

**CLIFTON, NEW JERSEY
REGULAR MEETING MINUTES JULY 2, 2024**

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

8:00 P.M. CALL OF ROLL

Mayor Grabowski 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 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 2024, which was published as legal advertisements in the Herald News on December 10, 2023, and was additionally advertised in the Record on December 10, 2023. Further notice of this meeting was given on Friday prior to the meeting to The Herald News and by posting of said notice on the bulletin board at City Hall and on the Clifton Website which notice stated that formal action may or may not be taken on matters to come before the Municipal Council.

Upon roll call, the following were noted present:

Councilman Gibson	(BG) Absent
Councilman Kolodziej	(JK)
Councilman Latona	(AL)
Councilman D’Amato	(CD)
Councilwoman Pino	(RP)
Councilwoman Sadrakula	(MS)
Mayor Grabowski	(RG)

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

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

Imam Chauldhary – Masjid Baitul Mahid

PUBLIC HEARING

Public Hearing City of Clifton CDBG FY 2024 Yr 50 Annual Action Plan August 1, 2024, to July 31, 2025, B-24-MC-34-0103

The Mayor opened the floor to the public.

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

(6-0-0-1) Councilman Kolodziej, Councilman Latona, Councilman D’Amato, Councilwoman Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye. Councilman Gibson was absent.

APPROVAL OF MINUTES

A Motion was made by Councilman Gibson, seconded by Councilman Kolodziej and passed on roll call vote to approve the Workshop Session, Executive Session and Regular Session Meeting Minutes of June 18, 2024, and the Special Meeting of June 26, 2024.

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(7-0-0-0) Councilman Gibson, Councilman Kolodziej, Councilman Latona, Councilman D’Amato, Councilwoman Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye.

COMMUNICATIONS FROM THE CITY MANAGER

- C-1 Louis Vandemerk, Public Works, Advanced from Laborer 1 to Truck Driver Heavy, Effective June 16, 2024, at \$60,886.98 annually.
- C-2 Eric Lougheed, Public Safety, resigned his position of Police Officer, effective June 19, 2024.

COMMUNICATIONS MEETING MINUTES

- C-3 Minutes of Civil Rights Committee of March 26 and May 6, 2024
- C-4 Minutes of Disabilities Committee of June 17, 2024
- C-5 Minutes of Board of Recreation of May 20, 2024
- C-6 Minutes of Alcoholic Beverage Control Board of May 8, 2024
- C-7 Minutes of North Jersey District Water Supply Commission of May 22, 2024
- C-8 Minutes of Senior Citizens Advisory Committee of May 23, 2024

SECOND READING ORDINANCES

A. Adoption of Ordinance 7921-24

B. Public Hearing on Ordinance 7921-24

Mayor Grabowski opened the floor to the public regarding Ordinance 7921-24.

An Ordinance to Replace Chapter 394 of the Code of the City of Clifton, Entitled "Stormwater Control" in its Entirety

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

(6-0-0-1) Councilman Kolodziej, Councilman Latona, Councilman D’Amato, Councilwoman Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye. Councilman Gibson was absent.

FIRST READING ORDINANCES

A. Introduction of Ordinance 7912-24

The entitled ordinance was introduced and read by the City Clerk, as first reading, which reading was by title, and tabled upon a Motion made by Councilwoman Sadrakula, seconded by Councilman D’Amato and passed on roll call vote.

An Ordinance to Amend, Revise and Supplement Chapter 43 of the Code of the City of Clifton Entitled "Advisory Committee for Individuals with Disabilities" at Section 43-2 "Membership, Terms of Office" (Adds Two Alternate Members to the Committee)

(6-0-0-1) Councilman Kolodziej, Councilman Latona, Councilman D’Amato, Councilwoman Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye. Councilman Gibson was absent.

B. Introduction of Ordinance 7922-24

The entitled ordinance was introduced and read by the City Clerk, as first reading, which reading was by title, passed upon motion made by Councilwoman Sadrakula, seconded by Councilman D’Amato and passed on roll call vote.

An Ordinance to Amend, Revise and Supplement Chapter 433 of the Code of the City of Clifton, Entitled "Trees and Shrubbery", More Particularly Section 433-33 (Amends Policy on Removal and Replacement of Trees)

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, 2024, at 8:00 p.m. and that the City Clerk be authorized to publish said ordinance together with statutory notice as required by law.

(6-0-0-1) Councilman Kolodziej, Councilman Latona, Councilman D'Amato, Councilwoman Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye. Councilman Gibson was absent.

FLOOR TO THE MEMBERS OF THE PUBLIC

Pat Cesar, 149 McCosh Road, submitted a plan to resolve the parking issues on McCosh Road.

