

A Work Session of the City Council was held on Tuesday, September 24, 2019 at 6:10 PM in the Council Chamber in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

Mayor Richard Rigoglioso presided. City Clerk Andrew J. Pavlica announced that the Work Session was being held in accordance with the Open Public Meetings Act and that adequate notice was provided by mail, fax and email to the official City newspapers and to other interested parties and by posting the meeting notice on the bulletin boards in City Hall.

Councilmembers Present: Louis G. Aloia, Frank J. Calandriello, Erin N. Delaney, Joseph Delaney and Richard Rigoglioso

Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Representative John Ferraro (for City Attorney Robert Ferraro), Labor Counsel John Lavin and City Engineer Representative Dennis Harrington (for City Engineer Kevin J. Boswell)

#### EPIC STUDENTS

The City Council and Cabinet met with approximately ten Garfield High School EPIC (Empower Peers and Inspire Change) students and their adult advisors including Kathi Viola, who advocated the Mayor and City Council adopt an ordinance prohibiting the sale of juuls, vaping and e-cigarettes to individuals under 21 years of age.

#### GARFIELD NEIGHBORHOOD PRESERVATION PROGRAM

The City Council and Cabinet met with Neighborhood Preservation Coordinator, Michael Lamendola, concerning proposed resolutions regarding the proposed Garfield Neighborhood Preservation Program for the Garfield River to Rail Neighborhood Preservation Program along the Passaic Street corridor whereby the City would receive a \$125,000 a year grant for five years.

#### ANIMAL CONTROL AND FERAL CAT COLONIES

The City Council and Cabinet and City Health Specialist Halina Dabrowska met with the following individuals regarding their objections to Feral Cat Colonies and the City Trap, Neuter and Release Program: Mr. Michael Rodgers of 38 Park Avenue, Ms. Kathryn Morrison of 49 Park Avenue, Mr. Joseph Dymarczyk of 542 Mac Donald Street, and Mr. Tom Lopes of 525 Mac Arthur Avenue.

#### DEPARTMENT OF PUBLIC WORKS

The City Council and Cabinet met with Superintendent of Public Works Sam Garofalo regarding the operations of the Department of Public Works.

#### CLOSED SESSION

Resolution No. 19-286

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to exclude the public from a meeting in certain circumstances, and

WHEREAS, the City Council is of the opinion that such circumstances now exist,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that a "Closed Session" is hereby called at 8:00 P.M. on Tuesday, September 24, 2019, to discuss the following as outlined in N.J.S.A. 10:4-12:

- \* Collective bargaining agreements including the negotiation of the terms and thereof with employees or representatives of employees of the public body; (legal opinion that there is no need for a salary ordinance if there is a collective bargaining agreement).
- \* Tactics or techniques utilized in protecting the safety and property of the public or any investigation of violations or possible violations of the law; (legality of banning juuls, vaping or e-cigarettes).

Work Session September 24, 2109, Continued

CLOSED SESSION

- \* Pending or anticipated litigation or contract negotiations or matters falling within attorney-client privilege; (legal opinion that there is no need for a salary ordinance if there is a collective bargaining agreement).
- \* Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplinary action of personnel unless the individual in the right request a public meeting in writing; (legal opinion that there is no need for a salary ordinance if there is a collective bargaining agreement).

BE IT FURTHER RESOLVED that the matters so discussed will be disclosed to the public as soon as and to the extent that such disclosure can be made without adversely affecting the public interest or without violation of the confidentiality of personnel.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Louis G. Aloia

EXIT OF LABOR COUNSEL LAVIN

At 8:05 PM, Labor Counsel John Lavin left the Work Session during Closed Session and it was duly noted for the record.

ADJOURNMENT

After the City Council came out of Closed Session at 8:10 PM, there being no further business, Councilmember Joseph Delaney moved to adjourn the Work Session. Councilmember Erin N. Delaney duly seconded the motion.

On call of roll, Ayes 5

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Andrew J. Pavlica, CITY CLERK

A Regular Meeting of the City Council was held on Tuesday, September 24, 2019 at 8:20 PM in the Council Chamber in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

Mayor Richard Rigoglioso presided. City Clerk Andrew J. Pavlica announced that the meeting was being held in accordance with provisions of the Open Public Meetings Act and that adequate notice was provided by mail, fax and email to the official City newspapers and to other interested parties and by posting the meeting notice on the bulletin boards in City Hall.

