

**CITY OF CLIFTON  
CLIFTON, NEW JERSEY  
REGULAR MEETING MINUTES OF JULY 2, 2019**

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.

**8:16 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 2019 which was published as legal advertisements in the Herald News on December 19, 2018 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, Dave Bruins; City Clerk, Nancy Ferrigno; Deputy Clerk, Michele Butler

**INVOCATION**

Pastor Daisy Kirchofer - Crossroads Free Methodist

**PLEDGE TO THE FLAG**

**PUBLIC HEARING**

**APPROVAL OF MINUTES**

A Motion was made by Councilman Eagler, seconded by Councilman Gibson and passed on roll call vote to approve the Minutes of the Executive Session of June 5, 2019.

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

A Motion was made by Councilman Eagler seconded by Councilman Gibson and passed on roll call vote to approve the Minutes of the Executive Session of June 18, 2019.

(6-1-0-0) Councilman Eagler, Councilman Gibson, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino and Mayor Anzaldi voted aye. Councilwoman Sadrakula 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 Workshop and Regular Meeting of June 18, 2019.

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(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**

C-1 Michael Bandurski Public Safety Telecommunicator Public Safety, resigned his position effective 06/13/2019.

C-2 Michael Bandurski Firefighter Public Safety hired effective 06/14/2019 at \$34,825.00 annually.

C-3 Floilan Martinez Police Officer Public Safety, resigned his position effective 06/06/2019.

C-4 Michael Crome, Christopher Doherty, Nicholas Nicolette and Oleg Skachko Firefighters, Public Safety hired effective 06/07/2019 at \$34,825.00 annually.

C-5 Michael Resciniti Police Officer Public Safety resigns his position effective 06/25/2019.

C-6 Steel Leon Animal Control Officer Human Services from part time to full time, effective 07/01/2019 at \$40,207.16 annually.

C-7 Deborah Tauber Animal Control Officer Human Services from full time to part time, effective 07/01/2019, at \$19.78 hourly.

C-8 Scott DeRosa Assistant Municipal Attorney part-time, Legal Department hired effective 06/17/2019 at \$57,200. annually.

### **COMMUNICATIONS – MEETING MINUTES**

C-9 Minutes of the Advisory Board of Recreation of May 20, 2019

C-10 Minutes of Cable Advisory Committee of 3/27/19 and 4/24/19

C-11 Minutes of Passaic Valley Water Commission of May 15, 2019

C-12 Minutes of Planning Board of May 23, 2019

C-13 Minutes of the Senior Advisory Committee of May 23, 2019

### **ORDINACES – SECOND READING**

#### **A. Adoption of Ordinance 7521-19**

#### **B. Public Hearing on Ordinance 7521-19**

The Mayor opened the floor to the public with regard to the Ordinance 7521-19

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.

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 Eagler, 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 439-13 Thereof, Entitled "Parking Prohibited at all Times on Certain Streets" (Amends Location - Third Street at Luddington Avenue)**

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

#### **C. Adoption of Ordinance 7522-19**

#### **D. Public Hearing on Ordinance 7522-19**

The Mayor opened the floor to the public with regard to the Ordinance 7522-19

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.

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 Eagler, seconded by Councilwoman Murphy and carried by roll call vote.

**Ordinance to Amend, Revise and Supplement Chapter 358 of the Code of the City of Clifton, Entitled "Portable Storage Units", More Particularly Section 358-5 Thereof, Entitled "Permits" (Provides for Extension Application)**

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

**ORDINANCES – FIRST READING**

**A. Introduction of Ordinance 7523-19**

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 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 Compensation for First Assistant Municipal Attorney)**

(5-2-0-0) Councilman Eagler, Councilman Grabowski, Councilwoman Murphy, Councilwoman Pino, and Mayor Anzaldi voted aye. Councilman Gibson and Councilwoman Sadrakula voted nay.

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, July 16, 2019 at 8:00 p.m. and that the City Clerk be authorized to publish said ordinance together with statutory notice as required by law.

**B. Introduction of Ordinance 7524-19**

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

**An Ordinance to Amend, Revise and Supplement Chapter 141 of the Code of the City of Clifton Entitled "Amusements", Article II Thereof, Entitled "Games of Skill; Juke Boxes", More Particularly Section 141-13, Entitled "Licensing of Operators" (Amends Section to Include Private Schools)**

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

**C. Introduction of Ordinance 7525-19**

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

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**An Ordinance to Amend, Revise and Supplement Chapter 461 of the Code of the City of Clifton, Entitled "Zoning", More Particularly Article V Thereof Entitled "Supplementary Regulations", Section 461-24.1 Entitled "Steep Slope District", Article VI Thereof, Entitled "Conditional Uses", Section 461.27 Entitled "R-A1, R-A2 and R-A3 Districts", Section 461-33, Entitled "B-C Zones", Section 461-34, Entitled "B-D Zones", Section 461-36, Entitled "M-2Zones", Section 461-37.1, Entitled "PCD Zones", Article VII Thereof Entitled "Site Plan Approval", Section 461-38 Entitled "Approval Required for Issuance of Building Permit", Article IX Thereof Entitled "Signs", Section 461-54 Entitled "R Districts", Article XI Thereof, Entitled Definitions and Word Usage", Section 461-64, Entitled "Definitions", and 461 Attachment 5 Thereof Entitled "Summary Table of Conditional Uses" (Amends Various Provisions to Include Public, Private and Parochial Schools)**

(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 7526-19**

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

**An Ordinance to Amend, Revise and Supplement Chapter 379 of the Code of the City of Clifton Entitled "Skating Rinks", More Particularly Sections 379-5, Entitled "Application for License" and 379-9 Entitled "Granting of License; Grounds for Denial" (Amends Sections to Include Private and Parochial Schools)**

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

#### **E. Introduction of Ordinance 7527-19**

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

**An Ordinance to Amend, Revise and Supplement Chapter 137 of the Code of the City of Clifton, Entitled "Alcoholic Beverages", More Particularly Article I Thereof, Entitled "Sale and Distribution" (Adds References to Parochial Schools and Houses of Worship)**

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

#### **CITY MANAGER PRIVILEGE**

City Manager, Dominick Villano, appealed to the Council to try to control their emotions and follow proper procedures during meetings.

#### **FLOOR TO MEMBERS OF THE PUBLIC**

Ellen DeLosh, 547 Clifton Ave., read an excerpt from a letter she received from the Media Research Center.

Adel Gimon, 129 Rutherford Blvd., invited residents and Council to volunteer to help set up the Avenue of Flags on July 4<sup>th</sup>. She announced the Avenue of Flags volunteer picnic will be held on August 10, 2019.