Joseph Saino, 102 Trenton Ave. spoke about the Allwood Road project, a recent incident of animal abuse involving dogs. He thanked everyone who attended his company's 35th Anniversary and urged all pet owners to keep an eye on their pets during fireworks shows.

Gary Perino, 490 Mount Prospect Ave., spoke about a baby deer that was hit by a speeding vehicle on Mt. Prospect Ave. He asked that the Council not approve the fireworks for Upper Montclair Country Club if they put in a new request since they did not abide by the stipulation of using noiseless fireworks. Mr. Perino asked if was against City Ordinance to put sprinklers in the right-of-way. He spoke about the pros and cons of the Allwood Road project.

Henry Cholewczynski, 37 Phyllis Place, discussed options for a new firehouse. He remarked that developers of the former Hoffman LaRoche property are looking to add a high-rise residential building on the property and the addition of the apartments on the corner of Clifton and Paulison Ave. call for more fire units.

Ray Lill, 59 Stevens Rd., spoke about the Palma report, the length of time it is taking to settle the PBA contract, and the need for more police officers. He suggested that the City give the police a raise.

Samantha Bassford, 92 Mountainview Dr., spoke about an exchange that took place with Councilwoman Pino at the last Civil Rights Advisory Committee meeting. She apologized to residents who were offended by Councilwoman Pino's comments that night.

Donna Popowich, 57 Dalewood Rd., commented that recent Council meetings have become exhausting presenting one crisis after another because issues keep being pushed down the road. She commented that Allwood Road needs better lighting.

Leandra Nieves, 158 West 4th St., promoted Councilwoman Pino's Echo Unity Series Fundraiser.

Maria Williamson, Chair of the Clifton Advisory Committee for Civil Rights, spoke about a recent video of the last Civil Rights meeting. She explained the committee's mission and invited all to visit the committee's Facebook page.

Judy Bassford, 92 Mountainview Drive, announced an upcoming Overdose Awareness event. She thanked the Council for approving the 911 event. She wished all a Happy Fourth of July and asked everyone to be mindful of pets and Veterans during Fourth of July celebrations.

Jacqueline, (inaudible last name and address) Spoke about the City Committees and asked why all committee minutes were not posted on the City website.

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Lori DeSimone, 12 Donna Drive., (via Zoom) spoke about a Day Camp run by Councilwoman Pino. She commented that Councilwoman Pino failed to answer basic questions for those interested in having children attend the camp.

CITY MANAGER PRIVILEGE/RESPONSE TO RESIDENTS

Pat Cesar – City Manager, Dominick Villano, he will refer the plan he submitted for parking on McCosh Road to the Legal Department.

Joe Saino – City Manager, Dominick Villano, the dogs involved in the abuse were not licensed, and a follow-up is being done. He stated that he would contact him when he gets more information.

Gary Perino – City Manager, Dominick Villano, stated he would refer to Legal regarding sprinklers in the right-of-way.

Henry Cholewczynski – City Manager, Dominick Villano, commented that he would like to talk further with Mr. Cholewczynski about his ideas for a new firehouse.

Ray Lill – City Manager, Dominick Villano, stated the Palma report cost was \$10,000.00. Mr. Villano said the City is looking to resolve the PBA contract as soon as possible.

COUNCIL PRIVILEGE

Councilwoman Pino

Councilwoman Pino agreed that street names should be removed from parking permit tags. She congratulated Councilman D'Amato on the birth of his son. Councilwoman Pino announced a dinner theater hosted by the Clifton Theater League and Unity Series Bounce House events. She promoted her organization's summer camp and announced that it is fully licensed. Councilwoman Pino wished all a Happy July 4th.

Councilwoman Sadrakula

Councilwoman Sadrakula spoke about Upper Montclair Country Club not abiding by the request of City Council to use noiseless fireworks at the event that they asked approval for. She urged everyone to watch their pets during fireworks. Councilman Sadrakula announced that a meeting for the next phase of ON3 will take place on July 9th. She commented on the Palma report and requested that Mr. Palma come to a meeting to answer questions about the report. Councilwoman Sadrakula spoke about getting the PBA Contract negotiations done. She remarked that the public attendance at the Allwood Road meeting caused the County to reconsider some of the plans for Allwood Road. Councilwoman Sadrakula stated that the \$200.00 pledged to the Lauren Murphy Foundation can now be released since the organization has gotten their approval as a charity by the State of NJ. She asked that the mini food pantries be put on the next agenda for discussion. She stated that all Committee minutes should be posted to the City website and commended Maria Williamson, Chair of the Advisory Committee on Civil Rights, for her composure at the last Civil Rights Committee meeting during an exchange with Councilwoman Pino. Councilwoman Sadrakula suggested that stores that sell fireworks be monitored to be sure nothing illegal is being sold. She wished Councilman Gibson a speedy recovery.

