

A Regular Meeting of the City Council was held Tuesday, October 27, 2020 at 7:05 PM in the Emergency Operations Center in the 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 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, and in accordance with Executive Order 104 issued by Governor Phil Murphy, and in accordance with Local Finance Notice No. 2020-21 issued September 24, 2020, for Remote Public Meetings held during a Declared 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, and front and back doors of City Hall, and on the City Website. City Clerk Pavlica also announced that a special public notice was published in the October 24, 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 N. Delaney and Joseph Delaney

Also Present: City Clerk Andrew J. Pavlica

Also Present Telephonically: City Attorney Robert Ferraro and Interim Chief Financial Officer Roy Riggitano

STATEMENT READ BY MAYOR RIGOGLIOSO FOR STANDARD PROCEDURES FOR PUBLIC COMMENTS DURING REMOTE MEETINGS

Mayor Rigoglioso announced that pursuant to Local Finance Notice No. 2020-21, all participants are muted during the meeting and all members of the public wishing to make a comment during this Remote Meeting will be permitted to do so using the audio and/or video technology under which this Remote Meeting is being held. He announced that members of the public may submit written comments to the Mayor and City Council through City Clerk Andrew J. Pavlica by either email to apavlica@garfieldnj.org or written letter to City Clerk Andrew J. Pavlica at City Hall – 111 Outwater Lane, Garfield, NJ 07026 and that written comments must be received by 12:00 Noon of the day of the Remote Meeting to be included in the Meeting. He announced that Public Comments will be read aloud along with the person's name and address during times designated during the Meeting for public participation, and that the Mayor and Council reserve the right to pass over duplicative written comments, however, each duplicative comment shall be noted for the record with content summarized.

Mayor Rigoglioso announced that a member of the public wishing to speak during a Remote Meeting shall state their name and address for the record prior to making their comments and will be limited to 3 minutes. He announced that members of the public commenting during a Remote Meeting shall not act in any manner to disrupt the meeting and if such a member of the public becomes disruptive during the meeting, the individual chairing the Meeting shall mute, or direct the muting of, the disruptive member and warn that any continued disruption may result in the member being prevented from speaking during the Meeting or be removed from the Remote Meeting. He announced that disruptive conduct include, but is not limited to, sustained inappropriate behaviors such as shouting, interruption, and the use of profanity. He announced that any member who continues to be disruptive after receiving a warning may be muted while other members of the public are allowed to proceed with their comments, and if time permits, the disruptive individual shall be allowed to speak after all other members of the public are provided an opportunity to comment. He announced that should the individual remain disruptive, the individual may be muted or kept on mute for the remainder of the Remote Meeting or removed from the Meeting. He announced that the Mayor or Presiding Officer may impose any reasonable procedure or rule determined to effectively chair the meeting.

CORONAVIRUS COVID-19 UPDATE

Mayor Rigoglioso said that, over the last week, Garfield has seen an increase in new Covid Cases, with 79 new cases in the last seven days. He said that while the increase has coincided with the

CORONAVIRUS COVID-19 UPDATE

increase of testing, there have also been an increase in ambulance calls in the City of Garfield. He said that City Officials have expressed great concerns over the possibility of further increases. He said that Garfield now has over 1,000 cases and to be exact, to date, the number is 1,064 cases. He said that City Officials are deeply concerned about this trend and are worried that Covid fatigue is setting in with our residents. He said that many Garfield residents are not following the Center for Disease Control guidelines as they should, and everyone needs to understand that there is going to be an uptick and everyone needs to follow the guidelines. He said that there have been a rise in cases across the County and the State, and everyone needs to rededicate ourselves to combat this Pandemic. He said that this is a critical moment in the on-going fight for the City of Garfield in regard to Covid-19. He said that a great deal has been learned about this virus, since the first surge, including the ways in which it works, and ways to stop the spread. He said that it is important, now, more than ever before, to commit to these guidelines, to wear a mask, limit social distance gatherings, and to understand that social distancing does work. He said that City Officials are currently looking at the data, looking at which of these new cases are adolescences, adults and senior citizens. He said that, hopefully, there will be additional information in the next few days. He said that at this time, out of all these new cases, there have not been a reported death, in the City of Garfield. He asked everyone to all keep our thoughts and prayers to everybody fighting this pandemic, and who are dealing with this Covid virus.

REPORTS OF OFFICERS

Interim Chief Financial Officer Roy Riggitano reported on the following:

1. The Best Practices Inventory Program Work Sheet for the City of Garfield to be filed with the State of New Jersey with City Clerk Pavlica submitting the Best Practice Public Meeting Certificate Form.

ARRIVAL OF CITY MANAGER DUCH

At 7:15 PM, City Manager Thomas J. Duch joined the meeting telephonically and it was duly noted for the record.

