

**CITY OF CLIFTON
CLIFTON, NEW JERSEY
REGULAR MEETING MINUTES OF MAY 5, 2020**

The Regular Meeting of the Municipal Council of the City of Clifton was held by telecom due to the Coronavirus emergency.

CALL OF ROLL

Mayor Anzaldi 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 2020 which was published as legal advertisements in the Herald News on December 18, 2019 and was additionally given to the Clifton Journal, Herald News and The Record. Further notice of this meeting was given on Friday prior to the meeting to the Clifton Journal, Herald News and The Record 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)
Councilman Gibson	(BG)
Councilman Grabowski	(RG)
Councilwoman Murphy	(LM)
Councilwoman Pino	(RP)
Councilwoman Sadrakula	(MS)
Mayor Anzaldi	(JA)

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

INVOCATION

Nancy Ferrigno, City Clerk

PLEDGE TO THE FLAG

A Motion was made by Councilwoman Sadrakula, seconded by Councilwoman Pino and passed on roll call vote to have Council meetings streamed in video format for the duration of the Covid-19 emergency.

(7-0-0-0) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Anzaldi voted aye.

PUBLIC HEARING

Public Hearing for the Amendment to the Clifton Community Development Consolidated Plan Requirement/Citizen Participation Plan - Amend 30 Day Comment Period to 5 Day Comment Period based upon COVID-19 response

The Mayor opened the floor to the public

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

(7-0-0-0) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Anzaldi voted aye.

Public Hearing on Amendment to the Administrative Plan for the Clifton Public Housing Agency. HUD Approved Waivers and Alternative Requirements for Statutory and Regulatory Requirements for the Housing Choice Voucher Program in Response to the COVID-19 National Emergency (Section 8 Administrative Plan Change II - COVID 19 Waivers)

The Mayor opened the floor to the public

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

(7-0-0-0) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Anzaldi voted aye.

Public Hearing for a Substantial Amendment to the Community Development Block Grant 2019 CDBG Action Plan (Year 45 - August 1, 2019 - July 31, 2020)

The Mayor opened the floor to the public

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

(7-0-0-0) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Anzaldi voted aye.

Public Hearing Approving Amendments to the Administrative Plan for the Clifton Public Housing Agency to Provide for HUD Approved Waivers and Alternative Requirements for Statutory and Regulatory Requirement for the Housing Choice Voucher Program in Response to the COVID-19 National Emergency (Public Hearing: Council Meeting: May 5, 2020)

The Mayor opened the floor to the public.

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

(7-0-0-0) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Anzaldi voted aye.

APPROVAL OF MINUTES

A Motion was made by Councilwoman Sadrakula, seconded by Councilwoman Pino and passed on roll call vote to table Executive Session minutes for further clarification

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

A Motion was made by Councilman Eagler seconded by Councilman Gibson and passed on roll call vote to approve the Minutes of the Regular and Workshop Session of April 21, 2020 and the Special Meeting of April 30, 2020.

(7-0-0-0) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Anzaldi voted aye.

COMMUNICATIONS FROM THE CITY MANAGER

None

COMMUNICATIONS – MEETING MINUTES

C-1 Minutes of Passaic Valley Water Commission of March 11, 2020

ORDINANCES – SECOND READING

A. Adoption of Ordinance 7556-19

A Motion was made by Councilwoman Sadrakula, seconded by Councilman Gibson and passed on roll call vote to table Ordinance 7556-19.

An Ordinance of the City of Clifton, County of Passaic, State of New Jersey, Approving and Adopting the Black Prince Distillery Redevelopment Plan

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

B. Adoption of Ordinance 7582-20

C. Public Hearing on Ordinance 7582-20

The Mayor opened the floor to the public with regard to the Ordinance 7582-20

With no one wishing to be heard, a Motion was made by Councilman Grabowski, seconded by Councilman Eagler 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 Councilman Eagler 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 III Thereof, Entitled "Supervisory Officials and Employees", Section 99-10, Entitled "Minimum and Maximum Salaries Fixed" (Amends, Salaries for Supervisory Officials and Employees for 2019, 2020, 2021 and 2022)

(7-0-0-0) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Anzaldi voted aye.

