

**Minutes of the Regular
Meeting of the 2020 Council of the
City of Linden, held Tuesday,
April 21, 2020**

The regular meeting of the 2020 Council of the City of Linden, was held in the Council Chambers in the City Hall on Tuesday, April 21 2020 at 7:09 pm., prevailing time.

The meeting was called to order by President of Council Michele Yamakaitis and she announced that the notice of this meeting stating the date, place and time, has been disseminated as required under the Open Public Meeting Act, Chapter 231, P.L. 1975. (The meeting was conducted in an electronic format using Go to Meetings, due to the Covid 19 pandemic)

The Clerk rendered the opening prayer, after which the members of the Governing Body and the persons in attendance saluted the flag.

Council President Michele Yamakaitis asked all members of the public, wishing to speak to speak up when she asked for the hearing on the budget, the public hearing on ordinances, and public comments, recognize themselves providing their name and address for the record, to be courteous.

Council President Michele Yamakaitis asked all to place their phones on mute, to eliminate background noise and to not use phones, on speaker, as it causes feedback issues.

A roll call showed the following members were present:

ROLL CALL

Councilwoman	Lisa Ormon
Councilman	Barry Javick
“	Alfred Mohammed
Councilwoman	Monique Caldwell
Councilman	John F. Roman
Councilman	Ralph Strano
Councilman	Garnett Blaine
Councilman	Armando Medina
Council President	Michele Yamakaitis
Mayor	Derek Armstead

Councilwoman Rhashonna was absent.

APPROVAL OF MINUTES

Mr. Strano moved for the approval of the minutes of the March 17, 2020 Regular Meeting. The motion was seconded by Mr. Roman and was ordered approved by a roll call vote, with all voting in favor except Ms. Cosby, who abstained, and Mr. Medina who did not respond to the roll call.

CONGRESSIONAL REPORT

President Yamakaitis announced that Congressman Donald Payne, Jr. was on the call. She turned the floor over to the Congressman to give a report. Congressman Payne reported on actions, being taken to assist citizens with the Covid 19 Pandemic. He noted assistance that was being provided to citizens to help them during this time of quarantine and social distancing including a stimulus package. He offered his assistance to anyone experiencing difficulty and provided contact information for his offices. Congressman Payne also spoke on the 2020 Census and the importance of individuals completing their census forms in a timely manner. The Congressman took questions from the members of the Governing Body at the conclusion of his presentation.

2020 City of Linden Budget Hearing

President Yamakaitis noted that the introduced budget, as well as the CFO's presentation on the budget, had been placed on the City's website and the Linden TV for the benefit of the citizens.

Ms. Ormon, Chairwoman of the Finance and Budget Committee then read the following statement:

“The introduced budget represents a total of \$110,451,334.69 in expenditures for 2020. I am pleased to announce this budget represents another year of no municipal tax increase based on an average assessed home of \$131,845.

The City of Linden is committed to providing our residents with a variety of city services and quality of life improvements. The City of Linden administration recognizes taxpayers need tax relief and the City Council have worked very hard to deliver a slight decrease on the municipal portion of your tax bill for the third year in a row!

In addition, the Council recognizes the need for increased Public Safety and in this budget it covers an

increase of Police Officers and a full complement of Firefighters.

I would like to thank all the members of the governing body for their assistance and recommendations on the 2020 budget. I would like to especially thank every Department Head for their dedication and diligence in preparing their 2020 municipal budgets.

She then asked if there were any questions, and moved to open the public hearing on the budget. The motion was seconded by Mr. Medina and was unanimously ordered approved by a roll call vote. President Yamakaitis noted that each speaker was limited to three minutes.

Jane Cavelli. Ms. Cavelli asked how we are going to pay for these additional jobs, when the pension funds are running low. President Yamakaitis asked Ms. Cavelli to ask all of her questions, and then Mrs. Zack would respond to them all. Ms. Cavelli stated that she had other questions, but kept repeating her initial question. Mr. Antonelli attempted to clarify that speaker should present all of their questions and then answers would be provided. Ms. Cavelli repeated her only question. Mrs. Zack provided a response, explaining that the additional positions are included in the 2020 budget, with no increase in municipal taxes. A discussion followed between Mrs. Zack and Ms. Cavelli.

Mary Cheress 311 Brook St. Ms. Cheress stated that she had contacted both the Mayor and Mr. Javick regarding a vulgar sign that someone has on their house. President Yamakaitis noted that comments, at this time were limited to the budget, and Ms. Cheress could speak on the other issue during public comment.

Ed Kaminski, 201 Maple Ave. Mr. Kaminski asked that with what is going on with the Corona virus and its overall impact on the economy, he wanted to know how the City was going to handle the shortfall in the budget. Mrs. Zack noted that a cease spending order has been put in place, except for essential operations, until the revenues coming in can be seen. She noted that the revenues, so far, have been consistent with those of prior years, adding that the local revenue predictions are done conservable.

Barbara Ciechacki 2516 Verona Ave. Ms. Ciechacki asked the \$600,000.00 expense that the City was forwarding to the Board of Education in connection with the sale of some of the park land at Wilson Park. She noted that she does not see that in the budget, and asked how that expense was going to be covered. Mrs. Zack noted that project was being done, by the Board of Education, and it involved an expansion of the Technology academy. The funds were coming from the Board of Education. Mrs. Cichacki repeated her question.

John Kaczor , 23 W. Munsell Ave. Mr. Kaczor asked how much of a surplus would be used in this year's budget, and what it was being used for. Mrs. Zack stated that the City is using \$9.9 million dollars of the current surplus balance of \$16 million as a general revenue. She noted that the individuals, being hired for the Office Constituent services, are included in this budget, referencing a prior question. Mr. Kaczor stated that the platform that the meeting was being conduct on, was not a good method.

Ms. Ciechacki interrupted the meeting, and demanded an answer as to where the \$600,000.00 was coming from. Mr. Antonelli responded that it was an expenditure of the Board of Education, and she needed to speak to the Board. She disagreed, insisting that it was City funds.

Jeff Tandul, Linden Shade Tree Commission. Mr. Tandul stated that on the Wilson Park issue, it is the City that makes the application, and it is the City that has to pay for it. The money has to come out of City funds. Mr. Antonelli stated that he would look into it further. Mrs. Zack noted that those funds were not in her budget. A discussion followed.

Mrs. Ormon moved to close the public hearing on the 2020 budget. The motion was seconded by Mrs. Caldwell. President Yamakaitis recognized Ms. Cosby for comment. Ms. Cosby spoke about the Office of Constituent services, noting that the City could have saved a bunch of money by going with a shared services agreement with the County of Union. She talked about the services that County provides, and noted other uses for the funds. Ms. Cosby noted her disagreement with the creation of this office. Mayor Armstead responded, pointing out the Office of Constituent Services was unanimously approved by the Council. He spoke about the need for the office to help those in the community that were in need of assistance, especially since the spread of Covid 19 virus. He spoke about the volume of calls coming into his office, that the office was created unanimously, and we should not put politics before people. He thanked all that had supported this when he first came up. Mr. Roman stated he did not think the Councilwoman was upset with the office itself as she was with the Mayor hiring the person that he put up against her last year. He noted that it is the Mayor's right, but noted his disagreement. Mr. Roman asked if there was any indication if the \$19.9 million we are scheduled to receive from DCA and the State does not happen, then what is the next step for the City. The Mayor responded and asked Mr. Roman what his plan was. Mrs. Zack explained what would occur, with everything being on the table, adding that DCA has already certified those funds. The resolution to close the hearing was unanimously approved by a roll call vote.

President Yamakaitis announced that Resolution 2020-153 would amend the budget. There would be a hearing, next month, on the budget amendment only. After that there would be a vote on adopting the amended budget.

ORDINANCES CONTINUED FROM THE MARCH MEETING

President of Council Michele Yamakaitis announced that this is the date designated for the hearing and further consideration respecting an ordinance entitled:

64-12 An ordinance authorizing the sale of Lot 11 Block 537, known as 1610 Clinton Street, on the current tax atlas of the City of Linden, noted needed for public use, establishing a minimum price of \$90,000.00 and a public auction date of March 25, 2020 at 10:00 am in the Council Conference Room, City Hall.

President of Council Michele Yamakaitis announced that the hearing was now open, that all persons interested would be given an opportunity to be heard concerning the Ordinance and the Clerk will read the Ordinance. Thereupon President of Council Michele Yamakaitis inquired if there were any written objections.

None were presented and the Clerk stated that therefore none had been received. President of Council Michele Yamakaitis inquired if there was anyone who desired to be heard concerning the Ordinance read by the Clerk. There were none.

There being no persons to be heard, Mrs. Ormon moved that the hearing be closed and the ordinance be adopted. The motion was seconded by Mr. Blaine and on a roll call vote the foregoing ordinance was unanimously ordered approved.

ORDINANCE ON HEARING

Mr. Strano moved to remove ordinance 64-25 from consideration. The motion was seconded by Mr. Medina and was unanimously ordered approved by a roll call vote.

President of Council Michele Yamakaitis announced that this is the date designated for the hearing and further consideration respecting an ordinance entitled:

64-18 Bond ordinance providing an appropriation of \$715,000 for the acquisition of a fire engine and authorizing the issuance of \$679,250 Bonds or notes of the City for financing part of the appropriation.

President of Council Michele Yamakaitis announced that the hearing was now open, that all persons interested would be given an opportunity to be heard concerning the Ordinance and the Clerk will read the Ordinance. Thereupon President of Council Michele Yamakaitis inquired if there were any written objections.

None were presented and the Clerk stated that therefore none had been received. President of Council Michele Yamakaitis inquired if there was anyone who desired to be heard concerning the Ordinance read by the Clerk. There were none.

There being no persons to be heard, Mr. Javick moved that the hearing be closed and the ordinance be adopted. The motion was seconded by Mr. Blaine and on a roll call vote the foregoing ordinance was unanimously ordered approved.

President of Council Michele Yamakaitis announced that this is the date designated for the hearing and further consideration respecting an ordinance entitled:

64-19 Bond ordinance providing an appropriation of \$2,100,000 for various park improvements and authorizing the issuance of \$1,531,707 bonds or notes of the City for financing part of the appropriation.

President of Council Michele Yamakaitis announced that the hearing was now open, that all persons interested would be given an opportunity to be heard concerning the Ordinance and the Clerk will read the Ordinance. Thereupon President of Council Michele Yamakaitis inquired if there were any written objections.

None were presented and the Clerk stated that therefore none had been received. President of Council Michele Yamakaitis inquired if there was anyone who desired to be heard concerning the Ordinance read by the Clerk.

Jane Cavelli, Raritan Road. Ms. Cavelli state "a million dollars for a park, I would like to know more about it." Mrs. Zack explained that it upgrades and repairs too many of the City of Linden's parks noting that in addition to these funds there are various grant monies that will be applied to some of the projects. Ms. Cavelli stated it still seemed like an awful lot of money.

John Kaczor, 23 W. Munsell Ave. Mr. Kaczor noted that while he understood Wheeler Park was a Union County Park, he noted that there was a unanimous vote, of Council, to keep the City Skate Park located in that facilitate. He asked what was going on with that. Mr. Dunham noted that the skate park was being

relocated to another community park. He noted that work was starting to relocate it to Memorial Park. Mr. Kaczor noted that while in the past there was some concern about children crossing Route 1, it is probably the best location for it.

There being no other persons to be heard, Mrs. Ormon moved that the hearing be closed and the ordinance be adopted. The motion was seconded by Mr. Roman and on a roll call vote the foregoing ordinance was unanimously ordered approved.

