

A Regular Meeting of the City Council was held Tuesday, July 14, 2020 at 7:15 PM in the Emergency Operations Center in Police Headquarters located at 411 Midland Avenue, 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 under guidelines set forth by the New Jersey Division of Local Government Services in an email dated March 12, 2020 for the conduct of Council Meetings under a Health Emergency. City Clerk Pavlica announced 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 and on the City Website. City Clerk Pavlica also announced that, although not required, a special public notice was also published in the July 11, 2020 edition of the Bergen Record newspaper advising of this meeting being held remotely, and the public was also directed to the City Website for guidance in order to listen and watch and participate. City Clerk Pavlica advised that these actions have been taken to protect the health, safety and welfare of the people of Garfield due to the Coronavirus Pandemic.

Councilmembers Present: Richard Rigoglioso

Councilmembers Present Telephonically: Louis G. Aloia, Frank J. Calandriello, Erin Delaney and Joseph Delaney

Also Present: City Clerk Andrew J. Pavlica

Also Present Telephonically: City Manager Thomas J. Duch, City Attorney Robert Ferraro, City Engineer Kevin J. Boswell, City Auditor Dieter Lerch and Interim Chief Financial Officer Roy Riggitano

#### CORONAVIRUS COVID-19 UPDATE

Mayor Rigoglioso advised that as of today, the City of Garfield has had 874 cases of the Coronavirus, which includes three new cases since July 7, 2020. He reported that there are no new deaths, and the number of deaths in the City of Garfield since the beginning of this Pandemic totals 56. He said that New Jersey has seen a decline in the number of cases, hospitalizations, and deaths for the past four weeks. He spoke on the importance of “social distancing”. He reported that the Garfield School District is moving forward to open up the schools to students and teachers in September. He said that the School District has formed Committees of Principals, Administrators and Supervisors. He said that they are trying to put together an opening that are A-B, with half the students attending school during the A Session on a Monday, followed by the other half of students attending during a B Session on a following day. He said that the proposal is that the A and B Group of students would alternate days Monday through Thursday, with Friday being a day for remote learning for all students.

#### REPORTS OF OFFICERS

City Manager Thomas J. Duch reported on the following:

1. The proposed introduction of an Ordinance concerning the Right of Way for 5G Telecommunications.
2. The recent meeting of Athletic Organizations held on June 29, 2020 at the Sam and Ann Sangis Recreation Center located at 466 Midland Avenue concerning the use of City Recreation Fields.
3. The award of a \$150,000 grant from the Taub Family Foundation to the City of Garfield which will come in amounts of \$37,500 twice this year and twice next year.
4. The communications he has had with the New Jersey State Assembly Members and the State Senator representing the City of Garfield requesting a repeal of the 2017 law allowing the sale of fireworks in New Jersey because it is not working.
5. The preparation of the Council Chamber in City Hall at 111 Outwater Lane to allow for Council Meetings to be held there, and to reopen the building to the public. The purchase of plexiglass guards have been made, accommodations are being made regarding the layout

REPORTS OF OFFICERS

of assigned seating to spread out the Mayor and City Council and City Professionals, including the City Manager, City Attorney, City Engineer, Interim Chief Financial Officer and City Clerk. In preparation, approvals were secured and a 4:00 PM Court Session was held in the second floor Council Chamber/Court Room in City Hall on July 8, 2020, and it went well. However, the following day, the City was advised by Anthony Gallina, the Presiding Judge of the Municipal Courts in Hackensack, that there will be no further Court Sessions until further notice due to safety concerns due to Covid. Renovations had been done to the Building so that people would not have to pass each other, and they would come in one way and exit another way. Quotations have been secured for security cameras and thermal imaging software and facial recognition software, so that anyone who attempted to enter the building with a fever, or other health concerns, would be barred admission.

6. The Re-Opening of the City Parks which are disinfected in the morning, and potentially again in the afternoon.
7. The recent stormwater flooding that occurred under the Train Trestle that spans Passaic Street after a sudden and intense downpour of rain on Monday, July 6, 2020.
8. The increase of Water Usage in the City during the past month.
9. The proposed Resolution regarding the grace period before interest is charged for delinquent payment of taxes.
10. The return of service of the Senior Bus and the protocols to be implemented regarding social distancing and passenger requirements to protect the health, safety and welfare of the riders.
11. The notification dated July 7, 2020 that was received from John Cunningham of the Police Training Commission stating that the Extension of Training Time that was granted on behalf of Garfield Human Law Enforcement Officer Philip Amato will expire, and since his appointment on November 30, 2018, he has failed to complete the required training for the position, and should no longer perform the duties of a Humane Law Enforcement Officer, in accordance with N.J.S.A. 52:17B-68.1. City Manager Duch reported that he is considering appointing Police Officer Francisco Sanchez as Garfield Humane Law Enforcement Officer, since he already holds the required certifications for the position.
12. The purchase of Garfield Recreation Department T-Shirts.

