

**CITY OF CLIFTON
CLIFTON, NEW JERSEY
REGULAR MEETING MINUTES JANUARY 18, 2022**

The Regular Meeting of the Municipal Council of the City of Clifton was held in the Municipal Court Room of Clifton City Hall, 900 Clifton Avenue, Clifton, New Jersey.

8:00 P.M. CALL OF ROLL

Mayor Anzaldi called the meeting to order and presided, and announced that the location of exits should be noted for use in case of fire or other emergencies and also that smoking regulations apply to the building and cell phones should be deactivated and turned off and read the following Statement of Compliance into the record:

Adequate notice of this meeting has been provided by the Annual Notice of regularly scheduled meetings of the Municipal Council for the year 2022 which was published as legal advertisements in the Herald News on December 11, 2021 and was additionally advertised in the Record on December 11, 2021. Further notice of this meeting was given on Friday prior to the meeting to The Herald News and by posting of said notice on the bulletin board at City Hall and on the Clifton Website which notice stated that formal action may or may not be taken on matters to come before the Municipal Council.

Upon roll call, the following were noted present:

| | | |
|------------------------|------|------------|
| Councilman Eagler | (PE) | (Via Zoom) |
| Councilman Gibson | (BG) | |
| Councilman Grabowski | (RG) | |
| Councilwoman Murphy | (LM) | |
| Councilwoman Pino | (RP) | |
| Councilwoman Sadrakula | (MS) | Absent |
| Mayor Anzaldi | (JA) | |

Also present were City Manager, Dominick Villano; City Attorney, Matthew Priore; Assistant City Attorney, David Bruins; City Clerk, Nancy Ferrigno and Deputy Clerk, Michele Butler.

CALL TO ORDER / ROLL CALL / INVOCATION / PLEDGE TO THE FLAG

Pastor Eric Farrar - Hope Reformed Church

PRESENTATION

APPROVAL OF MINUTES

A Motion was made by Councilman Grabowski, seconded by Councilwoman Murphy and passed on roll call vote to approve the Regular, Workshop and Executive Session Minutes of January 4, 2022 and the Special Budget Meeting of January 8, 2022.

(6-0-0-1) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino and Mayor Anzaldi voted aye. Councilwoman Sadrakula was absent.

COMMUNICATIONS FROM THE CITY MANAGER

- C-1 Alan Berkenbush Police Officer retired his position effective 01/01/2022.
- C-2 Frank Genovese School Traffic Guard resigned his position effective 01/03/2022.
- C-3 Daniel Howell Supervising Code Enforcement/Zoning Officer Regulatory Affairs, retired his position effective 01/01/2022
- C-4 Anita Scangarello Keyboarding Clerk 1 Human Services, retired her position effective 01/01/2022.
- C-5 Maria Skibola School Traffic Guard Public Safety, retired her position effective 01/01/2022.

January 18, 2022

- C-6 Minabeh Tailor School Traffic Guard Public Safety, retired her position effective 01/01/2022.
- C-7 Deborah Tauber Animal Control Officer Human Services retired her position effective 01/01/2022.
- C-8 Justin Cabrera, Michael McNally, Nicholas Miller, Jessica Montanez and Favio Toyos, Public Safety Telecommunicator Trainee's Public Safety, hired effective 01/03/2022 at \$31,837.38 annually.
- C-9 Raymond Davidoski Senior Mechanic D.P.W.,retired his position effective 01/01/2022.

COMMUNICATIONS MEETING MINUTES

- C- 10 Minutes of Alcoholic Beverage Control Board of December 15, 2021
- C- 11 Minutes of Board of Adjustment of January 5, 2022
- C- 12 Minutes of Committee for Individuals with Disabilities

SECOND READING ORDINANCES

A. Adoption of Ordinance 7687-22

B. Public Hearing on Ordinance 7687-22

Mayor Anzaldi opened the floor to the public with regard to the Ordinance 7687-22

With no one wishing to be heard, a Motion was made by Councilman Grabowski, seconded by Councilwoman Murphy and passed on roll call vote to close the public hearing.

The following entitled ordinance had been introduced and having passed on first reading, which first reading was by title and said entitled ordinance having been published according to the law and thereafter placed on the Agenda of the present meeting, said ordinance was brought up for public hearing at the opening of such hearing said ordinance was given a second reading which reading was by title and all persons interested having been given an opportunity to be heard concerning said ordinance and upon motion, adopted said hearing was closed and said ordinance was thereafter finally passed without amendments, upon motion regularly made by Councilman Grabowski, seconded by Councilwoman Murphy and carried by roll call vote.

An Ordinance to Amend, Revise and Supplement Chapter 77 of the Code of the City of Clifton, Entitled "Police Department" (Amends Table of Organization in Police Department)

(5-0-1-1) Councilman Eagler, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino and Mayor Anzaldi voted aye. Councilman Gibson abstained and Councilwoman Sadrakula was absent.

FIRST READING ORDINANCES

A. Introduction of Ordinance 7688-22

The entitled ordinance was introduced and read by the City Clerk, as first reading, which reading was by title, passed upon motion made by Councilman Grabowski, seconded by Councilwoman Murphy and carried by roll call vote.

An Ordinance to Amend, Revise and Supplement Chapter 439 of the Code of the City of Clifton, entitled "Vehicles and Traffic", More Particularly Article II Thereof, entitled "Stopping, Standing and Parking," Section 439-12, Entitled "Parking Prohibited for Street Cleaning" (Revises Lincoln Place)

It was regularly moved, seconded and carried that the ordinance now pending be further considered for final passage after public hearing at the regular meeting of the Municipal Council to be held Tuesday, February 1, 2022 at 8:00 p.m. and that the City Clerk be authorized to publish said ordinance together with statutory notice as required by law.

(6-0-0-1) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino and Mayor Anzaldi voted aye. Councilwoman Sadrakula was absent.

B. Introduction of Ordinance 7689-22

The entitled ordinance was introduced and read by the City Clerk, as first reading, which reading was by title, passed upon motion made by Councilwoman Murphy, seconded by Councilman Grabowski and carried by roll call vote.

An Ordinance to Amend, Revise and Supplement Chapter 439 of the Code of the City of Clifton, entitled "Vehicles and Traffic", More Particularly Article II Thereof, entitled "Stopping, Standing and Parking," Section 439-12, Entitled "Parking Prohibited for Street Cleaning" (Adds Burgess Place)

It was regularly moved, seconded and carried that the ordinance now pending be further considered for final passage after public hearing at the regular meeting of the Municipal Council to be held Tuesday, February 1, 2022 at 8:00 p.m. and that the City Clerk be authorized to publish said ordinance together with statutory notice as required by law.

(6-0-0-1) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino and Mayor Anzaldi voted aye. Councilwoman Sadrakula was absent.

C. Introduction of Ordinance 7690-22

The entitled ordinance was introduced and read by the City Clerk, as first reading, which reading was by title, passed upon motion made by Councilman Grabowski, seconded by Councilwoman Murphy and carried by roll call vote.

An Ordinance to Amend, Revise and Supplement Chapter 99 of the Code of the City of Clifton, entitled "Salaries and Compensation", More Particularly Article VI Thereof, entitled "Confidential Officials and Employees", Section 99-34, Entitled "Minimum and Maximum Salaries Fixed" (Amends Salary of Fire Chief)

It was regularly moved, seconded and carried that the ordinance now pending be further considered for final passage after public hearing at the regular meeting of the Municipal Council to be held Tuesday, February 1, 2022 at 8:00 p.m. and that the City Clerk be authorized to publish said ordinance together with statutory notice as required by law.

