

**CITY OF CLIFTON
CLIFTON, NEW JERSEY
REGULAR MEETING MINUTES OF OCTOBER 1, 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.

8:00 P.M. CALL OF ROLL

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

Adequate notice of this meeting has been provided by the Annual Notice of regularly scheduled meetings of the Municipal Council for the year 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

City Clerk

PLEDGE TO THE FLAG

APPROVAL OF MINUTES

A Motion was made by Councilman Grabowski seconded by Councilman Gibson and passed on roll call vote to approve the Minutes of the Regular, Workshop and Executive Session of September 17, 2019.

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

PUBLIC HEARING

Clifton Public Housing Agency - Public Hearing 5 Year Annual Plan

The Mayor opened the floor to the public.

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

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

PRESENTATION

CASA Proclamation

COMMUNICATIONS FROM THE CITY MANAGER

Alberto Perez Jr., Christopher Prado-Quesada, Jason Johnson and Pietro D'Alia hired as Laborer 1 at the D.P.W. at \$29,141.81 annually, effective 09/16/2019.

COMMUNICATIONS – MEETING MINUTES

Minutes of Passaic Valley Water Commission of July 17, 2019

Minutes of Clifton Arts Center of July 24, 2019

Minutes of Board of Recreation of June 24, 2019

Minutes of Board of Adjustment of September 18, 2019

Minutes of Planning Board of August 22, 2019

Minutes of Clifton Senior Advisory Committee of July 25, 2019

Minutes of North Jersey District Water Supply Commission of August 28, 2019

ORDINANCES – SECOND READING

A Motion was made by Councilwoman Sadrakula, seconded by Councilwoman Pino and passed on roll call vote to table Ordinance 7537-19 pending further information from the Planning Board.

A. Adoption of Ordinance 7537-19

B. Public Hearing on Ordinance 7537-19

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,” § 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-2 ZONES,” 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.

ORDINANCES – FIRST READING

A. Introduction of Ordinance 7546-19

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 Councilman Grabowski, and carried by roll call vote.

An Ordinance to Amend, Revise and Supplement Chapter 439 of the Code of the City of Clifton, Entitled "Vehicles and Traffic", More Particularly Section 439-37 Thereof, Entitled "Handicapped Parking on Streets" (Deletes 1 Restricted Handicapped Space)

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

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, October 15, 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 7547-19

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 Councilman Grabowski, and carried by roll call vote.

An Ordinance to Amend, Revise and Supplement Chapter 439 of the Code of the City of Clifton, Entitled "Vehicles and Traffic", More Particularly Section 439-38 Thereof, Entitled "Handicapped Parking on Streets for Private Residences" (Adds 12 Restricted Handicapped Spaced)

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

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, October 15, 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.

C. Introduction of Ordinance 7548-19

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 Councilman Eagler, and carried by roll call vote.

An Ordinance to Amend, Revise and Supplement Chapter 99 of the Code of the City of Clifton, Entitled "Salaries and Compensation", More Particularly Article II Thereof, Entitled "Nonuniformed Officials and Employees", Section 99-2, Entitled "Minimum and Maximum Salaries Fixed; Uniform Allowances" (2017, 2018, 2019, 2020 & 2021 Salaries)

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

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, October 15, 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.

CITY MANAGER PRIVILEGE

City Manager, Dominick Villano, announced that the Recycling Center will be repaved. He stated that a partial shut-down of the Recycling Center might be necessary. Mr. Villano stated that the letter Council asked him to send to the Police Chief and PBA, agreeing to adhere to the 2011 agreement, was sent.

FLOOR TO MEMBERS OF THE PUBLIC

Tom Whittles, 20 Kulik St., thanked the Mayor and Council for the presentation of the award for CASA. He also spoke about the recent public health crisis in regard to vaping.

Joseph Sidor, 181 Highview Dr., spoke about the recent vaping health alert. He talked about Little Leagues paying for utilities at ball fields. Mr. Sidor discussed military flag folding. He spoke about Councilman Eagler appearing on the Seton Hall Radio Show. Mr. Sidor stated that the governing body in Clifton is a good one with no corruption.

Ellen DeLosh, 547 Clifton Ave., read an excerpt from a letter she received from the Freedom Alliance.

Marilyn Brown, 12 Federal St., spoke about parking and traffic issues in the vicinity of Federal Street, Sylvan Avenue and Sheridan Avenue.

Daniel Beck, 72 Tristan Rd., Laura Zagorski, 77 Tristan Rd. and Ronald Gibney, 33 Grove St. discussed the maintenance and upkeep of ball fields, fieldhouses and payment of utilities for the Little League organizations.