FIRST READING ORDINANCES

A. Introduction of Ordinance 7578-20

An Ordinance to Add Chapter 356 to the Code of the City of Clifton Entitled "Plastic Bags, Polystyrene Foam Food Service Products, and Plastic Straws" to Prohibit Stores and/or Food Service Businesses from Providing Single-Use Plastic Carryout Bags, Polystyrene Foam Food Service Products and to Regulate the Provision of Single-Use Plastic Straws

A Motion was made by Councilwoman Sadrakula, seconded by Councilwoman Pino and passed on roll call vote to table Ordinance 7578-20

(7-0-0-0) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Anzaldi voted aye.

A Motion was made by Councilwoman Sadrakula, seconded by Councilwoman Pino and passed on roll call vote to lift Ordinance 7578-20 from the table.

(7-0-0-0) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Anzaldi voted aye.

A Motion was made by Councilman Grabowski, seconded by Councilman Eagler and passed on roll call vote to rescind Ordinance 7578-20.

(7-0-0-0) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Anzaldi voted aye.

B. Introduction of Ordinance 7581-20

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 Councilman Eagler, and carried by roll call vote.

An Ordinance to Amend, Revise and Supplement Chapter 375 of the Code of the City of Clifton, Entitled "Sewers", More Particular Article I Thereof, Entitled "Use of Sewers", Section 375-3.4, Entitled "Sanitary Sewer User Charge" (Deletes Paragraph L and Amends Paragraph N)

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

C. Introduction of Ordinance 7583-20

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 Gibson, 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 Section 439-38 Thereof, Entitled "Handicapped Parking on Streets For Private Residences" (Adds 2 Restricted Handicapped Spaces)

(7-0-0-0) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Anzaldi voted aye.

D. Introduction of Ordinance 7584-20

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 Eagler, seconded by Councilman Grabowski and carried by roll call vote.

An Ordinance of the City of Clifton, County of Passaic, New Jersey Authorizing the Acquisition by Condemnation for Public Use of Certain Real Property Commonly Known as Harve Benard Way and Which is Situated on and Which Constitutes a Portion of Property Designated on the Official Tax Map of the City of Clifton as Block 73.03, Lot 2.01

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

E. Introduction of Ordinance 7585-20

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 Gibson, seconded by Councilman Eagler and carried by roll call vote.

An Ordinance of the City of Clifton, County of Passaic, New Jersey Authorizing the Acquisition by Condemnation for Public Use of Certain Real Property Commonly Known as Harve Benard Way and Which is Situated on and Which Constitutes a Portion of Property Designated on the Official Tax Map of the City of Clifton as Block 73.03, Lot 2.03

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

CITY MANAGER PRIVILEGE

City Manager, Dominick Villano, gave an update on the Covid-19 pandemic. He discussed reopening City Hall to employees in the near future and plans to have a meeting with the department heads later in the week to discuss the reopening. Councilwoman Sadrakula had a discussion with Mr. Villano regarding applications that monitor employees working from home.

FLOOR TO MEMBERS OF THE PUBLIC

Judith Bassford, 92 Mountain View Drive, discussed an experience she had with a City Hall employee regarding partial payment of taxes.

Steve Goldberg, 124 Charles Street, suggested starting a campaign to raise money to provide stipends for first responders.

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

(7-0-0-0) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Anzaldi voted aye.

City Manager, Dominick Villano, addressed public speaker Judith Bassford, and stated that the problem with residents trying to make partial tax payments have been resolved.

Mayor Anzaldi asked City Manager, Dominick Villano, to research the possibility of starting a trust fund for public donations for first responders.

A Motion was made by Councilman Grabowski, seconded by Councilman Eagler and passed on roll call vote to discontinue the Council privilege at Council meetings until the Covid-19 crises is over.

(4-3-0-0) Councilman Eagler, Councilman Grabowski, Councilwoman Murphy and Mayor Anzaldi voted aye. Councilman Gibson, Councilwoman Pino and Councilwoman Sadrakula voted nay.

RESOLUTIONS VOTED ON SEPERATELY

A Motion was made by Councilman Grabowski, seconded by Councilman Gibson and passed on roll call vote to have Councilman Eagler Chair.

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

A Motion was made by Councilman Grabowski, seconded by Councilman Eagler and passed on roll call to vote on the following Resolution separately.

R180-20 Resolution Awarding Contract for Fire Station 2 Asbestos Abatement at 7 Dumont Ave.