(6-0-0-1) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino and Mayor Anzaldi voted aye. Councilwoman Sadrakula was absent.

D. Introduction of Ordinance 7691-22

The entitled ordinance was introduced and read by the City Clerk, as first reading, which reading was by title, passed upon motion made by Councilman Grabowski, seconded by Councilwoman Murphy and carried by roll call vote.

An Ordinance to Amend, Revise and Supplement Chapter 439 of the Code of the City of Clifton, entitled "Vehicles and Traffic", More Particularly Section 439-19 Thereof, entitled "Bus Stops" (Deletes Bus Stop Along Broad Street at Allwood Road, Near Side (2664); Adds Bus Stop Along Broad Street Between Allwood Road and Hemmer Terrace); and Adds Bus Stop Along Delawanna Avenue at Main Avenue)

It was regularly moved, seconded and carried that the ordinance now pending be further considered for final passage after public hearing at the regular meeting of the Municipal Council to be held Tuesday, February 1, 2022 at 8:00 p.m. and that the City Clerk be authorized to publish said ordinance together with statutory notice as required by law.

January 18, 2022

(6-0-0-1) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino and Mayor Anzaldi voted aye. Councilwoman Sadrakula was absent.

CITY MANAGER PRIVILEGE

City Manager, Dominick Villano, gave an update on City park and recreation improvement projects.

FLOOR TO MEMBERS OF THE PUBLIC

With no one wishing to be heard, a motion was made by Councilman Grabowski, seconded by Councilwoman Murphy and passed on roll call vote to close the public session.

(6-0-0-1) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino and Mayor Anzaldi voted aye. Councilwoman Sadrakula was absent.

Councilman Gibson

Councilman Gibson congratulated Alan Berkenbush on his retirement from the Police Department. He stated he would continue to work on the new Recycling Program to assure it runs as smooth as possible. He announced that he would sit down with Councilwoman Murphy to aid in resolving the homeless issue.

Councilman Grabowski

Councilman Grabowski asked about the status of the revisions of certain Zoning Ordinances. City Attorney, Matthew Priore stated that difficulty was had setting up a meeting due to the holidays and preplanned vacations. Mr. Priore stated that a meeting will be set up in the near future.

Councilwoman Murphy

Councilwoman Murphy spoke about the urgent need to find shelter for the homeless population due to the extreme cold the area has been experiencing.

Councilwoman Pino

Councilwoman Pino congratulated Clifton resident, Rachel Zegler, for winning the Golden Globe award for her portrayal of Maria in Stephen Spielberg's film adaptation of West Side Story. She spoke about protective mask protocols during the Covid-19 pandemic.

Councilwoman Sadrakula

Councilwoman Sadrakula was absent.

Councilman Eagler

Councilman Eagler asked City Manager, Dominick Villano for an update on the proposed meeting with the residents in the Edwards Road area. Mr. Villano responded that once the study that was approved by Council is complete, then a meeting will be set up with the entire Council and the residents to discuss the findings. The time frame to be most likely in February or March of this year. Councilman Eagler announced a change of income requirements to qualify for home heating assistance and urged residents to investigate and apply for assistance even if they did not previously qualify.

Mayor Anzaldi

Mayor Anzaldi asked Administration to distribute information to residents regarding the home heating assistance program. He urged all residents to wear a mask and get a vaccine to stop the spread of Covid-19.

RESOLUTIONS

A Motion was made by Councilman Grabowski, seconded by Councilwoman Murphy and passed on roll call vote to move the group.

(6-0-0-1) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino and Mayor Anzaldi voted aye. Councilwoman Sadrakula was absent.

R031-22 Claims List - January 18, 2022

Resolution: Approve Claims List Resolution for the January 18, 2022 City Council Meeting

**RESOLUTION TO APPROVE CLAIMS TO BE PAID
MEETING OF January 18, 2022**

Resolved that all claims on the attached sheets are approved as reasonable and proper claims against the City of Clifton.

| | |
|----------------------------|------------------------|
| Current Fund | \$ 388,521.31 |
| Grant Fund | \$ 259,474.40 |
| General Capital Fund | \$ 627,024.00 |
| Sewer Utility -Operating | \$ 65,916.83 |
| Sewer Utility-Capital | \$ 621,748.71 |
| Developers Escrow | \$ 1,237.50 |
| Dog Trust | \$ |
| Police Extra Duty | \$ |
| Trust Other | \$ 171,819.27 |
| Section 8 Public Housing | \$ 230,339.81 |
| Community Development | \$ 20,547.82 |
| Payroll Agency | \$ |
| COAH | \$ 600.00 |
| Self Insurance | \$ 844,881.09 |
| Self Insurance 11 | \$ 715.00 |
| Fire Dedicated Penalties | \$ |
| Revolving Loan Fund | \$ |
| Tax Title Lien Redemption | \$ |
| Unemployment Trust Fund | \$ |
| Library | \$ 232.41 |
| General Liability Trust | \$ 23,536.14 |
| Workers Compensation Trust | \$ 79,465.39 |
| Federal DOJ Forfeiture | \$ |
| TOTAL CLAIMS | \$ 3,336,059.68 |

R032-22 Resolution - 2021 Budget Appropriation Transfer Resolution - Current Fund

**RESOLUTION FOR BUDGET TRANSFERS
2021 APPROPRIATION RESERVES
CURRENT FUND**

WHEREAS, transfers between appropriation reserves are permitted by N.J.S.A. 40A:4-59 during the first three (3) months of the next succeeding fiscal year; and

January 18, 2022

WHEREAS, certain 2021 appropriation reserves are expected to be insufficient to meet expenditure requirements for 2021 liabilities, and certain 2021 appropriation reserves have funds available to offset these expenditure requirements;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Clifton (not less than two-thirds of the full membership thereof affirmatively concurring (5)) that the transfers listed below, between 2021 appropriation reserves, be made.

| <u>Department</u> | <u>Account Number</u> | <u>Amount - Out</u> | <u>Amount - In</u> |
|---------------------|-----------------------|---------------------|---------------------|
| Electricity and Gas | 01-203-31-430-261 | \$ 30,000.00 | |
| Street Lighting | 01-203-31-435-275 | | \$ 30,000.00 |
| | | <u>\$ 30,000.00</u> | <u>\$ 30,000.00</u> |

R033-22 Resolution - 2022 Temporary Budget Increase for Debt Service - Sewer Utility

**2022 TEMPORARY BUDGET
CLIFTON SEWER UTILITY**

WHEREAS, N.J.S.A. 40A:4-19 authorizes temporary appropriations to provide for the period between the beginning of the budget year and the adoption of the budget, where contracts, commitments or payments are to be made prior to the adoption of the budget for any fiscal year; and,

WHEREAS, contracts, commitments or payments are to be made by the City of Clifton Sewer Utility for the purpose and amounts requested in the manner and time therein provided; and,

WHEREAS, the adoption of this resolution is prior to the 30th day of January 2022; and,

WHEREAS, 26.25% of the total appropriations in the 2021 Sewer Utility Budget, exclusive of any appropriations made for debt service and capital improvement fund, is in the sum of \$2,425,473.75,

NOW, THEREFORE, BE IT RESOLVED, that the Temporary Appropriations Amendments are hereby authorized to provide for contracts, commitments, and payments prior to the adoption of the 2022 Sewer Utility Budget as follows:

| <u>Sewer Department</u> | <u>Department Code</u> | <u>Amount</u> |
|--|------------------------|----------------------|
| Total Temporary Budget Amendment: | | <u>\$ 0.00</u> |
| <u>Debt Service Payments:</u> | | |
| Bond Principal | 07-201-45-920-342 | \$ 270,000.00 |
| Bond Interest | 07-201-45-930-344 | \$ 190,000.00 |
| Total Debt Service for Sewer Utility: | | <u>\$ 460,000.00</u> |
| Total Temporary Budget and Debt Service: | | <u>\$ 460,000.00</u> |

