

A Regular Meeting of the City Council was held Tuesday, November 10, 2020 at 7:00 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 November 7, 2020 edition of the Bergen Record and Herald News newspapers 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 and Deputy City Clerk Diane Rosolen

Also Present Telephonically: City Manager Thomas J. Duch, City Attorney Robert Ferraro, Labor Counsel John Lavin and City Engineer Kevin J. Boswell

#### STATEMENT READ BY CITY CLERK PAVLICA FOR STANDARD PROCEDURES FOR PUBLIC COMMENTS DURING REMOTE MEETINGS

City Clerk Andrew J. Pavlica 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](mailto: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.

City Clerk Pavlica 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 as of today, Garfield has had 171 new positive Covid cases in the month of November, and 1,269 positive cases counting from March 2020. He said that in the month

CORONAVIRUS COVID-19 UPDATE

October, the City had 165 cases, but in 10 days, the City has had 171 cases. He said that the City is now at a Covid-19 high alert. He said that the City was at the beginning of a second wave and that everybody must change their behavior immediately or difficult decisions will have to be made for the health of City residents and employees. He said that every indicator throughout the County has shown that the positive case rate has gone up, not only in the City of Garfield, but on the County level as well, and it has been going up since the month of May, and it is only going to continue to rise throughout the Winter. He said that without following guidelines and procedure, there is no feasible way to get Garfield's local economy and schools close to normal if everyone is continuing to get sick. He told everyone to remember that during the Holiday Season there will be parties and gatherings with friends, coworkers and family and that it is everyone's responsibility to keep everyone safe. He told everyone that if they feel sick, they should stay home, and if they go out, to wear a mask in public, keep a safe distance from people, wash their hands often, and try to avoid large group gatherings.

REPORTS OF OFFICERS

City Manager Thomas J. Duch reported on the following:

1. The Library Construction Bond Act matching grant that the City was awarded in the amount of \$130,500. The City will need to match the \$130,500 grant in 2021 and this will fund ADA improvements to the Garfield Free Public Library Restrooms located on the lower level of their building located at 500 Midland Avenue. It will also fund asbestos abatement at the Library.
2. The adverse condition of the Market Street Culvert over Fleischer's Brook was addressed and repaired.
3. The new written Dispatch Protocol which was established for employees of the Department of Public Works, and the order for which DPW employees are to be called if a public works matter needs to be addressed after normal DPW employee hours.
4. The Field House in Twentieth Century Field and the steps taken to prevent the gutters and roof drains from being hit by lawnmowing equipment and other vehicles, including the installation of bollards at the corners of the Field House.
5. The reimbursement of Coronavirus Pandemic related expenses under the CARES Act, to date, totals \$277,235.
6. The Bergen County Open Space Trust Advisory Committee Meeting scheduled to be held Thursday, December 10, 2020, and his intention to virtually attend the meeting in regard to two Garfield grant applications before the Committee including: A. The purchase of the Franchini Chevrolet Garage located at 133 River Drive in the amount of \$250,000. B. The Jewell Street Playground Improvement to install rubberized playground surfaces in the amount of \$195,963.
7. Proposed Bergen County Community Development Block Grant Applications under consideration, perhaps including addressing stormwater drainage in the Market Street area, the public stairs from the top of Schley Street to Cedar Street and from the top of Schley Street to Palisade Avenue, and Fleischer's Brook Culvert repair.
8. The proposed Resolution for City Council consideration regarding the New Jersey Department of Transportation Alternatives Set-aside Program for the River Drive Bikeway and Walkway Project – Phase 3.

Councilmember Frank J. Calandriello reported on the following:

REPORTS OF OFFICERS

1. City Finances impacted by the Coronavirus Pandemic.
2. The frequency of Zoning Board of Adjustment Meetings during the Coronavirus Pandemic.