President of Council Michele Yamakaitis announced that this is the date designated for the hearing and further consideration respecting an ordinance entitled:

64-20 Refunding bond ordinance providing for the refunding of certain general obligation bonds of the City of Linden, New Jersey, appropriating \$5,900,000 therefor and authorizing the issuance of \$5,900,000 bonds or notes of the City for financing the cost thereof

President of Council Michele Yamakaitis announced that the hearing was now open, that all persons interested would be given an opportunity to be heard concerning the Ordinance and the Clerk will read the Ordinance. Thereupon President of Council Michele Yamakaitis inquired if there were any written objections.

None were presented and the Clerk stated that therefore none had been received. President of Council Michele Yamakaitis inquired if there was anyone who desired to be heard concerning the Ordinance read by the Clerk. There were none

There being no persons wishing to be heard, Mrs. Ormon moved that the hearing be closed and the ordinance be adopted. The motion was seconded by Mr. Medina. Mr. Roman asked what the \$5.9 million dollars were being spent on. Mrs. Zack responded that this a refunding ordinance, for various capital projects done in 2011. The intent was to reduce the interest cost, with a savings of about \$165,000. Upon a roll call vote the foregoing ordinance was unanimously ordered approved.

President of Council Michele Yamakaitis announced that this is the date designated for the hearing and further consideration respecting an ordinance entitled:

64-21 Ordinance to establish a CAP Bank for calendar year 2020 according to N.J.S.A. 40A:445.14

President of Council Michele Yamakaitis announced that the hearing was now open, that all persons interested would be given an opportunity to be heard concerning the Ordinance and the Clerk will read the Ordinance. Thereupon President of Council Michele Yamakaitis inquired if there were any written objections.

None were presented and the Clerk stated that therefore none had been received. President of Council Michele Yamakaitis inquired if there was anyone who desired to be heard concerning the Ordinance read by the Clerk.

John Kaczor , 23 W. Munsell Ave. At the request of Mrs. Kaczor , Mrs. Zack explained what a CAP Bank was. Mr. Kaczor stated he was always impressed that Mrs. Zack has answers to questions.

Ed Kaminski, Maple Ave. Mr. Kaminski asked how a CAP Bank was funded. Mrs. Zack and Mr. Antonelli provided an explanation.

There being no other persons wishing to be heard, Mrs. Ormon moved that the hearing be closed and the ordinance be adopted. The motion was seconded by Mr. Medina and on a roll call vote the foregoing ordinance was unanimously ordered approved.

President of Council Michele Yamakaitis announced that this is the date designated for the hearing and further consideration respecting an ordinance entitled:

64-22 Ordinance adopting the redevelopment plan entitled "Redevelopment Plan – Block 587, Lots 3.01, 3.02 and 3.03 (LCP Site)" pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

President of Council Michele Yamakaitis announced that the hearing was now open, that all persons interested would be given an opportunity to be heard concerning the Ordinance and the Clerk will read the Ordinance. Thereupon President of Council Michele Yamakaitis inquired if there were any written objections.

None were presented and the Clerk stated that therefore none had been received. President of Council Michele Yamakaitis inquired if there was anyone who desired to be heard concerning the Ordinance read by the Clerk.

Mayor Armstead noted that this is the former Linden Chlorine Property, consisting of about 26 acres, and is a superfund site. If the City does nothing with the property the EPA may turn it into a park, which would bring zero retables to the City. He noted a tax lien on the property and it is the intention that the City would be putting out an RFQ/RFP, in the hopes of putting it back on the tax rolls, similar to the United Lacquer Property. He noted the interest in the site, by developers.

John Kaczor, 23 W. Munsell Ave. Mr. Kaczor said that the Mayor just compared this site to the United Lacquer site, where 403 units of apartments were going up. He stated that it was crazy to consider putting hundreds of units of housing on this site. The Mayor responded stating that if Mr. Kaczor had read the redevelopment plan he would have seen that this area of town does not allow for residential. It is a heavy industrial area. Mr. Antonelli noted that the plan sets forth the principle uses, and then read them from the plan. Mr. Kaczor thanked them for clearing the matter up.

Ron Martins, 328 Miner Terrace. Mr. Martin asked exactly where the property was located. The Mayor responded that it is in the heavy industrial area on the other side of the Turnpike. Mr. Martins said the placement of a park, in this area, sounds kind of enticing. The Mayor responded that he did not know who would go there. Mr. Strano noted the level of contamination on the site, and further identified the location.

Ed Kaminski, Maple Ave. Mr. Kaminski stated that he understood the City would be accepting RFQ's for this site, and went on comparing it to the Lacquer property, which in his opinion the City would not see a penny for in over a decade, and asked that the plan have timelines in it by which it would begin generating revenue to the City, at the earliest time frame possible. The Mayor noted that the City had already received a \$1 million dollar for the lacquer property. Mr. Kaminski noted his disagreement and explained why.

There being no other persons wishing to be heard, Mrs. Ormon moved that the hearing be closed and the ordinance be adopted. The motion was seconded by Mr. Medina and on a roll call vote the foregoing ordinance was ordered approved with all voting in favor except Ms. Cosby who abstained, and Mr. Blaine who did not vote.

President of Council Michele Yamakaitis announced that this is the date designated for the hearing and further consideration respecting an ordinance entitled:

64-23 An ordinance to amend an ordinance entitled, "An ordinance establishing a schedule of titles, salary ranges and regulations for maintaining the classification and salary standardization plan of all employees of the City of Linden," passed August 15, 1995 and approved August 16, 1995.

Adopting Salary Schedule 4-00-3

President of Council Michele Yamakaitis announced that the hearing was now open, that all persons interested would be given an opportunity to be heard concerning the Ordinance and the Clerk will read the Ordinance. Thereupon President of Council Michele Yamakaitis inquired if there were any written objections.

None were presented and the Clerk stated that therefore none had been received. President of Council Michele Yamakaitis inquired if there was anyone who desired to be heard concerning the Ordinance read by the Clerk.

Jane Cavelli, Raritan Road. Ms. Cavelli stated that she would like to know who was getting raises and who is getting hired. Mrs. Zack noted that it created two titles and the minimums and max for the titles. Mr. Roth added to the explanation.

Anthony Mislan. Mr. Mislan noted that all City employees have been working without a contract for the past sixteen months and asked how any raises or new hires could be justified. Mr. Roth noted stated that contract negotiations are privileged, but the City continues to bargain in good faith with its unions. Mr. Mislan repeated his question, and Mr. Roth again responded.

There being no other persons wishing to be heard, Mr. Strano moved that the hearing be closed and the ordinance be adopted. The motion was seconded by Mrs. Ormon and on a roll call vote the foregoing ordinance was ordered approved, with all voting in favor except Ms. Cosby who voted no and Mr. Blaine who did not vote. Ms. Cosby noted that the names of the two people should be listed. Mr. Roth noted that is not done in a salary ordinance, and the names were read during the personnel report, last month.

President of Council Michele Yamakaitis announced that this is the date designated for the hearing and further consideration respecting an ordinance entitled:

64-24 An ordinance to amend and supplement Chapter VII, Traffic, on an ordinance entitled, "An ordinance adopting and enacting the Revised General Ordinances of the City of Linden, 1999," passed November 23, 1999 and approved November 24, 1999, and as amended and supplemented.

Section 1. That Chapter VII, Traffic, Section 7-14, Parking Prohibited During Certain

Hours on Certain Streets, shall be and the same is hereby amended as follows:

7-14 PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

<u>Name of Street</u>	<u>Side</u>	<u>Time</u>	<u>Location</u>
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ADD:

West Blancke Street	South	Monday – Friday 8:00 am to 4:00 pm	From Lexington Ave to a point 107' northeasterly
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President of Council Michele Yamakaitis announced that the hearing was now open, that all persons interested would be given an opportunity to be heard concerning the Ordinance and the Clerk will read the Ordinance. Thereupon President of Council Michele Yamakaitis inquired if there were any written objections.

None were presented and the Clerk stated that therefore none had been received. President of Council Michele Yamakaitis inquired if there was anyone who desired to be heard concerning the Ordinance read by the Clerk. There were none.

There being no other persons wishing to be heard, Mrs. Ormon moved that the hearing be closed and the ordinance be adopted. The motion was seconded by Mr. Medina and on a roll call vote the foregoing ordinance was ordered approved, with all voting in favor except Ms. Cosby who voted no and Mr. Blaine who did not vote.

President of Council Michele Yamakaitis announced that this is the date designated for the hearing and further consideration respecting an ordinance entitled:

64-25 Bond Ordinance authorizing various capital improvements for the Engineering Department and appropriating \$408,100 therefore and authorizing the issuance of \$387,695 bonds or notes to finance part of the cost thereof. (Removed from consideration earlier)

64-26 **AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER VII, TRAFFIC, OF AN ORDINANCE ENTITLED, "AN ORDINANCE ADOPTING AND ENACTING THE REVISED GENERAL ORDINANCES OF THE CITY OF LINDEN, 1999," PASSED NOVEMBER 23, 1999 AND APPROVED NOVEMBER 24, 1999, AND AS AMENDED AND SUPPLEMENTED**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LINDEN:

Section 1. That Chapter VII, Traffic, shall be and the same is hereby amended as follows:

7-33 HANDICAPPED PARKING REGULATIONS

7-33.1A Handicapped Parking On-Street

ADD:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Near 615 Academy Terrace (for 53 MacArthur Ct)	1	On the southeasterly sideline of Academy Terrace, 625 Feet more or less northeasterly from the projection of the northeasterly curblineline of Hollywood Road, near 615 Academy Terrace for a length of 22 feet. The aforesaid space is specifically reserved and designated for a vehicle for Monique Holmes, to be identified by license plate number and a placard to be issued by the City, and no other vehicle bearing or displaying handicapped license plates and/or placards, or not shall be permitted to park in such space

DELETE:

<u>Name of Street</u>	<u>No. of</u>	<u>Location</u>
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Spaces

- | | | |
|-------------------|---|--|
| 227 E. Blancke St | 1 | On the northwesterly sideline of East Blancke Street, 304 feet more or less northeasterly from the projection of the northeasterly curb line of Washington Avenue, in from of 227 East Blancke Street for a length of 22 feet. The aforesaid space is specifically reserved and designated for a vehicle for Cesar and Patria Ortiz identified by license plate number and a placard to be issued by the City, and no other vehicle bearing or displaying handicapped license plates and/or placards, or not shall be permitted to park in such space. |
| 829 Husa St | | On the northwesterly sideline of Husa Street, 282 feet more or less northeasterly from the projection of the northeasterly curb line of McCandless Street in front of 829 Husa Street for a length of 22 feet. The aforesaid space is specifically reserved and designated for a vehicle for Miltelina Nieves-Plaza to be identified by license plate number and placard to be issued by the City, and no other vehicle bearing or displaying handicapped license plates and/or placards, or not, shall be permitted to park in such space. |

President of Council Michele Yamakaitis announced that the hearing was now open, that all persons interested would be given an opportunity to be heard concerning the Ordinance and the Clerk will read the Ordinance. Thereupon President of Council Michele Yamakaitis inquired if there were any written objections.

None were presented and the Clerk stated that therefore none had been received. President of Council Michele Yamakaitis inquired if there was anyone who desired to be heard concerning the Ordinance read by the Clerk. There were none.

There being no persons to be heard, Mrs. Ormon moved that the hearing be closed and the ordinance be adopted. The motion was seconded by Mr. Roman and on a roll call vote the foregoing ordinance was unanimously ordered approved.