RESOLUTION AWARDING CONTRACT FOR FIRE STATION 2 ASBESTOS ABATEMENT AT 7 DUMONT AVENUE

WHEREAS, the City Engineer solicited informal quotes for the Fire Station 2 Asbestos Abatement at 7 Dumont Avenue; and

WHEREAS, in response thereto two (2) informal quotes were received, and a report was submitted to the City Manager wherein the City Engineer recommends the award of a contract for said services to Sky Contracting LLC, who provided the lowest quotation of \$39,603.50; and

WHEREAS, the contract is within the bidding threshold and therefore may be awarded without public advertising for bids and bid therefore 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. 19:44-A-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 is \$39,603.50, and the duration of the contract is until completion; and

WHEREAS, there are funds available for the payment of the Chief Financial Officer has certified the availability of funds hereon;

NOW, THEREFORE, BE IT RESOLVED, that a contract for the Fire Station 2 Asbestos Abatement be and the same is hereby awarded to Sky Contracting LLC, at a total price of \$39,603.50; 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

BE IT FURTHER RESOLVED, that the original of the resolution and the contract above referred to be placed on file and made available for public inspection in the Office of the City Clerk of the City of Clifton.

(7-0-0-0) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Anzaldi voted aye.

A Motion was made by Councilman Grabowski, seconded by Councilman Eagler to vote on the following Resolution separately.

R170-20 Resolution Authorizing Kaufman, Semeraro & Leibman, LLP to Engage in Good Faith Negotiations in Advance of Condemnation Proceedings to Acquire Certain Real Property Known as Harve Benard Way, Located on Block 73.03, Lots 2.01 and 2.03 as Depicted on the Tax Assessment Map

A RESOLUTION AUTHORIZING KAUFMAN, SEMERARO & LEIBMAN, LLP TO ENGAGE IN GOOD FAITH NEGOTIATIONS IN ADVANCE OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY KNOWN AS HARVE BENARD WAY, LOCATED ON BLOCK 73.03, LOTS 2.01 AND 2.03 AS DEPICTED ON THE TAX ASSESSMENT MAP

WHEREAS, there is a private roadway situated in the City of Clifton (the “City”) commonly known as Harve Benard Way (the “Access Road”) extending north to south from Delawanna Avenue to River Road; and

WHEREAS, the Access Road is located on property designated as Block 73.03, Lots 2.01 and 2.03 on the current tax map for the City of Clifton, said Lot 2.01 being owned by IIT Clifton DC LLC d/b/a Poer & Co., and said Lot 2.03 being owned by SPG Delawanna LLC d/b/a Seagis Group (the “Properties”); and

WHEREAS, the City desires to acquire that Access Road and dedicate it to public use by conversion to a public roadway, for the benefit of the public, which public benefits include but are not limited to allowing public access to a roadway extending north to south from Delawanna Avenue to River Road, providing secondary access for emergency vehicles to access Delawanna

Avenue and the residential neighborhoods located adjacent thereto that are located between River Road and Oak Avenue, and diverting truck traffic away from Delawanna Avenue; and

WHEREAS, Resolution R334-19 adopted July 2, 2019 by the Municipal Council of the City authorized preliminary studies necessary to be undertaken in advance of condemnation proceedings to be conducted concerning the land upon which the Access Road is constructed, and to perform the tasks related thereto, which preliminary studies included but are not limited to appraisals of the properties in question; and

WHEREAS, pursuant to the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq., prior to acquiring by condemnation the necessary property rights in the Properties which the Access Road traverses the City must first engage in good faith negotiations which are to commence not less than fourteen (14) days prior to instituting condemnation proceedings and further requires the City to justly compensate the property owners of condemned land by paying fair market value for the same; and

WHEREAS, the City wishes to authorize the law firm of Kaufman, Semeraro & Leibman, LLP to conduct such required good faith negotiations with the owners of the Properties for the purpose of the City acquiring by mutual agreement the property rights in the Properties necessary for the acquisition and dedication of the Access Road to a public roadway, which rights may consist of an access easement in perpetuity, based upon the appraisal of the Properties prepared by Hendricks Appraisal Company, LLC in accordance with N.J.S.A. 20:3-6 as was authorized by Resolution R334-19 adopted July 2, 2019 by the Municipal Council of the City and Resolution R542-19 adopted November 6, 2019 by the Municipal Council of the City; and

WHEREAS in the event that such good faith negotiations as authorized hereby fail, the City wishes to authorize the law firm of Kaufman, Semeraro & Leibman, LLP to pursue condemnation proceedings and notice of taking as provided by N.J.S.A. 20:3-8.