RESOLUTIONS

Resolution No. 20-256

WHEREAS, Robert Ridarick, residing at 91 Belmont Avenue, Garfield, New Jersey 07026 has requested to be appointed as a Constable, and a Class Two Officer and he has met the requirements of C. 200, laws of 1971 (NJSA 40A:9-120 et. Seq.) and he has been recommended for appointment by City Manager Thomas Duch,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Robert Ridarick, residing at 91 Belmont Avenue, Garfield, New Jersey 07026 is hereby appointed a Constable and a Class Two Officer for the year 2021.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Richard Rigoglioso

Resolution No. 20-257

WHEREAS, Edward Dolack, residing at 113 Lincoln Avenue, Elmwood Park, NJ 07407 has requested to be appointed as a Constable, and Class Two Officer and he has met the requirements of C. 200, laws of 1971 (NJSA 40A:9-120 et. Seq.) and he has been recommended for appointment by City Manager Thomas Duc,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Edward Dolack, residing at 113 Lincoln Avenue, elmwood Park, NJ 07407 is hereby appointed a Constable and a Class Two Officer for the year 2021.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Richard Rigoglioso

Resolution No. 20-258

WHEREAS, Robert Cochrane, residing at 72 Manner Avenue, Garfield, New Jersey 07026 has requested to be appointed as a constable, and he has met the requirements of C.200, laws of 1971 (NJSA 40A:9-120 et. seq.) and he has been recommended for appointment by City Manager Thomas Duch,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Robert Cochrane, residing at 72 Manner Avenue, Garfield, New Jersey 07026 is hereby appointed a constable for the year 2021.

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

(Sgd) Erin N. Delaney  
Richard Rigoglioso

Resolution No. 20-259

Resolution of Support from Local Governing Body Authorizing an Application to the Sustainable Jersey Grants Program (\$20,000 Gardinier Environmental Fund)

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and  
WHEREAS, the City of Garfield strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the City of Garfield is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program (Gardinier Environmental Fund);

THEREFORE, the Council of the City of Garfield has determined that the City of Garfield's Green Team should apply for the aforementioned Grant.

RESOLUTIONS

THEREFORE, BE IT RESOLVED, that the Council of the City of Garfield, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Richard Rigoglioso

Resolution No. 20-260

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for Overpayment of Tax Count Judgment for the year 2019.

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
128	38	Jennifer R. Jacobus, Trustee for 222 Outwater Lane LLC	TCJ	\$ 5,812.00

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Richard Rigoglioso

Resolution No. 20-261

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for Overpayment of Tax Count Judgment for the year 2018.

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
128	38	Jennifer R. Jacobus, Trustee for 222 Outwater Lane LLC	TCJ	\$ 4,261.50

On call of roll, Ayes 5

(Sgd) Erin N. Delaney  
Richard Rigoglioso

Resolution No. 20-262

A RESOLUTION AUTHORIZING PAYMENT TO D.S. MEYER ENTERPRISES FOR EMERGENCY WATER REPAIR WORK ON WASHINGTON PLACE NEAR PASSAIC STREET

WHEREAS, the City of Garfield retained D.S. Meyer to perform emergency water repair work on Washington Place near Passaic Street in the amount of \$25,800 and;

WHEREAS, the work included to installation of a fire hydrant and an insertion valve, and;

WHEREAS, during the performance of the work, it was determined a water shutdown for the work would require the installation of an additional insertion valve. Additionally, the contractor was required to remain onsite until all of the extra work could be completed and the excavation could be properly stabilized, and;

WHEREAS, the City Engineer monitored the work and certified the additional work was properly performed

NOW THEREFORE BE IT RESOLVED payment of an additional \$19,800 is hereby approved to DS Meyer for the extra work performed during the emergency repair work noted above.

On call of roll, Ayes 5

(Sgd) Richard Rigoglioso  
Joseph Delaney

RESOLUTIONS

Resolution No. 20-263

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the River Drive Bikeway and Walkway Project—Phase 3. WHEREAS, the City of Garfield, County of Bergen, State of New Jersey desires to apply to the New Jersey Department of Transportation for grant funding under the Transportation Alternatives Set-aside Program; and

WHEREAS, the River Drive Bikeway and Walkway Project—Phase 3 meets all the criteria necessary to receive funding under the Transportation Alternatives Program; and

WHEREAS, the River Drive Bikeway and Walkway Project—Phase 3 will encourage alternative modes of transportation, enhance the travel experience, improve open space and smart growth, and improve the quality of life for the residents of the City of Garfield; and

WHEREAS, the City of Garfield agrees to assume a commitment of maintenance of the project after construction is completed; and

WHEREAS, responsibilities for administering the proposed project in accord with federal and state guidelines (to be known as the Responsible Charge) will be City Manager Thomas J. Duch, a full-time employee of the City of Garfield;