Councilman Gibson

Councilman Gibson was absent.

Councilman Kolodziej

Councilman Kolodziej announced Art Center and Recreation Department events. He commended Maria Williamson, Chair of the Civil Rights Committee, for her professionalism leading the Civil Rights Advisory Committee. He commented that he looks forward to all they will accomplish. Councilman Kolodziej addressed resident Ray Lill, regarding the City Manager negotiating the

PBA Contract. He reminded him that a majority of the Council previously voted to remove the City Manager and in-house Counsel from the PBA negotiations and hired outside Counsel for the task. Councilman Kolodziej announced that now the Council has terminated the firm that was negotiating the PBA Contract and want the City Manager to take on the negotiations with no legal representation to protect taxpayers. He commented that the Council also voted down his Motion to commit to add more police officers to the table of organization. Councilman Kolodziej remarked that certain members of the Council are more concerned about keeping taxes down rather than provide needed services. He gave a presentation of the City budget.

Councilman D'Amato left the dais at 9:44 p.m.

Councilman Latona

Councilman Latona wished all a Happy Fourth of July and announced the upcoming City Fireworks show. He spoke about the City Manager negotiating the PBA Contract and the Allwood Road project submitted by the County. Councilman Latona commended Councilman Kolodziej on his budget presentation at tonight's meeting.

Councilman D'Amato returned to the dais at 9:48 p.m.

Councilman Latona apologized for his behavior at the last Council meeting when entering the Council chambers. He spoke about his passion for doing right for the City. Councilman Latona remarked about the need to be fiscally responsible and not put everything on the taxpayer's back. He addressed what he believes are abuses and wrongful acts taking place within the City that causes intentional chaos to deflect the truth. He remarked that attempts to intimidate him will not stop him from doing the right thing.

Councilman D'Amato

Councilman D'Amato wished all a Happy Fourth. He spoke about the original Bill of Rights and the need to be responsible when one is in the position of power. Councilman D'Amato commented that the public was heard at the recent Allwood Road project meeting, and he promises to fight the County to amend the project to the wishes of the City. He asked whether the Department of Environmental or the Army Corp of Engineers responded with a plan to aid with the Third River flooding. Councilman D'Amato suggested that a letter be sent to Congressman Pascrell to help to push the Third River project along. He spoke about the new public Zoom link for remote access to Council meetings, the Cable TV Summer Memories program where residents can send in pictures of their summer activities, and they will be broadcast on the cable station. Councilman D'Amato asked to have a meeting of the Sub-Committees on Committees arranged. He congratulated JK Realty on their 35th year anniversary, spoke about a recent animal cruelty situation and overdevelopment of green space.

Mayor Grabowski

Mayor Grabowski commended Maria Williamson for her professional behavior at a recent Civil Rights Advisory Committee meeting when confronted at the last meeting. He expressed his disappointment that the Montclair Country Club did not adhere to the Council's request to use noiseless fireworks at an event they recently had approved by Council, which contained that stipulation. He spoke about the pros and cons of the Allwood Road project.

City Manager, Dominick Villano, stated that the Army Corp of Engineers funding comes from Congress and suggested that Council members contact Congressman Pascrell.

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RESOLUTIONS VOTED ON SEPERATELY

A Motion was made by Councilman Kolodziej, seconded by Councilman D’Amato and failed on roll call vote to amend Resolution R312-24 Appointing Legal Counsel to Handle Independent Investigation Services in Connection with Complaints Brought Under the City's Policy Prohibiting Sexual Harassment and Discrimination Involving Employees of the City of Clifton

R342-24 Resolution Amending Resolution R312-24 Appointing Legal Counsel to Handle Independent Investigation Services in Connection with Complaints Brought Under the City's Policy Prohibiting Sexual Harassment and Discrimination Involving Employees of the City of Clifton

RESOLUTION AMENDING RESOLUTION 312-24 APPOINTING LEGAL COUNSEL TO HANDLE INDEPENDENT INVESTIGATION SERVICES IN CONNECTION WITH COMPLAINTS BROUGHT UNDER THE CITY’S POLICY PROHIBITING SEXUAL HARASSMENT AND DISCRIMINATION INVOLVING EMPLOYEES OF THE CITY OF CLIFTON

WHEREAS, the City of Clifton requires the continued services of outside legal counsel to perform independent investigation services for the City of Clifton in pending complaints brought by employees D.H., T.R., E.G. and K.A. (employee initials are being used to maintain confidentiality) under the City’s policy prohibiting sexual harassment and discrimination involving employees of the City of Clifton; and

