

A Special Meeting of the City Council was held Tuesday, June 15, 2021 at 6:20 PM in the Council Chamber in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

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

Councilmembers Present: Joseph Delaney, Pawel Maslag, Romi Herrera, Erin N. Delaney and Richard Rigoglioso

Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, Deputy City Clerk Diane Rosolen, City Attorney Robert Ferraro, Labor Counsel John Lavin, City Engineer Carl P. O'Brien, Kevin Boyer (of Colliers Engineering), Special Projects Engineer Kevin J. Boswell, Interim Chief Financial Officer Roy Riggitano and Recreation Director Daniel Golabek

RESOLUTIONS

Resolution No. 21-179

WHEREAS, Fire Company No. 1 advises that Mario Fernandez, of 162 Palisade Avenue, Garfield, New Jersey 07026, 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 on 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) Erin N. Delaney
Romi Herrera

Resolution No, 21-180

WHEREAS, Fire Company No. 1 has advised that they have accepted the resignation of Josue Matias, Of 102 Harrison Avenue, Garfield, New Jersey 07026 as an active member, effective May 26, 2021,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 1 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Romi Herrera

Resolution No. 21-181

WHEREAS, David O. Esipila, 127 Dewey Street, who is the holder of a Disabled Person I.D. Card No. P2588595, has filed application for a handicapped parking sign to be placed at his address, and WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for "Handicapped Parking", located on the north curb line of Dewey Street commencing 682 feet west of the intersection of Dewey Street and Walnut Street and continue an additional 20 feet west from that point.

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

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Romi Herrera

Resolution No. 21-182

WHEREAS, Stephanie Semancik, 255 Malcolm Avenue, who is the holder of a Disabled Person I.D. Card No. P2042066, has filed application for a handicapped parking sign to be placed at her address, and

RESOLUTIONS

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicapped Parking”, located on the east curb line of Malcolm Avenue commencing 75 feet north of the intersection of Malcolm Avenue and Leonard Street and continue an additional 20 feet north from that point.

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

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Romi Herrera

Resolution No. 21-183

WHEREAS, Alessandra P. Russi, 9 Morris Avenue, who is the holder of a Disabled Person I.D. Card No. P2224404, has filed application for a handicapped parking sign to be placed at her address, and

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicapped Parking”, located on the north curb line of Morris Avenue commencing 110 feet east of the intersection of Morris Avenue and River Drive and continue an additional 20 feet east from that point.

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

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Romi Herrera

Resolution No. 21-184

WHEREAS, Eric R. Rincon Perez, 149 Ray Street, who is the holder of a Disabled Person I.D. Card No. P2022698, has filed application for a handicapped parking sign to be placed at his address, and

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicapped Parking”, located on the west curb line of Ray Street commencing 100 feet south of the intersection of Ray Street and Banta Avenue and continue an additional 20 feet south from that point.

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

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Romi Herrera

Resolution No. 21-185

WHEREAS, Jolanta E. Kawka, 42 Spencer Place, who is the holder of a Disabled Person I.D. Card No. P2244986, has filed application for a handicapped parking sign to be placed at her address, and

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicapped Parking”, located on the east curb line of Spencer Place commencing 170 feet south of the intersection of Spencer Place and Passiac Street and continue an additional 20 feet south from that point.

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

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Romi Herrera

RESOLUTIONS

Resolution No. 21-186

RESOLUTION AUTHORIZING TEMPORARY APPOINTMENT OF ACTING DEPUTY MAYOR

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

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

WHEREAS, on July 10, 2021, it will be necessary and appropriate to temporarily appoint Romi Herrera, as Deputy Mayor for the City of Garfield in order to perform the marriage ceremony of Gabriela Geraldine Bobadilla and Luis Fernando Lora, and

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

1. Councilmember Romi Herrera be and is hereby appointed Deputy Mayor for the City of Garfield to perform the marriage ceremony of Gabriela Geraldine Bobadilla and Luis Fernando Lora, and
2. This temporary appointment shall be solely for the purpose of performance of this marriage ceremony and for no other reason. Similarly, no additional authority is granted hereby other than to perform said ceremony and to execute any and all documents which may be necessary in order to effectuate the provision of this Resolution and to confirm the performance of the marriage ceremony as described above.