Humberto Maravi, 293 Burgess Pl., discussed a procession that Saint Cyril church wants to have in the area of Lexington Avenue. He asked for the support of Council to allow the parishioners to walk down Lexington Avenue.

A Motion was made by Councilman Eagler, seconded by Councilman Grabowski and passed on roll call vote to close the public session.

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

Mayor Anzaldi discussed street cleaning and permit parking in the area of Federal St., Sylvan Ave. and Sheridan Street. City Manager, Dominick Villano, suggested that council implement permit parking and alternate side parking during street cleaning in the area. Councilwoman Sadrakula discussed the fact that snow plowing is not getting done properly on these certain streets. Mr. Villano stated that the snow plowing issue is due to the fact that residents do not move their cars off the streets and the snow plows cannot get all the way to the curb.

A Motion was made by Councilman Eagler, seconded by Councilman Gibson, and passed on roll call vote to begin the process of permit parking and alternate side street cleaning on Sylvan Avenue, Sheridan Street and Federal Street.

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

City Manager, Dominick Villano, addressed the representatives of the City Little League. He stated he would be happy to meet with them to discuss how the City can help with the upkeep and maintenance of the ball fields.

COUNCIL PRIVILEGE

Councilwoman Sadrakula

Councilwoman Sadrakula spoke about 2 businesses which she feels are selling goods illegally. She requested a report of any incidents that took place at establishments that are open 24 hours. Councilwoman Sadrakula asked that if anyone got hurt on City installed retaining walls on Dwasline Road, who would be responsible? She also asked who is responsible for maintaining the walls. Councilwoman Sadrakula discussed payment for upkeep, maintenance and utilities for ball fields by the City's Little League organization.

Councilwoman Pino

Councilwoman Pino expressed her condolences to Joe Sidor on the passing of his brother. She thanked all the members of the Little League who came to the meeting to discuss repair, upkeep and utilities payments. Councilwoman Pino stated that the Boys and Girls Club of Clifton is seeking help to acquire another building in the Lakeview/Botany area. City Manager, Dominick Villano, stated that several properties have been looked at, but no fits have been found. He announced that the Economic Development Director is currently looking for properties. Councilwoman Pino spoke about the status of implementing Town Hall Meetings. She congratulated CASA on their award.

Councilwoman Murphy

Councilwoman Murphy stated that the Council is very concerned with the welfare of the City's Little League organizations. She said that the concerns of the organization were discussed at the most recent Recreation meeting.

Councilman Grabowski

Councilman Grabowski congratulated CASA on their award. He spoke about the recent health scare in regard to vaping. Councilman Grabowski announced that he fully supports the Little League organizations. He discussed the new development at the former Hoffman La Roche site and how it promises to bring in new tax revenue, jobs and a boost to the local economy. Councilman Grabowski talked about Facebook bullying and name calling. He talked about the fact that we live in a democracy and members of public boards should not be ostracized and called "pathetic weaklings" for the way they vote.

Councilman Gibson

Councilman Gibson thanked City Manager, Dominick Villano, for getting the repairs done at the Recycling Center. He congratulated CASA on their award. Councilman Gibson discussed the recent health scare regarding vaping. He expressed his condolences to Joe Sidor on the passing of his brother. Councilman Gibson told public speaker, Marilyn Brown, that permit parking will be a good solution for the parking problems she discussed. He announced that he supports the Little League organizations and thanked them for coming to tonight's meeting. Councilman Gibson congratulated all the newly sworn in police officers. He announced that the Allwood Community Church will be hosting an estate planning seminar and that the John Samra Memorial Run/Walk will take place on October 20, 2019. Councilman Gibson warned the public in regard to home repair scams targeting the elderly. He thanked Gary Perino to the donations of pens and compasses to Clifton Cares.

Councilman Eagler

Councilman Eagler thanked the Little League representatives for coming to the meeting and stated that their issues need to be, and will be addressed. He stated that, in the past, the City Manager's Office would have an annual meeting with the local Little Leagues and would like to see that practice reinstated. Councilman Eagler announced that there are sidewalks on Valley Road that are in need of repair. He asked when the flyover on Route 46 to Montclair State College would be completed and open. Councilman Eagler announced that he would like to step down from the Census Committee. Councilwoman Pino volunteered to take his place. Councilman Eagler wished the Jewish community a happy new year. In closing, he spoke about social media and posts regarding his attendance at public meetings. Councilman Eagler asked that individuals discontinue spewing hate in social media, stop the nonsense and work together.