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the City of Clifton, being the governing body thereof, as follows:

Section 1. The above “**WHEREAS**” paragraphs shall be and are hereby incorporated herein by reference as though specifically set forth herein below.

Section 2. The law firm of Kaufman, Semeraro & Leibman, LLP shall be and is hereby authorized to conduct good faith negotiations with the owners of the property designated on the official tax map of the City of Clifton as Block 73.03, Lot 2.01, and which is commonly known as 261 River Drive, Clifton, New Jersey, and the property designated on the official tax map of the City of Clifton as Block 73.03, Lot 2.03, and which is commonly known as 125 Delawanna Avenue, Clifton, New Jersey, for the acquisition by the City of Clifton of those property rights necessary to be acquired by the City of Clifton in these identified properties for the public purposes set forth herein at the dollar values set forth in the appraisals prepared by Hendricks Appraisal Company, LLC, dated April 3, 2020 respectively and, if necessary, to take any and all such further actions necessary to pursue, proceed and finalize condemnation proceedings necessary to acquire the same via eminent domain in the event the authorized good faith negotiations are not successful, including but not limited to filing of a complaint in condemnation in the Superior Court of New Jersey, Law Division, Passaic County Vicinage, along with the filing therewith of a Declaration of Taking as authorized by the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq.

Section 3. The City Clerk shall be and is hereby directed to publish and post notice of this Resolution as required by applicable law.

Section 4. If any part(s) of this Resolution shall be deemed invalid, such part(s) shall be severed and the validity thereof shall not affect the remaining parts of this Resolution.

Section 5. All resolutions or parts thereof inconsistent with this Resolution are hereby rescinded.

Section 6. This Resolution shall take effect at the time and in the manner provided by applicable law.

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

RESOLUTIONS

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

(7-0-0-0) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Anzaldi voted aye.

R169-20 Resolution: Approve Claims List Resolution for the City Council Meeting of May 5, 2020:

**RESOLUTION TO APPROVE CLAIMS TO BE PAID
MEETING OF MAY 5, 2020**

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

Current Fund	\$12,057,026.94
Grant Fund	
General Capital Fund	\$ 872,238.05
Sewer Utility -Operating	\$ 1,901,318.38
Sewer Utility-Capital	
Developers Escrow	\$ 299.00
Dog Trust	\$ 180.00
Police Extra Duty	
Trust Other	\$ 88,213.86
Section 8 Public Housing	\$ 179.20
Community Development	
COAH	
Self Insurance	\$ 1,363,043.66
Self Insurance 11	
Fire Dedicated Penalties	
Revolving Loan Fund	
Tax Title Lien Redemption	
Unemployment Trust Fund	
Library	
General Liability Trust	\$ 37,030.61
Workers Compensation Trust	\$ 109,518.35
Federal DOJ Forfeiture	
TOTAL CLAIMS	\$16,429,048.05

R171-20 Resolution Approving Interlocal Services Agreement Between County of Passaic and City of Clifton

**RESOLUTION APPROVING INTERLOCAL SERVICES AGREEMENT BETWEEN
COUNTY OF PASSAIC AND CITY OF CLIFTON**

BE IT RESOLVED, that an Interlocal Services Agreement between the City of Clifton and the County of Passaic for installation and maintenance of a sanitary sewer line crossing of the Third River on Kingsland Road Bridge No. 1600-081, is hereby authorized and approved; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute said Interlocal Services Agreement, in a form to be approved by the Law

Department, on behalf of the City of Clifton. A copy shall be kept on file in the office of the City Clerk.