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

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Romi Herrera

Resolution No. 21-187

RESOLUTION AUTHORIZING NAMING OF A STREET

WHEREAS, Dr. Kenneth S. Conte was a prominent resident of the City of Garfield and served the City of Garfield with distinction as Deputy Mayor of the City of Garfield and President of the Board of Education and in many other capacities and

WHEREAS, the City Council wishes to publicly express its gratitude for the years of public service to the City and honor Dr. Kenneth S. Conte, and

WHEREAS, as an expression of the thanks and gratitude to our departed Dr. Kenneth S. Conte and his family, the Mayor and Council wish to name the corner of Midland Avenue and Bellport Place in honor of Dr. Kenneth S. Conte,

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

1. The corner of Midland Avenue and Bellport Place shall be named "Dr Kenneth S. Conte Way".
2. The Garfield Department of Public Works, at the direction of the City Manager is hereby directed to install appropriate signage to designate the corner of Midland Avenue and Bellport Place in accordance with this Resolution.

BE IT FURTHER RESOLVED, that the City Clerk be and he is hereby authorized and directed to forward certified copies of the within Resolution to the Garfield Police Department, Department of Public Works, the City Attorney, and the City Manager.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Romi Herrera

Special Meeting June 15, 2021, Continued

RESOLUTIONS

Resolution No. 21-188

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, 2021 and ending June 30, 2022:

PLENARY RETAIL CONSUMPTION LICENSES

License No.	0221-33-001-004	J & S Fregata, LLC t/a The Fregata 67 Scudder Street
	0221-33-004-003	Charlie Blood's, Inc. t/a Charlie Blood's 147 Frederick Street
	0221-33-006-005	La Bella Pizzeria, LLC t/a La Bella Pizzeria 300 Lanza Avenue
	0221-33-013-005	Thirteen Hundred, LLC t/a Pip's 226 MacArthur Avenue
	0221-33-021-006	Garfield Elks Lodge No. 2267 t/a Garfield Elks Lodge No. 2267 68 Lanza Avenue
	0221-33-037-005	Smoke House LLC t/a Piast Meats & Provisions 1 Passaic Street
	0221-33-048-007	STRYV, LLC t/a Pesaro 517 River Drive, Suite 1
	0221-33-052-016	279 Passaic Street, LLC t/a Blackjack Mulligan's 279 Passaic Street
	0221-33-053-004	Venetian Corp t/a The Venetian 546-552 River Drive
	0221-33-057-004	Detour, Inc. t/a Detour 437 Lanza Avenue
	0221-33-060-003	Sportsman Tavern t/a Sportsman Tavern 245 Outwater Lane
	0221-33-062-012	Nuve-Quinche Corporation t/a Pazza Luna Pizzeria, Restaurant & Bar 52 Chestnut Street
	0221-33-068-006	Veterans of Foreign War t/a VFW Benda-Roerich Post #2867 340 Outwater Lane

RESOLUTIONS

PLENARY RETAIL DISTRIBUTION LICENSES

0221-44-020-009	Lilly's House Corporation t/a All Nations Liquor 80 Passaic Street
0221-44-029-007	Ranpar, LLC t/a Whooppee Liquor 194 Van Winkle Avenue
0221-44-063-004	Hy-Spirits Wine & Liquor t/a Hy-Spirits Wine & Liquor 76 Jewell Street

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) Erin N. Delaney
Romi Herrera

Resolution No. 21-189

Garfield River to Rail Neighborhood Preservation Program – Year 2 Implementation Plan

WHEREAS, the City of Garfield desires to apply for, obtain and accept a grant from the New Jersey Department of Community Affairs for approximately \$125,000 to carry out a project to administer and implement a DCA-approved Year 2 Neighborhood Preservation Program Implementation Plan, and,

WHEREAS, pursuant to the River to Rail Neighborhood District 5-Year Implementation Plan passed by resolution in 2020, the City of Garfield will work in close collaboration with non-profit community partner Greater Bergen Community Action, Inc. to implement the activities in the Year 2 Plan, and

NOW, THEREFORE, BE IT RESOLVED, 1.) that the City of Garfield does hereby authorize the application for such a grant; and, 2.) recognizes and accepts 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, does 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; and, 3.) authorizes the acceptance of the Year 2 Implementation Plan per the grant rules and regulations.