Joseph Cupoli, 71 Hackberry Pl, discussed the Avenue of Flags and thanked everyone who supported his Leukemia fundraiser.

Gery Perino, 491 Mt. Prospect Ave., spoke about pets and fireworks, the Animal House Law and traffic safety.

Gerard Scorziello, 131 Pershing Rd., announced the Taste of Clifton food tasting fundraiser at the Boys and Girls Club on October 7, 2019.

Alessia Eramo, 35 Merrill Rd. and Daniel Gaudet, 28 Bergen Ave., discussed the recently formed group called the Town Hallers, an event for citizens to voice concerns and bring forth ideas.

A Motion was made by Councilman Gibson, seconded by Councilman Eagler 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.

A discussion took place regarding traffic safety, adding four way stop signs and speed restricting devices.

A Motion was made by Councilwoman Sadrakula, seconded by Councilman Eagler and passed on roll call vote to have administration write a letter to the City of Montclair, asking to restrict fireworks after the Jackals games on Saturday nights.

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

## **COUNCIL PRIVILEGE**

### **Councilwoman Sadrakula**

Councilwoman Sadrakula spoke about complaints she received on the condition of Knollcroft Park and suggested the City look at a sprinkler park recently installed in Garfield, NJ and consider something similar be installed in Clifton. Councilwoman Sadrakula also discussed a complaint regarding public nuisances on a walkway in Botany Village. She suggested the benches be removed to discourage people from loitering at that location. She discussed the Open Public Meetings Act and a Motion that was made which removed her as the Disabilities Advisory Committee Council Liaison.

### **Councilwoman Pino**

Councilwoman Pino requested an update from City Manager, Dominick Villano, regarding a recent complaint involving commercial vehicles parking and idling on West 1st St. Mr. Villano announced he would bring the issue to tomorrow's staff meeting. Councilwoman Pino announced the free Botany Village concerts and wished all residents a happy Fourth of July.

### **Councilwoman Murphy**

Councilwoman Murphy announced Recreation Department activities. She informed residents that discount tickets for water and theme parks are available at the recreation office. Councilwoman Murphy invited the public to attend the free concerts in Main Memorial Park. She stated that the homeless problem in Botany Village is being addressed and that police presence is being stepped up during the Botany free concerts. Councilwoman Murphy thanked public speaker, Gary Perino, for bringing up fireworks and their effects on pets. She wished everyone a safe and happy Fourth of July.

### **Councilman Grabowski**

Councilman Grabowski congratulated Joe Cupoli on the success of his Leukemia fundraiser. He discussed silent fireworks and wished all residents a happy Fourth of July.

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### **Councilman Gibson**

Councilman Gibson announced he would help erect the flags at the Avenue of Flags for July 4<sup>th</sup>. He congratulated Joe Cupoli on his achievement regarding a recent Leukemia fundraiser. Councilman Gibson congratulated the Under 13 Soccer Team on their third place spot in a recent tournament in Texas. He spoke about the possibility of hosting Town Hall Meetings. Councilman Gibson thanked City Manager, Dominick Villano and the DPW for the repair work in Ravine Park. He discussed a recent Botany SID meeting and police attrition. Councilman Gibson began a conversation regarding police overtime. City Attorney, Matthew Priore, advised Councilman Gibson that he should recuse himself regarding all police matters. Councilman Gibson discussed the prior positive reputation of the Clifton Police Department.

### **Councilman Eagler**

Councilman Eagler wished everyone a happy Fourth of July on the 243<sup>rd</sup> birthday of America. He asked that all residents celebrate safely. Councilman Eagler announced the Clifton picnic and fireworks taking place on July 4<sup>th</sup>. He congratulated the American Women's Soccer team on their win to place them in the finals. Councilman Eagler discussed the State budget and senior tax freezes. He spoke about the recent graduation ceremony for the Class of 2019. In closing, Councilman Eagler thanked Councilman Grabowski for setting up the American flags along Van Houten Avenue.

A Motion was made by Councilman Eagler, seconded by Councilman Grabowski and passed on roll call vote to have the Police Department provide a report of overtime costs for Police supervisory positions for 2017, 2018 and up to July of 2019.

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

### **Mayor Anzaldi**

Mayor Anzaldi congratulated the newly appointed Superintendent of Schools. He spoke about benches and construction debris in Botany Village.

A Motion was made by Councilwoman Sadrakula, seconded by Councilman Gibson and passed on roll call vote to remove the benches on Wessington Way in Botany Village.

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

Mayor Anzaldi discussed a new trend which allows patrons of breweries to bring their dogs in the brewery.

A Motion was made by Councilwoman Sadrakula, seconded by Councilwoman Murphy and passed on roll call vote to research the viability of allowing dogs in breweries.

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

Mayor Anzaldi congratulated Joe Cupoli on his successful Leukemia fund raiser. He stated that Town Hall meetings are a good idea. He announced the Fourth of July picnic and fireworks show and stated that volunteers are needed for all events.

Councilman Eagler, asked City Manager, Dominick Villano, if there were any leads to fill the vacancy of the old Kmart building in Botany Village. Mayor Anzaldi stated they might sub divide. Councilman Eagler suggested this item be sent to the Economic Development Committee.

**RESOLUTIONS VOTED ON SEPERATELY**

A Motion was made by Councilman Grabowski, seconded by Councilman Gibson and passed on roll call vote to pull Resolution R337-19.

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

R337-19 Resolution to Issue an Estimate Third Quarter 2019 Tax Bill

**RESOLUTION  
ESTIMATED THIRD QUARTER 2019  
TAX BILL**

**WHEREAS**, the Municipal Budget, School Budget, and County Budget were all submitted timely as required by the State of New Jersey in order for the Passaic County Tax Board to certify a tax rate on July 1st; and,

**WHEREAS**, due to the State of New Jersey’s Budget impasse on adopting the State’s Budget timely, the Passaic County Tax Board cannot certify a tax rate in order for the City to prepare our tax bill for the Third and Fourth Quarter 2019 and First and Second Quarter 2020, as State Aid figures are part of the State of New Jersey’s Budget being Adopted; and,

**WHEREAS**, the Mayor and Council desires to provide a mechanism whereby the City’s cash flow will not be adversely affected should the delay in the adoption of any budget, or the certification of any required information required for the issuance of tax bills extend beyond a reasonable time;

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

1. The Estimated August 2019, Third Quarter Tax Bill be issued with an estimated tax rate of \$5.48 per \$100.00 of assessed valuation.
2. Pursuant to R.S. 54:4-67, interest free rate period (10 day grace period) or the 25th calendar day after the date the tax bill was mailed or otherwise delivered maybe charged back to August 1st. After which, interest at the rate of 8% per annum on amounts up to \$1,500 of delinquency and 18% per annum on amounts over \$1,500 of delinquency shall be charged from August 1, 2019.
3. That the reconciled November 2019 Quarterly Taxes are due and payable as originally scheduled on November 1, 2019, with a ten-day grace period, interest to be calculated as of November 1 if not paid prior to the expiration of said grace period.

