodato second by Councilperson Rivera, that Resolution #23-096 be approved.

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

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

Committee/Department Reports

Motion offered by Councilperson Lodato that the Committee/Department Reports be spread upon the minutes in full and filed. Second by Councilperson Rivera. All present voting in favor, none opposed.

VERBAL COMMUNICATIONS II

Council President Pascual opened the meeting to Verbal Communications II and invited the public to comment on any subject, limited to five minutes per speaker.

Mary Sullivan, resident, commented that February 24th will mark the one-year since Russia invaded Ukraine. She requested that the Ukraine flag be raised and flown to show the borough's continued support to Ukraine. She commented that with the regards to the train derailment that happened in East Palestine, Ohio, the same can happen here. She stated that the trains that are passing through town carry the same chemicals. Ms. Sullivan stated that if this were to occur, the property values will plunge. Prior to her retirement, Senator Loretta Weinberg introduced a bill to mitigate and require DEP to request bridge inspection reports from DOT. Ms. Sullivan stated that this is especially important because the train travels over the Oradell reservoir. She stated that Assembly Bill A4442 has been re-introduced. As such, the Mayor and Council should reach out to the borough representatives and pass along to all the members, and encourage them to support this legislation.

Diana Flagg, resident, requested additional time to speak since she was unable to attend the last meeting due to the elevator being out of order. She stated that she noticed there are food trucks parked around town on private property. She inquired if the trucks are inspected by the health department. Ms. Flagg inquired why the flu and covid vaccines are being given by Bergen Regional when there are public health nurses in the Health Department. She stated that the Mayor's wife previously presented them the key to Bergenfield, and they hire her nurses. She commented that the Borough has never endorsed private businesses and this seems unethical. Ms. Flagg also commented that she has attended meetings in other towns, which have a Zoom call-in feature for people that cannot attend. She stated that the Borough should offer that option, as the attendance in the room is pathetic. She also stated that Councilperson Deauna mentioned the term plantation during his speech at the Reorganization meeting, which brings to mind the manufacturing of products. She inquired if cigarettes will be manufactured or all products. She commented that everyone voted in support of the application except for Councilman Tom Lodato.

Avinash Melkote, resident of Dumont, also raised his concern about the recent train derailment in Ohio. He just raised the same concern at the Dumont public meeting. He inquired if anyone has been in touch with CSX. His concern is what the CSX train carrying and the proximity to the Oradell Reservoir. Mr. Melkote commented that if this were to contaminate our water supply it will affect all of us. He also asked if the borough would look into the quiet zone designation area. He stated that the Mayor of Norwood and Harrington Park are looking into it, to propose time indicators and motion sensors. If the seven Bergen County towns join the study, the cost would drop to about \$15,000 per town. It would expand what requirements it would take to reach a quiet zone dealing with the routine use of horns. He stated CSX is going above Federal Noise limits and people are in harm's way.

Barry Doll, resident, inquired what is going on with the pot factory. He stated that he hasn't heard anything since it was passed by the commission. He further stated that with all the publicity that has gone on with the phony Congressman from Long Island and how he was elected to office, it would be a good idea for the council to institute a background check for all elected officials and appointed officials in high offices. He commented that this way, we know that they are at least in the preliminary review of their backgrounds that there are no unturned stones. He was not

suggesting that someone who has committed a crime can't be elected. There may be situations such as the one in Long Island, and the council should be prepared for that. He stated that he is volunteering as a crossing guard and, in his packet, he had to provide information to look into his background. He suggested that the council should have the same background check.

John Smith, resident, commented on how hard it is to get around town. He distributed pictures to the governing body. He stated that there is a truck that is always parked on the grass, and the mud goes into the road and into the sewer. He commented that the other photo shows a van backing up into a dumpster that is located on the road, and another where a flatbed truck with vehicles on it is parked on the street. The pictures were taken on North Street by the Nissan Dealership. He commented that he brought this to the attention of the code officials in January. He commented that its not only their job, the Police Department and the DPW should also be fining the people for doing this. He stated that every time he brings something up, he gets retaliation. He stated that he received a ticket for having a van parked on grass at the VFW. However, the ordinance applies to residential properties, not commercial. He stated that is why residents do not attend council meetings because the fear retribution. He also brought up piles of lumbar on Murray Hill Terrace and questioned their permits. He also brought up CSX property, and how they are not maintaining it. Mr. Smith stated the borough should take them to court.

