

**OFFICIAL MINUTES
BOROUGH OF BERGENFIELD
MAYOR AND COUNCIL WORK SESSION
MARCH 3, 2020**

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

ABSENT: Councilmember Thomas Lodato

ALSO, PRESENT: Borough Administrator Corey Gallo
Borough Attorney John Schettino
Borough Clerk Marie Quinones

Mayor Amatorio called the meeting to order at 8:06 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." Mayor Amatorio stated that the Work Session meeting was moved to the Council Chambers because of the number of people in attendance.

The Salute to the Flag was led by Mayor Amatorio.

AGENDA CHANGES

On a motion by Councilperson Kornbluth, seconded by Council President Marte, the request to reserve the Council Chamber on May 14th -16th was added to Correspondence, resolutions to approve the extension of Nature's Choice contract and approve bid specifications for debt collection was added to the Consent Agenda, and status on the new municipal building was added to Closed Sessions. The changes to the Recreation Committee membership was added to New Business to remove Marie Tully, Dick Ong, and Corey White from the committee, and add Angel Dominguez and Jacki Teel. All present voting in favor, none opposed.

PRESENTATIONS

A. Department Hires & Appointments

20-104/To Promote DPW Laborer to Full-time – Eric Mckenzie

Motion by Council President Marte, second by Councilperson Deauna, that Resolution #20-104 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>	Councilperson Rivera:	<i>aye</i>
Council President Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

20-105/To Promote DPW Laborer to Full-time – Jason P. Cicchella

Motion by Council President Marte, second by Councilperson Deauna, that Resolution #20-105 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>	Councilperson Rivera:	<i>aye</i>

Council President Marte:

aye

Councilperson Pascual:

aye

20-106/To Hire Part-time DPW Laborer – Stephen Eagle

Motion by Councilperson Kornbluth, second by Council President Marte, that Resolution #20-106 be approved.

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

Councilperson Lodato: *absent*

Councilperson Kornbluth: *aye*

Councilperson Deauna: *aye*

Councilperson Rivera: *aye*

Council President Marte: *aye*

Councilperson Pascual: *aye*

CAPITAL IMPROVEMENTS/BOROUGH ENGINEER

A. Engineering & Inspection Status Report

Robert Klein, Borough Engineer from Remington & Vernick, stated that the contractor has completed the resurfacing of West Central Avenue and the contract close-out is awaits final CSX railroad coordination. He further stated that the CDBG road program is complete and awaits close-out. Mr. Klein stated that the various road program is underway and pending the schedule to complete concrete work in the spring. Mr. Klein also stated that the inspection of the sanitary sewers on North Prospect is complete and under review. He commented that the project should be ready for bid advertisement in late March. He explained that the Borough was awarded a grant for the resurfacing of West Clinton Avenue, and therefore a proposal has been submitted along with the 2020 road program. Mr. Klein stated that video of the existing sewers is ongoing under the 2020 road program. He advised that the Borough request quotes to complete video of the remaining streets to expedite the schedule.

Borough Administrator Gallo explained that the DPW camera that is used to video the sewers went down. He expressed that the camera is old and has been used well. He further stated that the new camera is roughly \$50,000 to \$90,000. Mr. Gallo stated that the Borough has exhausted all possibilities, including renting the camera or borrowing from another town. He explained that in order to keep up with the work that needs to be done, he will look to receive authorization from the governing body to purchase a new camera to video the 2020 roads.

Borough Attorney Schettino stated that the Borough Administrator can solicit proposals and receive authorization under new business.

The members present expressed their approval to proceed to purchase the camera to continue to road work.

ORDINANCES

A. Adoption of Ordinances

The following ordinance published herewith was first read by title on February 18, 2020 and posted on the bulletin board of the municipal center.

ORDINANCE 20-2560 - AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED "BOARDS, COMMITTEES AND COMMISSIONS"

Public Comments on Ordinance 20-2560.

John Smith, resident, stated that he is concerned about the voting rights of individuals. He stated that the quorum should be of the members present in order to be able to vote.

Councilperson Kornbluth explained that the quorum is what makes the meeting.

Borough Attorney Schettino stated that a quorum constitutes the majority of members present. He stated that if four members of the committee are present, they can have a meeting, but they cannot vote on matters.

Mr. Smith stated that the members can be present to have a quorum to proceed with the meeting, but inquired what if the members are unable to vote. Mr. Smith stated that he has been told that if people do not reside in Bergenfield, they cannot vote, even though they are appointed by the Mayor and Council.