GREATER BERGEN COMMUNITY ACTION

The City Council and Cabinet remotely met with Robert Halsch from Greater Bergen Community Action regarding two business assistance programs, one under the Neighborhood Preservation Program, which is a grant that the City received and they are helping to administer which is designed to do a variety of things along Passaic Street, and the other one is offered by First Bergen Federal Credit Union which is their Community Development Financial Institution, that will make loans available to Garfield Businesses City-wide, not just along Passaic Street, particularly those with Covid-related hardships. The NPP Business assistance grants are between \$1,000 to \$5,000 and are designed to assist with the rehabilitation of physical facades and displays and handicapped-accessibility of businesses along Passaic Street. Another grant would be to reimburse business owners of materials. There are also \$1,000 available for mixed use merchandising grants. Loans up to \$75,000 are also available for businesses City-wide through the First Bergen Federal Credit Union at a very low interest rate for a five year term. Payments can be deferred for the first six months during this time of Covid-related concerns. Bridge loans are also available to grant recipients until the grant kicks in. The money from these programs have to be allocated by the end of the year. The businesses will be provided the information on these opportunities and representatives of Greater Bergen Community Action will provide the literature by going business to business. An email blast will go to the Garfield businesses that are in their database. Posters will

GREATER BERGEN COMMUNITY ACTION

be provided for the City Website and the Greater Bergen Community Action Website. Social Media will be used for advertising as well. Greater Bergen Community Action is also administering the Bergen County CARES Small Business Assistance Program which provides grants up to \$10,000 to any business in Bergen County that was shut down due to Covid Restrictions and was considered a non-essential business and the First Bergen Federal Credit Union is administering that Program for the County. They will also make that information available to City Officials so the information can be advertised widely to businesses throughout the City of Garfield.

REPORTS OF OFFICERS

City Engineer Kevin J. Boswell reported on the following:

1. Various proposed Resolutions for City Council consideration at this meeting.
2. The proposed removal of the train tracks that run down the middle of Monroe Street from Pierre Avenue to the Passaic River.
3. The stormwater drainage under the Train Trestle that spans Passaic Street.

City Manager Duch reported on the following:

13. The Drive-In Movie Event held on Friday, July 3, 2020 at the Garfield High School Athletic Fields near the intersection of Semel Avenue and Palisade Avenue.

City Attorney Robert Ferraro reported on the following:

1. Various proposed Resolutions for City Council consideration at this meeting.

Thomas Carroll of Benecke Economics reported on the following:

1. The Ordinance scheduled for Second Reading tonight regarding the Redevelopment Plan for 281-293 Passaic Street and 8 Clark Street.

COMMUNICATIONS/APPOINTMENTS

City Clerk Pavlica reported that in a letter to him from Mayor Rigoglioso, dated July 14, 2020, the Mayor made the following appointments to the Garfield Free Public Library Board of Trustees:

- \* Mr. Pawal Maslacz, 14 Garden Court South, as a Regular Member to fill the unexpired term of Mr. Reginald Buggs, who has resigned from the board, said term to expire December 17, 2020.

RESOLUTIONS

Resolution No. 20-164

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the following Individuals are hereby appointed to the Garfield Community Advisory Board:

Jorge Ramos  
17 Washington Place, Garfield, NJ 07026

Pastor Christopher Colon  
319 Passaic Street, Garfield, NJ 07026

RESOLUTIONS

Gabrielle Calderio  
199 Lincoln Place, Garfield, NJ 07026

Carlos Cruz  
236 Outwater Lane, Garfield, NJ 07026

Stephanie Urgavitch  
184 Harrison Avenue, Floor2, Garfield, NJ 07026

Jonathan Gordan  
58 Jewell Street, Garfield, NJ 07026

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Erin N. Delaney

Resolution No. 20-165

A RESOLUTION AUTHORIZING THE CITY ENGINEER TO COORDINATE PAVEMENT RESTORATION WORK WITH PSE&G FOLLOWING THE INSTALLATION OF GAS MAIN AND SERVICES REPLACEMENTS THROUGHOUT THE CITY

WHEREAS, PSE&G has been replacing gas mains and services on multiple roadways throughout the City, and;

WHEREAS, the restoration work involves paving either portions of or the entirety of roadways based upon location of the gas main and date when the respective roadway was last paved, and;

WHEREAS, the City and PSE&G have previously coordinated the restoration work to add and delete certain paving work in order to maximize the benefits to the City,

NOW THEREFORE BE IT RESOLVED, the City Engineer is hereby authorized to continue to provide these services in 2020 for a total fee not to exceed \$20,000.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Frank J. Calandriello

Resolution No. 20-166

A RESOLUTION AWARDED A CONTRACT TO ZUCCARO, INC. FOR THE NEIGHBORHOOD REVITALIZATION STREETScape AND PEDESTRIAN SAFETY IMPROVEMENTS, PHASE I

WHEREAS, the City of Garfield received bids for the above referenced project on February 11, 2020, and;

WHEREAS, six bids were received and the lowest bid was received from Zuccaro, Inc. in the amount of \$964,149.50, and;

WHEREAS, the NJDOT has awarded a federal grant to fund the majority of this project, and one of the requirements was to first secure authorization from the NJDOT to award this contract, and;

WHEREAS, authorization to award the project was recently secured from the NJDOT, and;