**BE IT FURTHER RESOLVED**, that the City Clerk forward one certified copy of this resolution to the Tax Collector for the purpose of preparing, printing, and mailing the Estimated Third Quarter Tax Bill.

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

(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 Gibson, seconded by Councilman Grabowski and passed on roll call to vote on the following exception:

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

R333-19 Resolution: Approve Claims List Resolution for the July 2, 2019 City Council Meeting

**RESOLUTION TO APPROVE CLAIMS TO BE PAID  
MEETING OF JULY 2, 2019**

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

Current Fund	\$6,190,120.98
Grant Fund	\$ 32,952.56
General Capital Fund	\$ 115,386.79
Sewer Utility -Operating	\$ 638,797.51
Sewer Utility-Capital	\$1,422,182.47
Developers Escrow	\$ 7,974.19
Dog Trust	\$ 4,915.49
Police Extra Duty	\$ 91,932.50
Trust Other	\$ 34,481.59
Section 8 Public Housing	\$ 233,781.46
Community Development	\$ 111,352.76
COAH	
Self Insurance	\$ 378,145.85
Fire Dedicated Penalties	
Revolving Loan Fund	
Tax Title Lien Redemption	
Unemployment Trust Fund	
Library	\$ 161,364.18
General Liability Trust	\$ 160,848.93
Workers Compensation Trust	\$ 51,032.17
<b>TOTAL CLAIMS</b>	<b>\$9,635,269.43</b>

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

R341-19 Resolution Authorizing Purchase of Regular Ultra Low Sulphur Diesel off the NJ State Contract Purchasing Program Pursuant to N.J.S.A. 40A:11-12a

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

**RESOLUTION AUTHORIZING PURCHASE OF REGULAR ULTRA LOW  
SULPHUR DIESEL OFF THE NJ STATE CONTRACT PURCHASING  
PROGRAM PURSUANT TO N.J.S.A. 40A:11-12a**

**WHEREAS**, the City of Clifton has a need to purchase regular unleaded gasoline for its vehicles; and

**WHEREAS**, National Fuel Oil Inc., 175 Orange Street, Newark, NJ 07103, was awarded New Jersey State Contract No. A-80913 at a markup of \$0.0292 for both City Hall and the Department of Public Works; and,

**WHEREAS**, the contract has been extended until December 31, 2019; and



**WHEREAS**, pursuant to said Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Municipal Council wishes to authorize 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 aforementioned purchase above from National Fuel Oil Inc., 175 Orange Street, Newark, NJ 07103, off the New Jersey State Contract No. A-80913, at a cost not to exceed \$150,000 for the remainder of calendar year 2019.

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

R346-19 Resolution Awarding Contract to Kaufman, Semeraro & Leibman, LLP, for Legal Services in Connection with Redevelopment of Lots 7 and 8 in Block 30.01, as Shown on the Official Tax Map of the City of Clifton, Commonly Known as the Black Prince Distillery

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

**RESOLUTION AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE CITY OF CLIFTON TO EXAMINE WHETHER LOTS 7 AND 8 IN BLOCK 30.01, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF CLIFTON, SHOULD BE DETERMINED TO BE, AND DESIGNATED AS, AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.**

**WHEREAS**, the Municipal Council of the City of Clifton (the “City”) has identified certain real properties, commonly known as the “Black Prince Distillery”, located at the intersection of Clifton Avenue and Paulison Avenue, specifically Lots 7 and 8 in Block 30.01, as delineated on the Official Tax Map of the City, which is incorporated herein and made a part hereof by reference, inclusive of any and all streets, “paper” streets, private drives and right of ways, to be considered (the “Study Area”) for designation as an “area in need of redevelopment” pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”); and

**WHEREAS**, pursuant to the required redevelopment procedures specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined to be, and designated as, an “area in need of redevelopment” unless and until such time as the governing body of the municipality shall, by resolution, authorize the Planning Board of the municipality to undertake a preliminary investigation to determine whether a proposed area is an “area in need of redevelopment” meeting the criteria set forth in N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

**WHEREAS**, the New Jersey Legislature adopted, and the Governor signed, P.L. 2013, Chapter 159, which amended the LRHL, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-6(a), “[t]he resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the

redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a ‘Non-Condensation Redevelopment Area’) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a ‘Condensation Redevelopment Area’); and

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**WHEREAS**, the Study Area currently has several abandoned industrial buildings that housed a discontinued distillery operation located thereon along with vacant and underutilized land surrounding same; and

**WHEREAS**, the City finds it to be in the best interests of the City and its residents to authorize the City's Planning Board to undertake such preliminary investigation as to whether the Study Area qualifies as a Non-Condensation Redevelopment Area pursuant to the LRHL; and

**WHEREAS**, the City hereby states that any redevelopment area determination shall authorize the City to use all of those powers provided by the LRHL for use in a redevelopment area other than the use of eminent domain, known as a Non-Condensation Redevelopment Area; and

**WHEREAS**, the notice of any hearing to be conducted by the Planning Board with regard to this Resolution shall specifically state that a redevelopment area determination shall not authorize the municipality or exercise the power of eminent domain to acquire any property in the delineated area.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Clifton, being the governing body thereof, that the Planning Board of the City of Clifton is hereby authorized and directed to conduct the necessary investigation and to hold a public hearing to examine whether the lands comprising and identified as Lots 7 and 8 in Block 30.01, as shown on the Official Tax Map of the City of Clifton, which lands are also commonly known as the "Black Prince Distillery", qualify as, and should be determined and designated to be, an area in need of redevelopment authorizing the Municipality to use all powers provided by LRHL for use in a Non-Condensation Redevelopment Area under the criteria and pursuant to the public hearing process set forth in the LRHL; and

**BE IT FURTHER RESOLVED**, that the notice of any hearing which is to be conducted by the Planning Board with regard to this Resolution shall specifically state that a redevelopment area determination shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the delineated area; and

**BE IT FURTHER RESOLVED** that the City shall engage the services of a professional planner for redevelopment matters, and that retained professional planner shall hereby be authorized to prepare a study of whether the property identified as Lots 7 and 8 in Block 30.01 meets the criteria set forth in N.J.S.A. 40A:12A-5 and to report same to the Planning Board; and

**BE IT FURTHER RESOLVED** that the Planning Board shall submit its findings and recommendations to the Municipal Council in the form of a Resolution with supporting documentation; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the City Clerk, Chief Financial Officer of the City and the City of Clifton Planning Board and Planning Board Secretary; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

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

R347-19 Resolution Authorizing and Directing the Planning Board of the City of Clifton to Examine Whether Lots 7 and 8 in Block 30.01, as Shown on the Official Tax Map of the City of Clifton, Should be Determined to be, and Designated as, an Area in Need of Redevelopment Pursuant to N.J.S.A. 40A:12A-2 Et Seq.

