

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
DECEMBER 3, 2024**

PRESENT: Mayor Arvin Amatorio and Council President Hernando Rivera, Council members Thomas A. Lodato, Buddy Deauna, Domingo Almonte, Ora Kornbluth, and Marc Pascual

ABSENT: Councilman Thomas A. Lodato

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

Mayor Amatorio called the meeting to order at 8:00 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 a Municipal Bulletin Board and is on file in the Office of the Borough Clerk."

The Salute to the Flag was led by Council President Hernando Rivera.

AGENDA CHANGES

Councilperson Kornbluth made a motion to add Ordinance 24-2636, an Ordinance of the Borough of Bergenfield, County of Bergen, State of New Jersey, to Amend Chapter 313 Entitled "Inspections, Lead- Based Paint" for introduction, and add Closed Session Resolution #24-307 to discuss attorney-client privilege and contractual items including the Local 108 R.W.D.D.U., UFCW Agreement, Bergenfield Employees Association Agreement, and the Tax Collector's Agreement. Councilman Almonte seconded the motion. All present voting in favor, none opposed.

PRESENTATIONS

A. Bergenfield Museum Presentation – Food Pantry Donation

The Bergenfield Museum Trustees presented a \$300 check to the Mayor and Council as a donation to the Borough's Food Pantry. President Joanne Thomas, Treasurer and Trustee Barry Doll, as well as other Trustees made the presentation. Mayor Amatorio and Councilmembers thanked the Museum for their generous donation.

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Borough Engineer Robert Klein of Remington & Vernick Engineers stated that the road program is still ongoing, including Delford, Bedford, and N. First Street. Delford and Bedford were on schedule to be paved, but the water company started doing work and by the time they were done, the weather had turned. The contractors are evaluating the weather as it is supposed to warm up next week, in hopes to complete the two roads. The concrete work on N. First is also ongoing, but should be complete next week as well depending on weather. All other projects have been complete.

Councilperson Kornbluth inquired how many days will it take.

Mr. Klein stated that it will take 2 to 3 days to complete the roads.

Mayor Amatorio inquired if the milling can be completed this week.

Mr. Klein stated that it can be done if it is warm enough, but the weather has been too cold.

Councilperson Kornbluth inquired what is the lowest the temperature can be to complete the work.

Mr. Klein stated that guidelines is 40 degrees and rising, but it depends.

Council President Rivera stated that something different needs to be done, maybe create a different plan or policy, that the contractors have to be completed by November 30th in order to ensure that all the roads are completed on schedule. Residents on Delford Avenue informed him that trucks and machinery have been parked for 10 to 12 days in the neighborhood, and no work has been done. The borough should consider holding contractors accountable for going past a certain date before Thanksgiving.

Councilperson Pascual stated that the governing body is looking for efficiency. He understands that weather plays a part, but complaints were received from residents that the machines were parked there and no work was being done.

Councilperson Almonte stated that there has been no rain for 3 months.

Mr. Klein stated that the contractor may have underestimated the amount of work involved with the project.

Mayor Amatorio commented that weather is the problem, but weather wasn't an issue in the month of October. All paving projects should have been completed by now.

Mr. Klein suggested that a decision be made much sooner on the roads that will be done, sometime in December or January.

Councilperson Almonte inquired when the Borough Engineer received the list of roads this year.

Mr. Klein stated that he received the list of roads sometime in March, but the NJDOT and CDBG funded roads were received earlier.

Councilperson Marc Pascual inquired how do utility work delay projects.

Borough Administrator Gallo stated that every year, the utility companies are notified in advance, including PSE&G, Veolia, and ask them for their list in advance. They continuously receive funding to redo the gas lines and upgrade the mains, so that has a big effect. They sometimes do not receive notice. He explained that on Bedford, a property owner was doing work, and then they noticed that they needed to work on the lines. We share this information in hopes to coordinate.

Mayor Amatorio stated that the Borough will do what it can next year to decide on the roads earlier on in the year and create deadlines.

ORDINANCES

A. Adoption of Ordinances

Mayor Amatorio read into the record:

The following ordinances published herewith were first read by title on November 7, 2024 and posted on the bulletin board of the municipal center.

ORDINANCE 24-2634 – AN ORDINANCE TITLED “STORMWATER CONTROL”

ORDINANCE 24-2635 - AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 126 OF THE CODE OF THE BOROUGH OF BERGENFIELD ENTITLED "BUILDINGS UNFIT FOR HUMAN HABITATION" TO ALLOW THE BOROUGH TO ABATE NUISANCES AND CHARGE THE COST OF SAME AS LIENS AGAINST THE PREMISES

Public Comments on Ordinance 24-2634 and 24-2635.