REPORTS OF OFFICERS

City Manager Thomas J. Duch reported on the following:

1. The proposed Enabling Resolution for City Council consideration at this meeting concerning the Green Acres Program for \$3,597,663 for the Passaic River Historic Park/Riverfront Park Acquisition.
2. The additional \$10,000 awarded in State Funding for Child Care Services which brings the yearly total to \$40,721.
3. The need to conduct this Remote City Council Meeting on the "Zoom" online technology platform, partially due with the expense to continue utilizing the "Microsoft Teams" online technology platform due to the cost to comply with New Jersey Local Finance Notice No. 2020-21.
4. His appearance on September 22, 2020, before the meeting of the Bergen County Open Space Trust to secure additional funding for the Passaic Riverfront Park Property Project.
5. The proposed Resolution for City Council consideration at this meeting concerning an extension of Outdoor Dining Privileges from November 1, 2020 to March 31, 2021.
6. His recent appearance before a meeting of Bergen County Community Development to seek additional grant funding for various projects for the City of Garfield.

REPORTS OF OFFICERS

7. Redevelopers Agreement

Inquiries have been made by Councilman Calandriello concerning the Redevelopers Agreements. There are three agreements that are underway. They are for the Kalama property, and for two parcels on Passaic Street – one for 99 Passaic Street the other for 100 Passaic Street. As I have indicated in emails which I have sent to the Council, the process is ongoing. We are very close to a draft which I will submit to the Redevelopment Agency as required by law.

I have been reluctant to disclose the terms of our negotiations, however, I am pleased to advise the Council of the following:

1. The Developers Agreements indicate that it is the developer's responsibility to do whatever sewer system and water system improvements are necessary for these projects to be built. Testing, design and any building of such improvements will be subject to review by the Agency's Engineer who also happens to be the City Engineer.
2. The Developer must install cameras for all three developments and must be readily accessible to our Police Department.
3. In the case of the Kalama property, as I have previously reported at two prior Council Meetings, I have looked at this project and I have been handling it similarly to the way I handled the WAWA/Investors Bank redevelopment site. That is, the following items have been included in the evolving draft of the agreement:
 - a. The improvements include the entire block.
 - b. The Developer is responsible for all new curbing around the entire block.
 - c. The Developer must complete the portion of the property fronting on River Drive in accordance with the Riverwalk Streetscape used on Phase 1.
 - d. The developer will need to do similar streetscape improvements on all of the remaining boundary streets which include Monroe Street, Cambridge Avenue and Hudson Street.
 - e. The Developer will need to restripe and install appropriate signage on Cambridge and Hudson Streets.
 - f. The Developer will convey the riverfront strip of land to the City to be used in Riverwalk II at no charge.
 - g. Because of the road widening requirements of Bergen "county, the Developer will also need to convey a portion of the northwesterly corner of their large parcel to the City. This portion will allow us to have 5 lanes at the intersection of River Drive and Monroe Street. Heading north there will be a right turn, a lane to continue straight and a left turn lane. Heading south there will be two regular lanes of traffic. Because the riverfront is so narrow in this area, much of the property needed for the widening of the intersection will come from the Developer.
 - h. The Developer will need to reimburse us all planning costs and expenses for the Redevelopment Plan.
 - i. The Developer will need to post escrow for professional services for engineering and attorney review work which will be needed during the application process.
 - j. Finally, I am negotiating Developer contributions which will be commensurate with the Redevelopment Fees paid and contributions made on other projects already completed.

REPORTS OF OFFICERS

With regard to the projects on Passaic Street, many of the same items will need to be completed by the Developer. In particular, these will include, but not be limited to, reimbursement of all Redevelopment Plan costs, posting of necessary escrows, all water and sewer improvements that may be necessary, camera installation and maintenance with accessibility by law enforcement and payment of a Developers Fee on each of the projects.

COMMUNICATIONS/APPOINTMENTS

City Clerk Pavlica reported that in a letter to him from Mayor Rigoglioso, dated October 13, 2020, the Mayor made the following appointments to the Garfield Free Public Library Board of Trustees:

- * Mr. Raymond Rivas, 120 Lincoln Place, to succeed Jorge Ventura, 365 Palisade Avenue, as an Ex-Officio Member, effective immediately, to serve at the Pleasure of the Mayor.