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

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Romi Herrera

Resolution No. 21-190

RESOLUTION FOR MUNICIPALITIES TO CONFIRM ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECTS

WHEREAS, a Bergen County Community Development grant of \$200,000 has been proposed by Garfield Boys & Girls Club for roof replacement and roof deck repairs at the Natatorium at 490 Midland Avenue in the municipality of Garfield, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of Bergen County and the City of Garfield, and

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WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Garfield hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Romi Herrera

Resolution No. 21-191

WHEREAS, the Chief Financial Officer of the City of Garfield has recommended that the City of Garfield adopt a Cash Management Plan in accordance with NJSA 40A:5-14 and

WHEREAS, the Governing Body concurs with this recommendation:

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Garfield hereby adopt the Cash Management Plan as set forth on the attached description.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Romi Herrera

Resolution No. 21-192

A RESOLUTION AUTHORIZING THE PAYMENT OF AN ANNUAL SITE REMEDIATION FEE TO THE NJDEP IN CONNECTION WITH THE ACQUISITION OF THE SKULTETY PROPERTY AT 651 RIVER DRIVE

WHEREAS, the City of Garfield purchased a parcel of property located at 651 River Drive, and;

WHEREAS, the property required environmental assessment and remediation services to be performed to both qualify for the grant funding provided and to re-purpose this tract as open space in the future, and;

WHEREAS, an NJDEP Site Remediation Fee was assessed by the NJDEP as part of the administrative requirements associated with the remediation work

NOW THEREFORE BE IT RESOLVED the City of Garfield hereby authorizes the payment of \$5645.00 to the NJDEP pursuant to invoice #210277490 dated 5/10/20

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Romi Herrera

Resolution No. 21-193

A RESOLUTION AUTHORIZING PAYMENT TO D.S. MEYER ENTERPRISES, LLC FOR AN EMERGENCY WATER MAIN REPAIR AT THE INTERSECTION OF ARNOT STREET AND MACARTHUR AVENUE

WHEREAS, , the City of Garfield retained D.S. Meyer to perform an emergency water main repair on a six (6) inch water main at the intersection of Arnot Street and MacArthur Avenue, and;

NOW THEREFORE BE IT RESOLVED payment of \$38,774.10 is hereby approved to DS Meyer Enterprises, LLC for the water main repair work noted above.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Romi Herrera

Resolution No. 21-194

WHEREAS, the rules of procedure of the Planning and Zoning Boards of Adjustment of the City of Garfield state that a deposit shall be made to cover Engineering and Attorney fees, and

WHEREAS, funds have been received from A & L Tire Service Inc. for 2/6 Liberty Street, Garfield, New Jersey 07026 Block 149.03/Lot 9.02 & 16 in the amount of \$1,500.00 for Engineering Fees and \$550.00 for Attorney fees for a total amount of \$2,050.00 and said funds are being held in the Developer's Escrow Fund, and

WHEREAS, the Chief Financial Officer has investigated these deposits and had determined that they are due to the above individual;

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NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey that these monies be refunded to the above named claimant.