John Smith, resident, inquired whether the ordinance was done by the engineer. He commented that the ordinance only references major developments based on acres of land, which isn't an issue in Bergenfield. The ordinance should reference all developments and require two story homes that have several bedrooms and create water run off to have retention basins. There is nothing in the ordinance that references these types of developments that are creating an issue in Bergenfield.

Borough Attorney Schettino stated that there is already a requirement in the state, that when you develop property, you cannot add to the water runoff. When the applicant goes to site plan for approval, the plans have to include drainage, and the Board Engineer has to review it to ensure its sufficient. If the Engineer feels its deficient, he can tell the applicant to add seepage pits, and it has to be done. The run off cannot go into the street, it is not permitted by State law.

Councilperson Pascual stated that the engineer worded it in a way that made it sound like he wanted the water run-off to go into the roads. At the end, he retracted his comments and corrected himself.

Mr. Schettino stated that he should look into zero run-off from the property.

Motion by Councilperson Pascual, seconded by Councilperson Deauna, and all present voting in favor, the public comment portion is closed.

Motion by Councilperson Pascual, seconded by Councilperson Deauna, to pass Ordinances 24-2634 and 24-2635 on second and final reading and are hereby adopted and notice of same shall be published according to law as amended.

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

Councilperson Lodato:	<i>Absent</i>	Councilperson Kornbluth:	<i>Aye</i>
Councilperson Deauna:	<i>Aye</i>	Council President Rivera:	<i>Aye</i>
Councilperson Almonte:	<i>Aye</i>	Councilperson Pascual:	<i>Aye</i>

B. Ordinance for Introduction

Motion by Councilperson Kornbluth that the following ordinances be introduced and passed on first reading and setting December 17, 2024 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. Council President Rivera seconded the motion.

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

ORDINANCE 24-2636 - AN ORDINANCE OF THE BOROUGH OF BERGENFIELD, COUNTY OF BERGEN, STATE OF NEW JERSEY, TO AMEND CHAPTER 313 INSPECTIONS, LEAD-BASED PAINT

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

Councilperson Lodato:	<i>Absent</i>	Councilperson Kornbluth:	<i>Aye</i>
Councilperson Deauna:	<i>Aye</i>	Council President Rivera:	<i>Aye</i>

Councilperson Almonte: *Aye*

Councilperson Pascual: *Aye*

UNFINISHED BUSINESS

A. Ordinances for Consideration

1. Ordinance to Prohibit On-Street Commercial Parking

No action was taken.

2. Ordinance to Re-Establish Parking for Commercial and Industrial Buildings

No action was taken.

NEW BUSINESS

A. Recommendation and Nomination for Board of Health Appointment

Mayor Amatorio recommends and nominates the following member to serve on the Board of Health for the following term:

Victrina R. Plan 4-year unexpired term, term exp. 12/31/24

Motion by Councilperson Deauna, second by Council President Rivera that the nomination be approved.

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

Councilperson Lodato: *Absent*

Councilperson Kornbluth: *Aye*

Councilperson Deauna: *Aye*

Council President Rivera: *Aye*

Councilperson Almonte: *Aye*

Councilperson Pascual: *Aye*

ADMINISTRATOR'S REPORT

Borough Administrator Gallo stated the new building is progressing, the new carpet has been installed and the contractors have fixed the dais and shortened it. The old building has come down and the retention basins should be coming in the next 4 to 6 weeks. The entire footprint should be completed by next April or May, and then an official grand opening will be held. At the league of municipalities, the borough was recognized by Sustainable Jersey for all its efforts. Mayor Amatorio and his team also had an opportunity to present their Mayor's Wellness program to the entire State. The borough is looking to close out the year with holidays events, as Holiday in the Park will be held on Saturday, December 7th and the Menorah lighting will be held on December 29th at Cooper's Pond.

MAYOR & COUNCIL REPORT

Councilperson Lodato Absent.

Councilperson Deauna commended Borough Administrator Gallo and his team for organizing the volunteer dinner held on December 1st. It shows the solidarity among all the volunteers, which makes Bergenfield a great town. He thanked Mayor Amatorio for his vision and all cooperation amongst everyone because it makes the borough a great town to live in.

Councilperson Almonte No Report.

Councilperson Kornbluth

the BVAC has responded to a total of 1,900 calls year to date, with the average response time being 3 minutes and 20 seconds. OEM had no report. As for Recreation, the fall sports season has ended. Three of the soccer teams made the finals, one became a league champ. The Jr. Division Football Team reached their Super Bowl, but fell short finishing as the division runner-up. Winter programs have started practicing. We had terrific turnouts during our Trunk a Treat event, Haunted Walk at Cooper's Pond, and our costume parade event. I thank Corey, AJ, and everyone involved in putting together such wonderful events. The committee is getting ready for Holiday at the Park, which includes a visit with Santa Clause and Tree Lighting, and then will be holding a Hanukah Menorah lighting.