R172-20 Resolution Approving Amendment to Developer's Agreement Between the City of Clifton and 6W BP Opportunity, LLC

A RESOLUTION APPROVING AMENDMENT TO DEVELOPER'S AGREEMENT BETWEEN THE CITY OF CLIFTON AND 6W BP OPPORTUNITY, LLC

WHEREAS, there is an access road in the City of Clifton known as Harve Benard Way (the "Access Road") that runs north to south from Delawanna Avenue to River Road; and

WHEREAS, the Access Road is located on property known as Block 73.03, Lots 2.01 and 2.03, said Lot 2.01 being owned by IIT Clifton DC LLC d/b/a Poer & Co., and said Lot 2.03 being owned by SPG Delawanna LLC d/b/a Seagis Group; and

WHEREAS, on May 24, 2019, a neighboring property owner, 6W BP Opportunity, LLC c/o The STRO Companies ("STRO"), entered into a Developer's Agreement with the City of Clifton to purchase a property interest in the Access Road to convert the same to public right of way; and

WHEREAS, the Developer's Agreement was approved via Resolution R312-19 on June 5, 2019; and

WHEREAS, public roads or public right of ways in the City are acquired by way of Easements upon properties in the City; and

WHEREAS, the Developer's Agreement must be amended to clarify that the City will acquire, via eminent domain proceedings, an easement on the private right of way located on property known as Block 73.03, Lots 2.01 and 2.03, and that STRO shall pay for the cost of said acquisition as per the terms of the Developer's Agreement; and

NOW THEREFORE BE IT RESOLVED that the Addendum to the Developer's Agreement between the City of Clifton and 6W BP Opportunity, LLC c/o The STRO Companies in connection with the Access Road located on Block 73.03, Lots 2.01 and 2.03, is hereby authorized and approved; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and directed to execute said Addendum to the Developer's Agreement, in a form to be approved by the Law Department, on behalf of the City of Clifton

BE IT FURTHER RESOLVED that this Resolution shall be published in accordance with law.

R173-20 Resolution Amending the Clifton Community Development Consolidated Plan/Citizens Participation Plan - Response to COVID-19 to Amend the Minimum 30 Minimum Comment Period for Substantial Amendments to no less than 5 Days for Public Comments (May 5, 2020 Council Meeting)

RESOLUTION AMENDING THE CLIFTON COMMUNITY DEVELOPMENT CONSOLIDATED PLAN/ CITIZENS PARTICIPATION PLAN – RESPONSE TO COVID-19 TO AMEND THE MINIMUM 30 DAY MINIMUM COMMENT PERIOD FOR SUBSTANTIAL AMENDMENTS TO NO LESS THAN 5 DAYS FOR PUBLIC COMMENTS

WHEREAS, the City of Clifton has been designated an Entitlement City under the current Community Development and Housing Act; and

WHEREAS, pursuant to the authority provided under the Coronavirus Aid, Relief and Economic Security (CARES) Act (Public Law 116-136), the Department of Housing and Urban Development (HUD) is waiving and establishing alternative requirements for numerous statutory and regulatory requirements for the Community Development Block Grant Program (CDBG);

and

WHEREAS, the Citizen Participation Public Comment Period for Consolidated Plan Amendment has a required 30 day Public Comment Period;
and

WHEREAS, A CPD grantee may amend an approved Consolidated Plan in accordance with 24 CFR 91.505; and

WHEREAS, given the need to expedite actions to respond to COVID-19, HUD waives 24 CFR 91.105 (c)(2) and (k), 91.115 (c)(2) and (i) in order to balance the need to respond quickly to the growing spread and effects of COVID-19 with the statutory requirement to provide reasonable notice and opportunity for citizens to comment on substantial amendments concerning the proposed uses of CDBG, HOME, HTF, HOPWA or ESG funds; and

WHEREAS, the 30 day public comment period for a Substantial Amendment is being amended and will provide that no less than 5 days as provided for public comments as per HUD guidelines, and

WHEREAS, as per HUD guidelines; Citations: 24 CFR 91.105 (c)(2) and (k), 24 CFR 91.115 (c)(2) and (i) and 24 CFR 91.401 HUD recognizes the efforts to contain COVID-19 require limited public gatherings, such as those used to obtain citizen participation and that there is a need to respond quickly to the growing spread and effects of COVID-19; and

WHEREAS, HUD waives 24 CFR 91.105 (c)(2) and (k), 24 CFR 91.115 (c)(2) and (i) and 24 CFR 91.401 to allow grantees to determine reasonable notice and opportunity comment given their circumstances; and

