

**Minutes of the Regular
Meeting of the 2020 Council of the
City of Linden, held Tuesday,
September 15, 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, September 15, 2020 at 7:00 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 Ring Central 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.

President of Council Michele Yamakaitis announced that members of the public who may be attending are on mute until the public comment portion of the meeting. If you wish to be recognized please use the raised hand icon, in the program, to identify yourself. You will then give your name and address, as at any Council meeting. Failure to do so, will result in you being muted, and not recognized further. If you are registered more than once you will only be recognized to speak one time, under your first registration, as with any council meeting. When public comment is opened, the ability to register will be closed.

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
Councilwoman	Monique Caldwell
Councilman	Alfred Mohammed
Councilwoman	Rhashonna Cosby (7:04)
Councilman	John F. Roman (7:27)
Councilman	Ralph Strano
Councilman	Garnett Blaine
Councilman	Armando Medina (7:07)
Councilwoman	Gretchen Hickey
Council President	Michele Yamakaitis
Mayor	Derek Armstead

Approval of Minutes

Mr. Javick moved for approval of the minutes of the August 18, 2020 regular meeting. The motion was seconded by Mrs. Ormon and was ordered approved by a roll call vote, with all voting in favor.

Ms. Cosby arrived.

ORDINANCE ON HEARING

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

Mr. Strano read the following amendment to the salary ordinance:

“Since the position of Secretary to the Board of Health is now vacant, the minimum salary for the position should be lowered to \$3,000.00. I move to amend Ordinance #64-43 (line 258) to lower the minimum salary for the Secretary to the Board of Health to \$3,00.00. The City Attorney has reviewed this change to the ordinance and has found it to be deminimus.” The motion was seconded by Mrs. Ormon and was ordered approved by a roll call vote with all present voting in favor with the exception of Ms. Cosby who abstained.

64-43 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 4-00-5

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. Strano moved that the hearing be closed and the amended ordinance be adopted. The motion was seconded by Mrs. Ormon and on a roll, call vote the foregoing ordinance was ordered approved by all voting in favor with the exception of Ms. Cosby who voted no.

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

64-44 An ordinance providing funding for the Rail Freight Project for the City of Linden and appropriating \$2,558,270 for such purpose.

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.

Mr. Medina arrived.

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.

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

64-45 An ordinance authorizing the sale of a portion of Lot 13 Block 580, known as 1601 West Edgar Road, on the current tax atlas of the City of Linden, and not needed for public use to the New Jersey Department of Transportation in the amount of \$15,000.00 for intersection improvements at Route 1&9 at Avenue C.

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.

CONSENT AGENDA

(*) Tax Collector:**

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

2021 Taxes	\$21,690.96
2020 Taxes	\$14,721,196.34
2019 Taxes	\$68,399.59
Municipal Lien Redemption	\$0.00
Duplicate Tax Sale Certificate	\$0.00
Tax Search	\$0.00
Lien Redemption Request Fee	\$100.00
Year End Penalty	\$760.73
Returned Check Fee Paid	\$100.00
Returned Sewer Clean out	(\$0.00)
Returned Sewer Interest	(\$0.00)

Returned Check 2020	(\$18,053.70)
Returned Check 2021	(\$16.94)
Returned Check Interest	(\$47.73)
Returned Online 2020 Taxes	(\$20,662.94)
Returned Online 2019 Taxes	(\$0.00)
Returned Online Interest	(\$0.00)
Adv. Before Tax Sale	\$0.00
Premium	\$0.00
Sewer Clean out charge	\$400.00
DPW Reso payments	\$597.00
Interest	\$41,755.35
Total	\$14,816,218.66

Tax Sale Requesting the refund of the premium paid at the 2019 tax sale on the following blocks & lots.

<u>Block</u>	<u>Lot</u>	<u>Redemption Date</u>	<u>CTF#</u>	<u>Amount</u>
88	4	9/2/2020	18-00044	\$2,200.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of \$ 2,200.00 payable to Greymorr, LLC, BMO 85, P.O. Box 1414, Minneapolis, MN 55480, charging same to account # 0-01-55-276-999-956.

Tax Sale Requesting the refund of the premium paid at the 2019 tax sale on the following blocks & lots.

<u>Block</u>	<u>Lot</u>	<u>Redemption Date</u>	<u>CTF#</u>	<u>Amount</u>
119	13	8/24/2020	17-00097	\$17,300.00
319	13	7/17/2020	17-00232	\$19,100.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of \$36,400.00 payable to: Lillian Zhang, 11 Walnut Street, Livingston, NJ 07039, charging same to account #0-01-55-276-999-956.