Council President Rivera

I attended the League of Municipalities conference, and was present to receive an award from Sustainable Jersey, as the borough was presented a bronze plaque. It was a great thing for all other towns to all the events and community outreach that is taking place through the Mayor's Wellness campaign. The mayor's program will be used as an example for all other towns to follow due to all the great things the program has done for the town, which is great for Bergenfield. I attended a JIF training course for municipal elected officials, and as such, the borough will receive a 250 for my attendance in the session. Last Sunday, there were 160 in attendance at the volunteer dinner, which shows our appreciation for all their work. The event went well and everyone seemed to have enjoyed it. I extend my thanks to all volunteers.

Councilperson Pascual

I also attend the League of Municipalities Conference and extend my congratulations to Mayor for his presentation of the Mayor's Wellness program. Your work is being noticed not only in Bergenfield, but throughout all New Jersey. I look forward to next year's exciting program, because I know there is a lot more come. I was unable to attend the Veteran's Advisory Committee meeting, but thank all the veterans for donating to the Christmas tree to the Borough, we thank you for your kind gesture. I attended the Zoning Board of Adjustment meeting, in which there was a resolution passed for 111 Greenbriar Street, as long as they use pervious pavers. There were a couple of applications considered under old business. The application for the property on Glenwood Drive was dismissed because they didn't have enough information to share with the board. The applicant will need to reapply for a variance. An application for MacKay Drive, which has to be carried over until February of next year with more detailed plans. There were three applications, which were all approved, as long as the drain liters are facing towards the front of house, not the street.

Mayor Amatorio

I would like to reiterate our appreciation first to the Bergenfield Museum Society for their donation to the food bank. I also thank VFW Post #6467 and the Veteran's Advisory Committee for their generous donation of the Christmas tree adorning the Borough Hall. I would also appreciate and thank the council members for all their consistent and steadfast support of the Mayor's Wellness program. It's been an honor that our town has been recognized and to be chosen as a speaker at the League of Municipalities conference. I have already started to receive inquiries from other towns and Mayors that would like to start the program and would like Bergenfield to help them. We have Holiday in the Park this Saturday at 1:00 p.m. which will be highlighted with the tree lighting around 5:30 p.m. We also have a ribbon cutting this week to celebrate the grand opening of the Culinary School opening on the avenue.

CORRESPONDENCE

No Correspondence.

PUBLIC COMMENTS

Joel Berkowitz, Resident, stated that at the end of November, the postal box was moved, but the shoot is on the wrong side, as cars cannot drive up and pull down the shoot from the passenger side. He also mentioned that the shoot seems to be stuck with mail from several weeks ago.

Borough Administrator Gallo stated that he will need to notify the postmaster, but confirmed the box was moved by the post office. He also confirmed the location is temporary, as the boxes will need to be moved once the construction project is complete.

Mary Sullivan, Resident, inquired if there will be a holiday light parade.

Borough Administrator Gallo he believes there is, but the borough hasn't been notified. He will follow-up and ensure the date is advertised.

Fred Sahlberg, Resident, stated that everyone he interacted with at the volunteer dinner had a great time, and thanked the borough for the wonderful event. He further stated that with regards to the ordinance, what authority does the borough have to correct someone's home. Could the borough force the homeowner to correct the home if it is unfit for human habitation or force that direction.

Borough Attorney Schettino stated that separate from the ordinance, when a property is deemed to be unsafe, the Building Department can take certain action. If it is completely unsafe, it can be condemned, but that is a drastic action, and the courts have been reluctant to condemn properties unless it is in danger of collapse. If there is a building code violation, without this ordinance, the department has the legal capacity to issue violations. Presently, in municipal courts, you cannot issue warrants for people that do not appear or attend court. If there is unsafe characteristics, the borough can correct it and put a lien on the property. However, the borough isn't looking to expend its funds, but its an option.

Shantel, Resident, stated that she recently moved into town in May, parked her car for the first time outside the driveway, and received a \$50 ticket. When she called the town to inquire, she was told that although there are no street signs, there are no overnight parking street signs, she should have seen the signs when you first enter town. She never received a notice in the mail nor was ever

informed there is no overnight parking. She also inquired the fee and the hours of court, as she is a small business owner, she has to work and care for a toddler, and cannot attend court.

Borough Attorney Schettino stated that even if the governing body agreed with her, they do not have the legal ability to dismiss the ticket. She has to attend Municipal Court and speak to the prosecutor, plead not guilty, and hopefully he'll agree and dismiss the ticket.

Borough Administrator Gallo advised her to call the Court Administrator and she'll be put on the docket. He further stated there are signs when you enter the borough, but there is no overnight street parking permitted between the hours of 2:00 a.m. and 6:00 p.m. If she needs to leave her car out, on occasion, she can contact the Police Department or go on their website to put in that request.