CONSENT AGENDA

(*) Tax Collector:**

(1) The amount of money collected during the month of March 2020 and turned over to the treasurer's office is as follows:

2020 Taxes	\$1,701,331.28
2019 Taxes	\$236,627.17
2018 Taxes	\$0.00
PILOT (MORNING STAR)	\$0.00
Municipal Lien Redemption	\$78,479.69
Garbage Fee Late Fee	\$0.00
Duplicate Tax Sale Certificate	\$0.00
Tax Search	\$0.00
Lien Redemption Request Fee	\$0.00
Year End Penalty	\$2,719.24
Returned Check Fee Paid	\$60.00
Returned Sewer Clean out	(\$0.00)
Returned Sewer Interest	(\$0.00)
Returned Check 2019	(\$1,928.59)
Returned Check 2020	(\$3,660.96)
Returned Check Interest	(\$74.55)
Returned Online Payments 2019 Taxes	(\$6,889.00)
Returned Online Interest	(\$845.55)
Adv. Before Tax Sale	\$0.00
Premium	\$0.00
Sewer Clean out charge	\$1,740.00
DPW Reso payments	\$0.00
Interest	\$69,994.09
Total	\$2,077,552.82

(*) Municipal Treasurer:**

(2) Requesting approval of the following refunds: Additional Can Refund

Evelyn Jefferson entitled to a refund of \$60.00 for an additional can she no longer needs. Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of \$60.00 payable to: Evelyn Jefferson, 1407 Roselle St., Apt 1L, Linden, NJ 07036 charging same to 0-01-09-699-133.

(*) Personnel:**

(3) Advising that the following City of Linden employee has filed for retirement:

<u>Department</u>	<u>Employee</u>	<u>Title</u>	<u>Date</u>
Public Property	Lenore Price	Rec. Center Director	May 1, 2020
Construction Code	Frank Gadomski	Cont. Code Official	May 1, 2020
D.P.W.	Bryan Stigliano	Tree Trimmer	May 1, 2020

Ms. Cosby moved for approval of the Consent Agenda. The motion was seconded by Mrs. Ormon and was unanimously ordered approved by a roll call vote.

COMMITTEE REPORTS AND COMMENTS FROM THE MEMBERS OF THE GOVERNING BODY

FIRST WARD

Ms. Ormon gave the following of the Finance and Budget Committee:

Approval is requested for the following finance actions:

1. The payment of bills totaling \$1,207,220.04. Bills have been signed by the Mayor, Council President and Finance Chairwoman and a detailed check register and vouchers are on file in the Clerk's Office.
2. We are in receipt of the investments made by the City Treasurer for the month of March at the rate of 2.75%.

Mrs. Ormon moved for approval of the report. The motion was seconded by Mrs. Caldwell and was ordered approved by a roll call vote, with all voting yes except Ms. Cosby who voted no, and Mr. Blaine who did not vote.

Mrs. Ormon expressed her condolences to the families who lost loved ones due to the Covid 19 tragedy, and wished others infected a speedy recovery. She noted there are daily updates on the City's website. She provided her contact information if anyone had questions. She offered a special thank you to the First Responders, including the Linden Police, Fire and EMS. She asked the residents to look out for each other, and to keep an eye on those who are sick or disabled. She made several suggestions on what to look out for. Mrs. Ormon also talked about the closing of recreational facilities and the reasons why. She asked all to be patient and understanding.

Mrs. Ormon gave the report of the Division of Transportation and Parking. A total of \$58,998.51 was collected from all sources.

SECOND WARD

Mr. Javick gave the report of the Fire Committee. The Fire Prevention Bureau collected \$9,793.95 for the month of March. The Ambulance billing collected a total of \$88,574.67 for the month of March, bringing the year to date total to \$165,757.53. He announced that the Junior Fire Academy is full, and there is a waiting list for anyone with an interest. He noted that if there are any changes the Fire Department will be in touch with the recruits.

Mr. Javick spoke about the work being done by the water and gas companies in the Second Ward. He informed residents that the trash and recycling centers are open, and information about them can be found on the City website. He urged residents to monitor the City website, for updated information. Mr. Javick noted that he was the Council's representative to the Planning Board, and was a volunteer member of the Linden Economic Development Corp. He thanked all for their support of the City, and the Mayor for his leadership in these unprecedented times. He concluded by providing his contact information, and reminded all of the health guidelines to prevent Covid 19.

THIRD WARD

Mrs. Caldwell stated that everyone is in her prayers, and that together we will get through this. She reminded all to follow the health guidelines in dealing with Covid 19. She thanked First Responders and informed all that the Construction Code Department is working on a Skeleton crew. Mrs. Caldwell thanked the IT Division for their work, and noted that this is the first time that Linden, was online trying to move through this meeting. She thanked Mr. Crane for his help with this meeting.

Mrs. Caldwell provided her contact information to her Third Ward residents, and noted that she any Linden resident could reach out to her. She urged all to stay safe.

FOURTH WARD

Mr. Mohammed thanked the Mayor for his leadership and for distributing food to Linden residents in this time of need. He thanked the First Responders for the great job they were doing.

Mr. Mohammed noted that as the Chairperson of the Law Committee and a member of the Municipal Investigation Committee he had the painful duty of asking the City Attorney to prepare a resolution directing the Mayor to file criminal trespass charges against Councilman Roman. He explained that the investigation has stalled because Mr. Roman has refused to comply with the subpoena issued to him. He then made a motion to have a resolution on this matter added to the agenda. Mr. Strano seconded the motion. Mr. Antonelli clarified that the motion is to add the resolution to the agenda. The actual vote, on the resolution, would be later in the meeting. Members of the public spoke out, disrupting the meeting, they did not identify themselves. Mr. Roman asked for a Point of Order. President Yamakaitis noted that we were in the middle of a Council report. Mr. Roman and President Yamakaitis had a discussion over the appropriateness of this motion, and the motives behind it. Mr. Antonelli spoke about the council rules, and the procedure to follow if they are not followed. He then spoke about the purpose of the motion on the floor, and what would be appropriate topic for discussion. The subject of the resolution should be discussed when the resolution has been added to the agenda, and is up for a vote. President Yamakaitis recognized Ms. Cosby for the purpose of discussion on the motion before Council. Ms. Cosby noted that this was not discussed last night nor was there any mention of this last night. There was no report from the Investigation Committee. She stated that she gets it, being election time, noting that she had made a request, several months ago to bring something up from the floor, and it was rejected. Ms. Cosby objected to a resolution being presented and expecting Council to vote on it two minutes after it was introduced. There are the super six, on this meeting. It's not right and it's unethical. She did not understand what the big deal was in having it discussed in caucus, like we are supposed to. She spoke about horrible it is, and that this should be held till next month. She talked about the vote of the Super Six, how she was not needed because of them, and that her opinion does not matter. Mr. Roman was recognized to speak. Mr. Roman stated that there is a resolution on the table that was just made up right now, in the middle of a virtual meeting due to a pandemic, to bring me up on criminal charges, for whatever. He continued noting his objections to how this brought up. He called it an election ploy and stated that he would start letting out to the public what he knows, what I really know. He accused certain members of Council of wasting the public's time, as this is all contrived. President Yamakaitis recognized the Mayor. Mayor Armstead stated that what was unethical was the trespass at DPW, the Councilman climbing a fence. He described the actions of Mr. Roman, on that occasion, and spoke about how they were campaign related. You can't break the law, whether you are a councilman or not. You cannot enter a facility unauthorized.

Mr. Mohammed moved to add a resolution to the agenda. The motion was seconded by Mr. Strano. The motion was approved with all voting in favor except Ms. Cosby, who voted no, and Mr. Roman and Mr. Medina not voting.

Mr. Mohammed apologized to the public for all of the disturbance. Mr. Mohammed report kept being interrupted by members of the public speaking without being recognized.

FIFTH WARD

Good evening:

My heart aches for our neighbors who have been ill and or lost loved ones and pray for our city, county and state. I would like to thank the city of Linden essential staff who report to work as they are assigned most especially the nurses. Also the employees of the local supermarkets, gas stations, dollar and convenience stores and restaurants; may you all continue to be blessed and stay well.

In November, I suggested that I would possibly host my community meetings via a virtual format, it looks highly likely in light of the times we are finding ourselves in that
The next scheduled meeting which is planned for June 17th. I will post the virtual meeting information on the city's official social media, website and send out emails and Facebook. The planned topic is Financial Wellness.

I have no report from the rent leveling board, the airport noise commission or environmental commission as there have been no meetings held. The city is still operating so if you have issues that need to be addressed, please however allow for a reasonable amount of time for certain matters as we are working with fewer staff and also contractors.

I cannot close without restating my concerns about the newly created department of constituent services. Many months ago, I warned that the positions were made up and were likely political patronage positions. We have no real duties and responsibility presented to the governing body and how were the candidates selected? I would argue again that the county of union has an office that provides a wide range of , " constituent services" and we would do better to seek a shared service agreement this in my opinion is the most facially responsible way to go and also, they have been doing this for years and have

resources. I can only imagine that the people in these positions will be making referrals to the county or other agencies and making political contacts. Finally, with regard to promotions, the unions need to up in arms with some promotions being made WITH OUT PROPER TRAINING AND SHORT TENURE IN POSITIONS. I talk all about this in my book, Plantation Politics!

I am so disappointed with the resolution that was just added from the floor sight unseen and not discussed, it was horrible.

Reminder to the residents that the primary election has been postponed until July 7th. I encourage residents who can to vote early. If you need assistance I am here to assist. Call me at 908-718-7933 or email rcosby@linden-nj.org.

Stay well everyone, that concludes my report.

SIXTH WARD

Mr. Roman wished all a good evening and hoped they were all safe and healthy. He stated that in light of the hit on him, he was going to do something that no one would expect of him, and talk about what we need to do. Mr. Roman addressed the Mayor and told him that the Sixth Ward appreciated the Mayor coming to the Ward as the Easter Bunny. He thought it very important that the Mayor took it upon himself to do it himself. He again thanked the Mayor, adding that it was probably the first time the Mayor was in the Sixth Ward, since Mr. Roman lived there, for the last six or seven years.

Mr. Roman spoke about DeLAire Nursing Home, noting there is a lot of misinformation out there, and the State is in charge of nursing homes. The residents are being taken care of and individuals should not be spreading misinformation about them. He then spoke about sewer issues in the First and Third Ward, and residents should contact their councilpersons about them. He spoke about working with Mr. Tandul and the planting of trees. He gave a shout out to Ashly Wohlarb, for selling t-shirts and lawn signs and donating the proceeds to help those affected by Covid 19. He thanked others for their donations to help combat the virus.

Mr. Roman spoke about the repaving of streets damaged by the utility companies. He stated god bless everyone, especially the City employees and health care workers.

SEVENTH WARD

Mr. Strano gave the following report of the Personnel Committee:

PERSONNEL REPORT

1. Office of the Mayor:
 - a. Appointment of Marelene Berghammer to the Office of Constituent Services, effective May 1, 2020 at the rate of \$15.00 per hour, not to exceed 25 hours per week, and subject to the successful completion of the City's pre-employment requirements.
 - b. Appointment of Dayanara Rosado to the Office of Constituent Services, effective May 1, 2020 at the rate of \$15.00 per hour, not to exceed 25 hours per week, and subject to the successful completion of the City's pre-employment requirements.
 - c. Appointment of Lovena Joseph to the Office of Constituent Services, effective May 1, 2020 at the rate of \$15.00 per hour, not to exceed 25 hours per week, and subject to the successful completion of the City's pre-employment requirements.
2. Department of Community Services:
Division of Public Works:
 - a. The appointment of Shane Gullette to Equipment Operator at the salary rate of \$24.50/hr effective May 1, 2020.
 - b. The appointment of Thomas George to the internal designation of Automated Truck Driver at the salary rate of \$23.50/hr effective May 1, 2020.
 - c. The appointment of Joseph Caplette, Jr. to Senior Tree Trimmer at the salary rate of \$22.00/hr retroactive to March 18, 2020.
 - d. The appointment of Alphonso Smith to Tree Trimmer at the salary rate of \$17.00/hr effective May 1, 2020.
 - e. The appointment of Tyrone Hinton to Equipment Operator at the salary rate of \$23.00/hr effective May 1, 2020.
 - f. The appointment of William Telesco to the internal designation of Automated Truck Driver at the salary rate of \$23.50/hr effective May 1, 2020.
 - g. The amendment of the April 16, 2019 appointment of Philip Ransome as Labor/Motor Broom Operator to the salary rate of \$25.88/hr effective April 1, 2020, with no retroactivity.
 - h. The posting for the position of Truck Driver.
3. Recreation:
 - a. Approval of Seasonal List on file in the Clerk's office
4. FMLA:
Employee ID# 000599 Intermittent FMLA 4/1/20-12/31/20
Employee ID# 000146 Intermittent FMLA 5/1/20-12/31/20

Mr. Strano moved for approval of the Personnel Report. The motion was seconded by Mr. Medina and was ordered approved by a roll call vote, with all voting in favor except Ms. Cosby who voted no, and Mr. Roman, who abstained.