Tax Sale Requesting the refund of the premium paid at the 2017 tax sale on the following blocks & lots.

<u>Block</u>	<u>Lot</u>	<u>Redemption Date</u>	<u>CTF#</u>	<u>Amount</u>
290	8	8/21/2020	16-00204	\$14,800.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of \$14,800.00 payable to: Tower DB VII Trust 2017-1, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102, charging same to account #-0-01-55-276-999-956.

Tax Sale Requesting the refund of the premium paid at the 2019 tax sale on the following blocks & lots.

<u>Block</u>	<u>Lot</u>	<u>Redemption Date</u>	<u>Cert#</u>	<u>Premium</u>
299	5	8/28/2020	18-00148	\$1,300.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of \$ 1,300.00 payable to: Fig as Cust. for Fig NJ19, LLC, P.O. Box 54226, New Orleans, LA 70154, charging same to account #-0-01-55-276-999-956.

Overpayment Block 78 Lot 3, Taheerah Emanuel
1116 E. Blancke Street - 2020 overpayment

The above referenced owner's mortgage company paid the 2020 3rd quarter property taxes and the owner have paid creating this overpayment in the amount \$2,127.01 and the owner is entitled a refund.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of \$ 2,127.01 payable to: Taheerah Emanuel, 1116 E. Blancke Street, Linden, NJ 07036 charging same to # 0-01-55-288-999-904.

Refund Block 151 Lot 16, Leon Pillar
620 Union Street - 2020 overpayment

Due to a transfer overpayment error this tax payer has paid an amount that was showing due, therefore the owner is entitled to a refund in the amount of \$851.83

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of \$851.83 payable to: Leon Pillar, 620 Union Street, Linden, NJ 07036, charging same to # 0-01-55-288-999-904.

Disabled Veteran Cancellation/ Refund of Property Taxes
Block 197 Lot 17, Charlie Vasquez - 301 Hussa Street

This property owner has been deemed a 100% Disabled Veteran by the V.A. as of 5/12/2020. Mr. Vasquez is entitled to the 100% Disabled Veteran Status for part the 2020 2nd and 3rd quarters that his mortgage company paid in error and the property owner is entitled to a refund in the amount of \$3,083.69.

2020	Over Paid	Cancel 4 th 2020
2 nd	\$1,085.22	\$ 1,988.98
3 rd	\$1,998.47	
Refund \$ 3,083.69		

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of \$3,083.69 payable to: Charlie Vasquez, 301 Husa Street, Linden, NJ 07036, charging same to account #-0-01-55-288-999-904.

Refund Block 324 Lot 11, Arkadiusz & Agnieszka Belch
309 Hillside Road - 2020 3rd quarter

The above referenced owner's Mortgage Company and the Title Agency have paid the 2020 3rd quarter property taxes creating this overpayment and the Title Agency is entitled a refund in the amount of \$ 3,355.60.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of \$3,355.60; payable to: Mortgage Connect, LP, 260 Airside Drive, Moon Township, PA 15108 charging same to # 0-01-55-288-999-904.

Refund Block 477 Lot 9, Kevin Scott & Gabriela Hernandez
933 Bacheller Avenue, 2020 3rd quarter

The above referenced owner's Mortgage Company and the Title Agency have paid the 2020 3rd quarter property taxes creating this overpayment and the Title Agency is entitled a refund in the amount of 2,293.83.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of \$2,293.83; payable to: Clear to Close Title Agency, 2852 Route 9, Howell, NJ 07731 charging same to # 0-01-55-288-999-904.

(*) City Clerk's Office:**

(2) Requesting approval of the following Bingo/Raffle applications which have been submitted to the Clerk's Office.

<u>Organization</u>	<u>Type of Event</u>	<u>Fees</u>
RL-2005 FOLAS	50/50 (amendment due to COVID-19)	n/a
RL-2006 FOLAS	Tricky Tray (amendment due to COVID-19)	n/a
RA-2017 LOOM	One Year Pull Tabs	\$750.00

(*) Municipal Treasurer:**

(3) Requesting approval of the following reimbursements:

Parking Permit Refund

Agnieszka Bak is entitled to a refund of \$228.00 for a 2nd quarter railroad parking permit. Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of \$228.00 payable to: Agnieszka Bak, 800 West Elm Street, Linden, NJ 07036; charging same to 0-01-08-609-013.

Parking Permit Refund

Tomasz Bara is entitled to a refund of \$228.00 for a 2nd quarter railroad parking permit. Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of \$228.00 payable to: Tomasz Bara, 116 E. 12th St., Linden, NJ 07036; charging same to 0-01-08-609-013.