Mayor Anzaldi

Mayor Anzaldi discussed the Recreation Master Plan and the fact that 15 million dollars is needed to bring all parks up to par and that the submission of the plan allows the City to apply for grants. Mayor Anzaldi stated that when the vegetative waste program was condensed into once a week, employees were freed up to help maintain parks. He asked City Manager, Dominick Villano, how many employees are now available. Mr. Villano stated about 14 employees are available. Mayor Anzaldi asked for the status of an OPRA request the City sent to Montclair State University. The City Clerk, Nancy Ferrigno, stated that they asked for an extension. Mayor Anzaldi read a piece regarding toxic people.

Councilman Eagler announced that the Polish Flag raising will be held on Saturday, October 5th.

RESOLUTIONS VOTED ON SEPERATELY

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

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

RESOLUTIONS VOTED ON SEPARATELY

A Motion was made by Councilman Eagler, seconded by Councilwoman Murphy and passed on roll call to vote on the following exceptions:

Page 7, Item 3421

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

R452-19 Resolution: Approve Claims List Resolution for the October 1, 2019 City Council Meeting

**RESOLUTION TO APPROVE CLAIMS TO BE PAID
MEETING OF OCTOBER 1, 2019**

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

Current Fund	\$16,501,968.70
Grant Fund	\$ 135,604.66
General Capital Fund	\$ 695,107.36
Sewer Utility -Operating	\$ 414,119.99
Sewer Utility-Capital	\$ 102,769.51
Developers Escrow	\$ 13,257.05
Dog Trust	\$ 790.21
Police Extra Duty	\$ 272,387.50
Trust Other	\$ 23,260.74
Section 8 Public Housing	\$ 1,173.20
Community Development	\$ 147,557.34
COAH	
Self Insurance	\$ 533,371.06
Fire Dedicated Penalties	
Revolving Loan Fund	
Tax Title Lien Redemption	
Unemployment Trust Fund	
Library	\$ 184,256.00
General Liability Trust	\$ 50,351.00
Workers Compensation Trust	\$ 23,831.25

TOTAL CLAIMS \$19,099,805.57

A Motion was made by Councilwoman Sadrakula, seconded by Councilman Grabowksi and passed on roll call to table following Resolutions.

R453-19 Resolution Amending Certain Terms of the Trust Indenture in Connection with the \$1,000,000 Aggregate Principal Amount of Redevelopment Area Bonds, Series 2016

**RESOLUTION OF THE CITY OF CLIFTON, COUNTY OF PASSAIC, NEW JERSEY
AMENDING CERTAIN TERMS OF THE TRUST INDENTURE IN CONNECTION
WITH THE \$1,000,000 AGGREGATE PRINCIPAL AMOUNT OF REDEVELOPMENT
AREA BONDS, SERIES 2016 (TAXABLE) (HOFFMANN-LA ROCHE PROJECT)
(NON-RECOURSE) TO AMEND THE DEFINITION OF “AUTHORIZED
DENOMINATIONS” AND TO ADJUST THE TERMS OF PRESENTMENT OF BONDS
UPON PAYMENT**

WHEREAS, on September 26, 2016 the City of Clifton (the “City”), County of Passaic, New Jersey issued its \$1,000,000 aggregate principal amount of Redevelopment Area Bonds, Series 2016 (Taxable) (Hoffmann-La Roche Project) (Non-Recourse) (the “Bonds”) pursuant to a Trust Indenture (the “Master Trust Indenture”), as amended and supplemented by that certain first supplemental indenture (the “First Supplemental Indenture” and together with the Master Trust Indenture the “Trust Indenture”) each dated as of September 1, 2016; and

WHEREAS, the Bonds were purchased by a single bondholder, Hackensack University Medical Center (the “Bondholder”); and

WHEREAS, U.S. Bank National Association (the “Trustee”) has requested certain amendments to the Trust Indenture to (i) conform the definition of Authorized Denominations (as currently defined in the Trust Indenture) to the sinking fund payment schedule set forth in the Trust Indenture and the Bonds and (ii) allow the Bondholder to receive payment of the redemption price of Bonds without physical presentation of the Bonds (collectively, the “2019 Amendments”); and

WHEREAS, pursuant to Section 8.02 of the Master Trust Indenture, the Trust Indenture may be amended with the consent of the Redeveloper and 100% of the Bondholders; and

WHEREAS, as the Redeveloper, the Bondholder and the Trustee agree the 2019 Amendments are necessary and required, the City desires to amend the Trust Indenture to allow for the 2019 Amendments and authorize the execution of a supplemental indenture memorializing same (the “Second Supplemental Indenture”).