RESOLUTIONS

Resolution No. 20-230

WHEREAS, Almighty God, in His Infinite Wisdom, has seen fit to remove from our midst, on September 23, 2020, former Garfield City Councilman and City Manager Joseph D. Migliaccio, and WHEREAS, Joe “Miggs” was a Marine Corps Veteran, worked in the shipping business for 35 years, owning and operating Container Marine Transport in North Bergen, and became City Manager of the City of Garfield from 1998 to 2003, and WHEREAS, he was also a member of the Garfield Board of Education, was in the Garfield High School Athletic Hall of Fame for football, was a member of the Garfield Kiwanis Club and so many other organizations in the City of Garfield, and WHEREAS, his passing touched with sorrow, the people of the City of Garfield, and its Governing Body, NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, and on behalf of the people of Garfield, that profound sorrow and heartfelt sympathy are hereby expressed to the family and friends of JOSEPH D. MIGLIACCIO in their hour of bereavement over the tremendous loss endured by his passing.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 20-231

RESOLUTION ESTABLISHING STANDARD PROCEDURES AND REQUIREMENTS FOR PUBLIC COMMENTS MADE DURING REMOTE MEETINGS OF THE GARFIELD CITY COUNCIL

WHEREAS, the COVID-19 Pandemic has forced local government entities throughout the State of New Jersey to hold public meetings remotely, and WHEREAS, the New Jersey Division of Local Government Services has promulgated regulations establishing standard protocols for remote meetings held by a “local public body” during a Governor-declared emergency (“Regulations”), and WHEREAS, the Council of the City of Garfield is a “local public body” as defined in the Regulations and is therefore subject to the requirements thereof, and WHEREAS, it is now required that a local public body adopt a resolution establishing standard procedures and requirements for public comment made during a remote public meeting as well as for public comments submitted in writing ahead of the remote public meeting, NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that it hereby establishes the following procedures and requirements:

1. Members of the public wishing to make a comment during a remote meeting shall be permitted to do so using the audio and/or video technology under which the remote meeting is being held.

RESOLUTIONS

2. Members of the public may also submit written comments to the Mayor and City Council, through the City Clerk, by either e-mail to apavlica@garfieldnj.org, or written letter to City Clerk Andrew J. Pavlica at City Hall - 111 Outwater Lane, Garfield, NJ 07026. Written comments must be received by 12:00 Noon of the day of the remote meeting to be included in the meeting.
3. Public Comments will be read aloud along with the person's name and address during times designated during the meeting for public participation.
4. The Mayor and City Council reserve the right to pass over duplicative written comments, however, each duplicative comment shall be noted for the record with the content summarized.
5. A member of the public wishing to speak during a remote meeting shall state their name and address for the record prior to making their comments, and their comments will be limited to 3 minutes.
6. Members of the public commenting during a remote meeting shall not act in any manner to disrupt the meeting. If such a member of the public becomes disruptive during the meeting, the individual chairing the meeting shall mute, or direct the muting of, the disruptive member and warn that any continued disruption may result in the member being prevented from speaking during the meeting or be removed from the remote meeting. Disruptive conduct includes, but is not limited to, sustained inappropriate behaviors such as shouting, interruption, and the use of profanity.
7. Any member who continues to be disruptive after receiving a warning may be muted while other members of the public are allowed to proceed with their comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public are provided an opportunity to comment. Should the individual remain disruptive, the individual may be muted or kept on mute for the remainder of the remote meeting or removed from the meeting.
8. Any reasonable procedure or rule determined by the Mayor or chair to effectively chair the meeting.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Erin N. Delaney

Resolution No. 20-232

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey as follows:

1. The remaining Garfield City Council Meetings for 2020 have been scheduled using the Zoom meeting platform. Should the decision be made to resume in-person meetings, a notice will be posted and advertised.
2. The Mayor and Council of the City of Garfield will conduct the following Council Meetings listed below electronically in lieu of its in-person Council Meetings that were previously advertised in the 2020 Annual Notice of Council Meetings. City Hall and/or the Police Station will not be open for these meetings. These meetings will be held in the Emergency Operations Center in the new Police Headquarters located at 411 Midland Avenue, Garfield, NJ 07026. Agendas for the meetings will be listed in advance on the City's Website, www.garfieldnj.org.
3. Members of the public may observe and participate in these meetings by using the "Zoom" online meeting platform and by telephone with a call-in number to be provided in future meeting notices:

Tuesday, November 10, 2020 at 7:00 PM
Tuesday, November 24, 2020 at 7:00 PM
Tuesday, December 8, 2020 at 7:00 PM
Tuesday, December 15, 2020 at 7:00 PM

4. The Mayor and Council of the City of Garfield will be accepting e-mailed public comments in advance of the meeting for those individuals who are unable to participate electronically. The comments will be read out loud by the City Clerk and you may email comments to City

RESOLUTIONS

5. Clerk Andrew J. Pavlica at apavlica@garfieldnj.org by 12:00 Noon of the day of the meeting.
6. These electronic public meetings are being held in lieu of in-person meetings due to the State of Emergency arising from the current situation involving the COVID-19 Virus and to ensure the health, safety and welfare of the public. Formal Action will be taken at these meetings.