Diana Flagg, Resident, stated the tiles are unlevelled coming into borough hall and she tripped on one. She inquired the policy for employees using borough vehicles, not police on the road, just employees who may have to do a little job out of the borough hall. Do the cars get signed out or is there a log?

Mr. Gallo asked her to clarify as there are different variations.

Ms. Flagg stated what is the policy of employees picking up their children and driving them somewhere in a borough vehicle during work hours. She inquired if it is permitted, who gave permission? She stated that what if the person had an accident with their children in the vehicle.

Mr. Gallo stated that should not be permitted. He explained that DPW has a fleet of vehicles which are assigned. The Health Department has one or two vehicles that can be utilized. Mr. Gallo stated that children should not be in vehicles. He would need to investigate and look into it. In the Building Department, there is a locker with keys if a vehicle is needed.

Councilperson Kornbluth stated what is the proper action to take to make the complaint.

Borough Attorney Schettino stated that the complaint should be made with the Borough Administrator, so that he can investigate the matter.

Mr. Gallo stated that it is a horrible way to approach it. She calls him on silly and stupid matters, but something like this that is serious and can be disciplinary, she doesn't.

Professor Justin Watrel of Bergen Community College, stated that his students are working on a destination marking project. They visited the Bergenfield Museum, South Presbyterian Church and the cemetery to learn its historical significance and create a social media campaign to encourage families to visit Bergenfield. The project will be done in English and Spanish and will highlight the Borough of Bergenfield. He invited the governing body to attend their presentation as the video can be used by the borough.

Mayor Amatorio thanked Professor Watrel for bringing this to the Borough's attention, as the governing body has discussed having promotional videos of the town.

John Smith, Resident, stated that it was an honor to donate the Christmas tree to the borough. Mr. Smith and Mr. Willie Moore informed the borough of the golf balls from Knickerbocker Country Club breaking the residents' windows. Mr. Moore tried to contact management, but hasn't heard back from them. The cost to fix each window is estimated from \$1,000 to \$1,500.

Mayor Amatorio encouraged the resident to file a police report.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 24-298. 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. **24-299**/To Approve Bill List
- b. **24-300**/To Approve Transfer of Appropriations
- c. **24-301**/To Approve Shared Services Agreement for Maintenance and Repairs of Vehicles – Borough of Paramus
- d. **24-302**/To Approve Proposal – New Jersey Avenue Improvements Project – Remington & Vernick Engineers
- e. **24-303**/To Approve Grant Application – Bergen County CDBG Grant Application for Brook Street Improvement Project
- f. **24-304**/To Approve Pay Certificate No. 2 Final Change Order No. 1 Final – 2023 North Taylor Street Improvements Project – D&L Paving Contractors, Inc.

Motion by Councilperson Pascual, seconded by Councilperson Kornbluth, to approve the Consent Resolution #24-298.

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

Councilperson Lodato:	<i>Absent</i>	Councilperson Kornbluth:	<i>Aye</i>
Councilperson Deauna:	<i>Aye</i>	Council President Rivera:	<i>Aye</i>
Councilperson Almonte:	<i>Aye</i>	Councilperson Pascual:	<i>Aye</i>

B. RESOLUTIONS

24-305/To Hire Part-Time Laborer – Raymond Meagher

Motion by Councilperson Pascual, second by Councilperson Deauna, that Resolution #24-305 be approved.

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

Councilperson Lodato:	<i>Absent</i>	Councilperson Kornbluth:	<i>Aye</i>
Councilperson Deauna:	<i>Aye</i>	Council President Rivera:	<i>Aye</i>
Councilperson Almonte:	<i>Aye</i>	Councilperson Pascual:	<i>Aye</i>

24-306/To Hire Part-Time Laborer – Cory Amano

Motion by Councilperson Kornbluth, second by Councilperson Pascual, that Resolution #24-306 be approved.

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

Councilperson Lodato:	<i>Absent</i>	Councilperson Kornbluth:	<i>Aye</i>
Councilperson Deauna:	<i>Aye</i>	Council President Rivera:	<i>Aye</i>
Councilperson Almonte:	<i>Aye</i>	Councilperson Pascual:	<i>Aye</i>

COUNCIL COMMENTS

Mayor and Council thanked everyone for attending the meeting and wished all a good night.

CLOSED SESSION

RESOLUTION **24-307**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Attorney-Client Privilege/Contract Negotiations
 - 1. Local 108 R.W.D.S.U., UFCW Agreement
 - 2. Bergenfield Employees Association Agreement
 - 3. Tax Collector Agreement

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 Pascual, second by Councilperson Kornbluth, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:15 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, second by Council President Rivera, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:52 p.m.

Marie Quiñones-Wilson
Borough Clerk