NOW, THEREFORE BE IT RESOLVED, By The Mayor And City Council Of The City Of Clifton, In The County Of Passaic, State Of New Jersey, As Follows:

Section 1. Approval of Second Supplemental Indenture. The form of the Second Supplemental Indenture presented at this meeting (a copy of which is on file with the records of the City), and all instruments to be attached thereto or executed in conjunction therewith, is hereby approved and the Mayor, Deputy Mayor or City Manager (each an “Authorized Officer”) are each hereby authorized to execute and deliver the Second Supplemental Indenture on behalf of the City, and the City Clerk or Deputy City Clerk are each hereby authorized to affix and attest the seal of the City to the Second Supplemental Indenture in substantially such form, with such changes therein as counsel may advise and the officers executing the same may approve, such approval to be evidenced by their execution thereof.

Section 2. Consent. The City shall assist the Trustee and take any and all such actions required by the Trustee in order to obtain the consent of the Redeveloper and the Bondholder in order to amend the Trust Indenture and facilitate the 2019 Amendments.

Section 3. Incidental Action. The Authorized Officers are hereby authorized to execute and deliver such other papers, instruments, certificates, opinions, affidavits and documents, and to take such other action as may be necessary or appropriate in order to carry out the purpose of this Resolution, including effectuating the Second Supplemental Indenture, all in accordance with this Resolution the foregoing sections hereof.

Section 4. Prior Resolutions. All prior resolutions of the City or portions thereof inconsistent herewith are hereby repealed.

Section 5. Capitalized Terms. Capitalized terms used in this Resolution and not otherwise defined have the meaning given to such terms in the Trust Indenture.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

R457-19 Resolution Formally Adopting Personnel Manual

RESOLUTION FORMALLY ADOPTING PERSONNEL MANUAL

WHEREAS, the Council wishes to formalize its personnel policies by the within adoption of same as the “Personnel Manual” of the City of Clifton.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the City of Clifton that the “Personnel Manual” containing the personnel policies of the City of Clifton be and hereby is formally adopted as the Personnel Manual of the City of Clifton.

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

RESOLUTIONS

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

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

**RESOLUTION TO APPROVE CLAIMS TO BE PAID
MEETING OF OCTOBER 1, 2019**

R452-19 Resolution: Approve Claims List Resolution for the October 1, 2019 City Council Meeting

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

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Current Fund	\$16,501,968.70
Grant Fund	\$ 135,604.66
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Community Development	\$ 147,557.34
COAH	
Self Insurance	\$ 533,371.06
Fire Dedicated Penalties	
Revolving Loan Fund	
Tax Title Lien Redemption	
Unemployment Trust Fund	
Library	\$ 184,256.00
General Liability Trust	\$ 50,351.00
Workers Compensation Trust	\$ 23,831.25
TOTAL CLAIMS	\$19,099,805.57

R454-19 Chapter 159 Resolution Amending the 2019 City Budget for Additional Revenue and Appropriations - Drunk Driving Enforcement Funds (DDEF) - \$15,927.52

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

WHEREAS, N.J.S.A 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 \$15,927.52 from the New Jersey Division of Motor Vehicles for Drunk Driving Enforcement Fund (DDEF) 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 \$15,927.52

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:
Drunk Driving Enforcement Fund (DDEF) - \$15,927.52

BE IT FURTHER RESOLVED, that the like sum of \$15,927.52

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:
Drunk Driving Enforcement Fund (DDEF) - \$15,927.52

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

R455-19 Resolution - Certification of Funds

RESOLUTION OF CERTIFICATION OF FUNDS

WHEREAS, the City Council approved Change Order Number 1 for the Main Avenue Streetscape – Crooks Avenue to Parkway with Resolution R435-19 at the September 17, 2019 Council Meeting; and

WHEREAS, said Change Order was approved totaling \$29,097.00,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council do hereby approved and authorize the Chief Financial Officer to Certify the funds for this Change Order.