On call of roll, Ayes 4,
Nays 1 - Mayor Rigoglioso

(Sgd) Joseph Delaney
Erin N. Delaney

Resolution No. 20-233

WHEREAS, the City of Garfield Mayor and Council have reviewed as per the Local Finance Notice 2012-18 the Best Practices Inventory Program Work Sheet prepared by the Chief Financial Officer; and

WHEREAS, the worksheet was reviewed, discussed at the Mayor and Council Meeting on October 27, 2020;

NOW, THEREFORE, BE IT RESOLVED that the Garfield City Council authorizes the Chief Financial Officer to transmit the check list as well as the City Clerk to prepare and submit the Best Practice Public Meeting Certificate Form.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Erin N. Delaney

Resolution No. 20-234

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that the following individual is hereby appointed to the Garfield Historical Society Advisory Board:

Laura M. Camarena of 153 Plauderville Avenue, Garfield, New Jersey 07026

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to forward a CERTIFIED copy of this approved resolution to the appointee and City Historian Christopher Shupenko.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Erin N. Delaney

Resolution No. 20-235

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that the following individual is hereby appointed to the Garfield Historical Society Advisory Board:

Brenda Robles of 153 Plauderville Avenue, Garfield, New Jersey 07026

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to forward a CERTIFIED copy of this approved resolution to the appointee and City Historian Christopher Shupenko.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Erin N. Delaney

Resolution No. 20-236

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that the following individual is hereby appointed to the Garfield Historical Society Advisory Board:

Pawel Maslag of 14 Garden Court South, Garfield, New Jersey 07026

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to forward a CERTIFIED copy of this approved resolution to the appointee and City Historian Christopher Shupenko.

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

(Sgd) Joseph Delaney
Erin N. Delaney

RESOLUTIONS

Resolution No. 20-237

WHEREAS, Fire Company No. 1 advises that Michael Colon, of 205 Orchard Street, Elmwood Park, New Jersey 07407, has served as an active member of the Garfield Fire Department for at least twenty-one years and that he is entitled to a twenty-one year badge, and
WHEREAS, the records in the Office of the City Clerk indicate that he has served for a period of twenty-one years,
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the recommendation of Fire Company No. 1 is hereby approved and that the proper officers are hereby authorized to issue a twenty-one year badge to the above named individual.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Erin N. Delaney

Resolution No. 20-238

WHEREAS, Fire Company No. 2 has advised that they have accepted the resignation of Brittani Rawls of 110 Spring Street, Passaic, New Jersey 07055 as an active member. Effective September 10, 2020,
NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield 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) Joseph Delaney
Erin N. Delaney

Resolution No. 20-239

WHEREAS, Fire Company No. 2 has advised that they have accepted the resignation of Shane Rawls of 110 Spring Street, Passaic, New Jersey 07055 as an active member. Effective September 10, 2020,
NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield 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) Joseph Delaney
Erin N. Delaney

Resolution No. 20-240

WHEREAS, Fire Company No. 2 has advised that they have accepted the resignation of Cesar Reyes of 271 Hope Avenue, Passaic, New Jersey 07055 as an active member. Effective September 10, 2020,
NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield 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) Joseph Delaney
Erin N. Delaney

Resolution No. 20-241

WHEREAS, Fire Company No. 2 has advised that they have accepted C'arah Falone of 99 Malcolm Avenue, Garfield, New Jersey 07055, as a regular active member, effective July 9, 2020,
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) Joseph Delaney
Erin N. Delaney

Resolution No. 20-242

WHEREAS, Fire Company No. 2 has advised that they have accepted Jozalina Martinez of 263 Lafayette Avenue, Passaic, New Jersey 07055, as a regular active member, effective October 1, 2020,

RESOLUTIONS

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) Joseph Delaney
Erin N. Delaney

Resolution No. 20-243

RESOLVED by the City Council of the City of Garfield that the City Clerk is hereby authorized to issue the following licenses for the fiscal year beginning July 1, 2020 (extended due to Covid 19 to October 1, 2020) and ending June 30, 2021:

PLENARY RETAIL CONSUMPTION LICENSES

License No.	0221-33-055-006	Krigla Brewery, LLC t/a Bistro 399 399 Midland Avenue
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BE IT FURTHER RESOLVED that the foregoing renewals are granted on the condition that said renewal shall not constitute approval of anything at variance with the records of the City Council or any person-to-person transfer, place-to-place transfer or change of corporate structure approved prior to the passage of this resolution.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Erin N. Delaney

Resolution No. 20-244

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that a 9:00 P.M. curfew is hereby established for the nights of October 30, 2020 and October 31, 2020 for all individuals under eighteen years of age, unless they are escorted by an adult, and