WHEREAS, Gina Mendola Longarzo, Esq. has been providing independent investigation services for the City of Clifton in these matters and the Municipal Attorney recommends the continuation of her appointment as independent investigation counsel at the rate of \$125.00 per hour, and the duration of the contract is April 1, 2024 – July 31, 2024; and

WHEREAS, the services to be performed are professional and/or extraordinary unspecifiable services, within the meaning of those terms as used in the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, and, accordingly, a contract may be awarded therefor without public advertising for bids 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 19:44-A-20.5*; and

WHEREAS, the estimated value of the contract is in excess of \$17,500.00, and the duration of the contract is continued, retroactive to April 1, 2024, through July 31, 2024; 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, that:

An agreement for professional legal services for outside counsel to conduct independent investigations for complaints brought under the City’s policy prohibiting sexual harassment and discrimination involving employees of the City of Clifton, the rate to be paid for said services is \$125.00 per hour retroactive to April 1, 2024 – July 31, 2024.

(2-1-3-1) Councilman Kolodziej and Mayor Grabowski voted aye. Councilwoman Sadrakula voted nay. Councilman Latona, Councilman D’Amato and Councilwoman Pino abstained. Councilman Gibson was absent.

A Motion was made by Councilman Kolodziej, seconded by Councilman D’Amato and failed on roll call vote to amend Resolution R313-24 Appointing Special Counsel to Represent the City of Clifton Pending Litigation

R343-24 Resolution Amending Resolution R313-24 Appointing Special Counsel to Represent the City of Clifton Pending Litigation

RESOLUTION AMENDING RESOLUTION 313-24 APPOINTING SPECIAL COUNSEL TO REPRESENT THE CITY OF CLIFTON PENDING LITIGATION

WHEREAS, the City of Clifton requires the services of outside legal counsel to represent the City of Clifton in a lawsuit filed against the City; and

WHEREAS, Michael Montanari, Esq. of Montanari Law Group, LLC, of Little Falls, New Jersey, has been providing legal services for the City of Clifton in regard to Varga v. City of Clifton at the rate of \$150.00 per hour for partners and associates, and

WHEREAS, the City requires continued special defense counsel services in this matter; and

WHEREAS, the services to be performed are professional and/or extraordinary unspecifiable services, within the meaning of those terms as used in the Local Public Contracts Law, *N.J.S.A.* 40A:11-1 *et seq.*, and, accordingly, a contract may be awarded therefor without public advertising for bids 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.* 19:44-A-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 retroactive to April 1, 2024, through July 31, 2024; 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, that:

An agreement for professional legal services for outside counsel to represent the City of Clifton as special counsel is awarded to Michael Montanari, Esq. of Montanari Law Group, LLC of Little Falls, New Jersey, retroactive to April 1, 2024 through July 31, 2024, the rate to be paid for said services is \$150.00 per hour for partners and associates.

(2-1-3-1) Councilman Kolodziej and Mayor Grabowski voted aye. Councilwoman Sadrakula voted nay. Councilman Latona, Councilman D’Amato and Councilwoman Pino abstained. Councilman Gibson was absent.

A Motion was made by Councilman Kolodziej, seconded by Councilman D’Amato and failed on roll call vote to amend Resolution R314-24 Appointing Special Counsel to Represent the City of Clifton Pending Litigation

R344-24 Resolution Amending Resolution R314-24 Appointing Special Counsel to Represent the City of Clifton

RESOLUTION AMENDING RESOLUTION 314-24 APPOINTING SPECIAL COUNSEL TO REPRESENT THE CITY OF CLIFTON PENDING LITIGATION

WHEREAS, the City of Clifton requires the services of outside legal counsel to represent the City of Clifton in certain lawsuits filed against the City; and

WHEREAS, Dominick Carmagnola, Esq. of the firm Carmagnola & Ritardi, LLC of Morristown, New Jersey, have been providing legal services for the City of Clifton in the past in a satisfactory manner, and is currently representing the City as special defense counsel in regard

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to Joey’s Place, LLC t/a Bliss Nightclub, Glenn Franco v. City of Clifton, et al and Samuel Arnowitz, et al v. City of Clifton, et al at the rate of \$175.00 per hour for partners, and \$135.00 per hour for associates; and

WHEREAS, the City requires continued special defense counsel services in both matters; and

WHEREAS, the services to be performed are professional and/or extraordinary unspecifiable services, within the meaning of those terms as used in the Local Public Contracts Law, *N.J.S.A.* 40A:11-1 *et seq.*, and, accordingly, a contract may be awarded therefor without public advertising for bids 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.* 19:44-A-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 continued, retroactive to April 1, 2024, through July 31, 2024; 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, that:

An agreement for professional legal services for outside counsel to represent the City of Clifton as special counsel is awarded to Carmagnola & Ritardi, LLC, the rate to be paid for said services is \$175.00 per hour for partners and \$135.00 per hour for associates retroactive to April 1, 2024, through July 31, 2024.