R456-19 Resolution of Notice of Intent to Award Contract to Enterprise Fleet Management, Inc., Under a Sourcewell National Contract, for Fleet Management Services

RESOLUTION OF NOTICE OF INTENT TO AWARD CONTRACT TO ENTERPRISE FLEET MANAGEMENT, INC., UNDER A SOURCEWELL NATIONAL CONTRACT, FOR FLEET MANAGEMENT SERVICES

WHEREAS, the City of Clifton is allowed to participate in inter local purchasing systems per N.J.S.A. 52:34-6.2 (b) P.L. 2011, c.139 which was enacted into law permitting agencies to utilize cooperative purchasing agreements with other states; and

WHEREAS, pursuant to resolution R274-18, adopted June 19, 2018, the City of Clifton is a member of Sourcewell, formerly known as National Joint Powers Alliance (NJPA), a national cooperative, in accordance with N.J.S.A. 52:34-6.2, and LFN 2012-10; and,

WHEREAS, the City of Clifton intends to participate in the Sourcewell national cooperative for Fleet Management Services, Sourcewell contract number #060618, which was awarded to Enterprise Fleet Management, Inc.; and

WHEREAS, information regarding the contract may be found on Sourcewell’s website at <https://www.sourcewell-mn.gov/cooperative-purchasing/060618-efm>; and,

WHEREAS, the current contract term for Fleet Management Services expires on July 24, 2022; and

WHEREAS, it is the intent of the City of Clifton to award a contract to Enterprise Fleet Management, Inc., 600 Corporate Park Drive, St. Louis, MO 63105, pursuant to the proposal submitted in response to Sourcewell’s Notice to Bidders Titled “Fleet Management Services” and Contract Award No #060618 for Fleet Management Services; and

NOW, THEREFORE BE IT RESOLVED, that the City of Clifton authorizes the Purchasing Agent to advertise the Notice of Intent to Award Contract under a National Cooperative Purchasing Agreement with a comment period ending October 14, 2019.

R458-19 Resolution Urging the Legislature to Adopt Legislation that would Ban the Sale of All Electric Smoking Devices Including E-Cigarettes and Other Vaping Products

**RESOLUTION URGING THE LEGISLATURE TO ADOPT LEGISLATION
THAT WOULD BAN THE SALE OF ALL ELECTRIC SMOKING DEVICES
INCLUDING E-CIGARETTES AND OTHER VAPING PRODUCTS**

WHEREAS, e-cigarettes and other vaping products have been largely unregulated since the products arrived in the United States in 2007 at both the federal and state level; and,

WHEREAS, over the past year, the use of e-cigarettes and other vaping products has skyrocketed especially among teenagers and young adults and has reached epidemic levels; and,

WHEREAS, according to the State Department of Health, as of 2018, 1 in 5 high school students and 1 in 20 middle school students use e-cigarettes; and,

WHEREAS, the major draw of e-cigarettes is that the nicotine pods come in various fruit and candy flavors that are appealing to teenagers; and,

WHEREAS, in addition to nicotine, e-cigarettes contain aerosol which may contain substances that are harmful to the body, which include but are not limited to cancer causing chemicals that reach deep into the lungs; and,

WHEREAS, there is virtually no research on the long term health effects of the aerosol produced by e-cigarettes; and,

WHEREAS, according to the State Department of Health, many e-cigarettes contain other harmful substances that are unknown to the consumer; and,

WHEREAS, public health officials are investigating hundreds of recent cases of a lung illness associated with vaping; and,

WHEREAS, according to the Centers for Disease Control and Prevention (“CDC”), as of September 24, 2019, 805 illnesses associated with vaping have been reported in 46 states and 1 U.S. territory; and,

WHEREAS, 12 deaths have been confirmed in 10 different states: California (2), Florida, Georgia, Illinois, Indiana, Kansas (2), Minnesota, Mississippi, Missouri, and Oregon; and, the State Department of Health reported that there have been at least 3 cases in New Jersey wherein people have suffered severe lung illnesses as a result of vaping; and,

WHEREAS, the State Department of Health is also investigating 19 other cases wherein the use of vaping products may have caused an individual to sustain a serious lung injury; and,

WHEREAS, Clifton Against Substance Abuse (C.A.S.A.) has urged the Municipal Council of the City of Clifton to support a ban on all vaping products; and,

WHEREAS, due to the surge in vaping among teenagers and the recent cases of lung illnesses caused by vaping, Governor Murphy created a task force to study the dangers of vaping and provide regulatory and legislative recommendations by October 3, 2019; and,

WHEREAS, it appears that the State of New Jersey is going to enact legislation that will regulate or ban access to e-cigarettes and other vaping products; and,

WHEREAS, the City of Clifton believes that in order to better provide for the health, safety and welfare of the residents of both the City of Clifton and the State of New Jersey, the legislature should take action to protect teenagers, youths, and all other individuals from the harmful effects of e-cigarettes by banning the sale of all vaping products in the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Council of the City of Clifton, Passaic County, New Jersey, urge the State Legislature to adopt legislation that would ban the sale of all vaping products in the State of New Jersey, and meet in emergency session prior to the November session; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor Phil Murphy; to Lieutenant Governor Sheila Oliver; to Senator Nia H. Gill; to Assemblywoman Britnee N. Timberlake; to Assemblyman Thomas Giblin.