Borough Attorney Schettino stated that prior to this amendment, the quorum would have been the number of people that the ordinance states are on the committee or commission. With this change, that number has been reduced to the number of people that were appointed. He advised that the Borough should move incrementally, and this is a change to make it a little easier. Mr. Schettino explained that if the changes does not work, it can be changed again in the future. He further explained that with this ordinance, if 10 people are appointed to the committee, 6 people will constitute a quorum, to make it easier for the committee to meet. He also explained that the ordinance does not differentiate between in town committee members and out of town committee members, it does not treat members any different.

Carolyn Schmelz, resident, commented that if 10 members are on the committee, 6 will constitute a quorum. She expressed that there are 22 people on the recreation committee, and the committee has not met yet due to quorum. She inquired if the members were ever notified of the appointment. She further expressed that the Stigma Free Committee has met for 4 years with 7 people, has always been open to the public, and has never had an issue. Ms. Schmelz stated that if people will be appointed just to be appointed, it is wrong.

There being no one else who wishes to be heard, on a motion by Council President Marte, seconded by Councilperson Deauna, and all present voting in favor, Mayor Amatorio closed public comments on Ordinance 20-2560.

Motion by Council President Marte, second by Councilperson Deauna, to pass Ordinance 20-2560 on second and final reading and is hereby adopted and notice of the same shall be published according to law.

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

B. Introduction of Ordinances

Motion by Council President Marte that the following ordinances be introduced and passed on first reading and setting Tuesday, March 17, 2020 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Executive Council Chambers of the Bergenfield Borough Hall as the place for a hearing on said ordinance. Second by Councilperson Deauna.

Mayor Amatorio read the ordinance for the record:

ORDINANCE 20-2561- AN ORDINANCE TO ESTABLISH THE SALARY RANGE OF EMPLOYEES NOT SUBJECTED TO UNIONIZED CONTRACTURAL UNITS OF THE BOROUGH OF BERGENFIELD

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

UNFINISHED BUSINESS

A. Street Parking near Foster Village

Borough Administrator Gallo stated that he reviewed the parking restrictions with the Department of Public Works and learned that they complete garbage collection two days a week and recycling collection three days a week in the area, on alternating days. He explained that the department has a route that comes in and out of the "flower" streets, and therefore need the parking restriction to complete the work. Mr. Gallo stated that he is working with the department to try and consolidate the hours and end the parking restriction at 12:00 p.m.

Councilperson Rivera commented that there is no straight connection between the "flower" streets and foster village.

Council President Marte stated that the issue is that the parking is restricted every day even though the cleaning is not being done every day.

Mr. Gallo stated that the collection is done on alternating days, and therefore parking needs to be restricted on both days. He also stated that commuter parking is an issue in that area.

Council President Marte stated that according to observation, there was no activity in the area.

Mr. Gallo stated that the sweeper runs starts at 5 a.m., and will soon start at 4 a.m.

Councilperson Kornbluth stated that perhaps the parking can be restricted for two hours from 10 a.m. to 12 p.m.

Mayor Amatorio suggested that the Borough start with the consolidation of hours and try to change the schedule, so that the parking can be used by the residents.

NEW BUSINESS

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

Borough Administrator Gallo stated that looking at the frequency year to date report, there have been minor incidents this year, but the number has been cut in half since last year. He explained that that number kicked up due to minor injuries, but the Borough has been on top of safety trainings.

B. Authorization of Purchase – Camera

Motion by Councilperson Kornbluth, second by Councilperson Rivera, to authorize the Borough Administrator to solicit quotes and purchase camera for sewer inspection at a cost not to exceed \$40,000. All present voting in favor, none opposed.

ADMINISTRATOR'S REPORT

Borough Administrator Gallo stated that the Finance Committee met with all the departments last week and prepared a budget for introduction. The budget has been given to the Borough Auditor with all revisions for review and completion to be introduced on March 17th. Mr. Gallo stated that he attended the Council of Irish Association Parade Dance, where the DPW Superintendent received the Gunning Award for his years of service and commitment to the parade. He further stated that the parade is scheduled to be held on Sunday, March 15th and will start with a mass at 10:00 a.m. at St. Mary's Church in Dumont, 11:00 a.m. breakfast at Tommy Fox's, 1:00 p.m. flag raising at Roy W. Brown Middle School, and the parade will start at 2:00 p.m. On Tuesday, March 24th there will be a workshop at the County on the 2020 grant funding. He will speak to the engineers to plan for the grant application, which will be due on May 15th.