Councilmembers Present: Louis G. Aloia, Frank J. Calandriello, Erin N. Delaney, Joseph Delaney and Richard Rigoglioso

Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Representative John Ferraro (for City Attorney Robert Ferraro) and City Engineer Representative Dennis Harrington (for City Engineer Kevin J. Boswell)

### REPORTS OF OFFICERS

Councilmember Erin N. Delaney moved to approve the Reports of the Cabinet as presented orally and in writing during the Work Session held earlier this evening. Councilmember Aloia duly seconded the motion.

On call of roll, Ayes 5

### PRESENTATION OF RESOLUTION NO. 19-268

A presentation of Ceremonial Resolution No. 19-268 was made to Garfield Recreation Department Summer Counselor Jamie Van Allen for his vigilance in protecting the safety of his fellow human beings and especially for his rapid response in saving a twelve year old girl from choking.

### RESOLUTIONS

Resolution No. 19-287

WHEREAS, The Garfield Little League 2019 Champions are the D'Agostino Chiropractic & Associates team under the direction of their coaches EJ Morano, Bob Giordano, Jason Dowd and Donny Pena with a season record of 10-2, and

WHEREAS, the team is comprised of Jaydyn Dowd, Noah Cruz, Vincent Giordano, Dariel Pena, Julian M. Flores, Alexander Faron, Matthew A. Davis Jr., Mason James, Haaris Chaudhry, Eduardo Marasigan, and Talib McCullough, and

WHEREAS, the City Council is desirous of publicly recognizing the outstanding accomplishments of the Garfield Little League Champions D'Agostino Chiropractic & Associates team,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that CONGRATULATIONS are hereby extended to the Garfield Little League 2019 Champions on their achievement.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

At this time, a CERTIFIED copy of Resolution No. 19-287 was presented to each player on the D'Agostino Chiropractic & Associates team.

Resolution No. 19-288

WHEREAS, Change Makers International Assembly is celebrating its One Year Anniversary in the County of Bergen and its birth was on September 9, 2018 in the basement of Nana and Linda Bediako's House and on October 14, 2018, the Assembly moved to 230 Passaic Street, Hackensack, New Jersey, and

WHEREAS, on July 14, 2019, the Lord brought them to their current location on Midland Avenue in the City of Garfield, and

WHEREAS, the Mayor and Council of the City of Garfield, are desirous of publicly recognizing this One Year Anniversary,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Change Makers International Assembly is hereby CONGRATULATED

RESOLUTIONS

on their One Year Anniversary in Bergen County and hereby extended BEST WISHES on fulfilling their mission of serving the physical and spiritual needs of its Assembly.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 19-289

WHEREAS, Fire Company No. 2 has advised that they have accepted Jessey Suerz of 258 Ackerman Avenue, Clifton, New Jersey 07011 as a regular member, effective September 10, 2019, NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the action taken by Fire Company No. 2 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-290

WHEREAS, Fire Company No. 3 has advised that they have accepted Nichole L. Gloria of 48 Morrell Place, Garfield, New Jersey 07026 as a regular member, effective September 2, 2019, NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the action taken by Fire Company No. 3 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-291

WHEREAS, Fire Company No. 3 has advised that they have accepted Timothy Walsh of 165 Jacob Street, Garfield, New Jersey 07026 as a regular member, effective September 2, 2019, NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the action taken by Fire Company No. 3 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-292

WHEREAS, Fire Company No. 3 has advised that they have accepted Luke Zurita of 88 Clark Street, Garfield, New Jersey 07026 as a regular member, effective September 2, 2019, NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the action taken by Fire Company No. 3 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-293

WHEREAS, Orhan Kesgin, 81 Division Avenue, who is the holder of a Disabled Person I.D. Card No. P2116850, has filed application for a handicapped parking sign to be placed at his address, and WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for "Handicapped Parking", located on the north curb line of Division Avenue commencing 337 feet east of the intersection of Division Avenue and Ann Street and run an additional 20 feet east from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

RESOLUTIONS

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-294

WHEREAS, Karoline E. Palacios, 102 Harrison Avenue, who is the holder of a Disabled Person I.D. Card No. P1959417, has filed application for a handicapped parking sign to be placed at her address, and

WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicapped Parking”, located on the east curb line of Harrison Avenue commencing 102 feet north of the intersection of Harrison Avenue and Naples Street and run an additional 20 feet north from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-295