WHEREAS, the City of Garfield fully supports the proposed Transportation Alternatives project;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Clerk of the City of Garfield, State of New Jersey, authorizes the City Manager to submit an electronic grant application identified as “TA-2020-River Drive Bikeway and Walkway Proj-00032” to the New Jersey Department of Transportation under the Transportation Alternatives Set-aside Program on behalf of the City of Garfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Garfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

On call of roll, Ayes 5

(Sgd) Richard Rigoglioso  
Joseph Delaney

Resolution No. 20-264

RESOLUTION OF THE CITY OF GARFIELD TO ADOPT “PROCEDURE FOR ADMINISTRATION AND INSPECTION OF FEDERAL AND HIGHWAY PROJECTS”

WHEREAS, the Federal Highway Administration (FHWA) provides opportunities for Local Public Agencies (LPA), such as the City of Garfield, to receive Federal Aid Highway Program (FAHP or federal aid) funds through New Jersey Department of Transportation, and;

WHEREAS, the City of Garfield is presently the recipient of federal aid funds through a project awarded under the DVRPC Congestion Mitigation and Air Quality Improvement Program, and;

WHEREAS, the City of Garfield, as an LPA, is responsible for administering federal aid funded projects in compliance with all federal aid requirements established by the FHWA, and;

WHEREAS, the New Jersey Department of Transportation, through its Stewardship Agreement with FHWA, is responsible for ensuring that the City of Garfield is adequately staffed and suitably equipped to undertake federal aid projects and ensure that federal requirements are met, and;

WHEREAS, the City of Garfield as required by the New Jersey Department of Transportation, has developed a Policy outlining the required procedures for the Administration of Federally Funded Transportation Projects administered through the New Jersey Department of Transportation.

NOW THEREFORE BE IT RESOLVED, by the City of Garfield, in the County of Bergen, State of New Jersey that the City of Garfield adopts the policy entitled “City of Garfield, Procedure for Administration and inspection of Federal Aid Highway Projects”, dated November, 2020.

On call of roll, Ayes 5

(Sgd) Richard Rigoglioso  
Joseph Delaney

BILLS AND CLAIMS

Resolution No. 20-265

RESOLVED by the City Council of the City of Garfield that the following Bill No. 2257 covering Dedicated Penalty Trust Fire Department Account totaling \$1,950.00 and the Current Fund Reserve totaling \$3,238.81 and the Current Fund totaling \$124,041.42 and Water Fund Current Fund totaling \$136,612.21 and the General Capital Fund totaling \$25,891.48 and the Water Capital Fund totaling \$5,648.00 per attached Computer Lists, dated November 6, 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 nine (9) items prior to the meeting be ratified.

See

the

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

for

Bills

and

Claims

COUNCILMEMBER COMMENTS

Councilmember Aloia thanked everybody who participated in Tuesday's City Council Election, and he thanked his Family for all their support. He thanked his running mates, including Frank Calandriello and his Family, Evelyn Scott and her Family, and Jesus Rodriguez and his Family. He thanked all his supporters during the past 24 years that he has been in office. He thanked all the voters, he thanked City Manager Duch and all the people who work for the City of Garfield for their outstanding service, their cooperation and their understanding. He congratulated Mayor Rigoglioso, Deputy Mayor Joseph Delaney, Councilmember Erin Delaney and Romi Herrera and Pawel Maslag on what appears to be their election to the City Council. He said that he is sure that they cherish the City of Garfield and that the City will prosper in many, many ways. He spoke on the need for a fence on Monroe Street near the Passaic River to restrict people from accessing the abandoned Railroad Bridge that extends into the City of Passaic. He thanked all the Professionals engaged by the City of Garfield. He said that it has been a great time serving the people of Garfield and he appreciates everybody's understanding and cooperation. He concluded by saying, "God bless Garfield".

