

A Special Meeting of the City Council was held Tuesday, December 17, 2019 at 5:15 PM in the Conference Room in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

Deputy Mayor Joseph Delaney 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: Frank J. Calandriello, Erin N. Delaney, Joseph Delaney
Councilmembers Absent: Louis G. Aloia and Richard Rigoglioso
Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Robert Ferraro, Superintendent of Public Works Sam Garofalo and Interim Chief Financial Officer Roy Riggitano

REDEVELOPMENT

The Mayor and City Council met with Professional Planner Paul Ricci, of Ricci Planning, 177 Monmouth Avenue, Atlantic Highlands, New Jersey 07716 concerning the proposed Redevelopment Plan for the old Kalama Chemical site located in the City Block bordered by River Drive, Monroe Street, Cambridge Avenue and Hudson Street.

ARRIVAL OF VARIOUS CITY OFFICIALS

At 5:20 PM, Mayor Richard Rigoglioso joined the Special Meeting and chaired the meeting from this point forward. At 5:20 PM, Councilmember Louis G. Aloia joined the Special Meeting. At 5:25 PM, City Engineer Kevin J. Boswell and Interim Chief Financial Officer Roy Riggitano joined the Special Meeting. It was duly noted for the record.

REPORTS OF OFFICERS

City Manager Thomas J. Duch reported on the following:

1. The Target \$1,000 Grant for the City Soccer Program.
2. The Passaic Valley Water Commission rate increase effective January 1, 2020.
3. The proposed 5 year plan for DPW Equipment and Vehicles.
4. The Crime Reports for the Passaic Street area and the River To Rail Crime Report.
5. The New Jersey Department of Transportation grant in the amount of \$246,104.00 for Midland Avenue curbs and sidewalks.
6. The Friendship Baptist Church Christmas Gospel Program to be held at the Senior Center at 480 Midland Avenue on December 21, 2019 from 3:00 PM to 7:30 PM.

City Engineer Kevin J. Boswell reported on the following:

1. The Neighborhood Revitalization Streetscape and Pedestrian Safety Improvements Project Phase 1.
2. Road Improvements planned for 2020.

CLOSED SESSION

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 6:05 P.M. on Tuesday, December 10, 2019, to discuss the following as outlined in N.J.S.A. 10:4-12:

CLOSED SESSION

- * Pending or anticipated litigation or contract negotiations or matters falling within attorney-client privilege; (Lower Passaic River Newark Bay litigation E-JIF settlement agreement and general release – New Jersey Department of Environmental Protection vs. Occidental Chemical Corp., et.al)
- * 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; (appointment of Humane Enforcement Officer and conflicting legal opinions from New Jersey Attorney General’s Office vs. County Prosecutor’s Office).

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

RESOLUTIONS

After the City Council came out of Closed Session at 6:15 PM, they acted on the following Resolutions:

Resolution No. 19-391

A RESOLUTION AUTHORIZING PAYMENT TO GUARDIAN FENCE COMPANY FOR FENCING AROUND THE WELL 1A TREATMENT FACILITY
WHEREAS, the City of Garfield solicited three quotes for fencing around the Granular Activated Carbon (GAC) treatment facility at Well 1A, and;
WHEREAS, the lowest quote was secured from Guardian Fence Company in the amount of \$18,000, and;
WHEREAS, Guardian Fence completed the work in a satisfactory manner and the City Engineer recommends payment for the work performed
NOW THEREFORE BE IT RESOLVED payment is hereby approved to Guardian Fence in the amount of \$18,000.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Joseph Delaney

Resolution No. 19-392

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
NJS 40A:4-87
WHEREAS, NJS 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and
WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,
NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Service to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$14,071.00 which is now available from County of Bergen Municipal Alliance Grant and;
BE IT FURTHER RESOLVED, that the sum of \$14,071.00 is hereby appropriated under the caption County of Bergen Municipal Alliance Grant; and
BE IT FURTHER RESOLVED, that the above is the result of funds from County of Bergen Municipal Alliance Grant, in the amount of \$14,071.00.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Joseph Delaney