Mr. Strano stated that he wanted echo the comments made by his colleagues regarding the efforts of the First Responders in dealing with the pandemic. He noted his family members who are First Responders or work in the medical field. He stated that may god bless them, and their coworkers and make sure that they stay healthy. He then spoke the Mayor's tireless efforts, calling him the energizer bunny.

Mr. Strano reported on the Department of Community Services and the suspension of bulk trash pickup, and explained the reasons why. He noted the timing prevented getting the notification out to the public any sooner than we did. He informed all that the DPW yard is open to the public for them to bring in their bulk waste. He added that it is not the recycling center, and if recycling material is brought there, the residents will be turned away. He thanked everyone for their cooperation. He concluded by wishing all good health.

EIGHTH WARD

Mr. Blaine reiterated what his counterparts had said. He thanked all of the First Responders, and offered his condolences to the families of those that have lost their lives, in this country and this City. He gave his utmost thanks to the Mayor for his volunteer work, particularly with the food bank and delivering food to the seniors. He noted Congressman Payne's discussion about the federal loan money that is becoming available to small businesses. He urged small business to file.

NINTH WARD

Mr. Medina echoed the comments of his colleagues on Council by thanking the First Responders, front line and essential workers for all that they are doing. He urged all to stay safe and follow all of the rules. He went on to speak about the car break-ins in the Ninth Ward. Car thieves don't stop because of a crisis. He urged residents to report suspicious activity to the police department. He talked about the amazing job being done by the Police Department.

Mr. Medina noted that bulk trash pickup is suspended, with the Ninth wards collection date scheduled for next week. He asked all to remind their neighbors if they see them putting trash out. He noted that Mrs. Hickey is always available to her residents. Mr. Medina supplied his contact information. He also provided Mrs. Hickey's contact information. He wished all safe travels and asked them to be safe.

President Yamakaitis asked Mr. Roman to take down the sign that was visible in the background, as it is against Council rules. She also him to stay focused on this meeting.

President Yamakaitis reported that the Housing Authority held a virtual meeting, last month, during which they gave a resolution to Mayor Armstead thanking him for helping with the senior citizens. She wished all well during this time. She added that she and the Mayor appreciated all of the efforts of City employees during this time of crisis. President Yamakaitis spoke about all of the Mayor's efforts, over the Easter Weekend, and how much they were appreciated.

MAYOR'S REPORT

Mayor Armstead asked for all's indulgence, as his report is quite lengthy. He began by giving the numbers of Linden residents who have been affected by the Covid 19 virus, including the number of deaths, which at this point amounts to 46. He offered his condolences and prayers to the families of those that have passed. He noted the importance of following the social distancing rules, including in City playgrounds and park. The Mayor noted that those that are not following the Governor's orders and rules will be fined.

Mayor Armstead then spoke about the food distribution, noting that the City's only food pantry, LINC's, has been closed due to the Covid virus, and will remain closed until further notice. His office of Constituent Services is attempting to pick up the slack, with a food delivery program for the sick, shut-ins and disabled. The program has been a great success. He urged residents to continue to check on their neighbors, and to provide information on those individuals to his office so that they can be reached to check on their needs. He provided details on the food distribution program. He thanked a number of companies and individuals for their help and donations, and provided information on how residents can make donations to this effort.

Mayor Armstead informed residents that his office was always open to assist Linden residents, and told them they can reach out to him or a member of his staff at any time. He provided information on how his office can be reached. He then spoke about Easter weekend, and his role as the Easter Bunny, visiting every Ward and Street in the City. He described his experiences. He asked that anyone who took pictures or Video of the event to email them to his office.

Mayor Armstead talked about the CIC program, which helps residents find jobs, that it is up and running, and those in need of jobs, should contact the program. He also announced that alternate street parking regulations have been suspended. He provided contact information the Linden Traffic Bureau if residents had parking/traffic related questions. The Mayor noted the suspension of the bulk trash collection, and the reasons for it. He also explained how residents could bring trash to the DPW yard. Next he spoke about nursing home, that the Board of Health has looked into the various complaints about DelAire nursing

home, but they are under the jurisdiction of the State. He spoke about what the State was doing and how to contact them.

Mayor Armstead noted that a problem has arisen with residents discarding gloves and masks in parking lots and City Streets. He pointed out that this is illegal and could subject individuals to fines. He asked all to use trash containers or bring them home to dispose of them. He asked that if someone is caught littering, take a picture of them and send it to his office. The Mayor announced that Uptown Linden would begin their Farmer's Market, next Monday, in front of City Hall and how it would be conducted. He then spoke about the Cares Act, which provides funding to help small business affected by the Covid Virus, and how to participate. He provided details on these loans. Next Mayor Armstead discussed the issue of price gouging, his lack of jurisdiction, what people can do, and how to report it.

Mayor Armstead spoke about the Governor's moving the date of the Primary Election, from June to July, and provided a list of important dates associated with the election. He announced that the Police Department has an online reporting system for residents to report certain types of behavior and criminal activity, adding that crimes in progress should be reported by calling 911. He spoke about the types of crimes that could be reported on line. The Mayor spoke about the Special Improvement District, and the creation of a micro-loans to businesses in the district. He talked about the Linden Eats program, and its purpose. The Mayor addressed the issue being raised, by residents, about the payment of property taxes. He noted the actions taken by the Federal and State Governments, and discussions underway regarding municipal taxes. He informed all about how they could pay their property taxes.

Mayor Armstead spoke about the new City website, and it was designed to help residents stay connected. The Mayor concluded with a quote from Thomas Payne, and spoke about how the First Responders were our soldiers of today, putting themselves at risk every day. They deserve our love, encouragement and thanks.

President Yamakaitis thanked all for allowing the Mayor extra time for his report.

RESOLUTIONS

Ms. Cosby moved to remove resolutions #2020-151 and #2020-161 from consideration. The motion was seconded by Mrs. Caldwell and was unanimously ordered approved by a roll call vote.

Mr. Bodek noted that under the rules, Mr. Mohammed need to read the resolution, he added, in full. President Yamakaitis asked the Mr. Mohammed to read the resolution and for Mr. Antonelli to send it to all of the Council members.

Mr. Mohammed read the following resolution:

RESOLUTION DIRECTING THE MAYOR TO FILE TRESPASS CHARGES CONTRARY TO N.J.S.A. 2C:18-3 AGAINST COUNCILMAN JOHN ROMAN

WHEREAS, the City Council of the City of Linden ("City") previously utilized its statutory powers pursuant to N.J.S.A. 40:48-25 to form a Municipal Council Investigatory Committee ("MCIC"); and

WHEREAS, pursuant to statute, the MCIC has the power to investigate any activity of the municipality, which includes subpoena powers to assist in its investigation; and

WHEREAS, the MCIC has conducted its investigation and interviewed witnesses who have relevant information as it concerns Councilman John Roman's improper and illegal access to the City's Department of Public Works yard when it was closed; and

WHEREAS, on October 17, 2019 a Subpoena was served on Councilman John Roman, commanding him to appear before the MCIC on November 1, 2019 and to bring with him relevant documents; and

WHEREAS, Councilman John Roman, through counsel questioned the legality of the Subpoena, despite subpoena power being given to the MCIC by statute, and refused to appear to give testimony and provide documents; and

WHEREAS, Councilman John Roman's actions in refusing to cooperate with the MCIC and its investigation concerning his improper and illegal access to the City's Department of Public Works is an attempt to obstruct and delay the MCIC's investigation; and

WHEREAS, the City Council, based upon Councilman John Roman's refusal to comply with a proper and lawfully served Subpoena, forthwith authorizes and directs Mayor Derek Armstead to file a criminal complaint against John Roman for trespass contrary to N.J.S.A. 2C:18-3.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Linden, County of Union, State of New Jersey as follows:

The City Council hereby authorizes and directs Mayor Derek Armstead to file a criminal complaint against John Roman for trespass contrary to N.J.S.A. 2C:18-3, and any other relevant criminal violation for accessing the City's Department of Public Works Yard, at a time it was closed, and when he did not have permission to be there.

Mr. Antonelli spoke about the \$600,000.00 that was discussed, relative to the diversion of Green Acres Property, at Wilson Park. He informed all that those funds, were not coming from the City, but are being paid by the Board of Education. He then spoke about the issue raised earlier, by Ms. Cosby, regarding her attempt to make an oral motion from the floor. He spoke about his opinion at that time, and later put into a memo to the Mayor and Council. He discussed the information contained in the memo. He added that Mr. Mohammed's resolution and motion were perfectly legal.

The Clerk noted the new resolution would be 2020-163.

Ms. Cosby moved to remove the newly added resolution #2020-163 from consideration. Mr. Antonelli ruled the motion to be in order. The motion was seconded by Mr. Roman and was defeated with all voting no except Ms. Cosby, Mr. Roman and Mr. Medina who voted yes.

RESOLUTION: 2020-146

RESOLUTION AUTHORIZING AN AWARD OF CONTRACT FOR ANNUAL MUNICIPAL MAINTENANCE SUBSCRIPTION WITH PROPERTY PILOT

WHEREAS, the City of Linden has a need to renew required maintenance subscription to GIS Municipal Mgmt. System for various departments; and

WHEREAS, N.J.S.A. 40A:11-5.1(dd) provides for the support software maintenance, consultation services and training services of propriety computer hardware and software; and

WHEREAS, pursuant to the provisions of N.J.S.A. 19:44A20.4 or 20.5, said contract is renewed as a non-fair and open contract; and

WHEREAS, the anticipated term of this contract is one (1) year, commencing on January 1, 2020 through December 31, 2020 at the rate of \$32,500.00; and

WHEREAS, Property Pilot d/b/a GovPilot, 79 Hudson Street, Suite 503, Hoboken, NJ 07030 has submitted a proposal indicating they will provide the software and maintenance required for the aforesaid price; and

WHEREAS, funds have been previously certified and will be charged to account/line items:

0-01-20-131-113-245 \$17,000.00

0-01-26-310-126-206 \$15,500.00

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN that the Mayor, Council President, City Clerk and/or such other City Officials as is necessary and proper be authorized to execute such documents as necessary to implement this Resolution; and

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

RESOLUTION: 2020-147

RESOLUTION OF THE CITY OF LINDEN, COUNTY OF UNION, NEW JERSEY DESIGNATING A REDEVELOPER AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT RELATING TO THE PROPERTY COMMONLY KNOWN AS BLOCK 587, LOTS 8, 9 AND 23 (A/K/A IN THE AREA OF TREMLEY POINT ROAD) ON THE TAX MAPS OF THE CITY

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 *et seq.*, as amended from time to time (the "**Redevelopment Law**") authorizes municipalities to determine whether certain parcels of land in the municipality constitute "areas in need of redevelopment," as defined in the Redevelopment Law; and

WHEREAS, in accordance with the Redevelopment Law, the municipal council (the "**City Council**") of the City of Linden (the "**City**") on March 16, 2004, designated an area consisting of certain properties identified on the tax map of the City as Block 423, Lot 10.02 (the "**Property**"), as an area in need of redevelopment; and