WHEREAS, Jennsey Nesovski, 51 Jewell Street, who is the holder of a Disabled Person I.D. Card No. P2162713, has filed application for a handicapped parking sign to be placed at her address, and WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicapped Parking”, located on the west curb line of Jewell Street commencing 93 feet north of the intersection of Jewell Street and Columbus Avenue and run an additional 20 feet east from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-296

WHEREAS, Mendel S. Valencia, 375 Madeline Avenue, who is the holder of a Disabled Person I.D. Card No. P2169077, has filed application for a handicapped parking sign to be placed at his address, and

WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicapped Parking”, located on the north curb line of Madeline Avenue commencing 194 feet east of the intersection of Madeline Avenue and Shaw Street and run an additional 18 feet east from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-297

WHEREAS, Jenny R. Rombly, 47 Maple Street, who is the holder of a Disabled Person I.D. Card No. P1861366, has filed application for a handicapped parking sign to be placed at her address, and WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicapped Parking”, located on the north curb line

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of Maple Street commencing 183 feet east of the intersection of Maple Street and Palisade Avenue and run an additional 20 feet east from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-298

WHEREAS, Hermelino Gutierrez, 15 Orchard Street, who is the holder of a Disabled Person I.D. Card No. P1978440, has filed application for a handicapped parking sign to be placed at her address, and

WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for "Handicapped Parking", located on the west curb line of Orchard Street commencing 178 feet north of the intersection of Orchard Street and VanWinkle Avenue and run an additional 20 feet north from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-299

WHEREAS, Gilda Parrish, on behalf of Delgia David, 72 Orchard Street, who is the holder of a Disabled Person I.D. Card No. P2110574, has filed application for a handicapped parking sign to be placed at her address, and

WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for "Handicapped Parking", located on the east curb line of Orchard Street commencing 170 feet north of the intersection of Orchard Street and Belmont Avenue and run an additional 20 feet north from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-300

WHEREAS, Dorothy McCoy, 158 Shaw Street, who is the holder of a Disabled Person I.D. Card No. P2125634, has filed application for a handicapped parking sign to be placed at her address, and

WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for "Handicapped Parking", located on the east curb line of Shaw Street commencing 237 feet south of the intersection of Shaw Street and Lanza Avenue and run an additional 20 feet south from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-301

WHEREAS, Gerald Shilanski, 257 Pierre Avenue, who is the holder of a Disabled Person I.D. Card No. P1783718, has filed application for a handicapped parking sign to be placed at his address, and

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WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicapped Parking”, located on the west curb line of Pierre Avenue commencing 73 feet south of the intersection of Pierre Avenue and Botany Street and run an additional 20 feet south from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-302

WHEREAS, Valerie Angueira, 141 Monroe Street, who is the holder of a Disabled Person I.D. Card No. P2162872, has filed application for a handicapped parking sign to be placed at her address, and

WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicapped Parking”, located on the north curb line of Monroe Street commencing 188 feet west of the intersection of Monroe Street and Midland Avenue and run an additional 20 feet west from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-303

RESOLUTION AUTHORIZING TEMPORARY APPOINTMENT OF ACTING DEPUTY MAYOR

WHEREAS, pursuant to Local Ordinance, Joseph Delaney was appointed Deputy Mayor for the City of Garfield; and

WHEREAS, pursuant to the provisions of state and local law, the Deputy Mayor shall serve in the place of the Mayor and perform all functions of the Mayor in the Mayor’s absence; and

WHEREAS, on Friday, November 1, 2019, it will be necessary and appropriate to temporarily appoint Louis G. Aloia, as Deputy Mayor for the City of Garfield in order to perform the marriage ceremony of Elizabeth Anne Saimson and Miguel Angel Lopez, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, County of Bergen, State of New Jersey as follows:

1. Councilmember Louis G. Aloia be and is hereby appointed Deputy Mayor for the City of Garfield to perform the marriage ceremony of Elizabeth Anne Saimson and Miguel Angel Lopez, and
2. This temporary appointment shall be solely for the purpose of performance of this marriage ceremony and for no other reason. Similarly, no additional authority is granted hereby other than to perform said ceremony and to execute any and all documents which may be necessary in order to effectuate the provision of this Resolution and to confirm the performance of the marriage ceremony as described above.

BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward certified copies of the within Resolution to Councilmember Louis G. Aloia.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

RESOLUTIONS

Resolution No. 19-304

RESOLUTION APPROVING THE SUCCESSFUL BID FOR THE SALE OF 125 RAY STREET, GARFIELD, NEW JERSEY, AND AUTHORIZING THE SALE OF SAID PROPERTY

WHEREAS, pursuant to Ordinance No. 2771, a Public Auction was held by the city Clerk on Thursday, September 19, 2019 at 5:00 p.m. regarding the former Fire House No. Four located at 125 Ray Street, Garfield, New Jersey; and

WHEREAS, the opening bid, as established by the City Council was \$125,000.00; and

WHEREAS, the successful bidder was Mohamad A. Aburoumi of 250 Semel Avenue, Garfield, New Jersey, with a successful bid of \$184,000.00; and

WHEREAS, successful bidder has posted a cashier's check in the sum of \$50,000.00 at the conclusion of the bidding pursuant to the requirements for sale;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield, that City Attorney of the City of Garfield is authorized to convey a quit claim deed of all interest and title to 125 Ray Street to Mohamad A. Aburoumi, for the total consideration of \$184,000.00, and

BE IT FURTHER RESOLVED, that the conveyance of the subject property shall be in accordance with the terms and conditions set forth in Resolution No 19-25, and the subject property shall be sold in its as-is condition.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-305

2019 Garfield Neighborhood Preservation Program Coordinator Appointment

WHEREAS, a New Jersey Department of Community Affairs Neighborhood Preservation Program (NPP) grant in the amount of \$125,000 has been awarded to the City of Garfield for planning and implementation of neighborhood revitalization efforts along the Passaic Street corridor in the City of Garfield, and

WHEREAS, pursuant to the Neighborhood Preservation Program, an NPP coordinator must be appointed by the City to create the NPP 5-Year Strategic Implementation Plan with support of an NPP team, implement the projects in the NPP plan, and report to the state/governing body on tangible program outcomes, and

WHEREAS, the City of Garfield has chosen to strategically partner with Greater Bergen Community Action, Inc. (GBCA) in order to best carry out a comprehensive revitalization of the Passaic Street corridor, and

WHEREAS, it is in the best interest of both the City of Garfield, and GBCA, to appoint a Coordinator that is familiar with the goals and objectives of the state grant program and will honor the valuable feedback of neighborhood stakeholders when creating and implementing an NPP Plan.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of Garfield hereby confirms the appointment of Mike Lamendola as Neighborhood Preservation Coordinator of the aforesaid project, and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the New Jersey Department of Community Affairs so that implementation of the aforesaid project may be expedited.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-306

2019 Garfield Neighborhood Preservation Program Neighborhood Boundaries

WHEREAS, a New Jersey Department of Community Affairs Neighborhood Preservation Program (NPP) grant in the amount of \$125,000 has been awarded to the City of Garfield for planning and implementation of neighborhood revitalization efforts along the Passaic Street corridor in the City of Garfield, and

WHEREAS, pursuant to the Neighborhood Preservation Program, the DCA's program liaison coordinates with the City on neighborhood boundaries that will provide the greatest impact over the grant term, and

RESOLUTIONS

WHEREAS, the boundaries of the Garfield "River to Rail" Neighborhood shall be: 1.) North: Somerset Street (south side properties only included in NPP); 2.) South: Passaic Street (both sides of street included in NPP); 3. West: Passaic River along River Drive; 4.) East: Spencer Place.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of Garfield hereby confirms the boundaries of the "River to Rail" district to be served under the 2019 Neighborhood Preservation Program grant award.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the New Jersey Department of Community Affairs so that implementation of the aforesaid project may be expedited.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-307

A RESOLUTION AUTHORIZING THE BIDDING OF A PROJECT ENTITLED; IMPROVEMENTS TO GRAND STREET, RIVER DRIVE TO PIERRE AVENUE

WHEREAS, the City of Garfield received two grants from NJDOT in connection with the above referenced project, and;

WHEREAS, the NJDOT issued authorization to bid the project on September 18, 2019

NOW THEREFORE BE IT RESOLVED the City Engineer and Clerk are hereby authorized to advertise for the receipt of bids for this project.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-308

A RESOLUTION AUTHORIZING PAYMENT TO LAFORZA CONSTRUCTION IN CONNECTION WITH AN EMERGENCY SANITARY SEWER REPAIR AT 59 LIZETTE STREET

WHEREAS, the City of Garfield solicited quotations for an emergency sanitary sewer repair at 59 Lizette Street, and;

WHEREAS, the lowest quote was received from LaForza Construction Company in the amount of \$9,000, and;

WHEREAS, the repair was satisfactorily completed and approved by the City Engineer and DPW Superintendent