WHEREAS, the City of Clifton Community Development Office has determined that reasonable notice will be made available through newspaper advertisements, postings at the Clifton Senior Center, the Municipal Complex (when accessible) and the City of Clifton's website at www.Cliftonnj.org; and

WHEREAS, the City Council meetings will be televised live (audio only) for Verizon subscribers at Channel 40 or by Cablevision subscribers at Channel 77 and if available a call in number will be televised; and

WHEREAS, citizens wishing to address the amendments or substantial amendments to the Citizens Participation Plan may also email: JHartmann@Cliftonnj.org; or DVillano@Cliftonnj.org with any concerns or comments; and

WHEREAS, this waiver will be available through the end of the program year which is July 31, 2020; and

WHEREAS, the City of Clifton has advertised for a Public Hearing on April 29, 2020 in the Herald and News for this Amendment to the Citizen Participation Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council are approving and authorizing the Mayor and/or City Manager as the Chief Executive Officer of the City of Clifton, to implement and execute any required documentation; and

BE IT FURTHER RESOLVED, the Mayor and Municipal Council of the City of Clifton approve this Amendment to the City of Clifton's Consolidated Plan/Citizens Participation Plan.

R174-20 Resolution Approving Amendments to the Administrative Plan for the Clifton Public Housing Agency to Provide for Additional HUD Approved Waivers and Alternative Requirements for Statutory and Regulatory Requirements for the Housing Choice Voucher Program in Response to the COVID-19 National Emergency (Section 8 Administrative Plan Change II - COVID-9 Waivers) Public Hearing: Council Meeting: May 5, 2020

**RESOLUTION APPROVING AMENDMENTS TO THE ADMINISTRATIVE PLAN
FOR THE CLIFTON PUBLIC HOUSING AGENCY TO PROVIDE FOR ADDITIONAL
HUD APPROVED WAIVERS AND ALTERNATIVE REQUIREMENTS FOR
STATUTORY AND REGULATORY REQUIREMENTS FOR THE HOUSING CHOICE
VOUCHER PROGRAM IN RESPONSE TO THE COVID-19 NATIONAL
EMERGENCY**

(Section 8 Administrative Plan Change II -COVID 19 Waivers)

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 purpose of this Agency is to make available certain federal funds to aid the housing needs of certain extremely low, low- and moderate-income citizens of the City of Clifton; and

WHEREAS, the Clifton Public Housing Agency administers the Section 8 Housing Choice Voucher Program; and

WHEREAS, the Clifton Public Housing Agency administers only Housing Choice Vouchers and does not own any public housing buildings; and

WHEREAS, due to the COVID-19 emergency, HUD has made available to Public Housing Agencies certain additional waivers and alternative requirements for statutory and regulatory requirements for the Housing Choice Voucher Program, all of which the Clifton Public Housing Agency wishes to avail itself of as may be needed, and all of which are fully set forth in Schedule A which is attached hereto and made a part hereof; and

WHEREAS, in accordance with U.S. Department of Housing and Urban Development (H.U.D.) regulations, these regulations and policy changes will be updated in the Clifton Public Housing Agency's annual and administrative plan;

NOW, THEREFORE, BE IT RESOLVED that the aforesaid additional amendments and changes to the annual and administrative plan as set forth in Schedule A, which is attached hereto and made a part hereof, are hereby adopted and shall become effective immediately upon adoption of this resolution and shall continue in each instance for such period(s) of time as allowed by HUD.

R175-20 Resolution Accepting CDBG-CV (Community Development - COVID-19) Funds for the City of Clifton CDBG Program Causing a Substantial Amendment to the City of Clifton's Consolidated 2019 Year 45 Action Plan

**RESOLUTION ACCEPTING CDBG-CV (Community Development – COVID 19) FUNDS
FOR THE CITY OF CLIFTON – CDBG PROGRAM CAUSING A SUBSTANTIAL
AMENDMENT TO THE CITY OF CLIFTON'S CONSOLIDATED 2019 YEAR 45
ACTION PLAN**

WHEREAS, the City of Clifton has been designated an Entitlement City under the current Community Development and Housing Act; and

WHEREAS, the City of Clifton has made an application for Community Development Block Grant Year 45; and

WHEREAS, the Department of Housing and Urban Development has notified the City of Clifton due to the Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law, makes available \$5 billion in supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to coronavirus (CDBG-CV grants); and