WHEREAS, pursuant to the resolution adopted on June 18, 2019, the municipal council of the City (the "**City Council**") authorized the Planning Board of the City (the "**Planning Board**") to investigate whether those properties commonly known as Block 587, Lots 8, 9 and 23 on the tax map of the City should be designated as an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, on September 10, 2019, the Planning Board held a hearing and recommended to the City Council that Block 587, Lots 8, 9 and 23 on the tax maps of the City be designated as an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, on September 17, 2019, the City Council adopted Resolution 2019-349 designating Block 587, Lots 8, 9 and 23 on the tax maps of the City as an area in need of redevelopment (the "**Redevelopment Area**"); and

WHEREAS, Ricci Planning prepared a redevelopment plan entitled “Redevelopment Plan – 4900 Tremley Point Road Redevelopment Project – Block 587, Lots 8, 9 and 23,” dated January 10, 2020 (the “**Redevelopment Plan**”), providing the development standards for the Redevelopment Area; and

WHEREAS, on January 21, 2020, the City Council referred the Redevelopment Plan to the Planning Board for review and comment; and

WHEREAS, on February 11, 2020, the Planning Board held a hearing to review and discuss the Redevelopment Plan, and made recommendations concerning same; and

WHEREAS, on March 17, 2020, the City Council adopted Ordinance 64-05, which adopted the Redevelopment Plan for the Redevelopment Area; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-4*, the City Council has designated the City to act as the “Redevelopment Entity” (as such term is defined at *N.J.S.A. 40A:12A-3*) for the Redevelopment Area and to exercise the powers contained in the Act to facilitate the development of the Project (as defined herein); and

WHEREAS, Linden Renewable Energy, LLC (the “**Redeveloper**”) has made application to be designated as the redeveloper for the Property, for which Redeveloper is the contract purchaser, and Redeveloper has provided information consisting of documentation evidencing financial responsibility and capability with respect to the Project (as defined herein), estimated total development costs, and estimated time schedule for commencement and completion of construction; and

WHEREAS, the City has determined that the Entity meets all necessary criteria, including financial capabilities, experience, expertise and project concept descriptions, and, as a result, has determined enter into a redevelopment agreement to designate the Entity as the exclusive redeveloper as to the Property; and

WHEREAS, Redeveloper has agreed to develop a project consistent with the Second Amended Redevelopment Plan to include construction of a construction of an organic waste anaerobic digester facility with related improvements (as more fully defined in the redevelopment agreement, the “**Project**”); and

WHEREAS, in order to implement the development, financing, construction, operation and management of the Project, the City now desires to enter into a redevelopment agreement with Redeveloper, a form of which redevelopment agreement is attached hereto as **Exhibit A**, and which redevelopment agreement specifies the rights and responsibilities of the City, designates Redeveloper as redeveloper of the Property and specifies the rights and responsibilities of Redeveloper with respect to the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF LINDEN, COUNTY OF UNION, STATE OF NEW JERSEY AS FOLLOWS:

1. The recitals are incorporated herein as if set forth in full.
2. The Mayor is hereby authorized to execute the redevelopment agreement substantially in the form as attached hereto as **Exhibit A**, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion, in consultation with the City’s professionals, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Agreement, conditioned upon the adoption of the Redevelopment Plan.
3. This Resolution shall take effect immediately.

RESOLUTION: 2020-148

RESOLUTION APPROVING THE AWARD OF A CONTRACT TO CHARLES E. HECK FOR REAL ESTATE APPRAISER SERVICES AND OTHER SERVICES FOR STATE COURT TAX APPEALS FOR 2020

WHEREAS, it is necessary to hire a real estate appraiser in order to defend the City of Linden on all industrial and commercial tax appeals filed before the Union County Board of Taxation for 2020 and also new and pending cases before the Tax Court of New Jersey; and

WHEREAS, in accordance with the provisions of *N.J.S.A. 19:44A-20.4*, qualifications have been received through a fair and open process; and

WHEREAS, Charles E. Heck submitted a qualification to the City and has qualified for the aforesaid services for 2020; and

WHEREAS, pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), such services are considered "Professional Services" as within the scope of a licensed and regulated profession, and same may be awarded without competitive bidding; and

WHEREAS, the Chief Financial Officer or his designee has certified to the availability of funds for this purpose, to be charged to Account No. 0-01-20-156-117-273;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LINDEN that a contract for Professional Services be and hereby is awarded to Charles E. Heck, 506 Thompson Place, Middletown, New Jersey 07748; and

BE IT FURTHER RESOLVED the terms of said agreement shall be for a period of one year at a fee not to exceed \$16,000.00; and

BE IT FURTHER RESOLVED that this Resolution is expressly contingent upon the negotiation and execution of the necessary contract documents between Charles E. Heck and the City of Linden; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and hereby are empowered and directed to execute a contract with Charles E. Heck to effectuate the foregoing; and

BE IT FURTHER RESOLVED that a copy of this Resolution be published according to law.

RESOLUTION: 2020-149

Green Acres Program
State House Commission Final Application Local Parkland—Minor Diversion/Disposal

RESOLUTION OF THE CITY OF LINDEN SUPPORTING THE STATE HOUSE COMMISSION FINAL APPLICATION TO THE NJDEP GREEN ACRES PROGRAM FOR PROPOSED DISPOSAL & SUBDIVISION OF 0.103 ACRES OF THE WOODROW WILSON MEMORIAL PARK

WHEREAS, Block 274, Lot 2 is part of the City of Linden Woodrow Wilson Memorial Park which is encumbered with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection's Green Acres Program; and

WHEREAS, in conjunction with the proposed addition to the adjacent Linden Academy of Science and Technology, it is necessary to remove the Green Acres restrictions from a 0.103 acre portion of the Woodrow Wilson Memorial Park; and

WHEREAS, the removal of Green Acres restrictions from parkland requires the approval of the Commissioner of the Department of Environmental Protection and the State House Commission pursuant to N.J.A.C. 7:36-26; and

WHEREAS, the City of Linden wishes to apply for approval for the 0.103 acre disposal of the Woodrow Wilson Memorial Park as a minor disposal or diversion of parkland under N.J.A.C. 7:36-26; and

WHEREAS, resolution 2019-375 was passed on October 15, 2019 supporting the pre-application submission pursuant to N.J.A.C. 7:36-26.4(d)10; and

WHEREAS, a public hearing was held on Thursday, March 26, 2020 and public comment was accepted until Thursday, April 9, 2020; and

WHEREAS, in accordance with N.J.A.C. 7:36-26.6(f)4, it is necessary for the City of Linden to submit as part of the final application a Resolution endorsing the application to divert or dispose of parkland;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Linden, in the County of Union, State of New Jersey as follows:

1. The City of Linden endorses the filing of a final application for the disposal and subdivision of 0.103 acres of the Woodrow Wilson Memorial Park pursuant to N.J.A.C. 7:36-26;
2. The Linden City Council has reviewed both oral and written comments accepted during the public comment period and have made a finding that the minor disposal or diversion of parkland is still in the public's best interest.
3. The City of Linden hereby finds that the disposal and subdivision of 0.103 acres of Woodrow Wilson Memorial Park would meet the minimum substantive criteria at N.J.A.C. 7:36-26.1(d) by enabling the Linden Academy of Science & Technology to better serve the public school students through the construction of a full sized gymnasium addition;
4. The City of Linden acknowledges that in order to obtain the approval of the 0.103 acre disposal of the Woodrow Wilson Memorial Park, all substantive and procedural requirements of N.J.A.C. 7:36-26 must be met, including compensation requirements at N.J.A.C. 7:36-26.5; and
5. The City of Linden acknowledges that in the event the Green Acres Program classifies the 0.103 acre disposal of the Woodrow Wilson Memorial Park as a major disposal or diversion of parkland, additional application information will be required under N.J.A.C. 7:36-26 before the application can proceed.
6. Upon approval of the 0.103 acre disposal of the Woodrow Wilson Memorial Park by the Commissioner of the New Jersey Department of Environmental Protection and the State House Commission and proof that all terms and conditions of the approval have been satisfied or will be satisfied in a timely manner, the Linden City Council hereby authorizes and directs the Mayor and

Linden City Clerk to execute a Green Acres Release and Compensation Agreement, in accordance with N.J.A.C. 7:36-26.5.

RESOLUTION: 2020-150

RESOLUTION ACCEPTING THE RESIGNATION OF MONTY BROOKS AS A MEMBER OF THE BOARD OF HEALTH

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LINDEN:

That **MONTY BROOKS**, a resident of the City of Linden, New Jersey, has tendered His resignation, in December 2019, as a member of the Board of Health of the City of Linden, and said resignation is hereby accepted effective as of December 31, 2019.

RESOLUTION: 2020-151

RESOLUTION RESCINDING RESOLUTION 2020-108 APPOINTING HOPLITE COMMUNICATIONS AS A CONSULTANT TO THE CITY OF LINDEN

WHEREAS, the City Council of the City of Linden adopted resolution 2020-150 to appoint Peter J. Lupo, Esq. of Hoplite Communications as a Consultant to provide services with regard to the City of Linden's communications carries as carrier agreements are beyond the scope and expertise of professionals normally utilized by the City of Linden; and

WHEREAS, after further review of the need for said services by the City of Linden it has been determined that the need no longer exists; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LINDEN, that they do hereby rescind resolution 2020-208 appointing Peter J. Lupo, Esq. of Hoplite communications as a consultant to the City of Linden for the term February 18, 2020 through December 31, 2020; and

BE IT FURTHER RESOLVED that this resolution shall take effect as provided for in statute: and

BE IT FURTHER RESOLVED that City Attorney of the City of Linden is hereby authorized and directed to take all steps necessary to void said resolution and so notify Peter J. Lupo Esq. (removed from consideration)

RESOLUTION: 2020-152

CITY OF LINDEN RAT RESOLUTION

WHEREAS, there were certain payments made by the Municipal Treasurer during the month of March 2020 which do not appear on the Claims list,

WHEREAS, said payment must be ratified by the Governing Body of the City of Linden,

NOW, THEREFORE, BE IT RESOLVED that the following payments be and hereby are approved:

<u>CK#</u>	<u>DATE</u>	<u>PAYABLE TO:</u>	<u>PURPOSE</u>	
	<u>AMOUNT</u>			
176455	3/3/2020	Unity Bank	Workers Comp Claims 2/24 – 3/1	\$40,199.04
	3/5/2020	NJ Motor Vehicle Comm.	Titles for B&G/Police Dept. Vehicles	\$120.00
	3/9/2020	Elavon, Inc.	March Merchant Fees – Garage Sale	\$61.07
	3/9/2020	Elavon, Inc.	March Merchant Fees – Dog Online	\$72.26
	3/10/2020	Benecard Services LLC	March Funding for Prescription Plan	\$128,337.90
	3/10/2020	Payroll 4/9	Payroll – Current	\$1,891,089.65
	3/10/2020	Payroll 4/9	Payroll – Trust	\$144,577.50
	3/10/2020	Payroll 4/9	Payroll – Grant	\$5,394.87
	3/10/2020	Payroll 4/9	Payroll – Unemployment	\$1,875.62
	3/11/2020	Unity Bank	Workers Comp Claims 3/2 – 3/8	\$28,045.79
	3/13/2020	Linden Board of Education	March Board of Education Payment	\$7,851,326.33
	3/13/2020	Linden Free Public Library	March Library Payment	\$179,166.67
	3/13/2020	Depository Trust Company	GO Bonds 2015 Debt Payment	\$962,000.00
	3/13/2020	SHBP Retirees	March Health Premiums	\$402,432.31
	3/13/2020	SHBP Active	January Health Premiums	\$663,766.47
	3/17/2020	Unity Bank	Workers Comp Claims 3/9 – 3/15	\$16,161.70
	3/19/2020	Delta Dental of NJ	April Dental – City	\$36,224.62
	3/19/2020	Delta Dental of NJ	April Dental – Sewerage	\$2,973.00
	3/19/2020	Delta Dental of NJ	April Dental – Housing	\$1,328.54
	3/19/2020	Delta Dental of NJ	April Dental – Library	\$853.07