NOW THEREFORE BE IT RESOLVED payment is hereby authorized to LaForza Construction Company for the completed repair.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-309

Whereas, the Chief Financial Officer, and the City Treasurer have identified (1) check that was processed for deposit and;

Whereas, a check identified as My Kitchen-Martin Novoa, Check #1047 in the amount of \$100.00 has bounced and;

Whereas, a replacement check has not been issued and it is desirous for the treasurer to remove an outstanding deposit and;

Now therefore be it resolved that the Fire Prevention Bureau, CFO, and Treasurer are hereby authorized to remove from the bank reconciliation said bad check and also to remove an aggregate amount of \$100.00 from the deposit portion of the bank reconciliation identified as Spencer Savings Bank, Current Account #800741811.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

RESOLUTIONS

Resolution No. 19-310

A Resolution Authorizing the award of the Construction Inspection Services contract for the Garfield Neighborhood Revitalization Streetscape & Pedestrian Safety Project (Phase 1). This project is funded through a Federal Transportation Alternatives Program Grant.

BE IT RESOLVED, the City hereby awards the Construction Inspection Services contract in the amount of \$210,000 to Gannett Fleming for the Garfield Neighborhood Revitalization Streetscape & Pedestrian Safety Project (Phase 1).

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Joseph Delaney

Resolution No. 19-311

A Resolution Authorizing the award of the Construction Inspection Services contract for the Garfield Neighborhood Revitalization Streetscape & Pedestrian Safety Project (Phase 1). This project is funded through a Federal Transportation Alternatives Program Grant.

BE IT RESOLVED, the City hereby awards the Construction Inspection Services contract in the amount of \$210,000 to Gannett Fleming for the Garfield Neighborhood Revitalization Streetscape & Pedestrian Safety Project (Phase 1).

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Erin N. Delaney

BILLS AND CLAIMS

Resolution No. 19-312

RESOLVED by the City Council of the City of Garfield that the following Bill No. 2197 covering Dog Trust Fund totaling \$291.67 and Trust Other Police OT totaling \$5,250.00 and the Current Fund Reserve totaling \$300.00 and the Current Fund totaling \$372,248.48 and the Water Fund totaling \$170,044.11 and the General Capital Fund totaling \$40,599.08 and the Water Capital Fund totaling \$32,574.25 per attached Computer Lists, be ordered paid and the proper officers are hereby authorized to issue checks for same provided there are funds in the respective appropriations, and

BE IT FURTHER RESOLVED that the action of the Mayor, City Clerk and City Treasurer in issuing checks in payment on the Ratification List, which includes twenty one (15) items prior to the meeting be ratified.

See

the

following pages numbered \_\_\_\_\_

for

Bills

and

Claims

ORDINANCES

Ordinance No.

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, September 10, 2019; it was duly published; a copy was posted on the bulletin board in City Hall; copies were made available to the general public and having complied with the law, this ordinance was not read in full and the City Council can now proceed with the public hearing and final passage:

AN ORDINANCE TO AMEND CHAPTER 226 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED, "PARKING" SPECIFICALLY ADDING CHAPTER 226-36, "ILLELIGIBLE MULTI-UNIT PROPERTIES"

City Clerk Pavlica read the ordinance by title.

Mayor Rigoglioso declared a public hearing on same and asked if there were any objections.

Mr. Alan McDaniel, 18 Hepworth Place, asked questions regarding the proposed ordinance.

Ms. Joan Banez, 20 Hepworth Place, questioned how the proposed ordinance would affect the proposed Passaic Street Redevelopment.

Mr. Edward Devine, 179 Market Street, spoke and asked questions regarding the proposed ordinance.

Ms. Dolores Capizzi, 107 Midland Avenue, spoke and asked questions regarding the proposed ordinance.

There being no further objections, Mayor Rigoglioso declared the public hearing closed.

Councilmember Erin Delaney moved that said ordinance do now pass on final passage and that the City Clerk be directed to publish said ordinance in full together with the statement or notice required by law. Councilmember Joseph Delaney duly seconded the motion.