WHEREAS, an extension to award the project was secured from the three (3) lowest bidders to allow this contract to be awarded greater than 60 days after the receipt of bids, and;

WHEREAS, the City has reviewed the Zuccaro bid and found it to be responsive to the bid documents, and;

WHEREAS, Resolution #20-131 provided for the execution of the grant award agreement between the City and NJDOT,

WHEREAS, this resolution supersedes Resolution 20-146, passed on June 9, 2020,

NOW THEREFORE BE IT RESOLVED, the City of Garfield hereby awards this contract to Zuccaro, Inc. for the low bid amount of \$964,149.50.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Frank J. Calandriello

RESOLUTIONS

Resolution No. 20-167

A RESOLUTION AWARDING A CONTRACT TO FIELDTURF FOR THE REPLACEMENT OF THE TURF FIELD AT BELMONT OVAL/LOFASO FIELD

WHEREAS, the City of Garfield is desirous of replacing the turf field at the Belmont Oval Park, and;

WHEREAS, FieldTurf was the manufacturer of the existing field, and;

WHEREAS, the materials and installation may be contracted via the Educational Services Commission of New Jersey (ESCNJ) Cooperative Purchasing Program, and;

WHEREAS, FieldTurf provided a detailed proposal dated June 23, 2020 to perform this work via this program and further included a repeat loyalty discount resulting in a significant savings from the established prices within the ESCNJ program, and;

WHEREAS, the project pricing via the program is \$466,132, and;

WHEREAS, the loyalty discount from this amount is \$175,292 resulting in a net cost to the City of \$290,840, and;

WHEREAS, the City intends to utilize a Bergen County Community Block Grant in the amount of \$217,888 to offset the cost to be borne by the City,

NOW THEREFORE BE IT RESOLVED the City of Garfield hereby awards a contract to FieldTurf via the ESCNJ program in the amount of \$290,840 via purchase order pursuant to the terms and conditions of the ESCNJ program and applicable NJ State Law

BE IT FURTHER RESOLVED, this contract is conditioned on the replacement work being started and completed during the month of September, 2020.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Frank J. Calandriello

Resolution No. 20-168

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO SMITH-SONDY ASPHALT CONSTRUCTION FOR THE MONROE STREET IMPROVEMENTS AND MIDLAND AVENUE CURB AND SIDEWALK IMPROVEMENTS

WHEREAS, the City of Garfield received grants from the NJDOT and the Bergen County Office of Community Development for the above referenced improvement, and;

WHEREAS, this project was publicly advertised and bids were received at 11 AM on July 9, 2020, and;

WHEREAS, seven (7) bids were received with the lowest bid being received from Smith-Sondy Asphalt Construction in the amount of \$781,298.21, and;

WHEREAS, this bid is consistent with the engineer's estimate for this project as well as the appropriated funding, and;

WHEREAS, the City Engineer has reviewed the Smith-Sondy bid and determined the bid is responsive and complete,

NOW THEREFORE BE IT RESOLVED the City of Garfield hereby awards a contract for the above referenced project to Smith-Sondy Asphalt Construction for the low bid amount of \$781,296.21.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Frank J. Calandriello

Resolution No. 20-169

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;

RESOLUTIONS

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 January 1, 2020 to June 30, 2020.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Frank J. Calandriello

Resolution No. 20-170

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a Refund due to overpayment for the year 2020.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, that the proper offices are hereby authorized to issue a check refunding this over payment and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
203.06	14	Konik, Lukasz	O/P	\$1,889.00

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Frank J. Calandriello

Resolution No. 20-171

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a Refund due to overpayment for the year 2020.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, that the proper offices are hereby authorized to issue a check refunding this over payment and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
170.04	44	Mario Kardys	O/P	\$2,280.00

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Frank J. Calandriello

Resolution No. 20-172

WHEREAS, 28 Botany St Associates, LLC is the owner of real property known on the Tax Map of the City of Garfield as Block 109, Lot 16.01, commonly known as 28 Botany Street, in the City of Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the year(s) 2020, bearing Docket No. 21-2000117L; and

WHEREAS, Robert McNerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Lavin & Associates, P.C., have recommended that the appeal be settled; and

WHEREAS, said properties were assessed for the year(s) as follows:

RESOLUTIONS

Block 109, Lot 16.01 (Street Address- 28 Botany Street):

Year	Land	Improvements	Total
2020 Original Assessment	\$266,000.00	\$129,900.00	\$395,900.00

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Garfield, Bergen County, New Jersey, that the Special Litigation Counsel is hereby authorized to enter into a settlement of the real property tax appeal by reducing the assessments as follows:

Block 109, Lot 16.01 (Street Address- 28 Botany Street):

Year	Land	Improvements	Total
2020 Settlement	\$266,000.00	\$84,000.00	\$350,000.00

BE IT FURTHER RESOLVED, that no interest be paid on any refund or credit due the taxpayer provided it is paid within the statutory time period; and

BE IT FURTHER RESOLVED, that the City Special Litigation Counsel is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Frank J. Calandriello