R034-22 Resolution - 2022 Temporary Budget Increase for the Municipal Budget - Debt Service and Grants

2022 TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 authorizes temporary appropriations to provide for the period between the beginning of the budget year and the adoption of the budget, where contracts, commitments or payments are to be made prior to the adoption of the budget for any fiscal year; and,

WHEREAS, contracts, commitments or payments are to be made by the City of Clifton for the purpose and amounts requested in the manner and time therein provided; and,

WHEREAS, the adoption of this resolution is prior to the 30th day of January 2022; and,

WHEREAS, 26.25% of the total appropriations in the 2021 Municipal Budget, exclusive of any appropriations made for debt service, capital improvement fund, and public assistance is in the sum of \$31,933,473.34,

NOW, THEREFORE, BE IT RESOLVED, that the Temporary Appropriations Amendments are hereby authorized to provide for contracts, commitments, and payments prior to the adoption of the 2022 Municipal Budget as follows:

| <u>Department</u> | <u>Department Code</u> | <u>Amount</u> |
|--|------------------------|------------------------|
| Office of Aging Title IIIB | 01-201-41-711-101 | \$ 32,000.00 |
| Office of Aging Title IIIB - Match | 01-201-41-711-102 | \$ 79,615.00 |
| 2021 State Body Armor Grant | 01-201-41-716-323 | \$ 6,564.29 |
| FY2022 Sustained Enforcement | 01-201-41-726-109 | \$ 80,000.00 |
| Partners For Health Grant | 01-201-41-744-323 | \$ 10,000.00 |
| FY2022 Local Recreation Grant | 01-201-41-745-323 | \$ 80,000.00 |
| Total Temporary Budget Amendment: | | <u>\$ 288,179.29</u> |
| <u>Debt Service Payments:</u> | | |
| Bond Principal | 01-201-45-920-342 | \$ 2,100,000.00 |
| Bond Interest | 01-201-45-930-344 | \$ 835,000.00 |
| Total Debt Service for the City: | | <u>\$ 2,935,000.00</u> |
| Total Temporary Budget and Debt Service: | | <u>\$ 3,223,179.29</u> |

R035-22 Resolution Releasing Guarantees for Site Improvements: Costco Wholesale Corp., 20 Bridewell Place & 168 Main Avenue, Block 72.06, Lots 38 and 42

**RESOLUTION RELEASING GUARANTEES FOR SITE IMPROVEMENTS:
COSTCO WHOLESALE CORP., 20 BRIDEWELL PLACE & 168 MAIN AVENUE
BLOCK 72.06, LOTS 38 AND 42**

WHEREAS, Gray Construction, Inc. (the Developer) originally posted with the City of Clifton Performance Bond No. 106713730 in the amount of \$36,158.40 and a cash portion in the amount of \$4,017.60 for site improvements for the facility located at 20 Bridewell Place and 168 Main Avenue, designated as Block 72.06, Lots 38 and 42; and

WHEREAS, the City of Clifton Engineering Department has inspected the site improvements and finds that the Developer has satisfactorily completed all the work in accordance with the approved plan, and is acceptable; and

WHEREAS, the duration of time since the date of completion has since elapsed the two-year maintenance period and therefore, the Maintenance Bond is waived; and

January 18, 2022

NOW, THEREFORE, BE IT RESOLVED, that the site improvements at 20 Bridewell Place and 168 Main Avenue, Clifton, New Jersey, Block 72.06, Lots 38 and 42 are accepted, the City Engineer is hereby directed to return the Performance Bonds and all escrow funds to Gray Construction, Inc.

R036-22 Resolution Awarding Professional Engineering Services Contract to Environmental Resolutions, Inc. for Licensed Site Remediation Services at the DPW, Firehouse #3, Firehouse #6, City Hall and the Former Safas Site at 4 Ackerman Ave. - 1/1/22 Thru 12/31/22

**RESOLUTION AWARDING PROFESSIONAL ENGINEERING SERVICES
CONTRACT TO ENVIRONMENTAL RESOLUTIONS, INC. FOR LICENSED
SITE REMEDIATION SERVICES AT THE DPW, FIREHOUSE #3,
FIREHOUSE #6, CITY HALL AND THE FORMER
SAFAS SITE AT 4 ACKERMAN AVE - 1/1/22 THRU 12/31/22**

WHEREAS, in accordance with a mandate by the New Jersey Department of Environmental Protection (NJDEP), the City of Clifton, by previous resolutions, appointed Rohan Tadas, presently of Environmental Resolutions, Inc., as its Licensed Site Remediation Professional (LSRP) for five sites in the City requiring remediation: the DPW, Firehouse #3, Firehouse #6, City Hall, and the former Safas site at 4 Ackerman Avenue; and

WHEREAS, remediation work has been ongoing on the five sites for years and must be continued and Environmental Resolutions, Inc. has submitted proposals to provide said services for the period January 1, 2022 thru December 31, 2022; and

WHEREAS, the City Engineer recommends that a contract for said services be awarded to Environmental Resolutions, Inc., in accordance with its submitted proposals, in the total amount not to exceed \$121,950.00, allocated to each site as follows:

| | |
|-------------------|-------------|
| Former Safas Site | \$ 9,500.00 |
| DPW | \$35,400.00 |
| Firehouse #6 | \$51,250.00 |
| Firehouse #3 | \$19,500.00 |
| City Hall | \$ 6,300.00 |

WHEREAS, the Municipal Council wishes to award a contract for the remediation services to Environmental Resolutions, Inc. of Mount Laurel, NJ, for the period January 1, 2022 thru December 31, 2022 in accordance with its proposals, at a total cost not to exceed \$121,950.00; and

WHEREAS, the subject matter is professional services and may be awarded without public advertising for bids and bidding therefor under *N.J.S.A.* 40A:11-5 *et seq.*; and

WHEREAS, this award is of a non-fair and open contract in accordance with *N.J.S.A.* 19:44A-20.5, and, therefore, the Business Entity Disclosure Certification has been received from the contractor and is incorporated into the contract awarded hereby, along with the Determination of Value; and

WHEREAS, the value of the contract for 2022 is determined to be not to exceed \$121,950.00, and the duration of the contract is 1/1/22 - 12/31/22;

NOW, THEREFORE, BE IT RESOLVED, that a professional engineering services contract be awarded to Environmental Resolutions, Inc. of Mount Laurel, NJ, for professional remediation services for the DPW Site, Firehouse #3, Firehouse #6, City Hall and the former Safas Site at 4 Ackerman Avenue, for the year 2022, at a price not to exceed \$121,950.00; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute a contract on behalf of the City of Clifton, and that the original of this resolution and the contract above referred to be placed on file and made available for inspection at the Office of the City Clerk of the City of Clifton; and

BE IT FURTHER RESOLVED, that the following short notice be printed once in a legal newspaper of the City of Clifton.