On call of roll, Ayes 5

(Sgd) Erin N. Delaney
Romi Herrera

Resolution No, 21-195

Resolution Re: Estimated Tax Bills

WHEREAS, the Mayor and Council has determined that the Municipal Tax Collector will be unable to complete the mailing and/or delivery of tax bills by June 14, 2021 as otherwise required by law, since the County of Bergen has not yet adopted a budget; and

WHEREAS, N.J.S.A. 54:4-66.2 provides that in the above circumstance the governing body may authorize and direct the Tax Collector to prepare an estimated tax bill as provided by statute; and

WHEREAS, it is in the best interests of the City of Garfield that said authorization be granted;

WHEREAS, the Chief Financial Officer and the Tax Collector have computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 and has certified such showing the tax rate is increased by 5%;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield as follows:

1. The Tax Collector be and hereby is authorized to issue estimated tax bills for the City for the third installment of 2021 taxes.
2. The entire estimated tax levy for 2021 is hereby set at \$66,845,009 and the tax rate is set at \$3.11.
3. In accordance with the law, the third installment of 2021 taxes shall not be subject to interest until the later of August 10 or the 25th calendar day after the date the estimated tax bills are mailed.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Pawel Maslag

BILLS AND CLAIMS

Resolution No. 21-196

RESOLVED by the City Council of the City of Garfield that the following Bills No. 2279 to 2280 covering Dog Trust Fund, Dedicated Penalty Trust Fire Department, totaling \$1,122.30 and the Current Fund Reserve totaling \$3,663.61 and Current Fund totaling \$181,055.47 and Water Fund Reserve totaling \$76.64 and the Water Fund totaling, \$46,088.19 and the General Capital Fund totaling \$383,991.11 and the Water Capital Fund totaling \$3,318.13 per attached Computer Lists, dated June 11, 2021, 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 fifty four (54) items prior to the meeting be ratified.

See

the following pages numbered _____ for Bills and Claims

ORDINANCES

Ordinance No. 2876

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, May 25, 2021; 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 REPEALING ORDINANCE NO. 2832, ADOPTED MARCH 25, 2020

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 Herrera duly seconded the motion.

On call of roll, Ayes 5

Ordinance No. 2877

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, May 25, 2021; 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 ORDINANCE NUMBER 1268 OF THE CITY CODE OF THE CITY OF GARFIELD ENTITLED "AN ORDINANCE TO REGULATE TRAFFIC AND PARKING," MORE PARTICULARLY THE SECTION DESIGNATING STOP SIGN INTERSECTIONS

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 Joseph 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 Maslag duly seconded the motion.

On call of roll, Ayes 5

Ordinance No. 2878

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, May 25, 2021; 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 CHAPTER 226-28 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED "RESIDENT PARKING PROGRAM," MORE PARTICULARLY CHAPTER 226-28.B(1) THEREOF, ENTITLED "RULES AND REGULATIONS"

City Clerk Pavlica read the ordinance by title.

ORDINANCES

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 Maslag 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 Herrera duly seconded the motion.

On call of roll, Ayes 5

Ordinance No. 2879

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, May 25, 2021; 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 CHAPTER 73-5.D "DISTANCE BETWEEN LICENSED PREMISES" OF THE CITY CODE OF THE CITY OF GARFIELD

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 Herrera duly seconded the motion.

On call of roll, Ayes 5

Ordinance No. 2880

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, May 25, 2021; 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 ARTICLE IX CHAPTER 226 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED "SNOW EMERGENCY PARKING"

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 Herrera duly seconded the motion.

On call of roll, Ayes 5

Ordinance No. 2881

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, May 25, 2021; it was duly published; a copy was posted on the bulletin board in City Hall, and the front and back

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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 REPEALING ORDINANCE NO. 2854

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 Herrera duly seconded the motion.

On call of roll, Ayes 5

Ordinance No. 2882

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, May 25, 2021; 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:

EMPLOYMENT SEPARATION PROGRAM

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 Herrera duly seconded the motion.

On call of roll, Ayes 5

Ordinance No. 2883

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, May 25, 2021; 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:

2021 CITY CLERK SALARY ORDINANCE

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 Herrera duly seconded the motion.

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On call of roll, Ayes 5

Councilmember Erin Delaney introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND CHAPTER 114 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED "FEES" TO ADD A PROVISION CREATING MECHANICAL CODE FEES

City Clerk Pavlica read the ordinance by title.