Mr. Gallo stated that with regards to the coronavirus, he participated in a conference call with the governor's office, where he learned that there are no confirmed cases in New Jersey, and the societal risk is deemed low. He advised that there were nine people that were tested for coronavirus and are waiting results. He further advised that information has been posted on the website and commented that everyone should make sure to wash their hands.

Councilperson Kornbluth inquired whether the cleaning company is cleaning any differently at Borough Hall to disinfect the areas.

Mr. Gallo stated that the company completes their usual cleaning and the departments wipe down and spray their work areas.

In terms of the 2020 Census, the Borough has had several conversations with Federal, State and County government officials on the matter, and has learned that Bergenfield is considered an undercounted municipality. As such, the Borough has applied for a census grant, in hopes to get the word out and train on the census. Mr. Gallo further noted that the Census Bureau may have training sessions in Bergenfield. He expressed that once the funding is determined, the Borough will need to take the appropriate measures to ensure a complete count is done.

MAYOR & COUNCIL REPORT

Councilperson Deauna

stated that the Shade Tree committee met to address the issues in town, including the removal of trees that are lifting sidewalks. In celebration of Arbor Day, there will be a clean-up and tree giveaway on April 19th from 2 p.m. to 4 p.m. The Borough's certification has been sent for accreditation and the next meeting has been rescheduled for April 13th. I was unable to attend the Board of Health meeting last month, but had an opportunity to secure the minutes. The Board of Health reviewed the number of licenses and deaths recorded, and the amount generated for licenses. The Board of Health is also on top of coronavirus, even though there are no confirmed cases in town.

Council President Marte

stated that the Board of Education met and discussed their budget. He stated that the Zoning Board of Adjustment met and members of the board are requesting information from the attorney on the rules on escrow accounts, because there are issues and the board needs the rules.

Borough Administrator Gallo stated the situation revolves around the installation of pavers and the need for seepage pits, and the requirements pertaining to drainage. He stated that any addition over 100 sq. ft. are required to put in a seepage pit. He explained that part of the concern of the Zoning Officer in the Building Department is that this is not being done. Mr. Gallo stated that are several examples of homes being constructed and water being put out to the curb, to the neighbor's yard, and creates a flooding situation. He stated that the only way this will be corrected is to have the seepage pits put in, and have them evaluated and inspected to ensure they are installed properly. Mr. Gallo commented that the escrow is required in order to complete the process.

Councilperson Kornbluth inquired if she adds a 10 x 10 den to her property and doesn't exceed her lot coverage, will she need a seepage pit.

Mike Ravenda, Construction Official, stated the question is that for additions on homes, who's inspecting the seepage pits. He stated that when he looked into this, he learned that if the person goes to the Planning Board or Zoning Board, they do not have to put in a seepage pit, and that is incorrect. The requirement in Teaneck is 200 sq. ft. and Cresskill is 100 sq. ft. He stated that run-off issues in town will be alleviated by seepage pits.

Borough Attorney Schettino stated when someone puts an addition on their house, regardless of the size, and assuming it does not require a variance, and you are able to issue a permit, they cannot increase run-off off their property as a result of the addition, but it does not mean they need a seepage pit. An engineer can make other suggestions, the seepage pit is not automatically needed. An analysis has to be done on the addition, and how the property owner is showing that there will be no additional run-off as a result of the addition. He further explained that it may result in a seepage pit, but it is not automatic. A seepage pit is an answer, if it is going to increase drainage from the property, as a result of the addition.

Borough Engineer Cray stated that it depends because there are different scenarios.

Mr. Schettino stated that to Mr. Ravenda's point, the property owner should submit a drainage plan or submit a letter from an engineer certifying that the addition will not have any impact on adjoining properties.

Mayor Amatorio stated residents need to apply for a building permit. The building department can require a seepage pit before the permit is issued. Mayor Amatorio stated the engineer should make a recommendation, submit a memo, and create a mechanism the governing body can discuss further.

Mr. Gallo stated that he is looking to create that mechanism because there is no vehicle for the building department to follow-up. The person getting the permit is not an engineer. The borough engineer could create a plan, approve it with an escrow or have their own engineer create a plan. There has to be something signed off on it approved so they can go back if something is wrong. Mr. Gallo stated many residents stated they have their drains connected that run curbside to the street that is not acceptable.