R037-22 Resolution Awarding Professional Engineering Services Contract to Neglia Engineering for Additional Design and Other Engineering Services in Connection with Urma Avenue Improvements Phase III

**RESOLUTION AWARDING PROFESSIONAL ENGINEERING SERVICES
CONTRACT TO NEGLIA ENGINEERING FOR ADDITIONAL DESIGN AND OTHER
ENGINEERING SERVICES IN CONNECTION WITH URMA AVENUE
IMPROVEMENTS PHASE III**

WHEREAS, the City of Clifton previously awarded professional engineering services for the design in connection with Phase III Improvements for Urma Avenue; and

WHEREAS, the City of Clifton now requires professional engineering services including additional design services in connection with Phase III improvements for Urma Avenue in the City of Clifton; and

WHEREAS, the City Engineer recommends that an increase and extension of their existing contract be awarded to Neglia Engineering Associates in accordance with its submitted proposal, dated January 5, 2022, in the amount of not to exceed \$166,900.00; and

WHEREAS, after reviewing the proposal and the recommendation of the City Engineer, the Municipal Council wishes to award a contract to Neglia Engineering Associates for the provision of said services, in the amount of not to exceed \$166,900.00; and

WHEREAS, the subject matter is professional services and may be awarded without public advertising for bids and bidding therefor under *N.J.S.A.* 40A:11-5 *et seq.*; and

WHEREAS, this award is of a non-fair and open contract in accordance with *N.J.S.A.* 19:44A-20.5, and, therefore, the Business Entity Disclosure Certification has been received from the engineer and is incorporated into the contract awarded hereby, along with the Determination of Value; and

WHEREAS, the value of the contract is determined to not to exceed \$166,900.00, and the duration of the contract is until completion;

NOW, THEREFORE, BE IT RESOLVED, that a professional engineering services contract engineering services including supplemental design services in connection with Phase III improvements for Urma Avenue is hereby awarded to **NEGLIA ENGINEERING ASSOCIATES**, in accordance with its proposal dated January 5, 2022, in the amount of not to exceed \$166,900.00, without the adoption of a supplemental resolution authorizing additional funding; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute a contract on behalf of the City of Clifton, and that the original of this resolution and the contract above referred to be placed on file and made available for inspection at the Office of the City Clerk of the City of Clifton; and

BE IT FURTHER RESOLVED, that the following short notice be printed once in a legal newspaper of the City of Clifton.

January 18, 2022

R038-22 Resolution Amending R565-21 for Authorizing Purchase of Regular Ultra Low Sulphur Diesel off the Somerset County Cooperative Pricing System #CC-0036-21 Pursuant to N.J.S.A. 40A:11-1 et seq.

AMENDING RESOLUTION R565-21 FOR AUTHORIZING PURCHASE OF REGULAR ULTRA LOW SULPHUR DIESEL OFF THE SOMERSET COUNTY COOPERATIVE PRICING SYSTEM #CC-0036-21 PURSUANT TO N.J.S.A. 40A:11-1 et seq.

WHEREAS, the City of Clifton has a need to purchase Ultra Low Sulphur Diesel for its vehicles; and

WHEREAS, the City is an active member of the Somerset County Cooperative Pricing System; and,

WHEREAS, Pursuant to resolution R565-21 of December 7, 2021, the City was permitted to procure Red-Dyed #2 Ultra Low Sulfur Diesel, and Red-Dyed Winter Blend Diesel from National Fuel Oil Inc., located at 175 Orange Street, Newark, NJ 07103, via Somerset County Cooperative Pricing System Contract (#CC-0036-21), which the vendor was awarded; and

WHEREAS, due to a scrivener's error, the mark-up was inadvertently stated in R565-21 as \$0.0649, while the actual mark-up for Passaic County-based cooperative members was in fact \$0.0849 and \$0.0849 for Red-Dyed #2 Ultra Low Sulfur Diesel, and Red-Dyed Winter Blend Diesel, respectively; and

WHEREAS, the City therefore is required to amend the resolution to record the appropriate mark-up rate, whereby the Department of Public Works may continue in compliance with use of the above Somerset County cooperative contract, all other terms and conditions remaining the same; and

WHEREAS, pursuant to said Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Municipal Council wishes to amend Resolution R565-21, to memorialize the actual mark-up rates off of the Somerset County Cooperative Pricing System Contract (#CC-0036-21), and authorizes the aforesaid mentioned purchases and delegate the power to make the same to the following named official: **James J. Jorgensen, Purchasing Agent** upon the terms and conditions hereafter stated; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Council do hereby approve and authorize the amendment of the aforementioned purchase above from National Fuel Oil Inc., 175 Orange Street, Newark, NJ 07103, as-needed off the Somerset County Cooperative Pricing System Contract (#CC-0036-21), for a total as-needed not to exceed amount of \$350,000 for the term January 1, 2022 through December 31, 2022.

R039-22 Resolution Awarding Contract to Carfax, Inc. for Providing Online Police Investigative Tools and Online Access to Police Accident Reports

**RESOLUTION AWARDING CONTRACT TO CARFAX, INC.
FOR PROVIDING ONLINE POLICE INVESTIGATIVE TOOLS
AND ONLINE ACCESS TO POLICE ACCIDENT REPORTS**

WHEREAS, pursuant to resolution R500-21 adopted November 3, 2021, whereby the City Council to ensure compliance with the Local Public Contracts Law N.J.S.A. 40A:11-4.1 et seq., authorized the City of Clifton to solicit proposals, through the competitive contract process from appropriate vendors to provide Online Police Investigative Tools and Online Access to Police Accident Reports for the City of Clifton; and

WHEREAS, the Law Department has opined as to the legality of the above purpose as a concession under N.J.A.C. 5:34-9 and that the competitive contracting process is authorized to be used for concessions pursuant to the provisions of N.J.S.A. 40A:11-4.1; and,

WHEREAS, N.J.S.A. 40A:11-4.1 further provides for the procurement or licensing of proprietary computer software designed for contracting unit purposes, which may include computer hardware intended for use with the proprietary software; and

WHEREAS, the following two (2) proposals were received and opened on December 7, 2021:

1. Carfax, Inc.
2. LexisNexis Coplogic Solutions Inc.

WHEREAS, a committee was convened to evaluate the proposals; and

WHEREAS, based on the evaluation criteria, as set forth in the RFP, the committee found that Carfax, Inc. appears to be the best fit for the City's needs and requirements; and

WHEREAS, additionally, LexisNexis Coplogic Solutions Inc. did not object to the Specifications prior to receipt of proposals, yet unilaterally sought to alter the Specification in its proposal with a strikeout of a section of the required American Disabilities Act form; and

WHEREAS, the proposal from Carfax, Inc. is of no cost to the City of Clifton, and access shall be provided on the City's website, whereby an online end-user shall pay a fee to be determined by the City of Clifton for accident reports, and said fee and potential volume shall determine revenues to the City; and

WHEREAS, the term of the contract shall be for two years from date of award by the governing body, January 20, 2022 to January 19, 2024. The term may be renewed for up to three one-year extensions for a term not to exceed a total of five (5) years; and

WHEREAS, the award of this contract does not affect constituents coming into City Hall to make requests for accident reports in-person; and

WHEREAS, upon in-depth evaluation and discussion of proposals received, the committee found the proposal submitted by Carfax, Inc. to be the most advantageous, price and other factors considered, and therefore; on behalf of the committee, the Qualified Purchasing Agent recommends that the contract for Online Police Investigative Tools and Online Access to Police Accident Reports be awarded to Carfax, Inc., 5860 Trinity Parkway, Suite 600, Centreville, VA 20120; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Municipal Council that the two (2) year contract for Online Police Investigative Tools and Online Access to Police Accident Reports is hereby awarded to Carfax, Inc., 5860 Trinity Parkway, Suite 600, Centreville, VA 20120, in accordance with their proposal, and as follows:

- No cost to the City of Clifton
- An end-user fee for obtaining Accident Reports, to be determined by the City of Clifton

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized and directed to execute a contract for said services on behalf of the City of Clifton, upon approval by the Law Department; and

BE IT FURTHER RESOLVED, that this resolution be placed on file with the original contract and made available for the public inspection at the Office of the City Clerk of the City of Clifton; and

BE IT FURTHER RESOLVED, that the following short notice be printed one in a legal newspaper of the City of Clifton.