(2-1-3-1) Councilman Kolodziej and Mayor Grabowski voted aye. Councilwoman Sadrakula voted nay. Councilman Latona, Councilman D’Amato and Councilwoman Pino abstained. Councilman Gibson was absent.

RESOLUTIONS

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

(7-0-0-0) Councilman Gibson, Councilman Kolodziej, Councilman Latona, Councilman D'Amato, Councilwoman Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye.

R337-24 Resolution: Approve Claims List Resolution for the July 2, 2024, City Council Meeting

Resolved that all claims on the attached sheets are approved as reasonable and proper claims

Current Fund	\$	675,102.64
Grant Fund	\$	52,178.87
General Capital Fund	\$	11,039,734.50
Sewer Utility -Operating	\$	6,998.50
Sewer Utility-Capital	\$	15,703.82
Developers Escrow	\$	8,476.50
Dog Trust	\$	1,107.00
Revolving Loan Fund		
Police Extra Duty	\$	40,000.00
Trust Other	\$	20,615.10
Section 8 Public Housing	\$	37.76
Reserve for Housing	\$	-

Community Development	\$	341,383.68
Payroll Agency	\$	-
Tax Title Lien Redemption	\$	-
Affordable Housing	\$	-
	\$	-
Self Insurance	\$	1,182,727.47
	\$	
Fire Dedicated Penalties	-	
Revolving Loan Fund	\$	-
Tax Title Lien Redemption	\$	-
Unemployment Trust Fund	\$	14,794.10
Library	\$	12,751.44
General Liability Trust	\$	26,287.19
Workers Compensation Trust	\$	33,392.07
Trust Escrow	\$	-
Reserve for Housing	\$	-
Federal DOJ Forfeiture	\$	-
	\$	
TOTAL CLAIMS		13,471,290.64

R338-24 Resolution Releasing Guarantees for Site Improvements - Mohammed and Wafa Othman, 825 Allwood Road, Block 66.01, Lots 22 and 24

**RESOLUTION RELEASING GUARANTEES FOR SITE IMPROVEMENTS:
MOHAMMED AND Wafa OTHMAN, 825 ALLWOOD ROAD
BLOCK 66.01, LOTS 22 AND 24**

WHEREAS, Mohammed and Wafa Othman (the Developer) originally posted with the City of Clifton a cash bond in the amount of \$2,514.00 for public improvements and privately owned buffer landscaping for the facility located at 825 Allwood Road, designated as Block 66.01, Lots 22 and 24; and

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

WHEREAS, the Developer has submitted to the City of Clifton a Maintenance Bond in the amount of \$5,795.10; and

NOW, THEREFORE, BE IT RESOLVED, that the site improvements at 825 Allwood Road, Clifton, New Jersey, Block 66.01, Lots 22 and 24 are accepted, the City Engineer is hereby directed to return the Performance Bonds and all escrow funds to Mohammed and Wafa Othman.

R339-24 Resolution Awarding Contract to Fairfield Maintenance, Inc. off of New Jersey State Contract for Maintenance and Repairs of Fuel Tanks and Equipment Pursuant to N.J.S.A. 40A:11-12a

RESOLUTION AWARDING CONTRACT TO FAIRFIELD MAINTENANCE INC. OFF OF NEW JERSEY STATE CONTRACT FOR MAINTENACE AND REPAIRS OF FUEL TANKS AND EQUIPMENT PURSUANT TO N.J.S.A. 40A:11-12a

WHEREAS, the Department of Public Works of the City of Clifton has a need to do maintenance and repair of above ground fuel tanks and equipment at various locations in the City; and

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WHEREAS, City was awarded Jersey State Contract No. 42264 under T-0849 -Above Ground Fuel Tanks associated equipment installations and Tank Removal and Services; and

WHEREAS, the contract has been extended until August, 2024; 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: Amisha J. Jariwala, 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 services above from Fairfield Maintenance Inc., 414 Fairfield Road, Fairfield New Jersey, 07004, off the New Jersey State Contract No. 42264 under T-0849, at a cost not to exceed \$75,000 from August 18, 2023, through ,August 28, 2024; and

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.

R340-24 Resolution Authorizing Repairs of One Woodchipper from Equiptech, LLC d/b/a Bobcat of Central Jersey off the Educational Services Commission Cooperative Contract Pursuant to N.J.S.A. 40A:11-1 et seq.