	3/19/2020	Delta Dental of NJ	April Dental – Cobra	\$33.67
	3/23/2020	Payroll 3/26	Payroll – Current	\$1,724,048.20
	3/23/2020	Payroll 3/26	Payroll – Trust	\$122,439.75
	3/23/2020	Payroll 3/26	Payroll – Grant	\$2,283.93
	3/23/2020	Payroll 3/26	Payroll – Unemployment	\$1,546.23
	3/24/2020	Unity Bank	Workers Comp Claims 3/16 – 3/22	\$136,588.56
	3/26/2020	Vision Service Plan	April Vision Claims	\$4,468.46
176716	3/26/2020	Wheian, AnnMarie E.	Reimbursement – 30 Year Watches	\$410.46
176717	3/26/2020	Sobolewski, Daniel	Reimbursement – Overnight Shipping	\$59.94
	3/27/2020	Webster Bank	Landfill Bonds 2016 Debt Payment	\$197,579.75
	3/27/2020	US Bank	Refunding Bond 2003 Debt Payment	\$335,569.50
	3/27/2020	US Bank	Morningstar 2007 Debt Payment	\$71,755.00
	3/27/2020	Depository Trust Company	GO Bonds 2018 Debt – Principal	\$950,000.00
	3/27/2020	Depository Trust Company	GO Bonds 2018 Debt – Interest	\$381,475.00

Resolution: 2020-153

**CITY OF LINDEN
RESOLUTION TO AMEND 2020 BUDGET**

WHEREAS, the local municipal budget for the year 2020 was introduced on the 17th day of March, 2020

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved, now

THEREFORE, BE IT RESOLVED, by the City Council of the City of Linden, County of Union, that the following amendments to the introduced budget of 2020 be made:

<u>RECORDED VOTE</u>	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstained</u>
Councilwoman Lisa Ormon	Aye			
Councilman Barry Javick	Aye			
Councilwoman Monique Caldwell	Aye			
Councilman Alfred Mohammed	Aye			
Councilwoman Rhashonna Cosby	Aye			
Councilman John Francis Roman	Aye			
Councilman Ralph Strano	Aye			
Councilman Garnett Blaine	Aye			
Councilman Armando Medina	Aye			
Councilwoman Gretchen Hickey	Absent			
Council President Michele Yamakaitis	Aye			

	<u>TO</u>	<u>FROM</u>
8. General Appropriations:		
A. Operations - within "CAPS" - (continued):		
Purchasing - Other Expenses	655,200.00	
Total Operations {item 8(A)} within "CAPS"	702,648.00	
B. Contingent	76,922,279.08	
Total Operations Including Contingent within "CAPS"	76,969,727.08	
Other Expenses (including Contingent)	76,932,279.08	
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	76,979,727.08	
8. General Appropriations:	28,007,450.00	
A. Operations Excluded from "CAPS":	28,054,898.00	
Shared Service Agreements	88,753,596.08	
Interlocal Board of Ed (Visiting Nurses)	88,801,044.08	
Interlocal Board of Ed (Special LEO) - Salaries & Wages	17,547,738.61	
Total Interlocal Municipal Service Agreements	17,500,290.61	
Total Operations - Excluded from "CAPS"	17,547,738.61	
Detail:	17,500,290.61	
Salaries & Wages		
(H-2) Total General Appropriations for Municipal Purposes Excluded from "Caps"		
(O) Total General Appropriations - Excluded from "Caps"		
8. General Appropriations:		
Summary of Appropriations		
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"		
(A) Shared Service Agreements		
Total Operations - Excluded from "CAPS"		

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for her certification of the local municipal budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment or summary, in accordance with the

provisions of N.J.S.A.40A:4-9, be published in the Union County Local Source in the issue of April 30th, 2020, and that said publication contain notice of public hearing on said amendment to be held at Linden City Hall on May 19th, 2020, at 7:00 (p.m.).

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 21st day of April, 2020.

Certified by me April 22nd, 2020

Joseph C. Bodek
Municipal Clerk

RESOLUTION: 2020-154

**CITY OF LINDEN RESOLUTION TO
ESTABLISH THE CURRENT FUND
OPERATING BUDGET FOR THE PERIOD OF
JANUARY 1, 2020 THROUGH MAY 31, 2020**

WHEREAS, N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2020 Current Operating Budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the total appropriations in the 2019 Current Operating Budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of \$97,664,433.40 and

WHEREAS, five months of the total appropriations in the 2019 Current Operating Budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said Current Operating Budget is the sum of \$40,693,513.92; and

NOW, THEREFORE, BE IT RESOLVED that the following appropriations be made for current fund and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

RESOLUTION: 2020-155

**CITY OF LINDEN RESOLUTION TO
ESTABLISH THE SANITARY LANDFILL
UTILITY OPERATING BUDGET
FOR THE PERIOD OF
JANUARY 1, 2020 THROUGH MAY 31, 2020**

WHEREAS, N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2020 Sanitary Landfill Utility Operating Budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the total appropriations in the 2019 Sanitary Landfill Utility Operating Budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of \$88,700.00; and

WHEREAS, five months of the total temporary appropriations for the Sanitary Landfill Utility Operating Budget cannot exceed the sum of \$36,958.33; and

NOW, THEREFORE, BE IT RESOLVED that the following temporary appropriations be made in the amount of \$36,958.33 and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

**National 9-1-1 Public Safety Telecommunicator Week
April 12 – 17, 2020**

WHEREAS, 9-1-1 was designated by Congress as the national emergency call number under the Wireless Communications and Public Safety Act of 1999 (Public Law 106-81); and

WHEREAS, 9-1-1 is nationally recognized as the number to call in an emergency to receive immediate help from police, fire, emergency medical services, or other appropriate emergency response entities; and

WHEREAS, in an emergency, most Americans depend on 9-1-1. Each day, more than half a million public safety telecommunicator's answer desperate calls for help, responding with services that save the lives and property of American citizens in need of assistance; and

WHEREAS, the dedicated men and women are more than anonymous voices on the telephone line. They deserve to be recognized for the sacrifices they make; working nights, holidays and weekends with little to no sleep; and

WHEREAS, the telecommunicator's of Linden Central Dispatch are a group of such individuals, that we rely on for their knowledge and professionalism as they make critical decisions and quickly dispatch needed aid; and

NOW, THEREFORE BE IT RESOLVED that the City of Linden wishes to thank: Cyntasia Battle, Matthew Bermudez, Joseph Birch, Michael Chabak, Cynthia Cosby-Woods, Timothy Howarth, Erik Libbey, Kimberly Matos, Jessica Montgomery, Shannon Murphy, Thomas Pardist, Louis Safner, Wendy Slovinsky, Danielle Vanderhorst, Roseann Vazquez, Nancy Vesci and Karen Wilson.

BE IT FURTHER RESOLVED that the Council of the City of Linden pay tribute and acknowledges the bravery, sacrifices, and accomplishments of Telecommunicator's by declaring the week of April 12 – 17, 2020 as "National Public Safety Telecommunicator Week"; and

BE IT FURTHER RESOLVED that this Resolution be entered in the minutes of the Council of the City of Linden and that a copy hereof be appropriately presented to The City of Linden Telecommunicator's in recognition of the foregoing.

RESOLUTION AMENDING THE AMENDED CONTRACT WITH PENNONI ASSOCIATES INC. FOR UST A/B OPERATOR LICENSE SERVICES IN THE CITY OF LINDEN

WHEREAS, the City Council of the City of Linden passed a resolution on August 20, 2019, No. 2019-318, approving an amended contract to Pennoni Associates Inc. for UST A/B Operator License services in the City of Linden in the amount of \$34,300.00; and

WHEREAS, in accordance with the provisions of N.J.S.A. 19:44A-20.4, qualifications have been received through a fair and open process; and

WHEREAS, Pennoni Associates, Inc., 24 Commerce Street, Suite 300, Newark, NJ 07102 submitted a qualification to the City and has qualified for the aforesaid services for 2020; and

WHEREAS, due to the ongoing nature of the work, it is necessary to provide an amendment for additional funds not to exceed \$15,000.00; and

WHEREAS, inclusive of these additional funds the total expenditures paid to Pennoni Associates, Inc., services rendered under the original or substantially related contract is \$49,900.00; and

WHEREAS, Chief Financial Officer has certified to the availability of funds for this purpose, to be charged to Account No. C-04-55-901-611-919 (\$10,100.00) and C-04-55-901-666-919 (\$13,900.00)

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LINDEN that the agreement for Professional Services awarded to Pennoni Associates, Inc., 24 Commerce Street, Suite 300, Newark, New Jersey, is hereby amended to increase the amended contract an additional sum of \$15,000.00, for a total contract of \$49,900.00; and

BE IT FURTHER RESOLVED that this Resolution is expressly contingent upon the negotiation and execution of the necessary amended contract documents between Pennoni Associates, Inc. and the City of Linden; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and hereby are empowered and

directed to execute an amendatory agreement with Pennoni Associates, Inc. to effectuate the foregoing;
and

BE IT FURTHER RESOLVED that a copy of this Resolution be published in accordance with applicable law.

RESOLUTION: 2020-158

RESOLUTION AMENDING AN AMENDED CONTRACT WITH CME ASSOCIATES FOR SERVICES RELATED TO THE UNDERGROUND STORAGE TANK INVESTIGATION AT THE JOHN STREET MULTI-PURPOSE CENTER IN THE CITY OF LINDEN

WHEREAS, the City of Linden passed a resolution on December 20, 2016, No. 2016-416 approving an amended contract for the services related to the underground storage tank investigation at John Street Multi-Purpose Center in the City of Linden; and

WHEREAS, in accordance with the provisions of N.J.S.A. 19:44A-20.4, qualifications have been received through fair and open process; and

WHEREAS, CME Associates, 3759 Rt. 1 South, Suite 100, Monmouth Junction, New Jersey 08852 submitted a qualification to the City and has qualified for the aforesaid service for 2020; and

WHEREAS, due to the ongoing nature of various work, it is necessary to provide for additional funds for said purpose in an amount not to exceed \$48,800.00; and

WHEREAS, inclusive of these additional funds the total expenditures paid to date to CME Associates for services rendered under the original or substantially related contract is \$294,990.00; and

WHEREAS, the Chief Financial Officer or her designee has certified as to the availability of funds for this purpose, which will be charged to Account No. C-04-55-901-666-919.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN that they do hereby approve the additional amount not to exceed \$48,800.00 for services rendered by CME Associates in accordance with their proposal dated March 24, 2020; and

BE IT FURTHER RESOLVED that this Resolution is expressly contingent upon the negotiation and execution of the necessary contract agreements between CME Associates and the City of Linden; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and hereby are empowered and directed to execute an amendatory agreement consistent with the above; and

BE IT FURTHER RESOLVED that a copy of this Resolution be published according to law.