Mrs. Caldwell moved for the approval of the Consent Items #1 through #3. The motion was seconded by Mr. Blaine and was ordered approved by a roll call vote with all voting in favor with the exception of Mr. Mohammed who voted no.

REPORTS AND COMMENTS BY MEMBERS OF THE GOVERNING BODY

First Ward

Mrs. Ormon gave the following report of the Budget Review and Finance Committee:

Approval is requested for the following finance actions:

1. The payment of bills totaling \$2,048,403.70. 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 August at the rate of 0.20%.

Mrs. Ormon moved for approval of the Finance Report. The motion was seconded by Mr. Blaine and was ordered approved by a roll call vote, with all voting yes, except Ms. Cosby who voted no.

Mrs. Ormon reported that there would be a First Ward garage sale on September 19th, and provided the details, including the rain date, and how to register. She spoke about the large number of trees that had been knocked down during recent storms, and if anyone would like a replacement to call her. Mrs. Ormon spoke about the "Street of the Week" program and its purpose, being to change the behavior of drivers. She spoke about the changes in the flow of traffic on East Henry Street and East Curtis Street, and the reasons for making them one way. She reported on quality of life issues, including noise, in the ward. Lastly, she spoke about the water main and gas line replacement programs taking place. She provided her contact information.

Second Ward

Mr. Javick gave the report of the Fire Committee. The Fire Prevention Bureau collected a total of \$8,588.00 in fees for the month of August. In addition, the ambulance reimbursement program collected \$69,453.48 for the month of August, bringing the year to date total to \$487,675.38.

Mr. Javick spoke about the vision for the Linden's transit village, noting that the development, at the former JTG scuffling site, will bring the City \$25.2 million in fees in two years. He informed all about the rabies immunization program, and that dog licensing will also be available at the rabies clinics. He spoke about the Police Department's need for crossing guards, and how individual can make application. Mr. Javick provided his contact information.

Third Ward

Mrs. Caldwell moved for approval of the installation of street lights, the list is on file in the City Clerk's office. The motion was seconded by Mr. Blaine and was unanimously ordered approved by a roll call vote.

Mrs. Caldwell gave the report of the Construction Code Department, noting the number of permits and certificates issued, and the amounts collected for the month of August. She spoke about the deep review of the City's IT Division that took place, and noted some of the issues and recommendations.

Mrs. Caldwell spoke about quality of life issues, that were occurring on Washington Ave, and assured residents that they are being addressed. She announced details of the Third Ward garage sale and that she would be hosting a Third Ward virtual community meeting. She provided her contact information.

Fourth Ward

Mr. Mohammed reported that the cleanup of the Fourth Ward Park was successful. He noted that Elizabethtown Gas continued its gas line replacement program, and spoke about the need for inspections that had to be done. He announced that Fourth Ward residents would soon be receiving the automated recycling collection bins. He concluded by speaking of the efforts of the Division of Public Works to clean up after the recent storm, and thanked them.

Fifth Ward

Good evening,

In light of the ongoing pandemic, there have been no meetings for the rent leveling board or the environmental commission. I would hope that these two entities consider conference call or virtual meetings in the near future in the interest of doing the public's business. Also, I would like to remind the public that there are open volunteer positions for the environmental commission and the appointment is made by the Mayor. Email or call the clerk's office for information on how to apply. The application is also online at the city's website. www.linden-nj.gov.

From the fifth ward I have submitted my tree list to the shade tree commission for fall planting and I will get a list of where the trees have been approved for planting and share that information when it is received.

As far as road safety, I am pleased to report that Caroline Ave study of the excessive speeding is at the top of the list. Unfortunately, due to the pandemic and reduction of the motorist, I am concerned that the study will not reveal the real issue of high speed; nevertheless, I will await the study and share the findings. Hagel Ave, Bernard Av, Sherman Ave, Garfield St, Grant St and Alexandra St are still on the list and getting closer to the top. Thank you for your patience as this is the process, and I know years are going by, but we have to wait as the list is prioritized by the traffic committee.

Adams St and Grant St are scheduled for resurfacing. There was a preconstruction meeting held on September 10th.

I will have a community meeting of sorts. I would like to call it now, a community update. We will be live via zoom and Facebook on Thursday, September 24 at 6 pm. Meeting ID: 829 9531 1521
Passcode: GOAT We will have an opportunity to meet the new superintendent of the board of education, learn about the all paper election from the director of the union county board of elections. Did you know that you are now able to register to vote and change your address all online? Plan to attend this meeting.