Resolution No. 20-173

WHEREAS, 377 MacArthur Avenue, LLC is the owner of real property known on the Tax Map of the City of Garfield as Block 125, Lot 11, commonly known as 377 MacArthur Avenue, in the City of Garfield, County of Bergen and State of New Jersey, and has filed real property tax appeal for the year(s) 2020, bearing Docket No. 21-2000118L; and

WHEREAS, Robert McNerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Lavin & Associates, P.C., have recommended that the appeal be settled; and

WHEREAS, said properties were assessed for the year(s) as follows:

Block 125, Lot 11 (Street Address- 377 MacArthur Avenue):

Year	Land	Improvements	Total
2020 Original Assessment	\$125,100.00	\$174,000.00	\$299,100.00

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Garfield, Bergen County, New Jersey, that the Special Litigation Counsel is hereby authorized to enter into a settlement of the real property tax appeal by reducing the assessments as follows:

Block 125, Lot 11 (Street Address- 377 MacArthur Avenue):

Year	Land	Improvements	Total
2020 Settlement	\$125,000.00	\$125,000.00	\$250,000.00

BE IT FURTHER RESOLVED, that no interest be paid on any refund or credit due the taxpayer provided it is paid within the statutory time period; and

BE IT FURTHER RESOLVED, that the City Special Litigation Counsel is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Frank J. Calandriello

RESOLUTIONS

Resolution No. 20-174

Resolution Establishing the Rate of Interest for Delinquent Taxes

WHEREAS, N.J.S.A. 54:4-67a permits the governing body by resolution to fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal liens or charges, on or before the date when they would become delinquent; and

WHEREAS, the statute fixes the rate of interest cannot exceed 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00, to be calculated from the date the tax was payable until the date that actual payment to the tax collector is made; and

WHEREAS, the City of Garfield adopted resolution 18-18 setting the Rate of Interest for Delinquent Taxes; and

WHEREAS, due to the COVID-19 pandemic and the State and Federal declarations of a major disaster throughout New Jersey, the governing body of the City of Garfield wishes to change the rate of interest for future delinquent tax payments for the third quarter, 2020;

NOW THEREFORE, BE IT RESOLVED, by the governing body of the City of Garfield, in the County of Bergen, that the rate of interest for third quarter 2020 taxes unpaid after August 10, 2020, is fixed at zero percent (0.00 %) through September 9, 2020; and

BE IT FURTHER RESOLVED, that the rate of interest for taxes unpaid after September 9, 2020 shall be eight percent (8%) per annum on the first \$1,500 of delinquency and eighteen percent (18%) per annum on any amount in excess of \$1,500.00; and

BE IT FURTHER RESOLVED, that the decrease in interest rates set forth herein shall only apply to taxes billed for the third quarter, 2020, and not for any other quarters, before the third quarter, 2020, or thereafter.

BE IT FURTHER RESOLVED, that the rate of interest for taxes unpaid shall be calculated from date of the quarterly payment until the date of actual payment; and

BE IT FURTHER RESOLVED, the six percent (6%) per annum penalty on any fiscal year delinquency in excess of \$10,000.00 will remain in force; and

BE IT FURTHER RESOLVED, this Resolution shall be published in its entirety once in the official newspaper of the City of Garfield and a copy of this adopted Resolution forwarded to the Division of Local Government Services in the Department of Community Affairs

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Frank J. Calandriello

BILLS AND CLAIMS

Resolution No. 20-175

RESOLVED by the City Council of the City of Garfield that the following Bills No. 2240 to 2244 covering Dog Trust Fund and Community Policing Trust Fund totaling \$26,895.41 and the Current Fund Reserve totaling \$152,642.45 and the Current Fund totaling \$3,972,224.06 and the Water Fund Current Fund totaling \$81,175.20 and the General Capital Fund totaling \$140,556.46 and the Water Capital Fund totaling \$6,438.00 per attached Computer Lists, dated June 10, 2020, 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 seven (27) items prior to the meeting be ratified.

See

the

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

for

Bills

and

Claims

ORDINANCES

Ordinance No. 2842

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, June 23, 2020; 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:

ORDINANCE OF THE CITY OF GARFIELD, COUNTY OF BERGEN, NEW JERSEY, ADOPTING A REDEVELOPMENT PLAN FOR THE PROPERTIES COMMONLY KNOWN AS 281-293 PASSAIC STREET AND 8 CLARK STREET AT BLOCK 41, LOTS 1.01, 1.02, 5 AND 6 AS SHOWN ON THE TAX MAP OF THE CITY OF GARFIELD, AND AMENDING ORDINANCE CHAPTER 341-16 BY ADDING CERTAIN ADDITIONAL RESTRICTIONS AND ALLOWANCES TO THE R-2 ZONING DISTRICT PURSUANT TO N.J.S.A. 401A:12A-1 ET SEQ., THE LOCAL REDEVELOPMENT AND HOUSING LAW

City Clerk Pavlica read the ordinance by title.

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

There being none, Mayor Rigoglioso declared the public hearing closed.

Councilmember Erin N. 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 3, Nays 2 –  
Councilmembers Aloia and Calandriello

Councilmember Joseph Delaney introduced in writing the following ordinance entitled:

AN ORDINANCE TO PROVIDE FOR THE AMENDMENT OF CHAPTER 341 ZONING OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD WITH THE ADDITION OF A NEW SECTION ENTITLED “RIGHTS-OF-WAY FOR 5G TELECOMMUNICATIONS”

City Clerk Pavlica read the ordinance by title.