Councilmember Erin Delaney moved that this ordinance entitled: "AN ORDINANCE TO AMEND CHAPTER 114 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED "FEES" TO ADD A PROVISION CREATING MECHANICAL CODE FEES" 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 June 15, 2021 at 6:00 PM in City Hall in Garfield and that the City Clerk be directed to publish said ordinance in full together with the notice of such hearing in The Record, at least seven days prior to the hearing.

The motion, duly seconded by Councilmember Herrera, 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 Erin Delaney introduced in writing the following ordinance entitled:

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$410,000 FOR THE UNDERTAKING OF THE NEIGHBORHOOD REVITALIZATION STREETScape AND PEDESTRIAN SAFETY PROJECT (PHASE I) IN, BY AND FOR THE CITY OF GARFIELD, IN 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.

Councilmember Erin Delaney moved that this ordinance entitled: "BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$410,000 FOR THE UNDERTAKING OF THE NEIGHBORHOOD REVITALIZATION STREETScape AND PEDESTRIAN SAFETY PROJECT (PHASE I) IN, BY AND FOR THE CITY OF GARFIELD, IN 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" 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 June 15, 2021 at 6:00 PM in City Hall in Garfield and that the City Clerk be directed to publish said ordinance in full together with the notice of such hearing in The Record, at least seven days prior to the hearing.

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

CITIZENS AND TAXPAYERS

Ms. Eva Pahountis, 116 Chestnut Street, asked questions regarding Resident Parking Permits.

Ms. Christine Korsak, 185 Chestnut Street, asked questions regarding parking and vehicles blocking driveways

COUNCILMEMBER COMMENTS

Councilmember Joseph Delaney spoke on “No Turn On Red” regulations in Garfield. He spoke on the designation of the intersection of Bellport Place and Midland Avenue as “Dr. Kenneth S. Conte Way”.

Councilmember Herrera spoke on the Garfield Police Department Pop Up Neighborhood Barbeque held on June 10th at the intersection of Palisade Avenue and Somerset Street. He said that it was marvelous and great. He spoke on programs that bring the community together. He spoke on programs that help those who have been adversely affected financially due to the Covid-19 Pandemic.

Councilmember Maslag spoke on the amazing privilege and honor it was recognizing the Conte Family today and he thanked them for all their services to the people of Garfield over the years.

Mayor Rigoglioso said that when someone is the Mayor, there are certain things that they have the privilege of doing, and passing the Resolution recognizing the Conte Family and one of the great residents in the City of Garfield, is one of those things. He spoke on the upcoming Middle School Graduation Ceremony, and how, as the Principal of that School, he is proud of all of the graduates. He spoke on the upcoming Garfield High School Graduation. He spoke on the City returning to a sense of normalcy from the Covid-19 Pandemic and how things are opening up again. He said that it is a good feeling that it is happening in Garfield and across the State and across the Country. He spoke on the Independence Day Fireworks Show scheduled to be held on July 1st in Twentieth Century Field and how this is a sign of things slowly returning to normal. He spoke on big changes happening in the City of Garfield, and how City Manager Tom Duch was recently appointed as Bergen County Administrator and Bergen County Counsel. He said that he wishes Tom Duch the best, but he is not leaving the City, yet, because he still has a lot of things to do before he leaves. He spoke on the upcoming retirement of Drew Pavlica as City Clerk after nearly 34 years without missing a meeting of the Mayor and City Council. He said that he is always happy when someone moves on with their career or retires. He said that it is good that City Clerk Pavlica is moving on while he still has his health and happiness and he can still do some traveling. He said being in this type of field, he does not want City Officials to stay on a little too longer than they should. He said that it is tough to see when people do not enjoy their retirement in life. He said that it is good to see them when they come to events, and they seem a little bit happier and a little bit healthier, after putting all their time in. He said that he is happy for Drew Pavlica, and he commented on how the days are dwindling down here for him and that there are only a few more meetings left for him as City Clerk. He said that big things are happening in Garfield, and people feel excited and nervous about it, but everyone is looking forward to it. He concluded by wishing a Happy Father’s Day to all the Fathers.