RESOLUTIONS

Resolution No. 19-393

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR FEDERAL AID COST REIMBURSEMENT FOR THE PROJECT “GARFIELD NEIGHBORHOOD REVITALIZATION STREETScape & PEDESTRIAN SAFETY PROJECT (PHASE I)” FEDERAL PROJECT NO. TAP-0401(300)CON

WHEREAS, the City of Garfield has received funding through the Federal Highway Administration Transportation Alternatives Program as administered by the New Jersey Department of Transportation (NJDOT) in connection with the referenced project, and;

WHEREAS, the NJDOT requires the City, as subrecipient of the grant, to enter into an agreement for Federal Aid Cost Reimbursement;

NOW THEREFORE BE IT RESOLVED that Mayor Richard Rigoglioso is hereby authorized to enter into the aforementioned agreement on behalf of the City of Garfield.

Be it further resolved this agreement shall not become binding on either party until executed by the Commissioner of Transportation or the Commissioner’s Designee.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Joseph Delaney

Resolution No. 19-394

A RESOLUTION AUTHORIZING THE ADVERTIZING AND BIDDING OF A PROJECT ENTITLED “GARFIELD NEIGHBORHOOD REVITALIZATION STREETScape & PEDESTRIAN SAFETY PROJECT (PHASE I)” FEDERAL PROJECT NO. TAP-0401(300) CON

WHEREAS, the City of Garfield has received funding through the Federal Highway Administration Transportation Alternatives Program as administered by the New Jersey Department of Transportation (NJDOT) in connection with the above referenced project, and;

WHEREAS, the NJDOT issued authorization to the City, in a letter dated November 25, 2019, to advertise and bid the project;

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. 19-395

RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-12a

WHEREAS, the City of Garfield, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the City of Garfield has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the City of Garfield intends to enter into contracts with the attached Referenced State Contract Vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the City of Garfield authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the City of Garfield pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED, the duration of the contracts between the City of Garfield and the Referenced State Contract Vendors shall be from June 1, 2019 to December 30, 2019.

RESOLUTIONS

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Joseph Delaney

Resolution No. 19-396

RESOLVED, by the City Council of the City of Garfield that the Chief Financial Officer shall and is hereby authorized to make the following transfers as per instructions from the

Chief Financial Officer:

Account Name	Account Number	Transfer From	Transfer To
Police Department S/W	9-01-25-240-240-011	14,000.00	
Municipal Court S/W	99-01-43-490-490-011	5,000.00	
GeneralAdmin/ City Manager S/W	9-01-20-100-100-011		4,000.00
Audit Services	9-01-20-135-135-000		10,000.00
ADP paYROLL Services	9-01-30-412-412-000		5,000.00
		<u>19,000.00</u>	<u>19,000.00</u>

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Joseph Delaney

Resolution No. 19-397

RESOLUTION AUTHORIZING THE CITY OF GARFIELD THROUGH THE GARFIELD POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE 1033 PROGRAM TO ENABLE THE GARFIELD POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies; and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting law enforcement agency; and

WHEREAS, participation in the 1033 Program allows municipal and county law enforcement agencies to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county law enforcement agencies, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Garfield that the Garfield Police Department is hereby authorized to enroll in the 1033 Program for no more than a one year period, with authorization to participate terminating on December 31 of the current year from January 1, 2020 to December 31, 2020; and

NOW THEREFORE BE IT FURTHER RESOLVED, that Garfield Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A", which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-

RESOLUTIONS

military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the next twelve months, based on the needs of the Garfield Police Department, without restriction; and

NOW THEREFORE BE IT FURTHER RESOLVED, that Garfield Police Department is hereby authorized to acquire the following “DEMIL” B through Q” property, if it shall become available in the period of time for which this resolution authorizes (1) utility truck, (6) 5.56 rifles, (2) breaching systems, (2) battering rams, (2) mini door ram, (1) truck trailer, (1) truck, stake; and

BE IT FURTHER RESOLVED, that the Garfield Police Lieutenant Michael Marsh shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the Garfield Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately shall be valid to authorize requests to acquire “DEMIL A” property that may be made available through the 1033 Program and requests to acquire “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with program participation and all property request authorization terminating on December 31st of the current calendar year from January 1, 2020 to December 31, 2020.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Joseph Delaney

BILLS AND CLAIMS

Resolution No. 19-398

RESOLVED by the City Council of the City of Garfield that the following Bill No. 2221 covering Trust Other totaling \$1,500.00 and the Current Fund Reserve totaling \$3980.28 and the Current Fund totaling \$157,506.31 and the Water Fund totaling \$18,719.83 and the General Capital Fund totaling \$42,299.00 and the Water Capital Fund totaling \$9,762.32 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 (21) items prior to the meeting be ratified.