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

**RESOLUTION AWARDING CONTRACT TO KAUFMAN, SEMERARO &  
LEIBMAN, LLP, FOR LEGAL SERVICES IN CONNECTION WITH  
REDEVELOPMENT OF LOTS 7 AND 8 IN BLOCK 30.01, AS SHOWN ON THE  
OFFICIAL TAX MAP OF THE CITY OF CLIFTON, COMMONLY KNOWN AS  
THE BLACK PRINCE DISTILLERY**

**WHEREAS**, the City of Clifton (the “City”) requires the services of redevelopment counsel to perform legal services in connection with redevelopment of Lots 7 and 8 in Block 30.01, as shown on the Official Tax Map of the City, which property is commonly known as the “Black Prince Distillery”; and

**WHEREAS**, the firm of Kaufman, Semeraro & Leibman, LLP, has agreed to perform said legal services for the City for the period of July 2, 2019 through July 1, 2020, for the fee of \$225.00 per hour, the total fee not to exceed \$30,000.00 for the term of this contract; and

**WHEREAS**, any fee in excess of \$30,000.00 for the contract term shall require the approval of the Municipal Council and the adoption of a supplementary resolution; and

**WHEREAS**, the services to be performed are professional and/or extraordinary unspecifiable services, within the meaning of those terms as they are used in the Local Public Contracts Law, N.J.S.A. 40A:11-2 et seq. and, accordingly, a contract may be awarded without public advertising for bid and bidding in accordance with N.J.S.A. 40A:11-5; and

**WHEREAS**, this award is of a non-fair and open contract in accordance with N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the estimated value of the contract is expected to be in excess of \$17,500.00 and the duration of the contract is until the services are completed; and

**WHEREAS**, the Business Entity Disclosure Certification has been received from counsel and is incorporated in the contract awarded hereby, along with the Determination of Value; and

**WHEREAS**, there are funds available for the payment of the aforesaid services.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Clifton, that:

1. A contract for professional redevelopment legal counsel services, in the form as approved by the Clifton Law Department, is awarded to Kaufman Semeraro & Leibman, LLP, of Fort Lee, NJ, for the period 07/02/19 thru 07/01/20, at a fee of \$225.00 per hour, not to exceed \$30,000.00 for the term of the contract without the express approval of the Municipal Council and adoption of a supplementary resolution.
2. The required Certificate of Availability of Funds for the above contract has been obtained from the Chief Financial Officer of the City of Clifton.
3. The Mayor and City Clerk are authorized and directed to execute a contact on behalf of the City of Clifton.
4. The original of the resolution and the contract in question shall be placed on file and made available for public inspection in the City Clerk’s Office of the City of Clifton.
5. The following short notice be printed once in a legal newspaper of the City of Clifton:

July 2, 2019

**CITY OF CLIFTON  
NOTICE OF CONTRACT AWARDED**

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

Awarded to: Kaufman Semeraro & Leibman, LLP, Fort Lee, NJ  
Services: Redevelopment Counsel Services  
Project: Black Prince Distillery Property Redevelopment  
Amount: \$225/hr/not to exceed \$30,000  
Term: 07/02/19 – 07/01/20

-----

A Motion was made by Councilwoman Sadrakula, seconded by Councilwoman Murphy and passed on roll call vote to table the following Resolution.

R336-19 Resolution Closing and Canceling Outstanding Capital Account Balances in the Sewer Utility

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

**SEWER UTILITY  
RESOLUTION CLOSING AND CANCELING  
OUTSTANDING CAPITAL ACCOUNT BALANCES**

**WHEREAS**, there exists outstanding capital projects with in the Sewer Utility Capital Fund of the City of Clifton; and

**WHEREAS**, the accounts indicated below will no longer be utilized as capital projects and are now considered complete or closed;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and City Council of the City of Clifton, County of Passaic, State of New Jersey, that these Sewer Utility Capital Fund Projects be hereby closed and the remaining balance be zeroed and canceled to their respective accounts and balances:

Account Number and Name Amount	Bond Ordinance	Cancel
08-215-55-942-302 – 2015 Capital Projects	7218-15	\$ 70,000.00
08-215-55-942-302 – 2015 Capital Projects	7218-15	\$ 119,750.00
08-215-55-943-300 – 2015 Capital Projects	7217-15	\$ 2,400,000.00
08-215-55-945-000 – 2016 Capital Projects	7303-16	\$ 0.28
08-215-55-946-000 – 2016 Capital Projects	7312-16	\$ 2,100,000.00
Total Sewer Utility Capital Improvement Projects To Be Canceled:		\$ 4,689,750.28

**BE IT FURTHER RESOLVED**, that the Finance Office is authorized to cancel said balances and correct the City’s financial records for these cancellations.

**RESOLUTIONS**

A Motion was made by Councilman Grabowski, seconded by Councilman Gibson 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.