On call of roll, Ayes 1, Nays 4 – Councilmembers Aloia, Calandriello, Joseph Delaney and Rigoglioso

ORDINANCE DEFEATED

CLOSED SESSION

Resolution No. 19-313

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to exclude the public from a meeting in certain circumstances, and

WHEREAS, the City Council is of the opinion that such circumstances now exist,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that a "Closed Session" is hereby called at 9:10 P.M. on Tuesday, September 24, 2019, to discuss the following as outlined in N.J.S.A. 10:4-12:

- \* Matters involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds; (proposed inter-governmental agreement between the City Council and Board of Education to fund the cost of a proposed new athletic sports complex at Garfield High School).
- \* Tactics or techniques utilized in protecting the safety and property of the public or any investigation of violations or possible violations of the law; (appropriate action taken to address aggressive driving of a firefighter from Fire Company No. Three; new procedures implemented to address the installation of water meters in connection with new multi-unit developments).

CLOSED SESSION

- \* Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplinary action of personnel unless the individual in the right request a public meeting in writing; (possible retirements in the Police Department; proposed hiring of additional police officers; appropriate action taken to address aggressive driving of a firefighter from Fire Company No. Three).

BE IT FURTHER RESOLVED that the matters so discussed will be disclosed to the public as soon as and to the extent that such disclosure can be made without adversely affecting the public interest or without violation of the confidentiality of personnel.

On call of roll, Ayes 3, Nays 2-  
Councilmembers Aloia and Calandriello

(Sgd) Joseph Delaney  
Erin N. Delaney

SHORT RECESS, CHANGE OF VENUE AND  
RETURN TO ORDER AND CLOSED SESSION

At this time, a short recess was called to move the meeting down the hall to the second floor Conference Room. At 9:15 PM, Mayor Rigoglioso again called the meeting to order in Closed Session and all City Officials were present as before the recess. It was duly noted for the record.

SHORT RECESS, CHANGE OF VENUE AND RETURN TO ORDER

After the City Council came out of Closed Session at 9:35 PM, a Short Recess was called to move the meeting down the hall to the Council Chamber. At 9:40 PM, Mayor Rigoglioso again called the meeting to order in the Council Chamber and all City Officials were present as before the Recess. It was duly noted for the record.

CITIZENS AND TAXPAYERS

Ms. Dolores Capizzi, 107 Midland Avenue, said that on May 17th, she claimed that her property had been damaged by the contractor who performed road work in her neighborhood. She complained about a ramp, a gas pipe, two curbs and her drain pipe which she said was “tarred” shut.

Ms. Joan Banez, 20 Hepworth Place, spoke on School Officials coming to the past two City Council Work Sessions to discuss the proposed \$8 million in funding for the proposed improvements to the High School Athletic Fields. She said that she knows that the Mayor has to remove himself from the discussions and decision involving the cuts in the defeated School Budget each Spring because he is an employee of the School System. She questioned if the Mayor is in conflict by participating and expressing his opinion to the Council. She spoke on Union City having Athletic Fields at the Jose Marti Middle School which were funded by the State School Development Authority. She asked questions regarding a missing water meter at the Schley Crossing Redevelopment at the South end of Walnut Street. She questioned if the matter was settled in regard to the missing water meter and water main payment at that property. She questioned if there has been any investigation regarding the cause, and as to who was responsible for this event. She said that as to who was responsible for this event, the answer that it was remedied by repair and replacement of the missing water meter is fine, but it is not a sufficient answer, since the Mayor did say that both sides seem to be at fault. She questioned how a Certificate of Occupancy could be issued without a water meter being installed at the site of the new construction. She said that if it had not been for a recent water line break at the site, the missing water meter would have never been discovered. She said that that is a serious issue. She thanked everyone for updating the City Website with Agendas and Minutes. She spoke on the broadcasting of Council Meetings on Cablevision.