BE IT RESOLVED that the Police Department is hereby authorized to enforce this curfew, and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to immediately forward a certified and exact copy of this approved resolution to the Police Chief.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Erin N. Delaney

Resolution No. 20-245

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 IN CONNECTION WITH THE RESTORATION OF FLEISHER BROOK, CITY OF GARFIELD

WHEREAS, the City of Garfield awarded a contract to RFC Excavating for the Restoration of Fleischer Brook, and;

WHEREAS, it was necessary to revise the design of the retaining wall from a sheet pile to a modular block design to comply with the requirements of the NJDEP

NOW THEREFORE BE IT RESOLVED, Change Order No. 1 in the net amount of \$34,450.00 is hereby approved.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Erin N. Delaney

Resolution No. 20-246

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 AND FINAL FOR THE RESTORATION OF FLEISCHER'S BROOK

WHEREAS, the City of Garfield executed a contract with RFC Excavating for the above referenced project, and;

WHEREAS, Change Order #1 increased the original Contract Amount, and;

RESOLUTIONS

WHEREAS, the project has been completed and the As-Built quantities reduce the Final Contract Amount to \$238,225,

NOW THEREFORE BE IT RESOLVED, Change Order #2 and FINAL is hereby approved for a contract reduction of \$6,165.00.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Erin N. Delaney

Resolution No. 20-247

A RESOLUTION APPROVING CHANGE ORDER NO. 1 IN CONNECTION WITH THE CDBG 2019 ROAD RESURFACING AND CITY HALL ADA ACCESS PROJECT

WHEREAS, the City of Garfield awarded an original contract to D&L Paving in the amount of \$624,518.78 as per resolution #19-181, and;

WHEREAS, D&L Paving with Boswell Engineering are now requesting a Change Order #1 (due to as-built quantities) for an increase of \$43,386.14 to the contract amount.

NOW THEREFORE BE IT RESOLVED, CHANGE Order #1 is hereby approved to increase the contract amount by \$43,386.14 bringing the total contract amount to \$667,904.92.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Erin N. Delaney

Resolution No. 20-248

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM**

ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the City of Garfield has previously obtained a loan of \$422,500 and a grant of \$1,767,500 from the State to fund the following project(s):

#0221-97-141 Passaic River Historic Park/Riverfront Park Acq; and

WHEREAS, the State and the City of Garfield intend to increase Green Acres grant funding by \$1,407,663; and

WHEREAS, the total Green Acres funding is \$3,597,663; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARFIELD IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY THAT:

1. The City Manager Thomas J. Duch of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Passaic River Historic Park/Riverfront Park Acq, and; **[Note: Please authorize only one official to sign the project agreement on behalf of the local government or nonprofit.]**
2. The applicant has its matching share of the project, if a match is required, in the amount of \$635,887.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;

RESOLUTIONS

- 4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
- 5. This resolution shall take effect immediately.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Erin N. Delaney

Resolution No. 20-249

A Resolution requesting permission for the dedication by rider for Stadium Donations
 Whereas, permission is required of the Director of the Division of the Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and:
 Whereas, the City of Garfield, County of Bergen, State of New Jersey, provides for receipt of donations to be dedicated for the rehabilitation of the High School Athletic Stadium and;
 Whereas, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated (donations) to the City of Garfield, High School Athletic Stadium, are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:
 Now, therefore, be it resolved, that the City of Garfield, Mayor and Council, County of Bergen, New Jersey as follows:
 The Governing Body does hereby request permission of the Director of the Division of Local Government Services to accept donation fees, dedicated to High School Athletic Stadium appropriations in the dedicated Trust fund.
 The Clerk in the City of Garfield, County of Bergen, is hereby directed to forward two certified copies of this resolution to the Director of Local Government Services.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Erin N. Delaney

Resolution No. 20-250

Resolution Authorizing Purchasing with Amazon and Amazon Vendors Pursuant to N.J.S.A. 40A:11-10
 WHEREAS, the City of Garfield is interested in purchasing items on-line from Amazon and Amazon’s vendors pursuant to N.J.S.A. 40A:11-10, and
 WHEREAS, the City of Garfield has a need to purchase, on a timely basis, good and/or services, and
 WHEREAS, Amazon has a business registration with the State of New Jersey;
 NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Garfield, in the County of Bergen, that the City of Garfield Purchasing Agent is hereby authorized to purchase goods and/or services from Amazon directly or through Amazon vendors.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Erin N. Delaney

Resolution No. 20-251

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for Overpayment of County Board Judgment 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 overpayment 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
54	1	185 Palisade Avenue, LLC	CBJ	\$ 1,024.00
78	7	Tasman, LLC	CBJ	\$ 740.50