See

the

following

pages numbered _____

for

Bills

And

Claims

ORDINANCES

Councilmember Erin Delaney introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND ARTICLE V CHAPTER 80 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “TRAP, NEUTER AND RETURN PROGRAM (TNR)”

City Clerk Pavlica read the ordinance by title.

Councilmember Erin Delaney moved that this ordinance entitled: “AN ORDINANCE TO AMEND ARTICLE V CHAPTER 80 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “TRAP, NEUTER AND RETURN PROGRAM (TNR)” do now pass on first reading and remain on file with the City Clerk for public inspection until public hearing thereon and further consideration thereof which shall be held January 14, 2020 at 8:00 PM in the City Hall in Garfield and that the City Clerk be directed to publish said ordinance in full together with the notice of such hearing in The Record, at least seven days prior to the hearing.

The motion, duly seconded by Councilmember Joseph Delaney, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 3, Nays 1 – Councilmember Aloia, Abstain 1 – Councilmember Calandriello

Councilmember Erin Delaney introduced in writing the following ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARFIELD ADOPTING A REDEVELOPMENT PLAN FOR THE KALAMA SITE (BLOCK 50.01, LOT 1) PURSUANT TO N.J.S.A. 40a:12a-1 ET SEQ

City Clerk Pavlica read the ordinance by title.

Councilmember Erin Delaney moved that this ordinance entitled: “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARFIELD ADOPTING A REDEVELOPMENT PLAN FOR THE KALAMA SITE (BLOCK 50.01, LOT 1) PURSUANT TO N.J.S.A. 40a:12a-1 ET SEQ” do now pass on first reading and remain on file with the City Clerk for public inspection until public hearing thereon and further consideration thereof which shall be held January 28, 2020 at 8:00 PM in the City Hall in Garfield and that the City Clerk be directed to publish said ordinance in full together with the notice of such hearing in The Record, at least seven days prior to the hearing.

The motion, duly seconded by Councilmember Joseph Delaney, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 5

CITIZENS AND TAXPAYERS

Ms. Dolores Cappizzi, 107 Midland Avenue, asked questions regarding the Redevelopment Ordinance introduced this evening regarding the Kalama Chemical site bounded by River Drive, Monroe Street, Cambridge Avenue, and Hudson Street.

Ms. Joan Banez, 20 Hepworth Place, spoke on her Open Public Records Act request regarding a Crime Report, and on her Open Public Records Act request regarding a State-mandated course required to be taken by members of the Zoning Board of Adjustment and the Planning Board and the Redevelopment Agency.

Mr. Michael Gall, 20 Hepworth Place, questioned if this Special Meeting was being recorded.

COUNCILMEMBERS COMMENTS

Councilmember Calandriello asked questions and spoke on records maintained in connection with the State-mandated course required to be taken by members of the Zoning Board of Adjustment and

Special Meeting December 17, 2019, Continued

COUNCILMEMBER COMMENTS

the Planning Board and the Redevelopment Agency. He spoke on Crime Reports issued by the Police Department. He spoke on the broadcasting of Council Meetings on Cable Television. He wished everybody a Merry Christmas and a Happy Holiday and a Healthy New Year.

The rest of the City Council each wished everybody Happy Holidays, Merry Christmas and Happy New Year.

ADJOURNMENT

At 6:25 PM, there being no further business, Councilmember Erin Delaney moved to adjourn the meeting. Councilmember Calandriello duly seconded the motion.

On call of roll, Ayes 5

Andrew J. Pavlica, CITY CLERK