January 18, 2022

R040-22 Resolution to Amend Resolution R335-20 and Related Contract to LAN Associates, Inc., for Mechanical Engineering Project Management Services for Replacing the City Hall HVAC System

**AUTHORIZATION TO AMEND RESOLUTION R335-20
AND RELATED CONTRACT TO LAN ASSOCIATES, INC., FOR
MECHANICAL ENGINEERING PROJECT MANAGEMENT
SERVICES FOR REPLACING THE CITY HALL HVAC SYSTEM**

WHEREAS, Pursuant to Resolution R335-20, adopted September 15, 2020, the City awarded a professional services contract for mechanical engineering consulting services to LAN Associates Engineering, Planning, Architecture, Surveying, Inc., 445 Godwin Avenue, Suite 9, Midland Park, NJ 07432; and in accordance with its proposal for a total amount not to exceed \$55,030.00 without the adoption of a supplemental resolution; and

WHEREAS, the contract term was to be one year, set to expire September 14, 2021, whereby the project overall was delayed due to Covid-19 restrictions and further delayed regarding shipment of the ordered and required equipment and parts; and

WHEREAS, as the HVAC equipment replacement at City Hall project is nearer to conclusion, the Qualified Purchasing Agent requests that the City amend the resolution and extend the contract through to March 1, 2022, in order to provide ample time for final inspections and final report by LAN Associates, who is contracted as the City's Mechanical Engineer for the aforementioned project; and,

NOW THEREFORE BE IT RESOLVED by the Mayor and Municipal Council that the Contract with LAN Associates, Inc. Engineering, Planning, Architecture, Surveying, Inc., 445 Godwin Avenue, Suite 9, Midland Park, NJ 07432, be amended to extend the amount of time, whereby the termination date of September 14, 2021 will be revised to terminate on March 1, 2022, with at no additional cost to the City; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are authorized and directed hereby to implement this amendment to R335-20, and execute any required documentation, if any, upon approval by the Law Department.

R041-22 Resolution Censuring Councilmember Mary Sadrakula

RESOLUTION CENSURING COUNCILMEMBER MARY SADRAKULA

WHEREAS, Mary Sadrakula is a member of the City of Clifton Municipal Council and represents the City and Council in all of her public activities in that position; and

WHEREAS, it is the duty of all City Councilmembers to preserve the dignity of their office in a manner that reflects the stature of the office of City Councilmember; and

WHEREAS, an employee of the City asserted allegations of making false statements and breaching confidentiality of closed session discussions of the Municipal Council of the City of Clifton against Councilmember Mary Sadrakula (hereinafter "Councilmember Sadrakula"); and

WHEREAS, pursuant to Resolution 425-20 adopted by the Municipal Council on November 16, 2020, the City appointed and retained Ralph L. De Luccia, Jr., J.S.C. (ret.), a retired Judge of the Superior Court of New Jersey, and the former Director of Law and Corporation Counsel for the City of Paterson, N.J., to conduct an independent investigation to determine whether Councilmember Sadrakula made false statements and breached the strictures of confidentiality of the executive session discussions and decisions of the Municipal Council held on September 15, 2020.

WHEREAS, in the course of this investigation, interviews were conducted of officials of the City and independent professional contractors employed by the City. Judge De Luccia also attempted to interview Councilmember Sadrakula, the individual whose conduct is central to this investigation, however, Councilmember Sadrakula declined to be interviewed.

WHEREAS, on December 3, 2021, Judge De Luccia issued a detailed report outlining his independent investigation and providing findings of fact and conclusion of law (“the De Luccia Report”); and

WHEREAS, a summary of the De Luccia Report and findings of fact conclusions of law was provided to Mr. Priore, Councilmember Sadrakula and her personal counsel; and

WHEREAS, the Municipal Council has reviewed the report and recommendations and determined that specific remedial actions are warranted; and

WHEREAS, pursuant to N.J.S.A. 40:81-16, the Municipal Council has the authority to conduct investigations into the conduct of any officer; and

WHEREAS, pursuant to N.J.S.A. 40:81-9, the Municipal Council shall have and possess all administrative, judicial, and legislative powers and duties now had, and possessed and exercised by the governing body of such municipality and all other executive or legislative bodies in such municipality, and shall have complete control and supervision over the affairs of the municipality to be exercised in all the manner herein prescribed; and

WHEREAS, the De Luccia Report concluded that having been present at the executive session of the Municipal Council on August 20, 2020, Councilmember Sadrakula knew that the Final Offer to be presented in negotiations had the blessing of the Municipal Council, and that the labor negotiating team was duly authorized to present it to the arbitrator. The De Luccia Report also concluded that Councilmember Sadrakula’s allegations made at the public meeting on September 15, 2020, disavowing the Council’s approval were patently untrue; and

WHEREAS, as a result of Councilmember Sadrakula’s statements, the untrue allegations became a part of the official public record. Also as a result of an article which appeared on September 23, 2020 in NorthJersey.com, Councilmember Sadrakula’s statements were widely disseminated in the press and published. Councilmember Sadrakula compounded her wrongful conduct by using her false claims as a basis to move *sua sponte* to fire both Mr. Priore and Mr. Acebo. Councilmember Sadrakula’s impromptu motions were properly ruled out of order and rejected by Mayor Anzaldi.

WHEREAS, the findings in the De Luccia Report and the behavior engaged in by Councilmember Sadrakula has caused great concern by and among the Council members regarding her leadership, ability to interact with the City employees and her ability to act in the best interests of the City of Clifton and its citizens; and

WHEREAS, it is the opinion of the majority of the members of the Council that the actions and conduct of Councilmember Sadrakula, as a member of the City Council, demonstrate her disrespect for her office and position, as well as her disrespect of the Municipal Attorney, Labor Counsel, members of the City Council and, most importantly, her disservice to the residents of the City of Clifton, who elected her to serve responsibly as a member of the City Council, as well as to all residents of the City of Clifton; and

WHEREAS, Councilmember Sadrakula was previously censured by way of Resolution 332-21 duly passed and adopted on July 20, 2021; and

WHEREAS, it is incumbent upon the Council to require all Council Members to conduct themselves in accordance with the law, including the Open Public Meetings Act, and with the dignity, decorum and common decency toward others that is expected of the Governing Body; and

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Clifton, Passaic County, New Jersey, as follows:

January 18, 2022

The City Council of the City of Clifton hereby expresses its disappointment in the unacceptable conduct of Councilmember Sadrakula that was improper, contrary to the Open Public Meetings Act, contrary to good government, a violation of her obligations and duties as a public servant and which interfered with the ability of City of Clifton employees, outside counsel, and independent contractors to perform their duties.

The City Council further expresses to Councilmember Sadrakula the desire that when engaging with City employees, outside counsel, and independent contractors, Councilmember Sadrakula conduct herself in the same professional and dignified manner we would expect of City employees and treat them with the respect that they deserve.

The City Council hereby directs Councilmember Sadrakula to issue a public apology to Municipal Attorney, Matthew Priore, Esq., and Labor Counsel, Andres Acebo, Esq., for falsely accusing them of having acted outside the scope of their respective authority and attempting to impugn their respective professional reputations.