RESOLUTIONS

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Erin N. Delaney

Resolution No. 20-252

WHEREAS, Lanza Laundromat, 418 Lanza Avenue, filed an application for a laundromat license for the years 2019 and 2020, and

WHEREAS, the local inspectors CERTIFY that they have conformed with provisions of Ordinance No. 1288,

NOW THEREFORE BE IT RESOLVED by the Council of the City of Garfield that the City Clerk be and is hereby authorized to issue a license to Lanza Laundromat, 418 Lanza Avenue for the year 2020.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Erin N. Delaney

Resolution No. 20-253

RESOLUTION OF SUPPORT FROM THE CITY OF GARFIELD
TO SUBMIT AN APPLICATION AND ABIDE BY CONCESSIONS OF
THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS RECREATIONAL
OPPORTUNITIES FOR INDIVIDUALS
WITH DISABILITIES (ROID) FY2021 GRANT PROGRAM

WHEREAS, the City of Garfield desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$20,000 to carry out a project to develop an inclusionary opportunity for young adults and other individuals with disabilities who wish to participate in an inclusive, recreational culinary video program in the City. City of Garfield will match this grant with \$4,000 (a 20% match of the total project cost, which will be approximately \$24,000).

NOW, THEREFORE, BE IT RESOLVED that the City Manager and City Council do hereby authorize the preparation and submission of such a grant; and,

BE IT FURTHER RESOLVED that the City Manager and City Council do hereby recognize and accept that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, in this case, the City Manager and City Council do further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Garfield and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names, titles, and signatures appear below are authorized to sign the application and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Erin N. Delaney

Resolution No. 20-254

RESOLUTION AUTHORIZING AN EXTENSION OF OUTDOOR DINING

WHEREAS, the current Covid 19 pandemic has caused restaurants in the City to suffer substantial hardships; and

WHEREAS, the Mayor and Council have previously authorized outdoor dining through November 1, 2020; and

WHEREAS, Governor Murphy recently extended the date to which restaurants may serve alcohol to outdoor diners to March 31, 2021; and

WHEREAS, the Mayor and Council wish to extend permitted outdoor dining in the City of Garfield to coincide with the date for alcohol sales which is March 31, 2021; and

NOW, THEREFORE, BE IT RESOLVED, outdoor dining privileges are hereby extended to March 31, 2021, provided the applicant complies with all laws and ordinances for outdoor dining to occur.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Erin N. Delaney

BILLS AND CLAIMS

Resolution No. 20-255

RESOLVED by the City Council of the City of Garfield that the following Bills No. 2254 to 2256 covering Dog Trust Fund, Dedicated Penalty Trust Fire Department, and Police Ice Trust Account totaling \$9,898.80 and the Current Fund Reserve totaling \$5,564.20 and the Current Fund totaling \$3,748,890.91 and Water Fund Current Fund totaling \$478,013.18 and the General Capital Fund totaling \$342,170.10 and the Water Capital Fund totaling \$21,611.75 per attached Computer Lists, dated October 23, 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 seventy two (72) items prior to the meeting be ratified.

See

the

following pages numbered _____

for

Bills

and

Claims

ORDINANCES

Ordinance No. 2848

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, September 22, 2020; it was duly published; a copy was posted on the bulletin board in City Hall, and the front and back doors of 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 AND REVISE CHAPTER 128-7 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED "VIOLATIONS AND PENALTIES" TO PERMIT FINES OF UP TO \$2,000.00 FOR FAILURE TO OBTAIN DWELLING CERTIFICATES

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 5

Ordinance No. 2849

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, September 22, 2020; it was duly published; a copy was posted on the bulletin board in City Hall, and the front and back door of 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 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.

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 4,
Nays 1 – Councilmember Calandriello

Ordinance No. 2850

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, September 22, 2020; it was duly published; a copy was posted on the bulletin board in City Hall, and the front and back doors of 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:

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$450,000 FOR THE UNDERTAKING OF THE NEIGHBORHOOD REVITALIZATION STREETSCAPE AND PEDESTRIAN SAFETY PROJECT (PHASE I) IN, BY AND FOR THE CITY OF GARFIELD, IN

ORDINANCES

THE COUNTY OF BERGEN, NEW JERSEY, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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 5

Ordinance No. 2851

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, September 22, 2020; it was duly published; a copy was posted on the bulletin board in City Hall and the front and back doors of 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:

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$225,000 FOR THE DEMOLITION OF THE EXISTING POLICE STATION AND THE CONSTRUCTION ON SUCH SITE OF A NEW POLICE STATION IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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 4,
Nays 1 – Councilmember Erin N. Delaney

Ordinance No. 2852

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, September 22, 2020; it was duly published; a copy was posted on the bulletin board in City Hall and the front and back doors of 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:

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$65,000 FOR THE UNDERTAKING OF THE 2019 ROAD IMPROVEMENT PROGRAM AND BARRIER-FREE (ADA) IMPROVEMENTS TO CITY HALL IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL

ORDINANCES

APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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 4,
Nays 1 – Councilmember Joseph Delaney

COUNCILMEMBER COMMENTS

Councilmember Aloia said that Judah Smith had his bicycle taken from him. He said that a lot of good citizens did something positive and got him a new bicycle. He said that it was something that turned out really nice for the family and for Judah and the people who participated. He congratulated those citizens. He said that in regard to the Council Meeting schedule, he said that he wanted to know what the criteria would be other than the Governor's decision as to opening up meetings to the public physically attending. He said that the Council has met together in groups at events to do the things that need to be done, to keep government and society moving forward, so he said that there is something inherently beneficial for all City Officials to meet in the same room, even if everyone has to keep great distances from each other, and be required to wear masks. He said that he would like to know how that could be accomplished for the good of the City and the good of the public. He spoke on Payment in Lieu of Taxes Agreements. He said that he understands what the City Manager is doing and he commends him for the job that he is doing in regard to wanting the very best for the City, but he said that he believes that detailed proper paperwork regarding this matter should be sent to all the members of the City Council so as to have an understanding as to what, all those factors are in the PILOT Agreements and how they affect the community and the project. He spoke on the testing and the design of the sewer and water, in regard to Redevelopment Projects and he questioned if it was going to be off-site, or on-site? He said that if that is going to be on-site, that really does not benefit the City at all. He said that he understands what the City Manager is doing and he understands what is being done, but the City Council needs to be more involved during the on-going negotiations. He said that the City Council needs to be involved in regard to the scope of the projects on Passaic Street and on River Drive.

Councilmember Calandriello spoke on cancelling Council Meetings and on not discussing matters in Closed Session for months during the Coronavirus Pandemic. He said that that really hampers government and it is wrong. He said that that is bad for the public and bad for government officials. He spoke on the 2020 Best Practices Survey. He spoke in favor of the City having an Anti-Nepotism Policy. He spoke on the bills that he did not vote in favor that were presented at tonight's Council Meetings. He spoke against limiting Council Member comments during Council Meetings. He said that suppressing the Council is suppressing the public and that is bad public policy. He said that the Council cannot run from the public and cannot run from their records and that everyone has to stand up and be accountable. He spoke in favor of the Council meeting in one room spaced out from each other. He spoke on his request from the City Manager for a report on negotiations in regard to the Developers Agreements for Redevelopment Projects. He said that as a Government Official, he is entitled to that. He said that the City Council can treat the matter confidentially. He spoke on a Wedding held on October 10, 2020 at City Hall and he said that a resident complained to him and even sent him pictures from the Wedding officiated by the Deputy Mayor and he said that he asked the City Manager to confirm it or not confirm it. He asked if the City Council is being kept out of City Hall for Council Meetings, and the public is not

COUNCILMEMBER COMMENTS

allowed in City Hall, how is it that a party of 15 to 20 people is allowed into City Hall? He questioned why City Hall was deep cleaned on Columbus Day and he questioned the cost to do so on a Federal Holiday. He spoke on this being the last meeting before the City Council Election on November 3, 2020. He spoke on his accomplishments during the past few years.

Councilmember Erin Delaney spoke regarding Redevelopers assuming costs for infrastructure improvements when their projects affect such things as the capacity and condition of sewer and water lines in the City. She spoke on the confidentiality of documents that were requested regarding the PILOT Program for certain Redevelopment Projects, and how it is important that misinformation does not get circulated. She spoke in favor of adopting an Anti-Nepotism Policy. She spoke on the recent Local Finance Notice regarding the policies and procedures for conducting remote public meetings during a Health Emergency. She spoke on the removal of the train tracks that run down the middle of Monroe Street from Pierre Avenue to the Passaic River and beyond, into the City of Passaic. She spoke on items on the Bills and Claims List. She congratulated all those who got appointed tonight. She wished everyone, including those in the City Clerk's Office, and including all the candidates, good luck on the City Council Election to be held next Tuesday. She spoke on the Cable TV time slots for the broadcasting of City Council Meetings.

CITIZENS AND TAXPAYERS

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

From Edward Devine, 159 Market Street:

1. Last meeting Erin asked about term limits and the city attorney said he had some research to do on the issue.
Update from the city attorney please.

2. Tom said months ago that the new stone for the General Pulaski statue at the River walk would be a project for the fall. It's almost November and there has been no progress.

Update From Mr DUCH please.