R459-19 Resolution Proclaiming November 1, 2019 to be "Extra Mile Day" in the City of Clifton

RESOLUTION PROCLAIMING NOVEMBER 1, 2019 TO BE “EXTRA MILE DAY” IN THE CITY OF CLIFTON

WHEREAS, the City of Clifton, New Jersey, is a community that acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, the City encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Clifton is a city that chooses to shine a light on and celebrate individuals and organizations who “go the extra mile” in order to make a difference and lift up fellow members of the community; and

WHEREAS, the City acknowledges the mission of the Extra Mile America Foundation to create 550 Extra Mile cities and states in America and is proud to support “Extra Mile Day” on November 1, 2019;

NOW, THEREFORE, BE IT RESOLVED, that we, the Mayor and Members of the Municipal Council of the City of Clifton, New Jersey, do hereby proclaim November 1, 2019 to be “Extra Mile Day in the City of Clifton,” and we urge all our citizens to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge those who are inspirational in their efforts and commitment to make their organizations, families, community, country or the world a better place.

R460-19 Resolution Designating Saturday, November 30, 2019 as "Small Business Saturday" in the City of Clifton

**RESOLUTION OF THE CITY OF CLIFTON DESIGNATING SATURDAY,
NOVEMBER 30, 2019, AS “SMALL BUSINESS SATURDAY” IN THE CITY OF
CLIFTON AND SUPPORTING THE SMALL BUSINESS SATURDAY MAIN
AVENUE IMPROVEMENT DISTRICT STREET FAIR**

WHEREAS, in 2010, American Express founded Small Business Saturday to help small businesses attract more customers; and

WHEREAS, the Small Business Saturday campaign encourages people to shop at small businesses the Saturday after Thanksgiving each year; and

WHEREAS, the Downtown Clifton Economic Development Group, Inc. has requested permission to allow businesses in the Main Avenue Special Improvement District to display their merchandise outside their businesses during its Street Fair on Small Business Saturday, November 30, 2019, as a way to promote and encourage business within the Main Avenue Special Improvement District; and

WHEREAS, the Mayor and Municipal Council support, encourage and promote business within the City of Clifton and the Main Avenue Improvement District and support participation of Clifton businesses in the Small Business Saturday campaign;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Municipal Council of the City of Clifton, that Saturday, November 30, 2019, is designated

**“SMALL BUSINESS SATURDAY”
IN THE CITY OF CLIFTON**

BE IT FURTHER RESOLVED, that during the Small Business Saturday Street Fair, businesses located within the Main Avenue Special Improvement District shall be permitted to display their merchandise outside the front of their businesses during normal business hours; and

BE IT FURTHER RESOLVED, that in order to ensure the safe passage of pedestrians during the Small Business Saturday Street Fair, all display tables and display racks must be placed up against the building of each business and that at least four feet of the sidewalk area shall remain clear to permit the unobstructed passage of pedestrians; and

BE IT FURTHER RESOLVED, that no display tables or display racks shall be placed along the curb line in front of any business so that people will be able to freely exit and enter their parked vehicles; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Council of the City of Clifton call upon the people of City of Clifton and surrounding municipalities to participate in Small Business Saturday and patronize the small businesses taking part in the Small Business Saturday Street Fair.

R461-19 Resolution of Congratulations Upon Retirement - John T. Hokke, Jr.

**RESOLUTION OF CONGRATULATIONS UPON RETIREMENT
JOHN T. HOKKE, JR.**

WHEREAS, on October 1, 2019, John T. Hokke, Jr. officially retired from his position in the Department of Public Works; and

WHEREAS, he was hired as a Laborer and eventually as a mason on November 2, 1992 and served in the Department of Public Works, and his retirement will conclude seventeen year career with the City of Clifton; and

WHEREAS, he has served well and faithfully, and has been a credit to the City of Clifton and the department in which he worked; and

WHEREAS, this Governing Body wishes to acknowledge his fine and longtime service to the City;

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

JOHN T. HOKKE, JR.

their thanks and appreciation for his service and a job well done, and do further wish him good health, peace and happiness in his well-earned retirement; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this meeting, and a copy thereof presented to John T. Hokke, Jr.