RESOLUTION: 2020-159

RESOLUTION AMENDING A CONTRACT WITH CME ASSOCIATES FOR LICENSED SITE REMEDIATION PROFESSIONAL SERVICES AT 13 KNOPF STREET

WHEREAS, the City of Linden passed a resolution on February 19, 2019, No. 2019-111 for Licensed Site Remediation Professional (LSRP) services for 13 Knopf Street; and

WHEREAS, in accordance with the provisions of N.J.S.A. 19:44A-20.4, qualifications have been received through a fair and open process; and

WHEREAS, CME Associates, 3759 Highway 1 South, Suite 100, Monmouth Junction, New Jersey 08852 submitted a qualification to the City and has qualified for the aforesaid service for 2020; and

WHEREAS, due to the ongoing nature of this work, it is necessary to provide for additional funds for said purpose in the amount not to exceed \$121,950.00; and

WHEREAS, inclusive of these additional funds the total expenditures paid to date to CME Associates for services rendered under the original or substantially related contract is \$184,900.00; and

WHEREAS, the Chief Financial Officer or her designee has certified as to the availability of funds for this purpose, which will be charged to Account No. C-04-55-901-666-919;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LINDEN that they do hereby approve the additional amount not to exceed \$121,950.00 for services rendered by CME Associates in accordance with their proposal dated March 24, 2020; and

BE IT FURTHER RESOLVED that this Resolution is expressly contingent upon the negotiation

and execution of the necessary contract agreement between CME Associates and the City of Linden; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and hereby are empowered and directed to execute an amendatory agreement consistent with the above; and

BE IT FURTHER RESOLVED that a copy of this Resolution be published in according to law.

RESOLUTION: 2020-160

RESOLUTION AWARDING A CONTRACT WITH FLORIO KENNY RAVAL AS ALTERNATE SPECIAL REDEVELOPMENT COUNSEL TO REPRESENT THE CITY IN REDEVELOPMENT MATTERS AND OTHER MATTERS

WHEREAS, the City of Linden has a need for to hire Florio Kenny Raval, 125 Chubb Avenue, Suite 310 N., Lyndhurst as Alternate Special Redevelopment Counsel representing the City in various redevelopment matters and other matters pending in the City of Linden; and

WHEREAS, in accordance with the provisions of N.J.S.A. 19:44A-20.4, qualifications have been received through a fair and open process; and

WHEREAS, Florio Kenny Raval submitted a qualification to the City and has qualified for the aforesaid services for 2020; and

WHEREAS, the Chief Financial Officer has certified to the availability of funds for this purpose, to be charged as follows: 0-01-20-155-123-255

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LINDEN that they do hereby approve the an amount not to exceed \$10,000.00 for services rendered by Florio Kenny Raval.; and

BE IT FURTHER RESOLVED that this Resolution is expressly contingent upon the negotiation and execution of the necessary amendatory contract documents between Florio Kenny Raval and the City of Linden; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and hereby are empowered and directed to execute an amendatory agreement for Professional Services consistent with the above; and

BE IT FURTHER RESOLVED that a notice of this action shall be published in accordance with applicable law.

RESOLUTION: 2020-161

RESOLUTION ENGAGING MULLER BOHLIN ASSOCIATES, INC. TO ASSIST THE CITY OF LINDEN IN FINALIZING OUTSTANDING GRANT APPLICATIONS AND/OR REPORTING ON STATE, FEDERAL & LOCAL FUNDING SOURCES AND TO RENDER TECHNICAL ADVICE, PROGRAM MANAGEMENT AND ASSISTANCE WITH RESPECT TO COMPLETING FUNDING PROGRAMS THAT ARE RESPONSIVE TO THE NEEDS OF THE CITY OF LINDEN FOR THE RECREATION DEPARTMENT AND FIRE DEPARTMENT OUTSTANDING GRANT ISSUES

WHEREAS, the City of Linden has a need for a consultant in order to finalize outstanding grant applications and for the purpose of assisting the City of Linden in completing and identifying state and federal funding programs as a Non-Fair and Open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq; and

WHEREAS, pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), such services are considered "Professional Services" as within the scope of a licensed and regulated profession, and same may be awarded without competitive bidding; and

WHEREAS, N.J.S.A. 19:44A-20.4 et seq. commonly known as the "New Jersey Local Unit Pay to Play Law" that took effect on January 1, 2006; and

WHEREAS, the City of Linden has fully complied with the "non-fair and open" process set forth under N.J.S.A. 19:44A-20.1et seq; and

WHEREAS, Muller Bohlin Associates, having offices at 101B North Wood Ave., Suite B, Linden, NJ 07036 possesses the requisite professional certification and experience necessary to serve in said position; and

WHEREAS, funds will be made available for this purpose to be charged to Account No: 0-01-20-

110-103-256;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LINDEN that a contract for Professional Services be and hereby is awarded to Muller Bohlin Associates at a fee not to exceed \$10,000 for a term beginning April 22, 2020 through December 31, 2020 ; and to complete outstanding grant applications and/or reporting on said grant applications

BE IT FURTHER RESOLVED, that the scope of such services shall include assisting the City of Linden in finalizing State, Federal & Local Grant funding sources/applications and rendering technical advice and assistance with respect to completing outstanding grant applications and/or reporting on said grant applications identifying funding programs that are responsive to the needs of the City of Linden; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and hereby are empowered and directed to execute a contract with Muller Bohlin Associates to effectuate the foregoing; and

BE IT FURTHER RESOLVED that a copy of this Resolution be published according to law.
(removed from Consideration)

RESOLUTION: 2020-162

RESOLUTION SETTING THE RATE OF INTEREST AS A RESULT OF CONCERNS ARISING FROM THE COVID-19 PANDEMIC

WHEREAS, considering the dangers posed by COVID-19, the President of the United States and the Governor of the State of New Jersey issued Executive Orders which declare both a Public Health Emergency and State of Emergency; and,

WHEREAS, Executive Order No. 107 (2020), issued by New Jersey Governor Phil Murphy, closed non-essential retail businesses to the public, but permitted essential retail businesses and other businesses that require in-person workforce to continue to operate; and

WHEREAS, these closures have resulted in reduced hours of employment, loss of jobs and loss of income for many residents and property owners within the City of Linden that may make it difficult to meet their tax payments in a timely manner; and

WHEREAS, it is not the intention of the City of Linden to make this situation more difficult for our taxpayers; and

WHEREAS, N.J.S.A. 54:4-67 permits the Governing Body to fix the rate of interest to be charged for nonpayment of taxes, assessments and/or other municipal charges on or before the date when they would become delinquent; and

WHEREAS, the City of Linden adopted Resolution 2020-2 on January 8, 2020 setting the interest of 8% per annum on the first \$1,500.00 of delinquency and 18% per annum on any amount in excess of \$1,500.00, to be charged as calculated from the date the tax was payable until the date that actual payment is made; and

WHEREAS, due to the Covid-19 pandemic and the State and Federal declarations of a major disaster throughout New Jersey, the governing body of The City of Linden wishes to change the rate of interest for future delinquent tax payments; and

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the City of Linden in the County of Union, State of New Jersey, that pursuant to N.J.S.A. 54:4-67 that interest shall not be charged to a taxpayer if payment of the May 2020 2nd quarter property tax installment is made on or before May 31, 2020; and

BE IT FURTHER RESOLVED, effective June 1, 2020 the rate of interest for taxes unpaid after May 11, 2020 is fixed at 8% per annum on the first \$1,500.00 of delinquency and 18% per annum on any amount of taxes in excess of \$1,500.00 effective June 1, 2020.

BE IT FURTHER RESOLVED, this Resolution shall be published in its entirety in the official newspaper of The City of Linden which publication shall serve as notice to all taxpayers and a copy of this adopted Resolution be forwarded to the Division of Local Government Services in the Department of Community Affairs.

BE IT FURTHER RESOLVED, that this resolution will become effective from the date of publication.

RESOLUTION DIRECTING THE MAYOR TO FILE TRESPASS CHARGES CONTRARY TO N.J.S.A. 2C:18-3 AGAINST COUNCILMAN JOHN ROMAN

WHEREAS, the City Council of the City of Linden ("City") previously utilized its statutory powers pursuant to N.J.S.A. 40:48-25 to form a Municipal Council Investigatory Committee ("MCIC"); and

WHEREAS, pursuant to statute, the MCIC has the power to investigate any activity of the municipality, which includes subpoena powers to assist in its investigation; and

WHEREAS, the MCIC has conducted its investigation and interviewed witnesses who have relevant information as it concerns Councilman John Roman's improper and illegal access to the City's Department of Public Works yard when it was closed; and

WHEREAS, on October 17, 2019 a Subpoena was served on Councilman John Roman, commanding him to appear before the MCIC on November 1, 2019 and to bring with him relevant documents; and

WHEREAS, Councilman John Roman, through counsel questioned the legality of the Subpoena, despite subpoena power being given to the MCIC by statute, and refused to appear to give testimony and provide documents; and

WHEREAS, Councilman John Roman's actions in refusing to cooperate with the MCIC and its investigation concerning his improper and illegal access to the City's Department of Public Works is an attempt to obstruct and delay the MCIC's investigation; and

WHEREAS, the City Council, based upon Councilman John Roman's refusal to comply with a proper and lawfully served Subpoena, forthwith authorizes and directs Mayor Derek Armstead to file a criminal complaint against John Roman for trespass contrary to N.J.S.A. 2C:18-3.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Linden, County of Union, State of New Jersey as follows:

1. The City Council hereby authorizes and directs Mayor Derek Armstead to file a criminal complaint against John Roman for trespass contrary to N.J.S.A. 2C:18-3, and any other relevant criminal violation for accessing the City's Department of Public Works Yard, at a time it was closed, and when he did not have permission to be there.

Ms. Cosby moved for approval of resolutions 2020-146 through 2020-163. Ms. Cosby noted that she had not seen #163 and only heard about it tonight. The motion was seconded by Mr. Strano. President Yamakaitis asked for discussion. Ms. Cosby spoke noting that she had made a motion, in a similar manner to the one made tonight, with the City Attorney saying that he preferred it to be made in writing. The Super-Six jumped all over it. The difference is that I was not going after a specific member of Council, who is supposedly going thru a due process, but wanted to look at the core process of how we hire and promote. She noted that a woman who ran against Ms. Cosby, and lost, and an individual who campaigned heavily, being hired this evening. This council interpret the rules for their benefit. Upon a roll call vote the resolutions were ordered approved with all voting in favor of all, except Ms. Cosby who voted no to resolutions 2020-149, 152, and 163, and abstained on Resolution 2020-160; Mr. Roman who voted no to resolutions 2020-163, and 148; and Mr. Medina who voted no to Resolution 2020-163.

ORDINANCES ON FIRST READING

64-27 Bond Ordinance authorizing various capital improvements for the Engineering Department and appropriating \$408,100 therefore and authorizing the issuance of \$387,695 bonds or notes to finance part of the cost thereof.

Ordinance #64-27 was introduced by Mr. Strano and was read on first reading by the Deputy Clerk.

On motion of Mr. Strano, seconded by Mr. Javick the foregoing Ordinance was on roll call ordered approved, with all voting yes, except Mr. Roman, who voted no.

COMMENTS FROM MEMBERS OF THE PUBLIC

President Yamakaitis announced: No personal, political or derogatory comments. Comments are limited to not exceeding 3 minutes. We ask, that due to the current health crisis that questions and/or statements be limited to items on the agenda, only. Thank you for your cooperation.

An individual was recognized to speak, however due to someone making noise, her name and address was not able to be heard. Her comments referred to Resolution 2020-149. The individual spoke about the lack of adherence to the Governor's Executive Order #107 regarding public hearings. She noted that the Linden Board of Education, on the 26th of March, held a public hearing on the Green Acres program.

Noticed for the hearing were adjacent property owners. She noted the presence of Linden Police Officers. The speaker alleged that failing to reschedule this hearing put it in conflict with the Governor's directive. She wanted to know why the meeting was not postponed. She felt it put the public in danger. The City was aware of the meeting, and while the Council supports it, it does not have the public's support. Mr. Antonelli responded that the meeting was held by the Board of Education, and the questions should be directed to them. The speaker expressed that it was a City meeting, not the Board. A discussion followed between Mr. Antonelli and the speaker, and the Council President.

Hans Herberg, 1501 Westover Rd. Mr. Herberg expressed his concern about the behavior exhibited this evening, including the political behavior. He urged all to work together during the Covid 19 pandemic. He recommended that the City consider using ZOOM, as a platform, to conduct next month's public meeting. He noted that cursing was inappropriate. He spoke about his appreciation of First Responders. Mr. Antonelli and President Yamakaitis thanked Mr. Herberg for his comments.