Councilmember Joseph Delaney moved that this ordinance entitled: “AN ORDINANCE TO PROVIDE FOR THE AMENDMENT OF CHAPTER 341 ZONING OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD WITH THE ADDITION OF A NEW SECTION ENTITLED “RIGHTS-OF-WAY FOR 5G TELECOMMUNICATIONS” 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 September 22, 2020 at 7:00 PM in the new Police Station 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 Mayor Rigoglioso, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 5

Councilmember Joseph Delaney introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND CHAPTER 161 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “GARAGE SALES” TO ADD CHAPTER 161-10 ENTITLED “CITY WIDE GARAGE SALES”

City Clerk Pavlica read the ordinance by title.

ORDINANCES

Councilmember Joseph Delaney moved that this ordinance entitled: AN ORDINANCE TO AMEND CHAPTER 161 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED "GARAGE SALES" TO ADD CHAPTER 161-10 ENTITLED "CITY WIDE GARAGE SALES" 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 September 22, 2020 at 7:00 PM in the new Police Station 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 Mayor Rigoglioso, 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

City Clerk Pavlica read the following statements and questions which were received via email:

From Tana Raymond, 93 Spring Street:

Hi Drew

Please read my questions for the meeting and I ask that you do it without the drama like your trying out for the lead in the school play. You appear to add drama to my questions and emphasis that you don't do to others. But I am proud of you that you wear a mask that many of the others don't do!! Please include this in my statement.

1. When are the virtual meetings going to discontinue? There is plenty of room in the council chamber for the council to wear face masks and adhere to the 6 ft distancing. You could limit the public to 25 people seated more than 6 ft apart with masks on. This virtual meeting was appropriate during the height of the Pandemic but I think it's time to open up City Hall to the residents at the public meeting with the council in attendance. I suspect the council likes getting the questions in advance to prepare their answers but the problem is they answer half the questions. I consider that a lack of transparency.

2. It was great that the events committee held a drive in movie night with a donation from Spencer Bank who always has been a very loyal contributor to our community. I do resent the fact that the Mayors ticket "2020 Vision for the Future" advertised their slogan and graphics on the movie screen paid for by the majority of taxpayers money! They don't have the right to use taxpayers money to further their political agenda. They seem to be engaging in desperate measures never missing an opportunity to lead the taxpayers into thinking they are sponsoring things that they are not. Another example is the exercises for the seniors at Belmont Gardens. While it is great for the seniors they were given the impression that it was sponsored by the political sign on the DJ's truck. It was NOT! Again, the DJ was paid with taxpayers' money. I suggest the attorney and /or Mr Duch explain to them they can't promote candidates with taxpayers money. Mr Attorney, is this legal or ethical? I want an answer.

3. Has anyone fact checked Councilman Aloia's figures that he submitted at the last meeting pertaining to the worth of the properties that are being developed. Let me refresh your memory. I have paper work from the assessor that says the Garfield Commons, which is the Walmart property, is 37 acres and assessed at \$45,000,000.00 while the Kalama property is on 7 acres and assessed at \$50,000,000.00. How is this possible? It makes no sense. I'm not a mathematician but I have common sense. There is something wrong here. I would hope someone looked into this and fact checked the figures. Could someone please explain it to me? I now suspect we are not going to get the amount in taxes that we were told we would get. This has all the makings of a travesty. I hope I am wrong. I was also told by someone who spoke to the developer that he is developing another piece of property in Garfield. Is the majority giving him a pilot on that parcel also? Where is it? If

CIIZENS AND TAXPAYERS

you remember, I publicly told this council that the developer told a friend of mine who is from Garfield originally "THERE IS ALOT OF MONEY TO BE MADE IN GARFIELD". It's a matter of public record. I would like to know if ANYONE on this council has accepted a contribution for their campaign from this developer in the spirit of transparency? Please poll the entire council.

4 Lastly, it is so unfortunate that the Mayor can't remember not one name of the 50 developers he said he had coffee with and discussed developing on Passaic Street and River Road. I would have liked to contact a few and ask what is wrong with Garfield that they didn't want to develop here? I would like to know. Please Mayor, in the future keep notes and a log when you meet with someone that is going to affect our community and taxpayers money. That will leave no room for anyone to doubt you are truthful. Taxpayers have the right to know .....IT'S CALLED TRANSPARENCY! This developer will get a 48% discount on his taxes that no other taxpayer gets . He also has to only pay taxes on the apts he rents. I hope you are all aware that Hackensack is building 3000 apts near a transit station which has many emenities such as a swimming pool , gyms,stores and transportation. The rents are similar to Garfield but It is in an area that is not densely populated. And guess what....I hear he was not given a PILOT on that property!!! If we learned one thing during this Pandemic it's that Garfield is very densely populated. Redevelopment is great for our community but we need sensible redevelopment. We need businesses to bring in ratables not apartments to overload an already overcrowded school system.