CITIZENS AND TAXPAYERS

Mr. Dennis Malicki, 54 Maitland Place, spoke about the proposed Redevelopment at 99 and 100 Passaic Street, and he said that he had questions in regard to the number of dwelling units, the actual size of the building, the parking, and the impact that it will have on the Community, and the residents of Passaic Street. He spoke on the need for this application to go before the Zoning Board of Adjustment or Planning Board. He questioned how the number of 105 dwelling units and six stories came to be. He questioned if it was the Developer who put those numbers together, or an architect, or is the maximum number that can be allowed and then the City Council votes on it, and he said that he cannot seem to get a true answer. He said that he would like an explanation of how it got to be 105 dwelling units and six stories. He questioned if it is the Developer who actually dictates these numbers to the City. He said that on June 11th, these numbers were presented to the Mayor and Council, and he said that the Mayor said that this was the first time that he heard about these numbers. He said that the Mayor said that everything will be gone over, there will be compromises, and the City will move forward. He questioned if there was any discussion of compromise from those 105 units to something that the people have been pleading for in regard to less units and less stories. He said that if there were any discussions of compromise, he would like to know with whom, and what was the outcome. He said that if there were not, through Columbus Park, to Passaic Street, and eminent domain, he said that the City is at a crossroads, and would it not benefit everyone to have a Town Hall Meeting regarding the Redevelopment issues. He said that it is not "Those For Redevelopment" against "Those Against Redevelopment". He said that everybody gets that Redevelopment is a way of life, now, and it has to be, for the City of Garfield to thrive. He said that there is a difference between Redevelopment and Overdevelopment, and that is what is needed to get to as a compromise, and where it is not adversarial. He said that if people know why the Redevelopment has to be 105 dwelling units and six stories, and had the explanation, maybe it would be less adversarial. He suggested an orderly meeting with questions and answers. He said that the better the public is informed, the less adversarial, the more Redevelopment Projects there would be in Garfield. He said that people are afraid of change if they do not know what is coming, and if things were explained to them, they would feel a lot better. He spoke on how the public was treated at a Planning Board meeting held on June 25th.

Ms. Tana Raymond, 93 Spring Street, spoke on the water billing issue involving Meridia Transit and the Schley Crossing Redevelopment at the south end of Walnut Street. She spoke on court fines for illegal apartments. She spoke on the need for City Council Meetings to air on Cablevision. She spoke on Redevelopers making money in Garfield. She asked what the Mayor and City Council planned to build. She spoke on her desire to come to a future Council Work Session to discuss Cat Colonies. She spoke on the Cat Colony maintained by Debbie Lavin on Park Avenue and she spoke on the Bergen County Animal Shelter. She spoke on the City Health Inspector. She spoke on people who appreciate the Garfield Animal Rescue Foundation.

Mr. Alan McDaniel, 18 Hepworth Place, spoke in favor of an initiative to remove sugar, especially in soft drinks, from the Garfield Middle School and how he would also like it removed from Garfield High School. He said that until he attended his first City Council Meeting on July 9th, he could not believe how much antagonism there was in regard to the Passaic Street Redevelopment and he was wondering how it got to that point. He said that he hopes that these two beautiful buildings could be saved on Passaic Street and that an intelligent number of units would be built there that will affect the whole character of the whole street.

Mr. James Farias, 58 Somerset Street, said that he is in full agreement with everyone who spoke tonight and he spoke in favor of putting lofts in the buildings connected with the proposed Passaic Street Redevelopment.

Mr. Edward Devine, 159 Market Street, spoke on the high number of Handicapped Parking Spaces in the City of Garfield. He spoke on the need to air Council Meetings on Cablevision and he said that the City should spend \$10,000 for a Cable TV line to City Hall, if all other options are exhausted.

Ms. Dolores Capizzi, 107 Midland Avenue, said that the Mayor has gone on record regarding businesses that are possible to be located on Passaic Street, including Manhattan Bagel, and she said

CITIZENS AND TAXPAYERS

that there are already established Bagel Business shops that have been in Garfield for years which have supported the community, and the Mayor should take them into consideration before he recruits businesses to come into Garfield.

Mr. Alan McDaniel, 18 Hepworth Place, spoke on the high number of handicapped parking spaces in town and on the qualifications required to be considered for a handicapped parking space.

Ms. Tana Raymond, 93 Spring Street, said that she wants to go on any Committee established to address Cat Colonies. She said that it is wonderful to give these people here tonight the time to address the Mayor and City Council during their Work Session, but it would be nice if City Officials gave the same opportunity to the people of Passaic Street. She said that if the Mayor and Council were able to speak to them, get their input and get their questions, she feels this would ease their concerns and relieve a lot of the tension. She said that not one person in town is in favor of the Passaic Street Redevelopment.

Mr. Alan McDaniel, 18 Hepworth Place, spoke on the Redevelopment Process and the proposed Passaic Street Redevelopment.

Ms. Laurie Calvert, 54 Belmont Avenue, spoke on her alleged treatment by the Mayor and how he walked past her, without acknowledging her.