SHORT RECESS, EXIT OF DEPUTY MAYOR ERIN DELANEY AND DEPUTY CITY CLERK RO SOLEN, AND RETURN TO ORDER

At 7:05 PM, as short Recess was called. At 7:25 PM, Mayor Rigoglioso again called the meeting to order and all City Officials were present as before the Recess with the exception of Deputy Mayor Erin Delaney and Deputy City Clerk Diane Rosolen. It was duly noted for the record.

FERAL CATS

The City Council and Cabinet met with Bergen County Supervising Animal Control Officer W. Mark Byrnes regarding Statutes and Ordinances and regulations regarding Feral Cats.

UNICO BOCCI BALL TOURNAMENT

The City Council and Cabinet discussed the UNICO Bocci Ball Tournament held on Sunday, June 6, 2021 in Twentieth Century Field near the intersection of Gaston Avenue and Leonard Street.

Special Meeting June 15, 2021, Continued

PROPOSED CANNABIS STUDY ORDINANCE

The City Council and Cabinet discussed the proposed Cannabis Study Ordinance.

REPORTS OF OFFICERS

City Manager Thomas J. Duch reported on the following:

1. The Summer Food Program scheduled to be held July 1, 2021 through September 30, 2021.
2. The Shared Services Agreement with the Mid-Bergen Regional Health Commission.
3. The Bond Ordinance for the Passaic Street Streetscape Program.
4. The Proposed new Towing Ordinance.
5. The Reopening of City Hall to the public starting Monday, June 7, 2021, from 9:00 AM to Noon.
6. The Extension of the Neighborhood Preservation Program by New Jersey Governor Phil Murphy and the award of \$125,000 which will be utilized for Public Relations to help businesses on Passaic Street.
7. The proposed Fire Department Stand-By Ordinance.
8. The proposed Naples Place Sidewalk Project.
9. The Hobart Place Playground Dog Park.
10. The Bergen County Community Development Block Grant application on behalf of the Garfield YMCA and Garfield Boys and Girls Club for \$199,000 for the emergency pool roof repair at 490 Midland Avenue.
11. The new Juneteenth Holiday signed into law.
12. The application filed by National Transfer of Lodi, Inc. for the expansion of their Solid Waste Transfer Station on Main Street near the intersection of Outwater Lane.
13. The proposed Jewell Street Playground Improvement and the proposed purchase of Playground Equipment.
14. The proposed Columbus Park Improvement.

RETURN OF DEPUTY MAYOR ERIN DELANEY

At 8:35 PM, Deputy Mayor Erin Delaney rejoined the meeting and it was duly noted for the record.

REPORTS OF OFFICERS

15. Funding from the American Rescue Plan being utilized for infrastructure improvements including to address the Packed Column Aeration Filtration System in the Elmwood Park Well Field located off Mola Boulevard near the intersection of Gilbert Avenue. A discussion ensued on the requirement for a Risk and Resiliency Assessment Needs to be performed.
16. Proposed Streets to be improved and funded by the New Jersey Department of Transportation State Aid Grant Program.

EXIT OF CITY ENGINEERS O'BRIEN, BOYER AND BOSWELL

At 9:15 PM, City Engineer Carl P. O'Brien, Kevin Boyer from Collier Engineering, and Special Projects Engineer Kevin J. Boswell left the meeting and it was duly noted for the record.

CANNABIS STUDY PRESENTED BY TOPOLOGY

Chris Colley from Topology, 60 Union Street, Newark, NJ 07105, gave a Powerpoint Presentation regarding a Cannabis Study.

MOTION TO REVERT BACK IN THE REGULAR ORDER OF BUSINESS TO RESOLUTIONS

Deputy Mayor Erin Delaney moved to Revert Back in the Regular Order of Business to Resolutions. Councilmember Moskal duly seconded the motion.