3. The Fleischers Brook disaster at the corner on Jewell and Market St. I have been going back and forth with the City Manager about getting this fixed for 2 Years!!!
When I originally brought this to his attention I was told that it was the responsibility of the county to repair. I contacted the county and was told it was the city's problem. Months passed.
Some discussion then went on with the city and the county over who was responsible for this mess and when asked again Mr Duch indeed said it was the city's responsibility and not only would the city be fixing it he deferred to Mr Boswell (the city engineer) who stated that the material needed for this fix were going to be staged at School 4 shortly.
Not so fast.....
Fast forward a few more months after no action was taken at the site - Mr Duch. when asked again about this problem, backtracked and reasserted his position that this was the county's responsibility. So nothing has been done about this dangerous issue for almost a decade.
The Garfield property maintenance officer runs around town with a tape measure measuring residents sidewalk slabs issuing warnings to residents to repair or replace any slabs that aren't as even as a sheet of glass.
I believe that if the city is going to be so vigilant about resident's sidewalks they should at least keep their own sidewalks up to code.

I would appreciate an update from Mr. DUCH on this issue including specifically---

1. if a determination has been made as to who (city or county) is responsible for fixing this and
2. a timeline for getting this job done - regardless of who is responsible for doing it.

CITIZENS AND TAXPAYERS

Thanks Drew

Edward Devine
159 Market St
Garfield NJ 07026
973 517 2113

From Tana Raymond, 93 Spring Street:

1. Is Garfield going to allow trick or treating? 2. For the council majority. Why are you not being honest with the citizens and taxpayers and admitting that the PILOT you have for the 3 properties is PAYMENT IN LIEU OF TAXES? The developer is paying no school taxes, (48 percent of our tax bill) for 15 and 20 years! You need to be HONEST and tell the truth. 3. Why don't you ask your developer friend to build a new track in the stadium for our kids and buy a Firetruck for our fireman. He got a sweetheart deal and should give back something to this community. 4. Did he give a donation to your campaign? He was at your \$1000 Fund raiser! 5. Covid is up to 120 positive cases in Garfield just since the beginning of October. That's way too many cases for a city of our size. Is the city going to enforce any CDC guidelines to help stop the spread? 6. What are you going to do to slow the speeders down in Harrison Ave? It's a very dangerous situation and not being addressed. The speed bumps for 3 to 4 weeks did nothing to solve the problem. Please let's not wait until someone gets hurt or killed.

COUNCILMEMBER COMMENTS

City Manager Duch answered questions and explained issues that were raised by the public during this evening's meeting.

Deputy Mayor Delaney said that everybody loves Judah Smith and that he does a good job, doing odd jobs around town. He said that it is great that the last trains went down the Monroe Street Train Tracks and that the tracks are finally going to be removed from the street. He spoke on grant money that will be used to remove the train tracks. He spoke on the faith the Council has in the City Engineer and the professionals recommending water and sewer line improvements by developers when their projects are going to affect City infrastructure. He spoke in favor of adopting an Anti-Nepotism Policy. He spoke on the format of the Council Meeting and he spoke against allowing City Council Candidates to get free air time being in the background of City Officials attending virtual or remote Council Meetings. He spoke on what he claimed were inappropriate gestures being made by Council Candidates in the background of previous virtual Council Meetings. He wished everybody a Happy Halloween and he told everybody to make the best of it during this Coronavirus Pandemic. He wished good luck to all the Council Candidates during this coming Tuesday's City Council Election.

Mayor Rigoglioso spoke on Halloween being observed in Garfield this year and how the Special Events and Planning Committee put together a couple of great events including the Mayor's Challenge and the Halloween House Decorating Contest. He spoke on how families are encouraged to go out "Trick or Treating" while taking proper precautions so that everybody enjoys a healthy and safe Halloween. He said that it is unfortunate that the Coronavirus Pandemic has occurred to take away so many activities, sports and events for children. He spoke on how to let "Trick or Treaters" know that you are participating in giving out candy by putting on a light or a sign in the window of your house. He spoke on the need to hold virtual meetings of the City Council due to the Coronavirus Pandemic and he explained his vote on the Resolution for Council Meetings scheduled for the balance of the year. He spoke on the desire to hold Council Meetings in person. He spoke on the second surge of cases regarding the Coronavirus. He spoke on on-going negotiations regarding Redevelopment Agreements, and how information should not be released while

Regular Meeting October 27, 2020, Continued

COUNCILMEMBER COMMENTS

negotiations are continuing. He wished everybody the best of luck during next Tuesday's City Council Election. He said that he appreciates everybody who is running for Council because everybody wants what is best for Garfield, even though they have different visions and different plans.

ADJOURNMENT

At 8:40 PM, there being no further business, Councilmember Erin Delaney moved to adjourn the meeting. Councilmember Joseph Delaney duly seconded the motion.

On call of roll, Ayes 5

Andrew J. Pavlica, CITY CLERK