5. The quality of life has diminished for many of our citizens with these fireworks going off every night for the last 4 or 5 weeks. It continues into the wee hours. The police respond when we can give them an approx area but the cowards hide. Last week there was a family having a BBQ and someone threw fireworks over the fence into their yard where there were 5 children playing and 4 dogs. That is dangerous and very inconsiderate. People pay taxes and rent and have the right to live in peace and quiet and enjoy their homes. Would this council please either pass an ordinance or resolution with a fine for lighting fireworks other than on July 4th. They are setting off illegal fireworks not the legal type that NJ allows. Please address this issue tonite. Residents are very upset and yes I am getting many phone calls because people are beside themselves when their dogs and cats get so frightened. One woman sent me a text of her 1 yr old screaming from fright. It was pitiful. We will be anxiously waiting for your solution.

From John L. Rowe, 546 Palisade Avenue:

Mr Pavlica:

I have the following questions for tonight's meeting.

I have seen several agendas with tax appeal matters recently.

- 1) For the Attorney, is it legal for a member of the governing body to appeal their property taxes on a home/property they personally own or that of a company/Llc they have control over?
- 2) What process would occur in an appeal by a governing body member vs that of an ordinary taxpayer to avoid conflict of interests.
- 3) do you, or does anyone review these present settlements to ensure that none of the agents involved in the process, tax assessor, appraisal firms, attorney, or tax court staff, were not involved in previous tax appeals brought forward by governing body members or their agents

Or does that responsibility lie with the individual council members to do that kind of research and make sure they are not conflicted from voting.

John L Rowe  
Palisade Avenue

Regular Meeting July 14, 2020, Continued

CITIZENS AND TAXPAYERS

From: Joan Banez, 20 Hepworth Place:

Hi Drew,

If it is not too late, please have these 2 questions read at tonight's meeting.

Thank you,

Joan

1. When will the virtual meetings resume and be held at City Hall?

2. At the last meeting I asked for an estimate on how much the taxes on the Passaic St would be without a PILOT and I was told that would be too difficult for Garfield to formulate. I am asking, if after 2 weeks time, an answer has been formulated?

I also read about a development in West Milford and the site there will be completed in Nov 2022 and that site, in that town would be responsible for an estimated \$550,000 in property taxes each year. So that is why I was asking the same information be given by Garfield as to the 'non PILOTed' estimated taxes for Passaic St.

If you are able to formulate the taxes FOR the PILOT so easily, why are you NOT able to formulate the taxes without the PILOT?

The residents of Garfield should have this information available.

City Clerk Pavlica read the following statements and questions which were sent in electronically during the conduct of this meeting:

From: Edward Devine, 159 Market Street:

Question: Update from Mr Duch on Fleischers Brook. No progress on Market St. Hazardous condition for years now.

Question: Verizon channel. Needs attention. Goes off for days at a time. I believe there should be more than one or two people in town who are capable of resetting this system when needed. This is nothing more than basic DVR operation.

Question: Last time the streets were repaved they were not shaved down sufficiently and many existing curbs were let at street level. I was told that the next time the streets were paved there would be curb replacement on Market St. Guess what? Market St is about to be shaved down tomorrow and repaved on Thursday. No curb replacement. This is a particular problem on Market St due to the well know flooding issue. The water ends up going all the way to some folks front steps, which happened last week during the torrential rainstorm.

Question: There is now another burned out property on Jewell St in addition the the burned out property on Prospect St. There is also the old Mae and Ollies property which has sat vacant for years. 3 distinct properties. These properties make the area look like garbage. Approval for building was issued by the zoning board many months ago by for the Mae and Ollies property. Are there any regulations pertaining to how long these property owners can maintain (or actually not maintain) these eyesores? Residents get summonses for not cutting their grass yet these properties are allowed to exist in unhabitable condition for an indeterminate amount of time?

Question: Mr. Aloia hit a grand slam with his summation of the movie advertising. I'm sure if residents had a opportunity to place a ad during the movie the response would have been great and the income would have further defrayed the cost of the movie to residents.

Question: For Miss Delaney (who was kind enough to offer to pick up my used plastic bags). I

believe the city needs a drop off box of some sort for plastic bags. Price rite no longer takes them.

Regular Meeting July 14, 2020, Continued

CITIZENS AND TAXPAYERS

Perhaps something similar to a clothes drop box. Currently the DPW takes them 2x per year during their shredding day. Not enough.

Question: what's the grace period on the August tax payment?

From: Patricia Nayda, 184 Shaw:

Was the Garfield Girls Softball League invited to the June 29<sup>th</sup> meeting at the rec ctr?

From: Joan Banez, 20 Hepworth Place:

Question: I would to ask for all the directions to get on line in order for the public to ask question and respond be made more clearly and precisely as the meetings are not easily accessed by the general public... this is very difficult to access....are you able to do this?