Ed Kaminski, 201 Maple Ave. Mr. Kaminski stated that in these dark times he would like to find the silver lining in the clouds. He gave a shout out not only to the front line folks, but to all businesses. He spoke about the debris in Wilson Park, and that he observed an individual cleaning the park up by himself. He then spoke about the dysfunction in the City and the dysfunction that is the City. He spoke about his disgust for the governing body, and elected officials at all levels, and provided examples. He noted that if a law was broken, then report it to the State. He noted his disappointment in the newly elected members. Mr. Kaminski spoke about what he called a lack of leadership, and the problems of the City not being addressed. Linden is behind many other Cities

Nicole Marchione, 107 Laurita Street. She offered her thoughts and prayers to anyone who lost someone due to the virus, and a speedy recovery to anyone sick with the virus. She thanked Mr. Roman and Ms. Cosby for always having our best interest in heart. They are always standing up for the citizens. She criticized the Mayor and Super-Six for not acting as adults, lead by example. The resolution added was a disgrace, and it is like you never broke a law yourself, and provided examples. Ms. Marchione spoke about the need to vote them out of office as soon as possible, need to do better.

Mr. Roman noted that the organizer has locked the meeting and no one else can call in. He asked that the meeting be unlocked so others can call in. President Yamakaitis called upon Mr. Antonelli to respond. Mayor Armstead stated that people are telling people to call into the meeting, now. The answer should be no, pointing out that when the meeting is held in person there are rules that are abided by. People come in and sign-in to speak. If individuals are allowed continue to come into the electronic meeting we can be here till tomorrow, with people keep putting on Facebook to sign into the meeting to comment. Mr. Antonelli noted that there are those who are using this meeting as an abuse, to delay it, to frustrate it. It is up to the Council President to make a decision to open or close the meeting. President Yamakaitis directed the meeting be kept closed to additional members.

Alexis Lospinoso, LEDC Director. Mr. Lospinoso noted the big step that was taken in the redevelopment of the City in the adoption of Ordinance 64-22, and thanked Council for it. He talked about the property and spoke about what the future holds.

Anthony Mislán, 440 Inwood Rd. Mr. Mislán was critical of the reduction in the amount of time that individuals are given, to address the council, and now the restriction in the amount of people who can did that. Council cannot pick and choose what residents they want to hear from. Mr. Mislán stated that he has put out there how to go online to these meetings. You cannot pick and choose. He noted that not everyone could see or hear the meeting, if it wasn't for John Roman live streaming. You are supposed to be here in the best interest of the people.

Ron Martins – 328 Miner. Mr. Martins spoke concerning the Wilson Park Resolution, noting that he was one of the few members of the public in attendance at the public hearing. He opined that there was almost no one there for the public, because no one knew about it, and the meeting was held in violation of the Governor's order. He noted other events types that had been canceled. He stated that the project should not be considered until after a real public meeting has been held. Mr. Martins pointed out that open public space is precious, and cannot be bought or replaced. He urged council to come up with a plan that doesn't involve the loss of park land or the loss of 80 year old trees. He concluded that the City Hall and pre-made parks have finally sprung ahead. President Yamakaitis recommended that the proper venue is to bring the matter to the Board of Education.

Carlos Rivas, 1415 Hussa St. Mr. Rivas spoke about many of the comments, made by people, and the City officials. Everyone is adopting to a new way of doing business. He stated he wanted to take this opportunity to thank each one of you for being brave. It is brave to have these types of meetings, and it also shows the commitment to the City. He agreed that a better system needs to be used for the next virtual meeting. He thanked all for everything they do.

Daniel Gomes, 601 W. Henry St. Mr. Gomes spoke about the length of time he has been listening to the phone call, and yet he still loves each and every one unconditionally. He noted the amount of time he has lived in Linden, and that he objected to having anyone locked out of the meeting, and explained his reasons. Mr. Gomes urged all to learn what a virus is, noting that he is not a doctor, but no one on the dais is. He called the Covid 19 virus a strain of influenza, and it is as common as the common flu. There is nothing to really worry about, take care of yourself and do what is right. He then provided the definition of an executive order, it being a suggestion at a time of war, and noted that we are not at war. As a result there are no actual executive orders as instructed by the organic constitution. He provided a definition of

a pandemic, and how to be one it had to effect an exceptionally high proportion of the population. Mr. Gomes did not believe Covid 19 met that criteria. He noted that the NSA is affecting an exceptionally high proportion of the population and they are listening to this conversation now. He noted that the purpose that he came to the meeting for was for 2020-151, regarding 5G. He asked for Mrs. Caldwell's phone number so that he could discuss the matter further.

(Due to a technical difficulty, Jeff Tandul, Chairperson of the Linden Shade Tree Commission, was not able to speak on the issue of the Green Acres at Wilson Park. The day after the meeting he provided written copies of the comments he wanted to make to the Council to the Council President. Those comments are attached to these minutes.)

Mr. Mohammed moved to close the public comment period. The motion was seconded by Mrs. Ormon and was ordered approved by a roll call vote, with all voting in favor except Mr. Roman and Ms. Cosby, who voted no, and Mr. Strano who did not vote.

COMMENTS FROM MEMBERS OF THE GOVERNING BODY

Mr. Javick wished that all stay safe.

Ms. Caldwell provided her phone number for Mr. Gomes. She added that the Covid 19 is real and noted the passing of friends and her family as a result of the virus. She spoke about how serious it is.

Mr. Mohammed thanked the public and urged that all keep praying for each other. He noted that he did not take any pleasure. He was interrupted by noise, once it was under control he was no longer present.

Ms. Cosby stated that she was falsely accused of being the person making the noise when Mr. Mohammed was speaking, and it wasn't her. She noted how you can tell who is making the noise. She noted that she was excited for how many people took the time to attend this meeting. It was also beneficial to her, as she has a high health risk and could not attend the meeting, otherwise. She pointed out that these health issues prevented her from attending some of the other meetings.

Mr. Roman the most pressing question is what you are doing for others, noting that there are a lot of people doing things for others. He provided some examples. He thanked them and expressed his appreciation.

Mr. Blaine stated that may we all come through this healthy, and when we get to the other side he hoped that we come with mended hearts, and change our behavior to act like adults. God bless all.

Mayor Armstead spoke about the Wilson Park issue. He wanted it made clear that the trees were coming down so that a new ninth grade junior high school could be built. It would prevent children from crossing St. Georges Ave on a regular basis. He noted other benefits. The Mayor noted that another platform had to be looked into for next month's virtual meeting. President Yamakaitis agreed and noted that the venue was abused.

ANNOUNCEMENT

President Yamakaitis made the following announcements:

The Scout in Government meeting scheduled for April 28, 2020 is cancelled. The next meeting of Council will be:

*** Council Conference meeting: Monday, May 18, 2020 at 6:00 pm in the Council Conference Room, City Hall, 301 N. Wood Ave**

***Council Conference meeting prior to the Council meeting:
Tuesday, May 19, 2020 at 6:00 pm in the Council Conference Room, City Hall, 301 N. Wood Ave.**

***Council Meeting: Tuesday, May 19, 2020 at 7:00 p.m. in the Council Chambers, City Hall, 301 N. Wood Ave.**

Please check the City website, Linden-nj.org for directions on how to

ADJOURNMENT

There being no further business to come before the Governing Body, Ms. Cosby moved to adjourn the meeting the motion was seconded by Mr. Medina and was unanimously ordered approved by a roll call vote. The meeting was adjourned at 10:53 p.m.

Respectfully submitted,

Joseph C. Bodek
City Clerk

COMMENTS OF JEFF TANDUL, LINDEN SHADE TREE COMMISSION

Mayor, Council President, and Members of the City Council:

First and foremost, the City Council and Mayor owe the citizens an explanation and apology for allowing the so-called public hearing for the Woodrow Wilson Memorial Park Land Disposition on March 26, 2020 in direct defiance of Governor Murphy's Executive order 107, that public gatherings be cancelled and for people to stay home.

It is disingenuous to attempt to push this off on the School Board. The Mayor and entire City Council "OWN" this decision and need to explain their actions. Let's be clear, once and for all, it is the City, NOT the Bd. of Ed that has the authority to request a disposition of Green Acres Land. The Board of Ed has NO such authority. It is the CITY who has the final say also on whether that so-called hearing could be postponed. I have this in writing from NJDEP. This was your decision.

Secondly, it is the CITY, NOT the Bd, of Ed that has the authority and makes the compensatory payment for trees and land disposition. Again we renew our objection to the payment of over \$600,000 of taxpayer money to the state instead of into the Shade Tree Commission Budget for reforestation.

Please see the attached and further comments below:

1. Comments regarding the Woodrow Wilson Memorial Park that were provided to NJDEP Post Public Hearing
2. Figures that coincide with comments above
3. A resolution by the Linden Shade Tree Commission Opposing this project.

Since we were not able to rebut comments made in response to public comments at the Caucus meeting last night, the record need to be set straight on several issues. Furthermore, you heard only one side of this issue from a biased source, the Linden Board of Ed Business Administrator. All stakeholders should be heard from and should have been heard from at the start of this process. Our liaison also failed to bring this issue to our attention. He was asked about it in Jan/Feb 2020 about this project, and said "he would have to look into it". This is interesting since he voted "YES" in October on a resolution supporting this project.

1. **This project has NOTHING to do with child safety.** This claim is specious. Students will still have to cross the street each way, at least twice a day coming to and from each building depending on which side of St. George's Avenue they live.

2. **Current Gym Classes:** During the warmer months, gym classes are taken to Wilson Park on approximately an hourly basis for their gym class. Building a duplicate gym a block away from an existing gym is completely lacking in fiduciary responsibility. It is also suggested that there be a further review of the state requirements regarding the need for a gym. According to at least one source investigate, this is also not a necessity. There are alternatives.

3. **This is NOT a "new school".** This is a duplicate gym and will add 21 parking spaces. Estimated cost of the 21 parking spaces is a whopping approximately \$134,000 to \$403,000 per space. **This is a HORRIBLE return on investment.**

4. **The excessive long driveway** is a waste of materials, inefficient, will make the area actually less safe given congestion on Summit Terr and St. during the mornings and afternoons. The long driveway is in direct contradiction to State guidelines for school safety in relation to potential terrorist attacks. During the winter, this excessively long driveway will need to be cleared from snow before anyone can use the parking facility.

5. **Adequate alternatives have NOT been considered by the City and School Board.**

6. **The term "Minor" disposition is a legal definition and SHOULD NOT be use as an indication of the quality or importance of the land in question.** This is the last vestige of green extending from the Elizabeth border to the Rahway border.

7. **The so called public hearing was basically a sham.** There were constant interruptions of those speaking and an attempt to limit comments only to those that suited the misguided agenda of the School Board. There is no reason whatsoever, that this hearing should not and could not have been postponed until after the passing of this COVID 19 crises so there could be REAL public input.

8. **The proposed resolution in support of the "Final Application to be voted upon stated in the agenda for the Council Meeting on April 21, 2020 is out of order and essentially illegal.** The so-called hearing was held in direct defiance of the Governor's Executive Orders to "Stay at home and avoid public gatherings. The resolution for a "Final" application must include comments and responses (which has yet to happen), and also a **FULL UNEDITED TRANSCRIPT** of the (so-called) public hearing must be provided as part of the resolution according to NJDEP.

9. **Any funds paid for the value of trees should be placed in the Shade Tree Commission Budget, NOT that of the State of NJ.** These funds would be use for much needed replanting.

There is much more on each of these points in the comments attached.

You are each urged to carefully and seriously read the comments attached prior to any vote on this misguided project. There is NO URGENCY for this project.

Thank you for your time and attention, on behalf of the Linden Shade Tree Commission.

Sincerely,

Jeff

DRAFT