Sgt. Major Williams, resident, thanked the Borough Administrator for posting the information for the pinning ceremony on the website. He stated that the information has to be updated to include the VFW's information and not the federal link. Sgt. Major stated that the VFW has received many walk-ins of veterans seeking assistance. He stated that he will be distributing a flyer for the pinning ceremony on April 22nd for the anniversary of the Vietnam War. Sgt. Major also commented that the railroad crossing on Main Street is deteriorating and the borough needs to get the CSX involved.

There being no one else who wishes to be heard, Council President Pascual closed Verbal Communications II.

Borough Administrator Gallo stated that he has had several conversations and corresponded via email with Rodney Oglesby, the borough's contact at CSX, regarding the Main Street crossing, especially since the incident in Ohio. Mr. Gallo stated that CSX temporarily repaired the hole and understands that there will be more work done along that section in the summer. He stated that as far as contents and what the trains carry, we have had meetings going back to 2015-2016, which included training of logos and what exists, and the response in the event of an emergency. As far as the quiet zone, the CSX will not endorse or support anything of that issue and confirmed they will contest it. We would have to apply for it through the FRA, which is an extremely arduous process but not impossible. He commented that CSX will push back on the grounds of safety, as there are a number of people that get hit on an annual basis and there are a number of accidents at crossings. The CSX wants to sound more horns for liability purposes, because they want to insure people are coming through. He will look in to what other towns are doing.

Jerry Naylis, former Fire Chief, stated that starting in 2015 and 2018, county wide training sessions were held and they plan to do it again this year. As a result of meetings and conversations, CSX has expanded their rail inspection program at night, where trains go up and down once a month doing ultrasonic sounding of the rails to make sure there are no cracks or faults. Additionally, within our mutual aid group we have expanded our hazardous materials training for members with that requires an app on phones from the federal government to allow the firefighters to identify information, and an app from the railroad itself that helps to be contact with the emergency center for CSX in Jacksonville. We working hard in collaboration with them, since locally we have no jurisdiction over the railroad, it is strictly a federal situation. It is up to the FRA and the Department of Transportation to regulate the railroads. We keep an open and continuous dialog with the railroad company to make sure that they are doing everything as safely as possible. We have had very minor situations with the rail road. He stated that years ago, we had a minor

derailment with one car with one set of wheels that popped off. Most of the derailments are one wheel popping off. It is tragic what happened in Ohio, we are doing everything in our power to make sure our personnel are trained properly. OEM and Borough Administrator were instrumental working with us in 2015, 2018 and we expect to do it this year as well. He has spoken Rob Rohaur from CSX and plans to take the matter to Dave Scones as well later this week.

Borough Administrator Gallo stated as you can see, it's not a good idea for the public to know what's on those trains because everyone has good intentions until they don't. That information can be used in a bad way. We will continue to work together on all the Veterans, please continue to send us information. Mr. Gallo commented that with regards to John Smith, he will continue to review the photos and will follow-up tomorrow. He stated that he never wants to hear that a staff member did something against anyone for bringing stuff up. Mr. Gallo stated that his understanding is that the marijuana factory will create oils, no gummer bears or edibles will be produced there. He stated that in terms of the food vendors parking their trucks, he is not aware of permits required for vendors not conducting business. If they are just parking, the Health Department does not get involved. In response to the Congressman from Long Island, the idea of putting an ordinance requiring background checks will not help. He commented that the candidates should be vetted by the committees of the Democratic and Republican parties. A background check does not have a place in municipal government as the candidates are not vetted by the borough.

Borough Attorney Schettino stated that the borough should not comment on the marijuana manufacturing and cultivation license.

No applications have been received nor have meetings been held other than for the building, as they were formulating their plans and visions for the property. No official notice has been received on the license.

There being no one else who wishes to be heard, Council President Pascual closed Verbal Communications II.

COUNCIL COMMENTS

Councilperson Lodato stated that he is well aware of the risk of the CSX train, and understands there is not a lot that can be done, but he is happy to know there is open dialogue on the matter.

Council President Pascual, and Councilpersons Lodato, Marte, and Rivera thanked everyone for coming and wished all a good night.

CLOSED SESSION

RESOLUTION **23-097**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Attorney-Client Privilege
 - 1. Civil Service Legislation

- B. Contracts/Agreements
 - 1. Chief of Police Contract

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 Council President Pascual, seconded by Councilperson Rivera, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:40 p.m.

On a motion by Council President Pascual, seconded by Councilperson Lodato, and all present voting in favor, the meeting returned to Open Session at 10:45 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Council President Pascual, seconded by Councilperson Rivera, and unanimously carried, the meeting was adjourned 10:45 p.m.

Respectfully submitted,

Marie Quiñones-Wilson
Borough Clerk