The City Council further directs Councilmember Sadrakula to issue a public apology to the citizens of the City Clifton for having engaged in conduct that was contrary to her obligations as an elected official and inimical to the public good.

The City Council directs that the De Luccia Report, this Resolution and any necessary additional information be referred to the Local Finance Board or other entity charged with addressing violations of the Open Public Meetings Act and ethics violations by elected officials so a complaint may be filed and the issues and findings contained in the report may be further addressed as necessary. The City Council further directs that the report, resolution and any necessary additional information be forwarded to the Local Finance Board by the outside counsel for the City and same be coordinated through the Law Department or the City Manager as necessary.

A formal censure of Councilwoman Sadrakula is hereby issued by the Municipal Council for Councilmember Sadrakula's improper and unacceptable conduct and violations of her obligations and duties as a public servant.

Councilwoman Mary Sadrakula will present herself before the Municipal Council for the pronouncement of censure.

WHEREUPON, the members of the Municipal Council voted in favor.

This Resolution was declared duly passed and adopted and signed by the Mayor on this 18th day of January, 2022.

R042-22 Resolution Approving Developer Agreement Between the City of Clifton and Tsungas Petroleum, Inc. and Johan Kafil (CON-3)

**RESOLUTION APPROVING DEVELOPER AGREEMENT BETWEEN
THE CITY OF CLIFTON AND TSUNGAS PETROLEUM, INC. AND JOHAN KAFIL**

BE IT RESOLVED, that a Developer Agreement between the City of Clifton and Tsungas Petroleum, Inc. and Johan Kafil, the developer of Block 7.15, Lot 11 (formerly Lots 10 and 11), 453 (formerly 453-463) Lexington Avenue, Clifton, New Jersey, is hereby authorized and approved; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute said Developer Agreement on behalf of the City of Clifton.

R043-22 Resolution for Appointment to the Clifton Traffic Safety Council

**RESOLUTION FOR APPOINTMENT TO THE
CLIFTON TRAFFIC SAFETY COUNCIL**

WHEREAS, the Mayor and Council of the City of Clifton, County of Passaic, State of New Jersey are aware of the resignation of Robert Stolarz from the Clifton Traffic Safety Council; and

WHEREAS, the Mayor and Council are in receipt of an application from Gary Perino to become a Member of the Clifton Traffic Safety Council;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Municipal Council of the City of Clifton, County of Passaic, State of New Jersey that Gary Perino is hereby appointed as a Member of the Clifton Traffic Safety Council commencing this day through December 31, 2024.

R044-22 Resolution of Congratulations Upon Retirement - Raymond E. Davidoski

**RESOLUTION OF CONGRATULATIONS UPON RETIREMENT –
DPW SENIOR MECHANIC – RAYMOND E. DAVIDOSKI**

WHEREAS, January 1, 2022, DPW Senior Mechanic, Raymond E. Davidoski, officially retired from his position with the City of Clifton; and

WHEREAS, he was appointed as a Laborer 1 on July 11, 2000, and his retirement will conclude a 21-year career in service to the public and the City of Clifton; and

WHEREAS, throughout his career, he has always displayed an attitude of professionalism and dedication to duty; and

WHEREAS, he has been a credit to the City of Clifton during all this time, and this Governing Body wishes to acknowledge his long-time service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Members of the Municipal Council of the City of Clifton do hereby extend to

**DPW SENIOR MECHANIC
RAYMOND E. DAVIDOSKI**

their sincere congratulations and thanks for a job well done, as well as their best wishes for continued good health, peace and happiness in his retirement; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this meeting, and a copy thereof presented to **RAYMOND E. DAVIDOSKI**.

R045-22 Resolution of Congratulations Upon Retirement - Alan T. Berkenbush

**RESOLUTION OF CONGRATULATIONS UPON RETIREMENT –
POLICE OFFICER – ALAN T. BERKENBUSH**

WHEREAS, January 1, 2022, Police Officer – Alan T. Berkenbush, officially retired from his position with the City of Clifton; and

WHEREAS, he was appointed as a Police Officer on September 5, 2000, and his retirement will conclude a 21-year career in service to the public and the City of Clifton; and

WHEREAS, throughout his career, he has always displayed an attitude of professionalism and dedication to duty; and

January 18, 2022

WHEREAS, he has been a credit to the City of Clifton during all this time, and this Governing Body wishes to acknowledge his long-time service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Members of the Municipal Council of the City of Clifton do hereby extend to

**POLICE OFFICER
ALAN T. BERKENBUSH**

their sincere congratulations and thanks for a job well done, as well as their best wishes for continued good health, peace and happiness in his retirement; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this meeting, and a copy thereof presented to **ALAN T. BERKENBUSH**.

R046-22 Resolution of Congratulations Upon Retirement - Maria Skibola

**RESOLUTION OF CONGRATULATIONS UPON RETIREMENT –
SCHOOL TRAFFIC GUARD – MARIA SKIBOLA**

WHEREAS, January 1, 2022, School Traffic Guard, Maria Skibola, officially retired from her position with the City of Clifton; and

WHEREAS, she was appointed as a School Traffic Guard on February 26, 2001 and her retirement will conclude a twenty-year career in service to the public and the City of Clifton; and

WHEREAS, throughout her career, she has always displayed an attitude of professionalism and dedication to duty; and

WHEREAS, she has been a credit to the City of Clifton during all this time, and this Governing Body wishes to acknowledge her long-time service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Members of the Municipal Council of the City of Clifton do hereby extend to

**SCHOOL TRAFFIC GUARD
MARIA SKIBOLA**

their sincere congratulations and thanks for a job well done, as well as their best wishes for continued good health, peace and happiness in her retirement; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this meeting, and a copy thereof presented to **MARIA SKIBOLA**.

R047-22 Resolution of Congratulations Upon Retirement - School Traffic Guard - Minaben Tailor

**RESOLUTION OF CONGRATULATIONS UPON RETIREMENT –
SCHOOL TRAFFIC GUARD – MINABEN TAILOR**

WHEREAS, December 31, 2021, School Traffic Guard, Minaben Tailor, officially retired from her position with the City of Clifton; and

WHEREAS, she was appointed as a School Traffic Guard on February 26, 2008 and her retirement will conclude a thirteen-year career in service to the public and the City of Clifton; and

WHEREAS, throughout her career, she has always displayed an attitude of professionalism and dedication to duty; and

WHEREAS, she has been a credit to the City of Clifton during all this time, and this Governing Body wishes to acknowledge her long-time service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Members of the Municipal Council of the City of Clifton do hereby extend to

**SCHOOL TRAFFIC GUARD
MINABEN TAILOR**

their sincere congratulations and thanks for a job well done, as well as their best wishes for continued good health, peace and happiness in her retirement; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this meeting, and a copy thereof presented to **MINABEN TAILOR**.

R048-22 Resolution for Reappointment of Member to the Clifton Affordable Housing Agency

**RESOLUTION FOR REAPPOINTMENT OF
MEMBER OF THE CLIFTON AFFORDABLE HOUSING AGENCY**

WHEREAS, John T. Withers', a Member of the Clifton Affordable Housing Agency, term has expired; and

WHEREAS, Mr. Withers wishes to continue as a Member of said committee;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Municipal Council of the City of Clifton, County of Passaic, State of New Jersey that the John T. Withers be and is hereby reappointed to the Clifton Affordable Housing Agency for a three-year term, commencing on January 1, 2021 through December 31, 2023.