WHEREAS, the CARES Act provides CDBG grantees with flexibilities that make it easier to use CDBG-CV grants and fiscal years 2019 and 2020 CDBG Grants for coronavirus response and authorizes HUD to grant waivers and alternative requirements; and

WHEREAS, the Clifton Community Development Office has been notified by HUD that they will receive \$673,595 under CDBG-CV funding as an available resource which will be applied to the current CDBG Yr. 45 Action Plan; and

WHEREAS, the 30-day public comment period has been amended to a 5-day comment period in the Clifton Community Developments Citizen Participation Plan as per HUD guidelines. Given the need to expedite actions to respond to COVID-19, HUD waives 24 CFR91.105 (c)(2) and (k), 91.115 (c)(2) and (i) in order to balance the need to respond quickly to the growing spread and effects of COVID-19 with the statutory requirement to provide reasonable notice and opportunity for citizens to comment on substantial amendments concerning the proposed use of CDBG funds; and

WHEREAS, the 30 day public comment period for a Substantial Amendment has been amended and will provide that no less than 5 days are provided for public comments.

WHEREAS, this waiver will be available through the end of the program year which is July 31, 2020;

WHEREAS, the City of Clifton has advertised for a Public Hearing on April 29, 2020 in the Herald and News for this Substantial Amendment;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council are approving and authorizing the mayor and/or City Manager as the Chief Executive Officer of the City of Clifton, to implement and execute this Substantial Amendment to the City of Clifton's Consolidated 2019 Yr. 45 Action Plan.

R176-20 Resolution Approving Amendments to the Administrative Plan for the Clifton Public Housing Agency to Provide for HUD Approved Waivers and Alternative Requirements for Statutory and Regulatory Requirement for the Housing Choice Voucher Program in Response to the COVID-19 National Emergency (Public Hearing: Council Meeting: May 5, 2020)

**RESOLUTION APPROVING AMENDMENTS TO THE ADMINISTRATIVE PLAN
FOR THE CLIFTON PUBLIC HOUSING AGENCY TO PROVIDE FOR HUD
APPROVED WAIVERS AND ALTERNATIVE REQUIREMENTS FOR STATUTORY
AND REGULATORY REQUIREMENTS FOR THE HOUSING CHOICE VOUCHER
PROGRAM IN RESPONSE TO THE COVID-19 NATIONAL EMERGENCY
(PUBLIC HEARING: COUNCIL MEETING: MAY 5, 2020)**

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 purpose of this Agency is to make available certain federal funds to aid the housing needs of certain extremely low, low- and moderate-income citizens of the City of Clifton; and

WHEREAS, the Clifton Public Housing Agency administers the Section 8 Housing Choice Voucher Program; and

WHEREAS, the Clifton Public Housing Agency administers only Housing Choice Vouchers and does not own any public housing buildings; and

WHEREAS, due to the COVID-19 emergency, HUD has made available to Public Housing Agencies certain waivers and alternative requirements for statutory and regulatory requirements for the Housing Choice Voucher Program, all of which the Clifton Public Housing Agency

wishes to avail itself of as may be needed, and all of which are fully set forth in Schedule A which is attached hereto and made a part hereof; and

WHEREAS, in accordance with U.S. Department of Housing and Urban Development (H.U.D.) regulations, these regulations and policy changes will be updated in the Clifton Public Housing Agency's annual and administrative plan;

NOW, THEREFORE, BE IT RESOLVED that the aforesaid amendments and changes to the annual and administrative plan as set forth in Schedule A, which is attached hereto and made a part hereof, are hereby adopted and shall become effective immediately upon adoption of this resolution and shall continue in each instance for such period(s) of time as allowed by HUD.