On call of roll, Ayes 5

RESOLUTIONS

Resolution No. 21-197

RESOLUTION APPROVING CHANGE ORDER NO. 54 OF TWO BROTHERS CONTRACTING, INC. FOR THE GARFIELD POLICE HEADQUARTERS PROJECT

WHEREAS, the City of Garfield ("Garfield") put out for a bid a project located in the City of Garfield known as Garfield Police Headquarters (the "Project") as required by the New Jersey Local Public Contracts Law, and

WHEREAS, Two Brothers Contracting, Inc. ("TBC") was the lowest responsible bidder and therefore was awarded the contract for the Project; and

WHEREAS, Garfield and TBC have been engaged in a business relationship with TBC performing work as the prime contractor on the Project pursuant to a certain written agreement dated October 25, 2017; and

WHEREAS, certain disputes have arisen between Garfield and TBC with regard to the Project, including specifically a claim asserted by TBC for delay damages; and

WHEREAS, Garfield and TBC have reached an agreement to settle and resolve said disputes and claims; and

WHEREAS, TBC has submitted to Garfield Change Order No. 54, in the amount of \$80,000.00; and

WHEREAS, as part of the settlement of the aforementioned disputes, Garfield has accepted and approved TBC's Change Order No. 54;

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Garfield does hereby approve Change Order No. 54 in the form annexed hereto as Exhibit A: and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to execute Change Order No. 54 as annexed hereto as Exhibit A on behalf of the City of Garfield; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer of the City of Garfield hereby authorized and directed to release the funds of \$80,000.00 in accordance with Change Order No. 54; and

BE IT FURTHER RESOLVED, that this resolution is to take effect immediately.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Pawel Maslag

Resolution No. 21-198

RESOLUTION RATIFYING SETTLEMENT AGREEMENT WITH TWO BROTHERS CONTRACTING, INC. FOR THE GARFIELD POLICE HEADQUARTERS PROJECT

WHEREAS, the City of Garfield ("Garfield") put out for a bid a project located in the City of Garfield known as Garfield Police Headquarters (the "Project") as required by the New Jersey Local Public Contracts Law, and

WHEREAS, Two Brothers Contracting, Inc. ("TBC") was the lowest responsible bidder and therefore was awarded the contract for the Project; and

RESOLUTIONS

WHEREAS, Garfield and TBC have been engaged in a business relationship with TBC performing work as the prime contractor on the Project pursuant to a certain written agreement dated October 26, 2017; and

WHEREAS, certain disputes have arisen between Garfield and TBC with regard to the Project, including specifically a claim asserted by TBC for delay damages; and

WHEREAS, Garfield and TBC wish to settle and resolve all present and future disputes arising out of the project in a manner that will obviate the need for further dispute resolution or litigation and will preclude the bringing of any future case, proceeding or action of any kind against each other, and

WHEREAS, Garfield and TBC have agreed to settle any current and future dispute for the agreed-upon sum of \$268,572.74, which represents final payment to TBC under the contract and full and final settlement of any and all claims it has against Garfield with respect to the Project, including specifically its claim for delay damages; and

WHEREAS, the terms and a more complete description of the agreement as negotiated are incorporated in a certain Settlement Agreement and Release, a true form of which is attached hereto as Exhibit A: and

WHEREAS, there are sufficient funds available to make the payment from the account established for the Project; and

WHEREAS, the City Manager and Counsel for Garfield recommend the approval of the Settlement Agreement and Release as in the best interests of Garfield to avoid further unnecessary expense and delay with respect to the Project;

NOW THEREFORE, BE IT RESOLVED, that the above recitals shall be deemed a part of this Resolution; and

BE IT FURTHER RESOLVED, that the Council of the City of Garfield does hereby approve that the dispute between Garfield and TBC be fully and finally resolved in accordance with the Settlement Agreement and Release in the form annexed hereto as Exhibit A: and

BE IT FURTHER RESOLVED, that the City Manager and Mayor are hereby authorized and directed to execute the Settlement Agreement and Release annexed hereto as Exhibit A on behalf of the City of Garfield; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer of the City of Garfield is hereby authorized and directed to release the settlement funds of \$268,572.74 pursuant to the Settlement Agreement and Release upon its execution; and