**RESOLUTION TO APPROVE CLAIMS TO BE PAID  
MEETING OF JULY 2, 2019**

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

Current Fund	\$6,190,120.98
Grant Fund	\$ 32,952.56
General Capital Fund	\$ 115,386.79
Sewer Utility -Operating	\$ 638,797.51
Sewer Utility-Capital	\$1,422,182.47
Developers Escrow	\$ 7,974.19
Dog Trust	\$ 4,915.49
Police Extra Duty	\$ 91,932.50
Trust Other	\$ 34,481.59
Section 8 Public Housing	\$ 233,781.46
Community Development	\$ 111,352.76
COAH	
Self Insurance	\$ 378,145.85
Fire Dedicated Penalties	
Revolving Loan Fund	
Tax Title Lien Redemption	
Unemployment Trust Fund	
Library	\$ 161,364.18
General Liability Trust	\$ 160,848.93
Workers Compensation Trust	\$ 51,032.17
<b>TOTAL CLAIMS</b>	<b>\$9,635,269.43</b>

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R334-19 Chapter 159 Resolution Amending the 2019 City Budget for Additional Revenue and Appropriations - Alcohol Education, Rehabilitation, and Enforcement Fund - \$4,742.11

**CHAPTER 159 RESOLUTION  
AMENDING THE 2019 CITY BUDGET FOR  
ADDITIONAL REVENUE AND APPROPRIATION**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the City of Clifton has received notice of an award of \$4,742.11 from the New Jersey Courts, Administrative Office of the Courts Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund and wishes to amend the 2019 Municipal Budget to include this amount as revenue.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and City Council of the City of Clifton, County of Passaic, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$4,742.11

July 2, 2019

Which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated  
With Prior Written Consent of the Director of the  
Division of Local Government Services:  
State and Federal Revenues Off-set with  
Appropriations:  
Alcohol Education, Rehabilitation and Enforcement Fund \$4,742.11

**BE IT FURTHER RESOLVED**, that the like sum of \$4,742.11 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS  
State and Federal Programs Off-set by

Revenues:

Alcohol Education, Rehabilitation and Enforcement Fund 2019  
Other Expenses \$4,742.11

**BE IT FURTHER RESOLVED**, that the City forward to the Director of Local Government Services for approval.

-----  
R335-19 Chapter 159 Resolution Amending the 2019 City Budget for Additional Revenue and Appropriations - JAG Grant \$35,864.10

**CHAPTER 159 RESOLUTION  
AMENDING THE 2019 CITY BUDGET FOR  
ADDITIONAL REVENUE AND APPROPRIATION**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the City of Clifton has received \$35,864.10 from the 2014 and 2016 Byrne Memorial Justice Assistance Grant (JAG) and wishes to amend the 2019 Municipal Budget to include this amount as revenue,

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and City Council of the City of Clifton, County of Passaic, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$35,864.10

Which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated  
With Prior Written Consent of the Director of the  
Division of Local Government Services:  
State and Federal Revenues Off-set with  
Appropriations:  
Byrne Memorial Justice Assistance Grant \$35,864.10

**BE IT FURTHER RESOLVED**, that the like sum of \$35,86410 be and the same is hereby appropriated under the caption of:

General Appropriations:

- (a) Operations Excluded from CAPS  
State and Federal Programs Off-set by

Revenues:

Byrne Memorial Justice Assistance Grant \$35,864.10

**BE IT FURTHER RESOLVED**, that the City forward to the Director of Local Government Services for approval.

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R338-19 Resolution Awarding Contract for Clifton DPW Vehicle Storage Facility Oil Water Separator Installation

**RESOLUTION AWARDING CONTRACT FOR  
CLIFTON DPW VEHICLE STORAGE FACILITY OIL WATER SEPARATOR  
INSTALLATION**

**BE IT RESOLVED:** that the contract for the CLIFTON DPW VEHICLE STORAGE FACILITY OIL WATER SEPARATOR INSTALLATION be and the same is hereby awarded to RANCO MECHANICAL LLC of Newton, New Jersey, the low bidder meeting the specifications at a grand total bid price of \$128,000.00, in accordance with bids received on June 13, 2019, and recommended by communication dated June 13, 2019 to the Mayor and Council; and

**NOW, THEREFORE BE IT FURTHER RESOLVED:** that the Mayor and City Clerk be and they are authorized and directed hereby to execute such contract, upon approval by the Law Department.

**BE IT FURTHER RESOLVED:** that the required Certificate of Availability of Funds for the above contract has been obtained from the Chief Financial Officer of the City of Clifton. The appropriation to be charged for this expenditure is:

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R339-19 Resolution Awarding On-Call Professional Engineering Services Contract to Neglia Associates on an As-Needed Basis

**RESOLUTION AWARDING ON-CALL PROFESSIONAL ENGINEERING  
SERVICES CONTRACT TO NEGLIA ASSOCIATES ON AN AS-NEEDED  
BASIS**

**WHEREAS**, the City requires professional engineering consultant services in an on-going manner, for various engineering-based projects throughout the City; and

**WHEREAS**, the City Manager has solicited a proposal from Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, New Jersey 07071, who has provided satisfactory professional engineering services to the City on various projects; and,

**WHEREAS**, the City Engineer recommends that a contract for said services be awarded to Neglia Engineering Associates, in accordance with its submitted proposal, in the total amount not to exceed \$65,000.00, for one (1) year from the date of award by the Municipal Council; and

**WHEREAS**, the Municipal Council wishes to award a contract for the on-call professional engineering services to Neglia Engineering Associates, for a one (1) year from the date of award by the Municipal Council, in accordance with its proposal dated May 17, 2019, at a total cost not to exceed \$65,000.00; and

July 2, 2019

**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 Neglia Engineering Associates, and is incorporated into the contract awarded hereby, along with the Determination of Value; and,

**WHEREAS**, the value of the contract is determined to be not to exceed \$65,000.00, and the duration of the contract is for one year from date of award; and,

**NOW, THEREFORE, BE IT RESOLVED**, that an on-call professional engineering services contract as aforesaid be awarded to Neglia Engineering Associates, at a price not to exceed \$65,000; 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(l)(a). The contract and the resolution authorizing it are available for public inspection in the Office of the City Clerk.

Awarded to: Neglia Engineering Associates, Lyndhurst, NJ  
Services: On-Call Professional Engineering Services  
Project: Various Projects As-Needed  
Cost: Not to Exceed \$65,000  
Term: July 2, 2019 through July 1, 2020

-----

R340-19 Resolution Authorizing Purchase of Regular Unleaded Gasoline off the NJ State Contract Purchasing Program Pursuant to N.J.S.A. 40A:11-12a

**RESOLUTION AUTHORIZING PURCHASE OF REGULAR UNLEADED  
GASOLINE OFF THE NJ STATE CONTRACT PURCHASING PROGRAM  
PURSUANT TO N.J.S.A. 40A:11-12a**

**WHEREAS**, the City of Clifton has a need to purchase regular unleaded gasoline for its vehicles; and

**WHEREAS**, Rachles Michele Oil Company, 116 Kuller Road, Clifton, NJ 07011 has been awarded the NJ State Contract No. A-80913 at a markup of \$.0350 for both City Hall and the Department of Public Works; and

**WHEREAS**, the contract has been extended until November 30, 2019; and

**WHEREAS**, pursuant to said Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Municipal Council wishes to authorize 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 aforementioned purchase above from Rachles Michele Oil Company, 116 Kuller Road, Clifton, NJ 07011 off the New Jersey State Contract No. A-80913, at a cost not to exceed \$120,000 for the remainder of calendar year 2019.