R177-20 Resolution Approving Submission of an Application to the New Jersey Historic Trust for Capital Preservation Grants Level II for the Flag Barn (Barn/Garage S-2) Improvements - Phase I in the City of Clifton, County of Passaic

RESOLUTION APPROVING SUBMISSION OF AN APPLICATION TO THE NEW JERSEY HISTORIC TRUST FOR CAPITAL PRESERVATION GRANTS LEVEL II FOR THE FLAG BARN (BARN/GARAGE S-2) IMPROVEMENTS – PHASE 1 IN THE CITY OF CLIFTON, COUNTY OF PASSAIC

WHEREAS, the City Council of the City of Clifton wishes to improve the Flag Barn (Barn/Garage S-2) part of the United States Animal Quarantine of Clifton, to participate in the Capital Preservation Grant; and

WHEREAS, the City of Clifton desires to further the public interest by obtaining total project funding in the amount of \$ 300,750 from the New Jersey Historic Trust Fund and a contribution from the City of Clifton in the amount of \$ 300,750 to fund the Flag Barn improvements; and

WHEREAS, the total project cost is \$ 601,500; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Clifton, that Dominick Villano, City of Clifton Manager, or his successor in office, is hereby authorized to:

- (a) Make application for such a grant;
- (b) Provide additional application information and furnish such documents as may be required; and
- (c) Act as the authorized correspondent.

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the City of Clifton, in the County of Passaic, New Jersey, at a meeting held on May 5, 2020.

R178-20 Resolution Authorizing Acceptance of Grant From the Alliance for Community Trees, Program of Arbor Day Foundation and TD Bank to City of Clifton Public Works

RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FROM THE ALLIANCE FOR COMMUNITY TREES, PROGRAM OF ARBOR DAY FOUNDATION AND TD BANK TO CITY OF CLIFTON PUBLIC WORKS

BE IT RESOLVED, by the Mayor and Municipal Council of the City of Clifton, that authorization is hereby given for acceptance of a grant in the sum of \$20,000.00 from The Alliance for Community Trees, program of Arbor Day Foundation and TD Bank Grant; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute any required documentation, in such form to be approved by the Law Department, on behalf of the City of Clifton; and

BE IT FURTHER RESOLVED, that the City of Clifton agrees to abide by all terms, conditions and regulations imposed by The Alliance for Community Trees, program of Arbor Day Foundation and TD Bank Grant in connection with said grant; and

BE IT FURTHER RESOLVED, that Jason Van Winkle, Director City of Clifton Public Works, is hereby designated as the Grant Coordinator charged with the submission of required information to The Alliance for Community Trees, program of Arbor Day Foundation and TD Bank Grant.

R179-20 Resolution of Congratulations to Bartlett Greenhouses and Florist on Their 100th Anniversary

RESOLUTION OF CONGRATULATIONS TO BARTLETT GREENHOUSES AND FLORIST ON THEIR 100TH ANNIVERSARY

WHEREAS, BARTLETT GREENHOUSES AND FLORIST, located on Grove Street, has been a part of the City of Clifton for as long as most people can remember; and

WHEREAS, founded by the Bartlett family in 1920, our good business neighbor has come to be one of the most well-known and successful businesses in the City, providing the most beautiful flowers and plants to the public; and

WHEREAS, the year 2020 marks the 100th Anniversary of the founding of BARTLETT GREENHOUSES AND FLORIST and this Governing Body wishes to publicly acknowledge this important milestone in its existence;

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

BARTLETT GREENHOUSES AND FLORIST

on the occasion of the

100THE ANNIVERSARY OF ITS FOUNDING

And do further extend sincere best wishes to its entire business family and all its employees or continued success and further growth and progress in the future.

R181-20 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 Cambridge Crossings - Legal Opinion
- CON-2 Eminent Domain Proceedings Regarding Harve Benard Way
- CON-3 PSE&G Easement Negotiations - Anzaldi Recreational Complex
- CON-4 Developer Agreement - Congregation Shomrei Torah of Passaic/Clifton, Inc.
- CON-5 PBA/SOA Memorandum of Understanding
- CON-6 Anzaldi Park Concession Negotiations

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 May 5, 2020 at which time, said subject(s) shall be discussed; and

BE IT FURTHER RESOLVED, that the discussion held at such closed session can be disclosed to the public on or about the time the matter is concluded.

Councilwoman Sadrakula objected to items CON2 and CON5 being discussed in closed session.

A Motion was made by Councilman Eagler, seconded by Councilman Gibson and passed on roll call vote to go into Executive Session.

(7-0-0-0) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Anzaldi voted aye.

ADJOURNMENT

Upon motion made by Councilman Gibson, seconded by Councilwoman Murphy and unanimously passed on roll call vote, the meeting was adjourned at 9:56 pm.

Respectfully Submitted,

Nancy Ferrigno
City Clerk

James Anzaldi, Mayor