Mr. Cray stated that the unofficial rule of thumb is that new residents are unaware and need to provide a memo. If there isn't an engineer representing the applicant, the design liability falls on the Borough, which is not fair. The Borough should not be liable for what the homeowner does. The review and inspection needs to be done. Mr. Cray stated that he will provide the Borough a memo with additional information.

Councilperson Kornbluth

stated that the Finance Committee met to review the budget. OEM has been conducting radio testing on County radio system, and learned there are mixed results with many dead spots in buildings. OEM is almost done with annual updates to the Borough Emergency Operations Plan. The BVAC has responded to 402 calls year to date, and has been selected by the County to be part of the county-wide Rescue Task Force to respond to active shooter incidents. The County has already trained our EMTs in active shooter response, and will be providing equipment such as bulletproof vests and helmets, that the BVAC will store in our support vehicle to respond to any active shooter in the county. In Recreation, winter sports are coming to an end and spring sports are starting up. The Rutgers Safety Course training for coaches will take place on March 18th. The Easter Egg Hunt is scheduled for Saturday, April 4th from 10 a.m. to 12 p.m., rain date Sunday, April 5th.

Councilperson Rivera

stated that the Finance Committee met with different departments to finalize the budget, which will be around 39 Million.

Councilperson Pascual

stated that he attended the Barrier Free meeting and learned that they would like to recognize the North Bergen

Police Officer and Lyft driver that went above and beyond for an autistic Bergenfield resident. He explained that the driver drove the lost teenage resident to the North Bergen Police Department, and the officer brought him back home to Bergenfield. The Barrier Free will also host a walk and requested that it be advertised on the electronic sign. They will have their Fall Festival on November 4th and are discussing the plans. The committee inquired if there is an emergency plan for the senior center in town.

Borough Administrator Gallo stated that the center is a County facility and would fall under a County plan.

Mayor Amatorio suggested they reach out to the county and have someone speak with the residents and update everyone with the policies and procedures in case of an emergency.

Mayor Amatorio

stated that he held a series of meetings for the Mayors' Wellness Program, and learned that Bergenfield will be chosen as a healthy town once again. The Borough will offer additional programs this year. Last month, Councilman Pascual and I met with the residents of the Senior Center and held a meet and greet. The Planning Board meeting was cancelled since there were no applicants. He received phone calls from the Governor's office and was informed that the school district will receive an additional 12% in funding. He also had a conversation Freeholder Ortiz regarding to the census grant, and how important it is to have an accurate, complete count in Bergenfield. This is the first time the census response can be done online, through the mail, or with the census workers that knock on doors.

CORRESPONDENCE

- a) Herrera-Marte/
Democratic Committee
- b) Ivacic/Field Census
Training

RE: Request to Reserve Coopers Pond/last
Wednesday of each month in 2020/7:00 p.m. – 10:00 p.m.
RE: Request to Reserve Municipal Council
Chambers for Census Training/Thursday, May 14,
2020 – Saturday, May 16, 2020/Time TBD

Motion by Councilperson Deauna, second by Council President Marte, and all members present voting in favor, to approve Correspondence Items A through B.

PUBLIC COMMENTS

Mary Sullivan, resident, inquired why the Borough is purchasing the properties next door.

Borough Administrator Gallo stated the property became available and may buy it as a borough footprint possible for more parking and have room to do things more strategic when they decide to do the new building.

Lucia Budhai, resident, stated she resides on Pelham Place, where the Adheek Tennis Courts are located. Ms. Budhai expressed her concern for parking since the tennis club will not renew its lease, and commented that the Borough should maintain the one side parking. She explained that she has had several accidents backing-up from her driveway, which can be more of a concern if the tennis club is sold to a place of worship. Ms. Budahi inquired if there are any plans for the property.

Borough Administrator Gallo provided Mrs. Budhai his contact and explained that the situation is unfolding as the tennis club cannot maintain the property. He further explained that the property reverts back to the Borough as its property, and there is currently no plan in place. Mr. Gallo stated that any development on the property will probably need to be reviewed by the Planning Board and follow legal parameters that are conducive to the area.

Councilperson Rivera stated that at this time, the curb is painted yellow. He stated that if the residents have suggestions of maintaining one side parking, they can collect signatures and submit the proposal to the governing body for consideration of an ordinance.