R049-22 Resolution Authorizing Renewal of Limousine License - Danny Limo

RESOLUTION AUTHORIZING RENEWAL OF LIMOUSINE LICENSE

WHEREAS, the Mayor and Council of the City of Clifton, County of Passaic, State of New Jersey are in receipt of a Renewal Limousine License Application from Odanis Sarante-Guzman, Danny Limo & Black Car Service, LLC, 115 Starmond Avenue, Clifton, NJ; and

WHEREAS, all paperwork has been completed and all fees have been paid; and

WHEREAS, all inspections have been completed by the Police and Zoning Departments;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Clifton, County of Passaic, State of New Jersey that approval of a Renewal Limousine License to Odanis Sarante-Guzman, Danny Limo & Black Car Service, LLC, 115 Starmond Avenue, Clifton, NJ be and is hereby granted.

Company name:

Danny Limo & Black Car Service, LLC

Owner:

Odanis Sarante-Guzman

January 18, 2022

Approved Operator:

Odanis Sarante-Guzman

Approved Vehicles:

2021 Cadillac Escalade SUV 1GYS4KKL9MR398773

Approved Parking Location:

115 Starmond Avenue, Clifton, NJ

R050-22 Resolution of Congratulations New Hope School 25th Anniversary

**RESOLUTION OF CONGRATULATIONS ON
NEW HOPE SCHOOL – 25TH ANNIVERSARY**

WHEREAS, in 1996, the New Hope School was established by two mothers, Jeanne Carroll and Ginny Christofferson of the Unification Church which was founded by Rev. Sun Myung Moon and his wife, Hak Ja Han Moon; and

WHEREAS, 2021 marks the 25th Anniversary of the founding of New Hope School; and

WHEREAS, Jeanne Carroll and Ginny Christofferson began the school with six first-graders. Their goal was to establish a challenging academic, as well as moral, educational environment for their children; and

WHEREAS the school started out in Mrs. Carroll's home and adding one grade level each year, the school gradually expanded. In 2002, the school relocated to its present location at the Athenia Reformed Church at 780 Clifton Avenue; and

WHEREAS, enrollment currently comprises students from 25 countries embracing various Christian, Muslim, Hindu and other eastern religious traditions; and

WHEREAS, New Hope School has always offered a curriculum based upon universal values that have been at the basis of all the world's great religious and cultural traditions and specifically seeks to promote family values together with a vigorous academic program to develop the students' hearts and intellects in preparation for an adult life of living for the sake of others;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Members of the Municipal Council of the City of Clifton, on behalf of all its citizens, do hereby congratulate

NEW HOPE SCHOOL

on the occasion of the

25TH ANNIVERSARY OF ITS FOUNDING

And do further extend sincere best wishes to all of its employees for continued success and further growth and progress in the future.

R051-22 Resolution Authorizing the Clifton Public Housing Agency to Utilize the Small Area Fair Market Rent Rule and to Change the Payment Standards for the Section 8 Voucher Program for 2022

**RESOLUTION AUTHORIZING THE CLIFTON PUBLIC HOUSING AGENCY TO
UTILIZE THE SMALL AREA FAIR MARKET RENT RULE AND TO CHANGE THE
PAYMENT STANDARDS FOR THE SECTION 8 VOUCHER PROGRAM FOR 2022**

WHEREAS, ON April 6, 1976, the Mayor and Municipal Council of the City of Clifton, pursuant to Section 8 of the United States Housing Act of 1937, as amended, (42 USC 1437 F), adopted a resolution establishing the Clifton Public Housing Agency; and

WHEREAS, the Clifton Public Housing Agency administers the Section 8 Voucher Program and the purpose of this Agency is to make available certain federal funds to aid the housing needs of certain low- and moderate-income citizens of the City of Clifton; and

WHEREAS, the Section 8 Voucher Program has established payment standards used in computation of rental assistance payments; and

WHEREAS, in accordance with U.S. Department of Housing and Urban Development (H.U.D.) regulations, the payment standards should be periodically updated and changed to reflect changes in the H.U.D. published fair market rents; and

WHEREAS, Federal Register Document 2016-27112 Filed on 11-15-16 and Final Rule Docket FR-5855-F-03 effective 1-17-17 has established a Small Area Fair Market Rent Rule entitled: Department of Housing Urban Development - Establishing a More Effective Fair Market Rent System; Using Small Area Fair Market Rents (SAFMR) in the Housing Choice Voucher Program Instead of the Current 50th Percentile FMRs; and

WHEREAS, as per notification from HUD on August 11, 2017, HUD exercised its authority under 24 CFR 888.113 (c)(4)(iii) to suspend the Small Area FMR designation for two Federal Fiscal years and will become effective at the beginning of FY 2020 instead of 2018; and

WHEREAS, on December 23, 2017 the United States District Court for the District of Columbia ordered HUD to implement the mandatory components of the Small Area FMR rule on January 1, 2018 therefore making the PHA’s previously subject to the Small Area FMR’s required to implement the SAFMR’s beginning January, 2018; and

WHEREAS, the Clifton Public Housing Agency is desirous to update and implement the published **2022** Small Area Fair Market Rents pertaining to the multiple zip codes within the City of Clifton; and

WHEREAS, the following chart depicts the published Fiscal Year FY2022 Advisory Small Area FMR’s for Passaic County defining Small Areas using Zip Codes within the metropolitan area and are effective as of March 1, 2022

| ZIP Code | Efficiency | One-BR | Two-BR | Three-BR | Four-BR |
|----------|------------|---------|---------|----------|---------|
| 07011 | \$1,230 | \$1,480 | \$1,730 | \$2,150 | \$2,680 |
| 07012 | \$1,240 | \$1,480 | \$1,740 | \$2,160 | \$2,700 |
| 07013 | \$1,190 | \$1,420 | \$1,670 | \$2,080 | \$2,590 |
| 07014 | \$1,250 | \$1,500 | \$1,760 | \$2,190 | \$2,730 |
| 07015 | \$1,150 | \$1,370 | \$1,610 | \$2,000 | \$2,500 |

WHEREAS, it is the desire of the Clifton Public Housing Agency, pursuant to the guidelines of H.U.D., to change the current payment standards to reflect the 2022 SAFMR’s as listed above; and

WHEREAS, the Clifton Public Housing Agency will also implement the new Small Area Fair Market Rents to the 2022 payment standards as listed in the chart above; and

WHEREAS, the new payment standards are equal to the H.U.D.’s latest published Small Area Fair market rents for Bergen and Passaic counties;

NOW, THEREFORE, BE IT RESOLVED, that the aforesaid new payment standards shall become effective immediately upon adoption of this resolution.

January 18, 2022

R052-22 Resolution Amending Resolution R328-20 (As Previously Amended by Resolution R064-21) Entitled "Resolution Authorizing Agreement Between the City of Clifton Community Development Office (CDBG) and Power of One Christian Coaching and Outreach Ministries, Inc. as Grant Sub-Recipient of COVID Cares Act Grant"

RESOLUTION AMENDING RESOLUTION 328-20 (AS PREVIOUSLY AMENDED BY RESOLUTION 064-21) ENTITLED "RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE CITY OF CLIFTON COMMUNITY DEVELOPMENT OFFICE (CDBG) AND POWER OF ONE CHRISTIAN COACHING AND OUTREACH MINISTRIES, INC. AS GRANT SUB-RECIPIENT OF COVID CARES ACT GRANT"

WHEREAS, the Council previously adopted the above Resolution 328-20 on September 1, 2020 as previously amended by Resolution 064-21 on January 19, 2021; and

WHEREAS Council desires to increase the authorized not to exceed contract amount by an additional \$100,000.00;

NOW THEREFORE, BE IT RESOLVED that the above entitled resolutions be and hereby are amended to add an additional \$100,000.00 to reflect a change in the not to exceed amount from \$216,620.00 to \$316,620.00.