-----  
R342-19 Resolution Rejecting Bids for Addition and Alterations for Fire Station No. 5 and Authorizing Readvertisement for New Bids

**RESOLUTION REJECTING BIDS FOR  
ADDITION AND ALTERATIONS FOR FIRE STATION NO. 5  
AND AUTHORIZING READVERTISEMENT FOR NEW BIDS**

**WHEREAS**, the Mayor and Council of the City of Clifton authorized bids to be solicited for Addition and Alterations for Fire Station NO. 5 with the return date for said bids on June 11, 2019, under R235-19; and

**WHEREAS**, six (6) bids were received; and,

**WHEREAS**, the apparent low bidder was deemed non-responsive for failing to provide the required equipment list, and provided no evidence of the required New Jersey State asbestos abatement licensing; and,

**WHEREAS**, the second apparent low bidder was deemed non-responsive for failing to provide the required equipment list; and,

**WHEREAS**, the remaining bids substantially exceeded the engineer's estimate; and,

**BE IT RESOLVED**, that the bids received for Addition and Alterations for Fire Station NO. 5 are rejected for the following reason:

1. The apparent low bidder, and second apparent low bidder were deemed non-responsive for the above reasons; and,
2. The City did not receive a responsive and responsible bid within the Engineer's estimate.

**BE IT FURTHER RESOLVED**, that the City Clerk is authorized and directed hereby to return the bid bonds placed on deposit with said bids; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Purchasing Agent is hereby authorized and directed to re-advertise for new bids for the Addition and Alterations for Fire Station NO. 5.

-----  
R343-19 Resolution Authorizing Purchase of Office Supplies from W.B. Mason Off the NJ State Contract Purchasing Program Pursuant to N.J.S.A. 40a:11-12a

**RESOLUTION AUTHORIZING PURCHASE OF OFFICE SUPPLIES FROM  
W.B. MASON OFF THE NJ STATE CONTRACT PURCHASING PROGRAM  
PURSUANT TO N.J.S.A. 40A:11-12a**

**WHEREAS**, the City of Clifton has a need to purchase office supplies for its departments and divisions; and

**WHEREAS**, W.B. Mason Co Inc., 535 Secaucus Road, Secaucus, NJ 07094, was awarded New Jersey State Contract No. A88839 to provide discounted pricing off their office supplies catalog, which the City is permitted to use cooperatively; and,

**WHEREAS**, the contract has been extended until May 6, 2020; and

July 2, 2019

**WHEREAS**, pursuant to said Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Municipal Council wishes to authorize 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 aforementioned purchases above from W.B. Mason Co Inc., 535 Secaucus Road, Secaucus, NJ 07094, off the New Jersey State Contract No. A-88839, at a cost not to exceed \$40,000 for the remainder of calendar year 2019.

**BE IT FURTHER RESOLVED**, a properly executed purchase order, processed as-needed, shall be the instrument of fund encumbrance for each department and division usage, budgetary appropriations considered; and,

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R344-19 Resolution Authorizing Preliminary Studies and Related Expenses 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

**PASSAIC COUNTY, NEW JERSEY**  
**A RESOLUTION AUTHORIZING PRELIMINARY STUDIES AND RELATED EXPENSES 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 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**, if the Access Road were to be dedicated as a public road, it would provide public benefits by, among other things, diverting truck traffic away from Delawanna Avenue, providing additional public access to and from River Road, and 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

**WHEREAS**, to benefit the public, the City seeks to acquire the Access Road via eminent domain to convert it to a dedicated public road, which is required to be confirmed by Ordinance by the Local Lands and Buildings Law after such preliminary studies are undertaken; and

**WHEREAS**, in addition to the public benefits, a neighboring property owner, 6W BP Opportunity, LLC c/o The STRO Companies ("STRO"), has informed the City that converting the Access Road to a public road would provide incidental benefits to its property by allowing large trucks and other vehicles traveling to its property to utilize the Access Road in lieu of streets adjacent to residential neighborhoods; and

**WHEREAS**, for this reason STRO has agreed, via Developer's Agreement, to pay the full cost of the acquisition of the Access Road at fair market value pursuant to a certified appraisal; and

**WHEREAS**, in advance of the anticipated eminent domain proceedings, the City wishes to authorize any needed preliminary studies, surveys, tests, soundings, borings, and appraisals, as authorized by N.J.S.A. 20:3-16, including, but not limited to, identifying

the parameters of land to be obtained via eminent domain, obtaining a survey of the same, and authorizing an appraisal of the same.

**NOW THEREFORE BE IT RESOLVED** that the City Council hereby authorizes any needed preliminary studies, surveys, tests, soundings, borings, and appraisals, as authorized by N.J.S.A. 20:3-16 regarding the condemnation of the Access Road, including, but not limited to, identifying the parameters of land to be obtained via eminent domain, obtaining a survey of the same, and authorizing an appraisal of the same in furtherance of the taking of the Access Road by eminent domain.

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

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R345-19 Resolution Appointing Michele Butler as Secretary to Board of Alcoholic Beverage Control

**RESOLUTION APPOINTING MICHELLE BUTLER AS SECRETARY TO BOARD OF ALCOHOLIC BEVERAGE CONTROL**

**BE IT RESOLVED**, by the Mayor and Members of the Municipal Council, that Michelle Butler, is hereby appointed as secretary to the Board of Alcoholic Beverage Control and shall receive a stipend in the annual amount of \$7,500.00.

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R348-19 Resolution Authorizing Tax Collector to Lien Properties and Bill Property Owners and Collect for Reimbursement of Expenditures Made by City of Clifton for Emergency Order Clean-Ups

**RESOLUTION AUTHORIZING TAX COLLECTOR TO LIEN PROPERTIES AND BILL PROPERTY OWNERS AND COLLECT FOR REIMBURSEMENT MADE BY CITY OF CLIFTON FOR EMERGENCY ORDER CLEAN-UPS**

**WHEREAS**, numerous code violations and an emergent health situation existed at the following premises for a long period of time, and despite countless letters, warnings, notices and citations issued to the property owners, the violations and health conditions continued unabated; and

**WHEREAS**, the City of Clifton took emergency clean-up action on the properties and expended funds from its revolving lien account, inclusive of \$100 Administrative Fee, as follows:

<u>Address</u>	<u>Service Fee</u>	<u>Administrative Fee</u>	<u>Total Lien</u>
52 Valley Road Blk 14.01, Lot 12	\$ 300.00	\$ 100.00	\$ 400.00
388 Washington Ave Blk 19.11, Lot 10	\$ 250.00	\$ 100.00	\$ 350.00
354 Grove St. Blk 39.04, Lot 15	\$ 250.00	\$ 100.00	\$ 250.00
28 Samuel Ave Blk 42.02, Lot 21	\$ 175.00	\$ 100.00	\$ 275.00
110 Vincent Drive Blk 63.01, Lot 24.01	\$ 700.00	\$ 100.00	\$ 800.00

July 2, 2019

**WHEREAS**, it is necessary to place a lien on each property in order to seek reimbursement from each property owner for the funds expended by the City of Clifton; and

**WHEREAS**, it may be necessary for the City of Clifton to expend funds in the future for the aforesaid properties;

**NOW, THEREFORE, BE IT RESOLVED**, that the Tax Collector is authorized to lien the properties as set forth above, and to take whatever action is necessary to accomplish reimbursement from the property owners for the current expenditures and any expenditures incurred in the future.

-----

R349-19 Resolution Awarding Professional Surveying and Engineering Services Contract to Neglia Associates

**RESOLUTION AWARDING PROFESSIONAL SURVEYING AND ENGINEERING SERVICES CONTRACT TO NEGLIA ASSOCIATES**

**WHEREAS**, the City requires professional surveying and engineering consultant services in in connection with the Harve Benard Way Condemnation; and,

**WHEREAS**, the City Manager has solicited a proposal from Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, New Jersey 07071, who has provided satisfactory professional engineering services to the City on various projects; and,

**WHEREAS**, the City Engineer recommends that a contract for said services be awarded to Neglia Engineering Associates, in accordance with its submitted proposal dated June 26, 2019, for a total amount not to exceed \$24,715.00, for a one (1) year term from date of award by the Municipal Council; 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 Neglia Engineering Associates, and is incorporated into the contract awarded hereby, along with the Determination of Value; and,

**WHEREAS**, the value of the contract is determined to be not to exceed \$24,715.00, and the duration of the contract is for one year from date of award; and,

**NOW, THEREFORE, BE IT RESOLVED**, that a professional surveying and engineering services contract as aforesaid be awarded to Neglia Engineering Associates, at a price not to exceed \$24,715.00; 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:

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(l)(a). The contract and the resolution authorizing it are available for public inspection in the Office of the City Clerk.

Awarded to: Neglia Engineering Associates, Lyndhurst, NJ  
Services: On-Call Professional Surveying and Engineering Services  
Project: Harve Benard Way Condemnation  
Cost: Not to Exceed \$24,715.00  
Term: July 2, 2019 through July 1, 2020

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R350-19 Resolution for Reappointment of Members of the Rent Leveling Board

**RESOLUTION FOR REAPPOINTMENT OF  
MEMBERS OF THE RENT LEVELING BOARD**

**WHEREAS**, the Mayor and Council of the City of Clifton, County of Passaic, State of New Jersey are in receipt of a memo from the Secretary of the Rent Leveling Board indicating that Barbara Lee does not wish to continue as a Tenant Member of the Rent Leveling Board; and

**WHEREAS**, at the Council meeting of June 18, 2019, it was approved that Saul Jaffe be moved from Alternate Tenant Member to Tenant Member for a term of three years commencing on July 1, 2019 through June 30, 2022; and

**WHEREAS**, also at the Council meeting of June 18, 2019, it was approved that Zalman Gurkov and Michael Molner be reappointed as Public Members for a term of three years commencing on July 1, 2019 through June 30, 2022;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Municipal Council of the City of Clifton, County of Passaic, State of New Jersey that Saul Jaffe be appointed as Tenant Member of the Rent Leveling Board for a term of three years commencing on July 1, 2019 through June 30, 2022; and

**BE IT FURTHER RESOLVED**, that Zalman Gurkov and Michael Molner be reappointed as Public Members of the Rent Leveling Board for a term of three years commencing on July 1, 2019 through June 30, 2022; and

**BE IT FURTHER RESOLVED**, that Barbara Lee is hereby removed from the Rent Leveling Board commencing on June 18, 2019.

-----

R351-19 Resolution Authorizing Games of Skill Operator License Renewals

**RESOLUTION AUTHORIZING GAMES OF SKILL OPERATOR LICENSE  
RENEWALS**

**WHEREAS**, the Mayor and Council of the City of Clifton, County of Passaic, State of New Jersey are in receipt of Games of Skill Operator License Renewals from various businesses in the City of Clifton; and

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Clifton, County of Passaic, and State of New Jersey that approval for the renewal of Games of Skill Operator Licenses to the businesses below be and are hereby granted:

July 2, 2019

Sportzone Bar & Grill  
Clifton Billiards

593 Van Houten Ave.  
1158 Main Ave.

Clifton, NJ  
Clifton, NJ

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R352-19 Resolution Authorizing Billiard Room License Renewal

**RESOLUTION AUTHORIZING BILLIARD ROOM LICENSE RENEWAL**

**WHEREAS**, the Mayor and Council of the City of Clifton, County of Passaic, State of New Jersey are in receipt of Billiard Room License Renewal from Clifton Billiards, 1158 Main Avenue in the City of Clifton; and

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Clifton, County of Passaic, and State of New Jersey that approval for the renewal of Billiard Room License to Clifton Billiards be and is hereby granted.

-----

R353-19 Resolution Appointing Acting City Manager

**RESOLUTION APPOINTING ACTING CITY MANAGER**

**BE IT RESOLVED**, that John Biegel, Director of Health and Welfare/Health Officer, is hereby appointed as Acting City Manager when Dominick Villano, City Manager, is absent due to illness, vacation or other absence, commencing immediately.

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R354-19 Resolution Approving Changes in Income Requirements for Clifton Home Improvement Program (CHIP) Loans

**RESOLUTION APPROVING CHANGES IN INCOME REQUIREMENTS FOR CLIFTON HOME IMPROVEMENT PROGRAM (CHIP) LOANS**

**WHEREAS**, on October 7, 1975, the City of Clifton established the program known as the Clifton Home Improvement Program (CHIP); and

**WHEREAS**, the purpose of the program is to make available certain federal funds to enable citizens of the City of Clifton to rehabilitate their homes; and

**WHEREAS**, it is the desire of the Clifton Housing Department, pursuant to the guidelines of the U.S. Department of Housing and Urban Development, to make

rehabilitation loans available to the residents of the City of Clifton on a more equitable basis;

**NOW, THEREFORE, BE IT RESOLVED** , by the Mayor and Municipal Council of the City of Clifton, that the Clifton Housing Department, within its Clifton Home Improvement Program, approves the changes in income requirements for CHIP loans based on the Uncapped Income Limits as provided by the Department of Housing and Urban Development for gross income and size of family according to the following chart:

Size of Family	One	Two	Three	Four
Maximum Income	\$59,750	\$68,250	\$76,800	\$85,300

Size of Family	Five	Six	Seven	Eight
Maximum Income	\$92,150	\$98,950	\$105,800	\$112,600

**BE IT FURTHER RESOLVED**, that the same income requirements be used within Designated Neighborhood Strategy Areas and outside Designated Neighborhood Strategy Areas; and

**BE IT FURTHER RESOLVED**, that a public announcement of these changes be made so that the residents of the City of Clifton are informed of the revised income limits for the CHIP program.