Mayor Amatorio stated that any new development will need to follow a process of either being reviewed by the site plan committee, Planning Board, or Zoning Board. The parking will be part of the application. If it's a narrow street and parking is only allowed on one side, then it will remain that way.

Mrs. Budhai inquired if residents will be notified.

It was confirmed that residents will be notified through the required notices.

Mr. Gallo confirmed that this is a process and there are no plans yet.

Joseph D' Angelo, resident, stated that this is a narrow street, and when Police Department measured the street, it was discovered that it is below regulation. He stated that the trees have been there for 100 years and hopes they will be maintained.

Borough Administrator Gallo stated he does not know what will be done with the property yet and may have to keep it at recreational space. Mr. Gallo stated the residents will be notified when there is more facts.

Elvis Budhai, resident, expressed his concern over zoning changes. He stated that he has lived in in the area close to Cooper's Pond for many years, and hopes that it stays that way.

Borough Administrator Gallo stated that he is unsure of the zone, but that is what it will be. It was just modified and they will not be changing it.

Borough Attorney Schettino stated they can designate or expand/reduce zones but that requires a review by a planner.

John Smith, resident, inquired if the tennis club is green acres. He stated that there is disconnect between the Building Department and Zoning Board of Adjustment. He further stated that the sears property may become a trampoline facility, and will be owned by a corporation from Ohio. Mr. Smith explained that New Jersey laws are different than other states, and require that the applicant have an attorney and New Jersey licensed engineer. He commented that the Building Department sends the applicant to the board, and then the board has to send them back until they adhere to all the requirements. Mr. Smith also stated that no one is inspecting the seepage pits. Mr. Smith expressed that the Borough Attorney or Council should tell the attorneys and engineers the requirements. Mr. Smith stated that the Planning Board Class II member has to be an employee or an official, and there are no commissions in town. He explained that the position needs to be filled by the Fire Official, Zoning Official, or someone employed by the Borough. Mr. Smith also inquired about the liability of a volunteer fireman collecting disability benefits. He mentioned that the VFW will be having their Poker Night on April 4th and requires a \$100 buy in.

Borough Administrator Gallo stated they are researching and looking into the deed.

Bochy Lora, vice president of the Bergenfield Dominoes Club, inquired the process to set-up a charity softball game against law enforcement in the spring/summer.

Borough Administrator Gallo stated that he is welcome to contact his office and provided him contact information.

OFFICIAL BUSINESS TO BE ACTED UPON:

A. CONSENT AGENDA

CONSENT RESOLUTION 20-107. 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.

Councilperson Kornbluth requested that resolutions 20-111 and 20-116 be removed from the consent agenda.

- a. **20-108/**To Pay Bills
- b. **20-109/**To Approve Bingo Application BA183
- c. **20-110/**To Approve Temporary Emergency Appropriation
- d. ~~**20-111/**To Accept Proposal and Award Contract – Public Relations Services – Vision Media Marketing Inc.~~
- e. **20-112/**To Authorize Grant Application – New Jersey Library Construction Bond Act
- f. **20-113/**To Approve Change Order No. 2 Final – FY 2017 & 2018 CDBG Road Improvement Program – D&L Paving
- g. **20-114/**To Approve Pay Certificate No. 3 – FY 2017 & 2018 CDBG Road Improvement Program – D&L Paving
- h. **20-115/**To Approve Tax Refund – Lutz Law Group LLC for 38 Hallberg Avenue, 81 Maiden Lane, and 24 Sunrise Terrace
- i. ~~**20-116/**To Approve Phase 1 Environmental Site Assessment (“ESA”) and a Preliminary Assessment (“PA”) – 232 North Washington Avenue and 19 Daggett Street~~
- j. **20-117/**To Approve Proposal – 2020 Road Improvement Program – Remington & Vernick Engineers
- k. **20-118/**To Approve Social Media Policy
- l. **20-119/**To Authorize RFP – Credit Card and Electronic Payment of Municipal Court Fees
- m. **20-120/**To Approve Extension of Contract – Collection of Grass Clippings & Yard Waste, Stumps & Logs, Leaves & Xmas Trees – Nature’s Choice Corporation
- n. **20-121/**To Appoint and Approve Contract – Alternate Prosecutor – Peter Russo, Esq.
- o. **20-122/**To Approve Bid Specifications – Private Collection of Municipal Court Debt

Motion by Council President Marte, second by Councilperson Rivera, to approve the Consent Resolution 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>	Councilperson Rivera:	<i>aye</i>
Council President Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

Motion by Council President Marte, second by Councilperson Rivera, that Resolution #20-111 be approved.