R462-19 Resolution Authorizing the Award and Execution of a Contract with Jill A. Hartmann, PP, AICP for Planning Services for the City of Clifton Community Development Block Grant Program (Year 45) from August 1, 2019 Through July 31, 2020 - Administrative and Planning Services

**RESOLUTION AUTHORIZING THE AWARD TO AND THE EXECUTION OF
A CONTRACT WITH JILL A. HARTMANN, PP, AICP FOR PLANNING
SERVICES FOR THE CITY OF CLIFTON COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM (YEAR 45) FROM AUGUST 1, 2019 THROUGH
JULY 31, 2020 – ADMINISTRATIVE AND PLANNING SERVICES.**

WHEREAS, the City of Clifton Community Development Department requires certain specialized administrative and planning services of an expert in connection with its operation; and

WHEREAS, such services constitute “Professional Services” within the ambit of 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 value of the contract is \$70,000.00, and the duration of the CDBG Year 45 contract year: August 1, 2019 to July 31, 2020; and

WHEREAS, the Business Entity Disclosure Certification has been received from the contractor and is incorporated into the contract awarded hereby along with the determination of value;

NOW, THEREFORE, BE IT RESOLVED, that a contract for administrative and planning services for the Community Development Block Grant Program from August 1, 2019 through July 31, 2020 is hereby awarded to Jill A. Hartmann, PP, AICP, of Mahwah, NJ at a cost not to exceed \$70,000.00 and that the Mayor and the City Clerk be and they are hereby authorized and directed to execute a contract and the required copies in the form as approved by the Clifton Law Department; and

BE IT FURTHER RESOLVED, that the required Certificate of Availability of Funds for the above contract has been obtained and is endorsed hereon; and

BE IT FURTHER RESOLVED, that the original of this resolution and the contract above referred to be placed on file and made available for the public inspection at the Office of the City Clerk of the City of Clifton and that the City Clerk shall forward an executed copy of the said contract to the Clifton Community Development Department; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute a contract on behalf of the City of Clifton; and

BE IT FURTHER RESOLVED, that the 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 with competitive bidding as a professional service pursuant to N.J.S.A. 40:11-5 (1) (a). The contract and the resolution authorizing it are available for public inspection in the Office of the City Clerk.

Awarded to: Jill A. Hartmann, PP, AICP, Mahwah, NJ 07430
Services: Consultant Planning Services for Community Development Block Grant Program
Cost: Not to Exceed \$70,000.00
Term: August 1, 2019 through July 31, 2020
ADOPTED: September 17, 2019
Nancy Ferrigno, City Clerk

R463-19 Late - Resolution Authorizing the Issuance of Change Order No. 2 and Final Athenia Park Recreation Complex, Phase 2

**RESOLUTION AUTHORIZING THE ISSUANCE OF
CHANGE ORDER NO. 2 AND FINAL
ATHENIA PARK RECREATION COMPLEX, PHASE 2**

WHEREAS, on April 4, 2017, the City of Clifton adopted Resolution R180-17 awarding a contract to TOMCO CONSTRUCTION INC. of MT. ARLINGTON, NJ, for the performance of certain public work and the furnishing of material, labor and equipment for ATHENIA PARK RECREATION COMPLEX, PHASE 2 in the amount of \$3,644,539.00; and

WHEREAS, regulations, adopted by the Local Finance Board of the State of New Jersey, and dealing with "Contract Change Order" open-end contracts, etc., became effective on April 15, 1977; and

WHEREAS, the City Engineer has requested that a Change Order be made to the contract awarded to TOMCO CONSTRUCTION INC., in the amount of \$188,698.91 a 4.93% Cumulative Decrease as authorized by Resolution said being necessary for the proper completion of the project job; and

WHEREAS, the City of Clifton desires to comply with said regulations, and to the end herewith files with the Governing Body a report of the Engineering Department stating the facts involved and indicating that the proposed contract Change Order is necessary and should be approved and allowed; and

WHEREAS, the Chief Financial Officer has certified the availability of sufficient funds for the amendatory change for which authorization is requested in the amount of \$188,698.91 a 4.93% CUMULATIVE DECREASE;

WHEREAS, the total contract amount is now \$3,465,034.72

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the City of Clifton that the said amendatory Change Order be and the same is hereby ratified and payment therefore is hereby approved.

R464-19 Late - Resolution Authorizing Final Payment Athenia Park Recreation Complex, Phase 2 - Tomco Construction, Inc.