R341-24 Resolution Approving Developer Agreement Between the City of Clifton and iLEARN Schools, Inc.

**RESOLUTION APPROVING DEVELOPER AGREEMENT BETWEEN
THE CITY OF CLIFTON AND iLEARN SCHOOLS, INC.**

BE IT RESOLVED, that a Developer Agreement between the City of Clifton and iLEARN Schools, Inc., the developer of Block 55.03, Lot 1, 400 Mount Prospect Avenue, Clifton, New Jersey, is hereby authorized and approved; and

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

R345-24 Resolution for Appointment to Arts & Sculpture Committee

**CITY OF CLIFTON
RESOLUTION FOR APPOINTMENT TO
ARTS & SCULPTURE COMMITTEE**

BE IT RESOLVED, by the Mayor and Municipal Council of the City of Clifton, that Wesley Krygsman is hereby appointed to fill Clifton Public Schools liaison position on the Arts & Sculpture Committee commencing on July 2, 2024.

R346-24 Resolution Authorization Tax Collector to Participate in Electronic Tax Sale Process and Award Contract for Online Tax Sale Hosting to Real Auction.com

**A RESOLUTION AUTHORIZING TAX COLLECTOR TO PARTICIPATE IN
ELECTRONIC TAX SALE PROCESS AND AWARD CONTRACT FOR ONLINE TAX
SALE HOSTING TO REAL AUCTION.COM**

WHEREAS, N.J.S.A. 54:5-19, authorizes electronic tax sales pursuant to rules and regulations promulgated by the Director of Government Services; and

WHEREAS, the Director of the Division of Local Government Services has promulgated new rules under N.J.A.C. 5:33-1 in which an electronic municipal tax lien sale shall be authorized by a resolution of the governing body; and

WHEREAS, contracting requirement for electronic tax sales in New Jersey for amounts greater than \$ 6,6000 requires the solicitation of at least two (2) quotations and may be awarded to the vendor whose response is most advantageous, price and other factors considered; and

WHEREAS efforts were made to obtain multiple quotes and the following two quotes were received for the online tax sale hosting proposal:

- 1. Real Auction – Price per Certificate Advertised \$15.00 (900 Est) \$ 13,500
- 2. Max Spann - No-online solution.

WHEREAS, Chief Financial Officer Joseph D. Kunz has advised that an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, the Chief Financial Officer has recommended that Tax Collector, Sanjana S. Parab be authorized to participate in the electronic tax sale programs; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Clifton that the Tax Collector is authorized to participate in the electronic tax sale process and that a contract for the online tax sale hosting be, and hereby is, awarded to RealAuction.Com in accordance with their proposal; and

BE IT FURTHER RESOLVED that the Tax Collector, Sanjana S. Parab shall, and hereby is, authorized to take necessary actions to participate in the electronic tax sale program.

R347-24 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 OF
EXPENDITURES 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>
416 Hillside Avenue Blk 81.17 Lot 4	\$ 425.00	\$ 100.00	\$ 525.00
648 Van Houten Avenue Blk 37.01 Lot 20	\$ 725.00	\$ 100.00	\$ 825.00
1 Madison Avenue Blk 8.01 Lot 13	\$ 525.00	\$ 100.00	\$ 625.00
7 Stanley Street Blk 23.06 Lot 8	\$ 450.00	\$ 100.00	\$ 550.00

July 2, 2024

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.

R348-24 Resolution Authorizing the Cancellation and Refund of a Portion of the 2022 4th Quarter Taxes and the Entire 2023 Property Taxes and the 2024 1st Quarter Taxes and the 2024 2nd Quarter Taxes Paid on Property Known as Block 38.01, Lot 11.02 Qualifier CD021,39 Brownstone Road, Owned by a Disabled Veteran

RESOLUTION AUTHORIZING THE CANCELLATION AND REFUND OF A PORTION OF THE 2022 4th QUARTER TAXES AND THE ENTIRE 2023 PROPERTY TAXES AND THE 2024 1ST QUARTER TAXES AND THE 2024 2ND QUARTER TAXES PAID ON PROPERTY KNOWN AS BLOCK 38.01 LOT 11.02 QUALIFIER CD021, 39 BROWNSTONE ROAD, OWNED BY A DISABLED VETERAN

WHEREAS, the Tax assessor has confirmed that Stuart Haft, the owner of a single-family residence located at Block 38.01 Lot 11.02 Qualifier CD021, 39 Brownstone Road has been declared 100% disabled as of October 14,2022 by the United States Department of Veteran Affairs; and

WHEREAS Stuart Haft has made application to the Tax Assessor of the City of Clifton for a 100% property tax exemption on the subject property in accordance with the law; and