All other provisions of said resolutions remain in effect and are not changed hereby.

R053-22 Resolution Authorizing and Ratifying Emergency Use of City Property for COVID-19 Testing Site

RESOLUTION AUTHORIZING AND RATIFYING EMERGENCY USE OF CITY PROPERTY FOR COVID-19 TESTING SITE

WHEREAS, a memorandum, dated January 4, 2022, was submitted to the City Manager by the Health Officer, which indicated the need for the emergency use of city property to enable a licensed medical agency to perform COVID-19 testing; and

WHEREAS, because of the emergent nature of the spike in positive COVID-19 cases which impact the health, safety and welfare of the public, the Health Office and City Manager have identified an immediate available testing agency; and

WHEREAS, Meadowlands Diagnostics, LLC is entering into a hold harmless agreement with the City of Clifton for the use of city property on an emergent basis; and

WHEREAS, this Governing Body wishes to approve and ratify the emergency use of city property;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Municipal Council of the City of Clifton, that the grant of permission to use city property on an emergency basis to Meadowlands Diagnostic LLC is hereby approved and ratified in accordance with the terms set forth in the hold harmless agreement.

R054-22 Resolution Authorizing the Cancellation and Refund of a Portion of the 2020 First Quarter Taxes, 2020 Second, Third and Fourth Quarter Taxes and the 2021 Taxes for Block 35.13, Lot 15, 1118 Van Houten Avenue Owned by Disabled Veteran

RESOLUTION AUTHORIZING THE CANCELLATION AND REFUND OF A PORTION OF THE 2020 FIRST QUARTER TAXES, 2020 SECOND, THIRD AND FOURTH QUARTER TAXES AND THE 2021 TAXES FOR BLOCK 35.13, LOT 15, 1118 VAN HOUTEN AVENUE OWNED BY DISABLED VETERAN

WHEREAS, the Tax Assessor has confirmed that Roy Stesko, the owner of the property located at Block 35.13, Lot 15, 1118 Van Houten Avenue, has been declared by the United States Department of Veteran Affairs to be 100% disabled as of February 21, 2020; and

WHEREAS, Roy Stesko has made application to the Tax Assessor of the City of Clifton for a property tax exemption on the subject property in accordance with the law; and

WHEREAS, by virtue of his disabled veteran exemption, Roy Stesko is entitled to the cancellation and partial refund of the 2020 first quarter property taxes, 2020 second, third and fourth quarter property taxes and the 2021 property taxes on the subject property; and

WHEREAS, the Municipal Council, having reviewed the facts and circumstances of the application, wishes to grant the application and hereby approves the tax exemption on the subject property as of February 21, 2020, and hereby authorizes the cancellation and partial refund of the 2020 first quarter property taxes in the amount of \$939.55, a refund of the 2020 second, third and fourth quarter property taxes in the amount of \$6,568.36, and the 2021 property taxes in the amount of \$8,085.88 for a total refund of \$15,593.79;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Municipal Council of the City of Clifton, that for the reasons aforesaid, the Tax Collector and/or City Treasurer are hereby authorized and directed:

1. To cancel and refund a pro-rated portion of the 2020 first quarter property taxes in the amount of \$939.55, refund and cancel the 2020 second, third and fourth quarter property taxes in the amount of \$6,568.36, and refund and cancel the 2021 property taxes in the amount of \$8,085.88; and
2. To keep the subject property tax exempt for the totally disabled veteran for so long as he shall qualify for the exemption and for so long as the exemption is authorized by law.

R055-22 Late - Resolution Awarding Professional Engineering Services Contract to Boswell Engineering for a Passaic Avenue Sanitary Sewer Study

**RESOLUTION AWARDING PROFESSIONAL ENGINEERING SERVICES
CONTRACT TO BOSWELL ENGINEERING FOR A PASSAIC AVENUE
SANITARY SEWER STUDY**

WHEREAS, the City of Clifton requires professional engineering services for a sanitary sewer study in connection with Passaic Avenue; and

WHEREAS, the City Engineer recommends that a contract for a sanitary sewer study be awarded to Boswell Engineering in accordance with its submitted proposal, dated October 13, 2021 in the amount not to exceed \$69,000.00; and

WHEREAS, after reviewing the proposal and upon the recommendation of the City Engineer, the Municipal Council wishes to award a contract to Boswell Engineering for the provision of said services, in the amount not to exceed \$69,000.00; and

WHEREAS, the subject matter is professional services and may be awarded without public advertising for bids and bidding therefor under *N.J.S.A. 40A:11-5 et seq.*; and

WHEREAS, this award is of a non-fair and open contract in accordance with *N.J.S.A. 19:44A-20.5*, and, therefore, the Business Entity Disclosure Certification has been received from the engineer and is incorporated into the contract awarded hereby, along with the Determination of Value; and

January 18, 2022

WHEREAS, the value of the contract is determined to be not to exceed \$69,000.00, and the duration of the contract is until completion;

NOW, THEREFORE, BE IT RESOLVED, that a professional engineering services contract for a sanitary sewer study in connection with Passaic Avenue is hereby awarded to **BOSWELL ENGINEERING**, in accordance with its proposal dated October 13, 2021, in the amount not to exceed \$69,000.00, and shall not exceed that amount except upon the adoption of a supplemental resolution authorizing additional funding; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute a contract on behalf of the City of Clifton, and that the original of this resolution and the contract above referred to be placed on file and made available for inspection at the Office of the City Clerk of the City of Clifton; and

BE IT FURTHER RESOLVED, that the following short notice be printed once in a legal newspaper of the City of Clifton:

**CITY OF CLIFTON
NOTICE OF CONTRACT AWARDED**

The City of Clifton has awarded a contract without competitive bidding as a professional service pursuant to *N.J.S.A.* 40:11-5(1)(a). The contract and the resolution authorizing it are available for public inspection in the Office of the City Clerk.

R056-22 Resolution Authorizing Executive Session

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Municipal Council deems it essential in the furtherance of the public interest, to discuss, in closed session, as expressly permitted by N.J.S.A. 10:4-12, the following subject(s), to wit:

- CON-1 Summary of Independent Investigation of False Statements and Breach of Confidentiality of Closed Session Discussions
- CON-2 PSE&G Request for Settlement
- CON-3 Developer Agreement - Negotiations - Tsungas Petroleum, Inc. & Johan Kafil
- CON-4 CWA/Crossing Guards Contract Negotiations
- CON-5 Parkway Iron Incidents

NOW, THEREFORE, BE IT RESOLVED that the public shall be excused and excluded from that portion of the Council's meeting to be held on January 18, 2022 at which time, said subject(s) shall be discussed.

LICENSES

L-1 Taita Kitchen

Resolution for Preliminary Approval

FOR: Taita Kitchen, LLC
T/A: Taita Kitchen
ADDRESS: 405 Lexington Ave., Clifton, NJ 07011
TYPE OF FOR ESTABLISHMENT INTENDED: Restaurant – Continued Use
FORMERLY OR NEW: La Nona Peruvian Restaurant
ZONE: B-C
PERMITTED: Yes
VARIANCE REQUIRED: No

ADJOURNMENT

Upon motion made by Councilman Grabowski seconded by Councilwoman Murphy and passed on roll call vote, the meeting was adjourned at 8:27 p.m.

(6-0-0-1) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino and Mayor Anzaldi voted aye. Councilwoman Sadrakula was absent.

Respectfully Submitted,

James Anzaldi, Mayor

Nancy Ferrigno
City Clerk