Councilmember Calandriello spoke on issues with certain pollworkers on Election Day which he said City Clerk Pavlica addressed as did County Election Officials. He said that the results of the City Council Election are not official yet. He thanked his running mates for a great experience and he spoke on the high turnout of voters for this past Tuesday's City Council Election which was also a Presidential Election. He said that it was a true democratic process. He said that when the final numbers are given, he will make his Election Comments then. He said that tomorrow is Veterans Day. He spoke on his Father, Grandfathers and Uncles having served in the US Military during wartime, including World War Two and World War One. He spoke on the memorial ceremony scheduled to be held tomorrow at 11:00 AM at Benda - Roehrich Veterans of Foreign Wars Post No. 2867 at 340 Outwater Lane. He gave his sincere thanks to the Veterans in the City of Garfield and the entire country and he said that without our Veterans, we would not have Elections like we just had on November 3<sup>rd</sup>. He spoke on the Mayor enforcing time constraints during the Councilmember Comments portion of Council Meetings and he objected to being muted for going over the time allotted for comments at the last meeting. He said that the Mayor needs to give a little more courtesy to representatives of the people and be given warnings to wrap up comments. He said to mute a Councilmember like was done at the last meeting shows disrespect to a 24 year City Official. He told everyone to stay safe because Covid-19 case numbers are rising. He told everyone to be hopeful and pray that things do not get as severe as the first wave. He commented on the good news announced today that there may be an anecdote and vaccine and treatments for the Coronavirus. He said to pray for those infected and to pray that the numbers of infected do not return to that which were seen from March through the Summer.

Councilmember Erin Delaney said that she too was muted during the last meeting and that she did not take it personally that she was muted for going over her allocated time to speak. She spoke on the City Council Election not being certified until November 20<sup>th</sup> and she said that she will refrain from making Election Comments until after that date. She said that she wanted to thank those voters who did vote for her from the bottom of her heart. She thanked them for their support. She spoke on the behavior of certain Candidates on Election Day. She gave kudos to those who addressed the condition of the culvert over Fleischer's Brook on Market Street. She said that she is happy that that got done and she said that she has seen the photographs and that the condition of the culvert looks amazing and better than it looked before. She said that she was happy to see that the rubberized surface was installed today at the handicapped accessible playground in Twentieth Century Field. She spoke on the really good news that was reported at this meeting in regard to the Library Construction Bond Program. She thanked all the Veterans who have served this wonderful, amazing country. She spoke on both her Grandfathers having had served in the US Military. She said that she was looking forward to participating in tomorrow's Veterans Day ceremony at the Garfield VFW, and she said that she hopes that it does not rain. She spoke on the second wave coming in regard to the Coronavirus Pandemic and how it is expected to hurt the City's financial standing, including fines and penalties normally collected by the City's Municipal Court. She spoke on a Court Debt Collection Agency that collects outstanding fines at no cost to the City and she said that she was pleased that City Manager Duch was following up on that proposal. She spoke on the need to keep an eye on overtime.

COUNCILMEMBER COMMENTS

Deputy Mayor Joseph Delaney praised City Manager Duch on all the grants he has been procuring for the City. He said that it was good to see some sort of Halloween observance in the City with participants adhering to social distancing and other precautions during the Coronavirus Pandemic. He spoke on tomorrow being Veterans Day and how he will not be able to attend the memorial service due to work obligations. He spoke on the City Council Election and he thanked everyone who took the time out of their day to vote, whether they voted for him or not. He thanked all the candidates who took time away from their Families to run for City Council. He spoke on challengers in the polling place and he spoke on electioneering within 100 feet of a polling place.

Mayor Rigoglioso spoke on approximately 1,100 Provisional Ballots still needing to be counted by the County Election Officials before the City Council Election could be certified. He thanked all the candidates who did run for Council and he said that it was not an easy Election and that it was a contentious Election. He said that it is much appreciated for all who ran, and he said that it is a difference of philosophy and how each Candidate sees the City. He apologized to Councilmembers Calandriello and Erin Delaney for muting them at the last Council Meeting and he said that he did not mean to be disrespectful to either of them when he was trying to enforce time limits for speaking at a Council Meeting. He spoke on his affection for everybody and how Councilmembers have different opinions. He spoke on the Library Grant Program. He spoke on the second wave of the Coronavirus Pandemic. He spoke on Garfield being a congested town and how it is often Families who are hit the hardest by the virus. He spoke on the importance to take precautions in regard to the Coronavirus. He spoke on the unfortunate need for Governor Phil Murphy to restrict hours of operations of Restaurants, and he spoke on the possible cancellation of many youth sports programs during the upcoming winter as a precaution against the virus. He spoke on tomorrow being Veterans Day.

ADJOURNMENT

At 7:45 PM, there being no further business, Councilmember Erin Delaney moved to adjourn the meeting. Councilmember Calandriello duly seconded the motion.

On call of roll, Ayes 5