WHEREAS, by virtue of his disabled veteran exemption, Stuart Haft is entitled to the cancellation and a partial refund of the 2022 fourth quarter property taxes and the entire 2023 property taxes and the 2024 first quarter property taxes and the 2024 second quarter property taxes on the subject property; and

WHEREAS, the Municipal Council, having reviewed the facts and circumstances of the application, wishes to grant the application, and approved the 100% tax exemption on the subject property as of October 14, 2022, and hereby authorizes the cancellation of 100% of the taxes and a partial refund of the 2022 fourth quarter property taxes and the entire 2023 property taxes and the 2024 1st and 2nd quarter property taxes for a total refund of \$22,327.31 on the subject property and;

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

- 1.To cancel and refund the pro-rated portion of 2022 fourth quarter in the amount of \$2,973.74 and the entire 2023 property taxes in the amount of \$12,902.38 and the 2024 first quarter in the amount of \$3,225.60 and the 2024 second quarter in the amount of \$3,225.59 for a total refund in the amount of \$22,327.31 and cancel the remaining 2024 property taxes on the subject property; and
- 2.To keep the subject 100% property tax exemption for the totally disabled veteran for so long as he shall qualify for the exemption and for so long as the exemption is authorized by law based upon the facts and circumstances of this matter.

R349-24 Resolution Authorizing the Cancellation and Refund of a Portion of the 2023 2nd Quarter Taxes, the 2023 3rd Quarter Taxes, the 2023 4th Quarter Taxes, the 2024 1st Quarter

Taxes and the 2024 2nd Quarter Taxes Paid on Property Known as Block 84.01, Lot 1.02 Qualifier CK114, 201 Riverwalk Way, Owned by a Disabled Veteran

RESOLUTION AUTHORIZING THE CANCELLATION AND REFUND OF A PORTION OF THE 2023 2ND QUARTER TAXES, THE 2023 3RD QUARTER TAXES, THE 2023 4TH QUARTER TAXES, THE 2024 1ST QUARTER TAXES AND THE 2024 2ND QUARTER TAXES PAID ON PROPERTY KNOWN AS BLOCK 84.01 LOT 1.02 QUALIFIER CK114, 201 RIVERWALK WAY, OWNED BY A DISABLED VETERAN

WHEREAS, the Tax assessor has confirmed that Ronald Hernandez, the owner of a single-family residence located at Block 84.01 Lot 1.02 Qualifier CK114, 201 Riverwalk Way has been declared 100% disabled as of April 5, 2023, by the United States Department of Veteran Affairs; and

WHEREAS Ronald Hernandez has made application to the Tax Assessor of the City of Clifton for a 100% property tax exemption on the subject property in accordance with the law; and

WHEREAS, by virtue of his disabled veteran exemption, Ronald Hernandez is entitled to the cancellation and a partial refund of the 2023 2nd quarter property taxes, the 2023 3rd quarter property taxes, the 2023 4th quarter property taxes, the 2024 1st quarter property taxes and the 2024 2nd quarter property taxes on the subject property; and

WHEREAS, the Municipal Council, having reviewed the facts and circumstances of the application, wishes to grant the application, and approved the 100% tax exemption on the subject property as of April 5, 2023, and hereby authorizes the cancellation of 100% of the taxes and a partial refund of the 2023 second quarter property taxes, the 2023 3rd quarter, the 2023 4th quarter taxes, the 2024 1st quarter property taxes and the 2nd quarter property taxes for a total refund of \$13,456.91 on the subject property and;

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

- 1.To cancel and refund the pro-rated portion of 2023 second quarter in the amount of \$2,549.42 and the 2023 third quarter in the amount of \$2,780.14 and the 2023 fourth quarter property taxes in the amount of \$2,712.85 and the 2024 first quarter in the amount of \$2,707.25 and the 2024 second quarter in the amount of \$2,707.25 for a total refund in the amount of \$13,456.91 and cancel the remaining 2024 property taxes on the subject property; and
- 2.To keep the subject 100% property tax exemption for the totally disabled veteran for so long as he shall qualify for the exemption and for so long as the exemption is authorized by law based upon the facts and circumstances of this matter.