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R355-19 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 Oil and Water Separator Installation Bid - Legal Opinion
- CON-2 Workers' Compensation Claim D/L: 1963-1996 MD (Firefighter/Investigator)
- CON-3 Bids for Addition and Alterations for Fire Station No. 5 - Legal Opinion (R342)
- CON-4 Workers' Compensation D/L: 10/27/16 WS (PD)
- CON-5 Legal Opinion Regarding Defense of Police Officers in Federal Civil Rights Claims
- CON-6 Advisory Committee for Individuals with Disabilities - Personnel - Potential Litigation
  
- CON-7 Draft Agreement for Inactive Duty Training Assignments
- CON-8 Bautista, et al v. Hoffmann-LaRoche, Inc., et al.
- CON-9 Liability Claims Against City of Clifton 2018-2019
- CON-10 Workers' Compensation Claim D/L: 7/8/15 JD (DPW)
- CON-11 Workers' Compensation Claim D/L: 6/1/15 DD (FD)
- CON-12 John T. Hokke, Jr. v. City of Clifton, et al

**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 July 2, 2019 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.

**LICENSES**

**L-1 Candy Connections**

RESOLUTION FOR PRELIMINARY APPROVAL

For: Liza Sinanian & Aleen Takvorian

T/A: Candy Connections

ADDRESS: 327 Lakeview Ave., Clifton, NJ 07011

TYPE OF FOR ESTABLISHMENT INTENDED: Grocery - Continued Use

FORMERLY OR NEW: Candy Connections

July 2, 2019

ZONE: B-C

PERMITTED: Yes

VARIANCE REQUIRED: No

FINAL APPROVAL WILL BE ISSUED PENDING APPROVAL OF THIS RESOLUTION.  
FURTHER PROCESSING AND APPROVAL OF VARIOUS CITY DEPARTMENTS.

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**L-2 Rock Bar & Grill**

RESOLUTION FOR PRELIMINARY APPROVAL

For: Hailbail, LLC

T/A: Rock Bar & Grill

ADDRESS: 414 Main Ave., Clifton, NJ 07014

TYPE OF FOR ESTABLISHMENT INTENDED: Restaurant - Continued Use

FORMERLY OR NEW: Rock Bar & Grill

ZONE: M-2

PERMITTED: Yes

VARIANCE REQUIRED: No

FINAL APPROVAL WILL BE ISSUED PENDING APPROVAL OF THIS RESOLUTION.  
FURTHER PROCESSING AND APPROVAL OF VARIOUS CITY DEPARTMENTS.

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**L-3 Botany Village Pizza**

RESOLUTION FOR PRELIMINARY APPROVAL

For: Sofia Pizzeria Corp

T/A: Botany Village Pizza

ADDRESS: 266 Parker Ave., Clifton, NJ 07011

TYPE OF FOR ESTABLISHMENT INTENDED: Restaurant - Continued Use

FORMERLY OR NEW: Botany Village Pizza

ZONE:

PERMITTED: Yes

VARIANCE REQUIRED: No

FINAL APPROVAL WILL BE ISSUED PENDING APPROVAL OF THIS RESOLUTION.  
FURTHER PROCESSING AND APPROVAL OF VARIOUS CITY DEPARTMENTS.



**L-4 Burgerim Franchising**

RESOLUTION FOR FINAL APPROVAL

**BE IT RESOLVED**, that the application of Spring Valley Food, Inc. t/a Burgerim Franchising for permission to conduct a Restaurant – Continued Use for a period ending January 31, 2020 on the premises known as: 1218 Main Ave., Clifton, NJ 07011

Be and the same is hereby approved and licenses so issued in the compliance with the approval of the Board of Health, Fire Department, Police Department and Zoning Officer.

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**L- 5 Tru Care Adult Medical Daycare**

RESOLUTION FOR FINAL APPROVAL

**BE IT RESOLVED**, that the application of Tru Care Adult Medical Daycare, Inc. t/a Tru Care Adult Medical Daycare for permission to conduct a Restaurant – New for a period ending January 31, 2020 on the premises known as: 1111 Paulison Ave., Clifton, NJ 07011

Be and the same is hereby approved and licenses so issued in the compliance with the approval of the Board of Health, Fire Department, Police Department and Zoning Officer.

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**L-6 Matteo & Sons Salumeria**

RESOLUTION FOR FINAL APPROVAL

**BE IT RESOLVED**, that the application of Grace Sita t/a Matteo & sons Salumeria for permission to conduct a Restaurant – Continued Use for a period ending January 31, 2020 on the premises known as: 754 Clifton Ave., Clifton, NJ 07011

Be and the same is hereby approved and licenses so issued in the compliance with the approval of the Board of Health, Fire Department, Police Department and Zoning Officer.

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**L-7 Lucky Store**

RESOLUTION FOR FINAL APPROVAL

**BE IT RESOLVED**, that the application of Sofi Mini Mart, LLC t/a Lucky Store for permission to conduct a Caterer/Grocery/Milk – Continued Use for a period ending January 31, 2020 on the premises known as: 145 Valley Rd., Clifton, NJ 07013.

Be and the same is hereby approved and licenses so issued in the compliance with the approval of the Board of Health, Fire Department, Police Department and Zoning Officer.

A Motion was made by Councilman Grabowski, seconded by Councilman Gibson to return to Closed Session at 9:20 p.m.

A Motion was made by Councilman Gibson, seconded by Councilman Grabowski and passed on roll call vote to return to open session.

July 2, 2019

**ADJOURNMENT**

Upon motion made by Councilman Eagler, seconded by Councilwoman Murphy and unanimously passed on roll call vote, the meeting was adjourned at 9:55 p.m.

Respectfully Submitted,

Nancy Ferrigno  
City Clerk

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James Anzaldi, Mayor