COUNCILMEMBERS COMMENTS

Councilmember Aloia spoke on the Mayor's ability to discuss and vote on the proposed High School Athletic Fields Project. He said that he feels that the Mayor may be in a conflict of interest, and he knows that he is in conflict which is why he does not vote on the defeated School Board Budget. He said that he should not participate in discussions, and the School Business Administrator is part of his re-election campaign committee, so the Mayor has a number of different conflict of interests. He explained the way Redevelopment worked, when it was established, and he said that it is done blind. He said that the key to the problem with the Redevelopment on Passaic Street, is the plan does not include x-number of parking spaces, and x-number of trees. He spoke on the present policies regarding Handicapped Parking Permits. He spoke on Cat Colonies in town and how perhaps there should be one location in town just for Cat Colonies, where they can be cared for in a proper way.

Councilmember Calandriello spoke on the density and the parking requirements of the proposed Passaic Street Redevelopment Project. He spoke on the Maintenance Bond regarding the Schley Crossing Redevelopment at the south end of Walnut Street. He said that the Developer of that Schley Crossing Project has been designated as the Developer for the proposed Passaic Street Redevelopment. He questioned if there is a conflict of interest in regard to the Mayor concerning the High School Athletic Fields. He spoke on the contractor for road repair work allegedly damaging the property of Dolores Capizzi. He spoke on the broadcasting of Council Meetings on Cablevision. He said that he wants answers in writing regarding the water issues involving the Schley Crossing Redevelopment. He said that he wants to know when the water meter was installed at the Signature Place Redevelopment at 950 River Drive.

Councilmember Erin N. Delaney said that the Town Hall Meeting or some sort of forum is a great idea to have an open conversation regarding Redevelopment. She spoke on reaching out to School Officials and having a meeting with them and the City Manager concerning the proposed broadcasting of Council Meetings on Cablevision and the proposed relocation of the Cable TV line to City Hall from the High School because it is owned by the City. She spoke on Handicapped Parking Spaces throughout town. She spoke on looking at the Handicapped Parking Space Ordinance from the Town of Kearny. She spoke on the Neighborhood Preservation Grant, and the upcoming Street Fair scheduled to be held this Sunday on Midland Avenue in front of Dahnert's Lake. She spoke on Councilmembers having amicable relationships with each other.

COUNCILMEMBER COMMENTS

Deputy Mayor Joseph Delaney spoke on how people do not come to Council Meetings to speak about anything good, they seem to come to only complain. He spoke on the proposed broadcasting of Council Meetings on Cablevision. He spoke on the Garfield Animal Rescue Foundation and on Cat Colonies. He spoke on the City Manager answering questions regarding water meters. He spoke on the City receiving a grant to be applied for landscaping on Passaic Street. He spoke on the proposed improvements to the Sports Facilities at Garfield High School. He spoke on the opinion by some that Mayor Rigoglioso cannot be allowed to vote in regard to the proposed improvements to the Sports Facilities at the High School because he is employed as a Principal at the Middle School.

Mayor Rigoglioso spoke on the Cat Colony discussion that occurred during the Work Session held prior to the Regular Meeting this evening. He spoke on the Ordinance adopted in August regarding Redevelopment on Passaic Street, and he said that he does not know if Manhattan Bagel will ever come to Garfield. He spoke on the need to attract businesses to Garfield. He spoke on whether he can vote on the proposed improvements to the Athletic Fields at Garfield High School.

City Manager Duch spoke on the Water Leak that occurred on Walnut Street that was attributed to the Developer of Schley Crossing. He said that the City has received a check in full from the Developer in the amount of \$12,221, and he said that that sum represents the approximate \$9,300 in the actual costs that were incurred and the rest of it was the engineering fee to have the City Engineer monitor that and make sure that the repair was completed properly. He said that in regard to the question of whether the Maintenance Bond for that Redevelopment was released, he said that the Bond was held, pending the payment of this \$12,221. He said that he expects now that that money has been paid, the City will now get a request for the release of that Bond. He said that on September 4th, the water meter was installed, and one of the buildings had a water meter, while the other building did not. He said that after the missing meter was installed, there was a back-billing for water after the City Water and Sewer Facilities Manager Willard Bierwas met with representatives of the Passaic Valley Water Commission. He said that Mr. Bierwas stayed at the scene from 12:30 PM on September 4th, until the missing meter was fully installed, and he witnessed the installation of the meter. He said that the Passaic Valley Water Commission and Mr. Bierwas determined the back-billing based on a calculation of the meter use at the first building.

ADJOURNMENT

At 10:50 PM, there being no further business, Councilmember Joseph Delaney moved to adjourn the meeting. Councilmember Erin N. Delaney duly seconded the motion.

On call of roll, Ayes 5

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Andrew J. Pavlica, CITY CLERK