R350-24 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 Developer Agreement - iLEARN Schools, Inc., 400 Mt. Prospect Ave.
- CON-2 Samuel Arnowitz, et al. v. City of Clifton, et al. Docket No. PAS-L-003491-20
- CON-3 S&S Shell, Inc. d/b/a Anthony's Towing
- CON-4 Complaint Regarding Independent Investigator Handling Workplace Investigations of Sexual Harassment and Discrimination
- CON-5 Conflict Regarding Independent Investigator Handling Workplace Investigations of Sexual Harassment and Discrimination

- July 2, 2024
- CON-6 Lawrence Court and Starmond Avenue - RLUIPA Issues
 - CON-7 Chapter 425 of the City Code - Legal Opinion
 - CON-8 Clifton Supervisors Association (CSA) - Contract Negotiations 2023-2026
 - CON-9 City Manager and Restructuring Legal Department - Personnel
 - CON-10 Complaint by Labor Counsel Regarding Public Comments by Councilman Latona

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, 2024, 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 Mira Vie

RESOLUTION FOR FINAL APPROVAL

BE IT RESOLVED, THAT THE APPLICATION OF MIRA VIE AT CLIFTON OPCO, LLC
T/A MIRA VIE AT CLIFTON
for permission to conduct a: RESTAURANT-CONTINUED USE
for a period ending January 31, 2025, on the premises known as:
782 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 and Zoning Officer.

L-2 Bogey's Sports Bar

RESOLUTION FOR PRELIMINARY APPROVAL

BOGEYS LATIN AND AMERICAN RESTAURANT &
BAR LLC
T/A BOGEYS SPORTS BAR
ADDRESS 103 VALLEY RD CLIFTON, NJ 07013
TYPE OF FOOD ESTABLISHMENT INTENDED RESTAURANT-CONTINUED USE
FORMERLY OR NEW BOGEYS SPORTS BAR
ZONE R-B2
PERMITTED YES
VARIANCE REQUIRED NO
FINAL APPROVAL WILL BE ISSUED PENDING APPROVAL OF THIS RESOLUTION.
FURTHER PROCESSING AND APPROVAL OF VARIOUS CITY DEPARTMENTS.

L-3 Chocolate House

RESOLUTION FOR FINAL APPROVAL
BE IT RESOLVED, THAT THE APPLICATION OF CHOCOLATE HOUSE NJ 3, LLC
T/A CHOCOLATE HOUSE
for permission to conduct a: RESTAURANT - CONTINUED USE
for a period ending January 31, 2025, on the premises known as:
1342 CLIFTON AVE., CLIFTON, NJ 07012
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 and Zoning Officer.

L-4 J. Alexander's

RESOLUTION FOR PRELIMINARY APPROVAL
FOR J . ALEXANDER'S RESTAURANTS OF NEW JERSEY LLC
T/A J. ALEXANDER 'S
ADDRESS 405 ALLWOOD ROAD CLIFTON, NJ 07012
TYPE OF FOOD ESTABLISHMENT INTENDED RESTAURANT - CONTINUED USE

FORMERLY OR NEW JOE'S CRAB SHACK
ZONE PH-HC
PERMITTED YES
VARIANCE REQUIRED NO
FINAL APPROVAL WILL BE ISSUED PENDING APPROVAL OF THIS RESOLUTION.
FURTHER PROCESSING AND APPROVAL OF VARIOUS CITY DEPARTMENTS.

L-5 Crab Island Cajun Seafood & Bar

RESOLUTION FOR FINAL APPROVAL

BE IT RESOLVED, THAT THE APPLICATION OF CAJUN SEAFOOD & BAR, INC.
T/A CRAB ISLAND CAJUN SEAFOOD & BAR
for permission to conduct a: RESTAURANT - CONTINUED USE
for a period ending January 31, 2025, on the premises known as:
1016 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 and Zoning Officer.

A Motion was made by Councilman D’Amato, seconded by Councilman Latona and passed on
roll call vote to return to Executive Session. Councilwoman Sadrakula objected to speaking about
Restructuring of the Legal Department contained in Item CON-9.

(6-0-0-1) Councilman Kolodziej, Councilman Latona, Councilman D'Amato, Councilwoman
Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye. Councilman Gibson was
absent.

Council returned to open session.

Upon roll call, the following were noted present:

Councilman Gibson	(BG) Absent
Councilman Kolodziej	(JK)
Councilman Latona	(AL)
Councilman D’Amato	(CD)
Councilwoman Pino	(RP)
Councilwoman Sadrakula	(MS)
Mayor Grabowski	(RG)

Also present were City Attorney, Matthew Priore; Assistant City Attorney, Andrew Oddo; City
Clerk, Nancy Ferrigno and Deputy City Clerk, Michele Butler.

ADJOURNMENT

A Motion was made by Councilwoman Sadrakula, seconded by Councilman D’Amato to adjourn
the meeting at 11:35 p.m.

(6-0-0-1) Councilman Kolodziej, Councilman Latona, Councilman D'Amato, Councilwoman
Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye. Councilman Gibson was absent.

Respectfully Submitted,

Nancy Ferrigno, City Clerk

Raymond Grabowski, Mayor