**RESOLUTION AUTHORIZING FINAL PAYMENT
ATHENIA PARK RECREATION COMPLEX, PHASE 2
TOMCO CONSTRUCTION INC.**

WHEREAS, TOMCO CONSTRUCTION INC. of Mt. Arlington, New Jersey, did complete ATHENIA PARK RECREATION COMPLEX, PHASE 2 project in and for the City of Clifton for the total amount
of \$ 3,465,034.72

And previous payments on account of said total have been paid
in the amount of. \$ 3,395,734.03

Leaving this FINAL PAYMENT
of \$ 69,300.69

WHEREAS, said work was authorized by contract duly awarded at a regular meeting of the Governing Body of the City of Clifton; and

WHEREAS, the Contractor has posted a Maintenance Bond, for a period of two years, in the amount of \$346,503.47; and

WHEREAS, the City Engineer has inspected the work done and has determined that said work has been properly done and completed, to the best of his knowledge, in accordance with the terms and provisions of the contract as amended, if amended, and hereby recommends that the said work be accepted;

NOW, THEREFORE, BE IT RESOLVED, that the City of Clifton does hereby formally accept the work as shown as completed in this resolution and contract.

NOW BE IT FURTHER RESOLVED that the Chief Financial Officer be and he is authorized and directed to include the said claim totaling \$69,300.69 on the claim list.

R465-19 Late - Resolution Authorizing Purchase of Radio Communication and Accessories off the NJ State Contract Purchasing Program Pursuant to N.J.S.A. 40A:11-12a

**RESOLUTION AUTHORIZING PURCHASE OF RADIO COMMUNICATION
AND ACCESSORIES OFF THE NJ STATE CONTRACT PURCHASING
PROGRAM PURSUANT TO N.J.S.A. 40A:11-12a**

WHEREAS, the City of Clifton Police Department has a requested to purchase Radio Communication and Accessories; and

WHEREAS, Motorola Solutions, Inc., 5 Paragon Drive, STE. 200, Montvale NJ 07645, has been assigned NJ State Contract No. 83909 - Radio Communication and Accessories; 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 Motorola Solutions, Inc., 5 Paragon Drive, STE. 200, Montvale NJ 07645, off the New Jersey State Contract No. 83909, at a cost not to exceed \$1,650,000.00

R466-19 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 Workers' Compensation Claim (WC) Fire
CON-2 Body Beautiful, LLC t/a Vida's Berries Restaurant - Continued Use Application
CON-3 Clifton Supervisors Association (CSA) Contract Negotiations
CON-4 IBEW Contract Negotiations
CON-5 Regulation or Ban of E-Cigarettes and Vaping Products - Legal Opinion
CON-6 Tina Robinson v. City of Clifton – Litigation
CON-7 PBA Contract Negotiations

NOW, THEREFORE, BE IT RESOLVED that the public shall be excused and excluded from that portion of the Council's meeting to be held on October 1, 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 BODY BEAUTIFUL, LLC

RESOLUTION FOR FINAL APPROVAL

BE IT RESOLVED, that the application of Body Beautiful, LLC t/a Vida's Berries for permission to conduct a Restaurant – Continued Use for a period ending January 31, 2020 on the premises known as: 167 Lakeview 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.

L-2 OSAKE JAPANESE RESTAURANT, LLC

RESOLUTION FOR PRELIMINARY APPROVAL

For: Osake Japanese Restaurant, LLC

T/A: Osake Japanese Restaurant

ADDRESS: 166 Main Ave., Clifton, NJ 07014

TYPE OF FOR ESTABLISHMENT INTENDED: Restaurant – Continued Use

FORMERLY OR NEW: Ooka Sushi

ZONE: B-A

PERMITTED: Yes

VARIANCE REQUIRED: No

L-3 BNKN, LLC

RESOLUTION FOR FINAL APPROVAL

BE IT RESOLVED, that the application of BNKN, LLC t/a Rainbow Liquors & Deli for permission to conduct a Caterer/Grocery/Milk – Continued Use for a period ending January 31, 2020 on the premises known as: 292 Lakeview 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.

L-4 ZEN BUSINESS, LLC

RESOLUTION FOR FINAL APPROVAL

BE IT RESOLVED, that the application of Zen Business, LLC t/a One Dollar Zone for permission to conduct a Grocery/Milk – New for a period ending January 31, 2020 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 Department and Zoning Officer.

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

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

ADJOURNMENT

Upon motion made by Councilwoman Murphy, seconded by Councilman Grabowski and passed on roll call vote, the meeting was adjourned at 10:12 p.m.

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

Respectfully Submitted,

James Anzaldi, Mayor

Nancy Ferrigno
City Clerk