BE IT FURTHER RESOLVED, that this resolution is to take effect immediately.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Pawel Maslag

Resolution No. 21-199

RESOLUTION AUTHORIZING THE CITY TO FILE A COMPLAINT IN CONDEMNATION WITH REGARD TO 327 RIVER DRIVE, GARFIELD, NEW JERSEY

WHEREAS, on March 2, 2021 the City of Garfield (the "City") passed Resolution No. 21-079 authorizing the City to acquire the property located at 327 River Drive, Garfield, New Jersey (the "Property") via eminent domain proceedings;

WHEREAS, subsequent thereto, the City attempted to acquire the Property through pre-litigation negotiations with the Property owner;

WHEREAS, the City has been unable to acquire the Property from its owner through this negotiation process;

WHEREAS, in order to initiate condemnation proceedings to acquire the Property via eminent domain, the City is required under the New Jersey Rules of Court and the New Jersey Eminent Domain Act to file a verified complaint with the Superior Court of New Jersey, Law Division;

WHEREAS, the City's special litigation counsel has prepared the draft Verified Complaint annexed hereto as Exhibit A for this purpose;

WHEREAS, the City determines it to be in its best interest and consistent with Resolution 21-079 to file the Verified Complaint with the court;

WHEREAS, the City approves of the Verified Complaint and its content while recognizing that counsel for the City may be required to make corrections or amendments to the Verified Complaint prior to filing it in its final form;

RESOLUTIONS

NOW THEREFORE, BE IT RESOVED, by the Mayor and City Council of the City of Garfield, County of Bergen and State of New Jersey that the City Manager is hereby authorized to sign a Verified Complaint with the Superior Court of New Jersey, Law Division to initiate condemnation proceedings regarding the Property.

On call of roll, Ayes 4,
Nays 1 – Councilmember Maslag

(Sgd) Joseph Delaney
Richard Rigoglioso

MOTION TO RETURN TO THE REGULAR ORDER OF BUSINESS

Councilmember Joseph Delaney moved to Return to the Regular Order of Business. Councilmember Moskal duly seconded the motion.

On call of roll, Ayes 5

CLOSED SESSION

Resolution No. 21-200

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

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that a “Closed Session” is hereby called at 10:05 P.M. on Tuesday, June 15, 2021, to discuss the following as outlined in N.J.S.A. 10:4-12:

- * Matters involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds; (the proposed purchase of 165 Palisade Avenue at the intersection of Monroe Street; proposed condemnation of 327 River Drive).
- * Tactics or techniques utilized in protecting the safety and property of the pubic or any investigation of violations or possible violations of the law; (New Jersey State Supreme Court decision regarding required disclosure of major Police discipline of five-day suspensions or more).
- * Pending or anticipated litigation or contract negotiations or matters falling within attorney-client privilege; (settlement of lawsuit with Two Brothers Contracting Inc. re: construction of new Police Headquarters at 411 Midland Avenue; rental claim by 160 Belmont Avenue landlord Ben Tyberg regarding temporary police station; negotiations with various marketing firms to promote the City of Garfield).
- * Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplinary action of personnel unless the individual in the right request a public meeting in writing; (the extension of the Department of Personnel Civil Service Police Lieutenants List; part time employees being entitled to sick time benefits pursuant to new State law; accommodations made for Police Officer Mariggi Lopez during her pregnancy, proposed sick leave ordinance for Blue Collar employees).

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

On call of roll, Ayes 5

(Sgd) Richard Rigoglioso
Pawel Maslag

Special Meeting June 15, 2021, Continued

ADJOURNMENT

After the City Council came out of Closed Session at 10:45 PM, there being no further business, Councilmember Herrera moved to adjourn the meeting. Councilmember Maslag duly seconded the motion.

On call of roll, Ayes 5

Andrew J. Pavlica, CITY CLERK