COUNCILMEMBER COMMENTS

Councilmember Aloia explained his opinion that the City will be losing too much tax money with the proposed PILOT Agreements. He thanked Reggie Buggs for his service to the City while being a member of the Garfield Free Public Library Board of Trustees. He spoke on the Police responding to citizen complaints about fireworks being fired off throughout the town. He spoke on the probable increase in the number of property tax appeals expected to be filed due to the negative impact to businesses because of the Coronavirus Pandemic. He spoke on how the City's Police Officers, City Workers, DPW Employees, Volunteer Firefighters, and others, have been vilified quite a bit lately, and may not have deserved the wrath of the public because of the actions of a bad Police Officer in Minneapolis, Minnesota that resulted in the death of a Black man. He said that the good should not be grouped with the bad, and he invited Mayor Rigoglioso to be part of a Program that he is instituting to buy Police, DPW employees and City Volunteers lunch. He said that he will institute a "Go Fund Me" Page to recognize the good that people have done, to give those serving the public a "pat on the back". He said that he wanted to make it public so the entire Council is aware of this proposal, and he said that he wants to recognize the goodness of the people who work and serve in the City of Garfield.

Councilmember Calandriello spoke on holding meetings in City Hall and the need to end virtual meetings. He spoke on the progress of improvements to Market Street. He spoke on the meeting of various City Athletic Organizations that was held by the Recreation Department and the inclusion of the Girls Softball League. He thanked Reggie Buggs for his service on the Garfield Library Board of Trustees. He spoke on the taxes expected to be collected in regard to Redevelopment Projects at 99 and 100 Passaic Street. He spoke on the flash flood of storm water that collected under the Train Trestle that spans Passaic Street during a recent heavy rainstorm. He spoke on how the Passaic Street Redeveloper can have a sewer study done and how this issue can be addressed. He spoke on how he has never accepted, and never will accept, any campaign money from any Developer in town. He said that he understands that the Mayor may not remember fifty Developers with which he claims he met, but he will gladly accept hearing the names of five Developers with which the Mayor met. He said that he would like to hear what any Developer proposed because they may have come up with a good idea for the City to consider. He complained about the broadcasting of Council Meetings on Cable Television and how the Station is down frequently. He spoke on Redevelopment, and how he is for Development and not Over-Development. He spoke on Payment in Lieu of Taxes Agreements. He said that politics is no place for City events and he complained about a political advertisement that appeared on the movie screen during Movie Night held at the athletic field near the intersection of Semel Avenue and Palisade Avenue on Friday, July 3, 2020. He said that if advertisements are open to one political group, they should be open for all.

Councilmember Erin Delaney spoke on the need for the City Council to meet in person, practice social distancing, but not yet allow the public to be physically in attendance. She spoke on the need

COUNCILMEMBER COMMENTS

to hold a Work Session before the Regular Meeting. She spoke on advertisements that were on the screen of the July 3<sup>rd</sup> Movie Night. She spoke on City Manager Duch reaching out to New Jersey State Legislators requesting a ban of the sale of fireworks in New Jersey. She said that she felt that it was inappropriate for Ms. Raymond to address City Clerk Pavlica in the manner in which she did. She spoke on the need to address improvements to Market Street. She spoke on Recycling Drop Off areas. She thanked Reggie Buggs for his service on the Garfield Free Public Library Board of Trustees. She said that she is sure that Mr. Maslaczg will be a dedicated member on the Library Board. She said that she is happy that City Manager Duch is keeping an eye on restricting overtime costs. She spoke on the broadcasting of Council Meetings on Cable TV.

Deputy Mayor Joseph Delaney spoke on the Redevelopment Ordinance adopted this evening in regard to property near the intersection of Clark Street and Passaic Street. He said that he feels that it is not right for a Councilmember, who is someone who sets the taxes to be paid by the property owners of the town, to file for a Tax Appeal. He spoke on the need to address buildings that are run down and empty around town. He said that that is why he is so for Redevelopment. He said that City Auditor Lerch had advised the City Council that the City is expected to receive approximately \$15 million over the life of the PILOT Agreements. He spoke on the advertisements on the movie screen during the July 3<sup>rd</sup> Movie Night. He spoke on citizen complaints of disruptive fireworks being shot off throughout the entire State of New Jersey according to newspaper articles. He spoke on reaching out to County Executive James Tedesco in his efforts to get the sale of fireworks banned in Bergen County. He spoke on quality of life issues in the City of Garfield. He spoke on the recent increase of Water Usage in the City. He spoke on flash flooding all over town that occurred during a recent heavy rain storm. He spoke on the Girls Softball League being invited to a meeting of Athletic Organizations held at the City Recreation Building. He spoke on City Council Candidates needing to file campaign finance information with the New Jersey State Election Law Enforcement Commission. He thanked Greater Bergen for their presentation this evening. He congratulated all the Garfield High School and Middle School Graduates. He spoke on the newly created Community Advisory Board. He thanked Reggie Buggs for his service on the Library Board. He congratulated Pawal Maclaczg on his appointment to the Library Board and he commented on how he was a graduate of Columbia University and is now attending Dartmouth. He told everybody to enjoy the Summer.