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

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

Motion by Council President Marte, second by Councilperson Deauna, that Resolution #20-116 be approved.

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

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

DISCUSSION

A. Police Department Personnel Matters

Borough Attorney John Schettino stated that typically, personnel matters are discussed in closed session to protect personnel. Mr. Schettino explained the employee has the right to have it discussed in public. The three police officers were all given RICE notices and each of them elected to have the discussion in public. The labor attorney will be giving an update to the Mayor and council.

Borough Labor Counsel John Shahdanian stated that the case *Rice v. Union County Regional High School Board of Education* resulted in RICE notices being given to every employee, who has the right to have their personnel matter discussed in open session. It's rare to do it in public as most employees prefer to have it discussed in closed session, even though they do not have the opportunity to attend the closed session or speak during the discussion. The three individuals who were provided RICE notices were Deputy Chief Chris Massey, Chief Mustafa Rabboh, and Lieutenant Scott MacFie. The Police Chief was given a RICE notice because he was involved in some of the allegations, which involve the Deputy Chief and the Lieutenant. In October 2019, Deputy Chief Massey made a complaint to the borough about some actions of Chief Rabboh, in which he claimed Chief Rabboh violated certain policies and procedures. He used the term retaliation in the complaints, which is taken very seriously, because they can lead to other problems including lawsuits. The Borough Administrator sent the complaint to the Prosecutor's office. The Prosecutor's office reviewed the complaint and returned it back to the borough with a determination that there was no criminality or evidence that led to the criteria that would render a criminal matter. The Borough Administrator and myself discussed it and decided to send it to an outside, independent evaluator, to do an independent analysis. The evaluator hired was Ed DeFazio, a retired Hudson County Prosecutor who became a Hudson County Superior Court Judge. He interviewed a number of individuals involved in the matter. Mr. Shahdanian explained they are waiting for Judge DeFazio's report, which will be reviewed by the Borough Attorney, himself, the Borough Administrator. They will look at the recommendations, report back to the Council, and decide what action, if any, needs to be taken. The borough is adhering to the case law and statutory law in New Jersey regarding claims of employment of discrimination or retaliation requiring a thorough investigation.

Mr. Shahdanian further explained that there was a separate claim from Lt. Macfie at the end of October 2019 claiming Chief Rabboh had violated certain borough and police department policies. He was claiming retaliation because of his alleged support of the Deputy Chief. The correspondence was sent to Borough Administrator Gallo, who then forwarded the complaint to Labor Counsel. It was decided that it was appropriate to send it to Judge DeFazio for his review. They will report back to the Council whether future action needs to be taken with the complaint when they receive the report from Judge DeFazio. The borough has created an open work environment, which is very good. The fact that the Deputy Chief and the Lieutenant feel free to make their complaints to the Administrator demonstrates the borough is being proactive. Mr. Shahdanian stated appropriate action is being taken when the complaints are received, and sending them for an investigation by using a retired County Prosecutor and then went on to be a Superior Court Judge, someone who has an extreme level of experience with law enforcement and knowledge of law.

Borough Administrator Gallo stated this complaint was also sent to the Prosecutor's office, was reviewed with no wrong doing, and sent back.

B. Appointments to the Recreation Committee

Mayor Amatorio recommends and nominates Angel Dominguez and Jacki Teel to the Recreation Committee, term expiring December 31, 2020. Marie Tully, Dick Ong, and Corey White are removed from the committee.

Motion by Councilperson Deauna, second by Councilperson Rivera, to approve the changes on the Recreation Committee. All present voting in favor, none opposed.

COUNCIL COMMENTS

Councilperson Deauna stated it is very pleasing to see a lot of Bergenfield residents attending the meeting.

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

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

Councilperson Rivera thanked everyone for being here.

Mayor Amatorio thanked everyone for coming and to have a great evening.

CLOSED SESSION

RESOLUTION **20-123**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

A. Personnel

1. Administration Personnel Matters

B. Attorney-Client Privilege

1. Status Update – Building

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 Rivera and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 9:57 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, second by Councilperson Pascual and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:38 p.m.

Respectfully submitted,

Marie Quinones
Borough Clerk