City Manager Duch spoke on the Market Street Improvement being a Public Service Electric and Gas Company Project and how the curbs and sidewalks should be addressed. He spoke on how every Athletic Organization was invited to the recent meeting at the City Recreation Center. He spoke on how the Hackensack Projects that were mentioned have 30 year PILOT Agreements associated with them and how the Garfield PILOT Agreements were only 15 year PILOT Agreements that were negotiated by a team of experts for the City of Garfield. He spoke on how a Water and Sewer Study were performed later in regard to the Walnut Street/Schley Crossing Redevelopment which resulted in upgrades to the site in conjunction with the City Engineer. He spoke on how if a Developer shows up at the door of the City Manager's Office or the Mayor's Office, it is not unusual to show a potential Developer the Passaic Street map and area, and Redevelopment Zone Map, which is a public document, and if a Developer is interested, they may come back for additional meetings, and no one is turned away. He said that whatever information he can provide a person, he gives them, and he does not keep a log of those who come to City Hall. He spoke on the broadcasting of Council Meetings on Cable TV. He spoke on first providing warnings, rather than a summons, to those property owners who may need to address property maintenance issues during the Pandemic. He spoke on the closing of the Municipal Court being a considerable financial drain on the City of Garfield, and resulting in the Court Docket being extremely backed-up. He said that there was an attempt to have Court in Session but because of the Coronavirus Pandemic, the City could not hold Court. He spoke on how PILOT Agreements have been used up and down the State of New Jersey to spur the development of blighted properties in blighted areas. He said that PILOT Agreements are specifically authorized by State Law, and failure to take advantage of them, as the City seeks to aggressively Redevelop the Kalama Chemical site, and the Passaic Street area, would represent a significant missed opportunity for the City. He said that on behalf of the City, he has engaged the best experts possible in regard to the PILOT

Program. He said that he has sought and obtained guidance from City Auditor Dieter Lerch, Frank

Regular Meeting July 14, 2020, Continued

### COUNCILMEMBER COMMENTS

Regan of the Decotiis Law Firm, Appraiser Robert McInerny, and others. He said that the properties in question are generating minimal tax dollars at this time, and when fully developed and occupied, these properties will generate over \$600,000 annually for the City. He said that much has been made in the past of the Developers estimated costs of \$50 million, to develop the property. He said that after considerable analysis, City Tax Assessor Jamie Tighe determined that the market value of these improvements would be approximately \$40 million, and if you apply the Table of Equalized Evaluations against that assessment, properties in Garfield are currently assessed at 80% of true value. He said that applying that percentage against the value of \$40 million results in an assessed value of \$32 million. He spoke on the process regarding applications before the Planning Board. He spoke on the City having a proven Developer in Meridia, and how they took the Sketchley/Schley Crossing Redevelopment site at the south end of Walnut Street and brought it from a heavily contaminated site to a pristine, clean, environmentally acceptable residential site, and the cleanup went beyond what was originally anticipated. He said that the Developer completed the cleanup, thereby, eliminating the need for the residents, who live around the site, to disclose that they live near a hazardous waste site. He said that the cleanup and residential development resulted in upgraded water lines and sewer lines, as a result of water and sewer surveys, which took place and were supervised by the City Engineer after the development was approved. He said that the City should be extremely proud of the work that was done with the execution and completion of the Redevelopment Project at the intersection of Outwater Lane and River Drive. He spoke on how successful that Project was. He said that with the assistance of Dieter Lerch, Frank Regan, Robert McInerny, and others, the City will move forward with Redeveloper's Agreements that will enhance the City's Streetscape, improve the City's Aesthetics, Infrastructure, and Security, widen roads where necessary, and include the dedication of parkland, and include other improvements, which will ultimately benefit the people of Garfield.

Mayor Rigoglioso spoke on what the City is trying to do with Redevelopment so that the people of Garfield can be proud down the road and in the future. He spoke on people trying to improve the City of Garfield and bring in tax dollars to the City. He spoke on the City Council holding meetings in City Hall, hopefully in August. He spoke on how the City held a Court Session, and someone complained to the County, so future Court Sessions got cancelled. He spoke on PILOT Agreements. He spoke on people who speak to him regarding Redevelopment which included Sushi Café, Panera Bread, Starbucks, Manhattan Bagel, Dog Walkers, House of Brunch, and other businesses and people who approached him when they hear that Redevelopment is coming to Passaic Street. He congratulated all the Middle School and High School graduates. He spoke on the Police doing the best job possible in regard to complaints about fireworks going off throughout town. He spoke on Recreation Department personnel inviting every Athletic Organization in town to the recent meeting regarding the use of City Fields during the Coronavirus Pandemic. He spoke on the Transit Arts Program of New Jersey Transit Railroad and how an artist was commissioned to paint a "3-D" mural at the Train Station at Passaic Street over several days beginning Saturday, July 25, 2020, and how it is through a grant secured by Greater Bergen. He spoke on construction permits in the Building Department to address properties in need of improvement on Jewell Street. He spoke on Schools hopefully reopening again in September and how people should follow protocols in regard to health regulations because of the Coronavirus Pandemic. He expressed the hope of a vaccine being developed soon, so people can return to a normal life. He told everyone to stay safe and to keep plugging along.

### ADJOURNMENT

At 9:20 PM, there being no further business, Councilmember Calandriello moved to adjourn the meeting. Councilmember Joseph Delaney duly seconded the motion.

On call of roll, Ayes 5

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Andrew J. Pavlica, CITY CLERK