I hope that my attempt at a live feed to the general public reaches some of the people who want to attend but do not want to register or who have not been admitted to the meeting.

There is still time to complete your census if you have not already done so. This is important so that we can have the proper representation at the federal level.

Finally, resolution 289 is giving another developer a sweetheart deal with no consideration for the future population of Linden. I have asked my colleagues to consider holding this so we can add provisions such as set aside unit for low income residents, possible security and other things. This is a 30-year deal! More importantly, Linden does actually have an obligation for low income housing on the new developments based on what I learned in my own research. I am happy to share that.

Stay well neighbors, if you have a question or idea contact me at 9087187933 or rcosby@linden-nj.org

That concludes my report.

Sixth Ward

Mr. Roman arrived.

Mr. Roman asked Sixth Ward residents who wanted a tree or needed sidewalk repair to contact him. He discussed the Sixth Ward Yard sale.

Mr. Roman noted resolution 2020-289 and spoke about the possible condemnation of the site, to acquire the property. He stated that he was not opposed to a PILOT. He spoke about the PILOT being a 30-year contract for the developer, and did not understand what the rush was to move forward. He discussed the presentation given by the developer at last night's conference meeting, and noted some of his concerns with the project. He expressed his opinion on the developer's ability to attract residents, and asked that the Mayor keep all in the loop. Mr. Roman also spoke about the PILOT finds being paid to the City and that 25% to 30% of the money should be put aside to be given to the Board of Education. He provided his contact information and encouraged residents to contact him to discuss the project.

Seventh Ward

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

1. Police:
 - a. As per Civil Service determination the retro-active appointment of Charles Crane to Supervisor Information Technology Help Desk at the annually salary of \$117,407 effective January 4, 2020.
 - b. Accepting the resignation in good standing of Nicholas Moreno, Public Safety Telecommunicator, effective August 24, 2020.
 - c. The change in stipend for Rick Davis, OEM, to Dept. Coordinator to \$5,000.00 effective September 16, 2020.
 - d. Amending the annual salary of Sergeant Nicole Melchionna to \$124,000.00, effective September 1, 2020.
 - e. Accepting the resignation not in good standing of Police Officer Daniel Araque effective September 14, 2020.
2. Board of Health:
 - a. Amending the date of hire for Barbara Lescouflair, Clerk 1, to August 6, 2020.
3. Construction Code:
 - a. Amending the date of hire for Dennis Carbone, full-time Plumbing Code Official effective September 17, 2020.
 - b. Appointment of Mark Ritacco as Construction Code Official/Zoning Officer effective September 17, 2020 at the annual salary of \$108,237.
 - c. Appointment of Art Figueiredo as Assistant Construction Code Official/Building Subcode Official effective September 17, 2020 at the annual salary of \$102,137.
 - d. Approval to post statewide for a P/T Fire Sub Code Official
4. Department of Community Services:

Division of Public Works:

- a. Accepting the resignation in good standing of Joshua Reyes, Laborer 1, effective August 21, 2020.
- b. Accepting the resignation in good standing of Ronald Storey, Laborer 1 effective August 28, 2020.
- c. Approval to post Citywide for 2 full time Laborer 1 (tier 2)
- d. Approval to post Citywide for 1 full time Trucker Driver (tier 2)
- e. Approve the provisional appointment of Clemmie McIntyre as a Motor Broom Operator at the salary rate of \$22.95 per hour, effective September 16, 2020.

Division of Municipal Garage

- a. Amending the date of hire for Naim Myers, Laborer 1 (Tier 2), to September 8, 2020.

6. Office of Mayor:

- a. Amending title and hourly rate for Faith Itepu to summer help at \$11.00 per hour.

7. Personnel:

- a. Granting of FMLA/NJFMLA to the following employees which are on file in the Personnel Division.

Mr. Strano moved for approval of the Personnel Report. The motion was seconded by Mr. Blaine and was ordered approved by a roll call vote, with all voting in favor except Mrs. Caldwell and Ms. Cosby, who abstained.

Mr. Strano announced details for a Seventh Ward Yard Sale, particularly on how to register. He spoke about traffic issues in the Second and Third Districts, with the numbered streets, the changes to the traffic pattern that were being discussed and the impact of changes, at Aviation Plaza, that were coming. He noted his other concerns when looking at making changes to the traffic patterns on these streets.

Mr. Strano spoke about Calvin Presbyterian Church and the donations boxes that they put out to help the those in need, and how to donate.

Eighth Ward

Mr. Blaine began by stating that he hoped that all had a good healthy summer. He requested that all continue to practice social distancing. He announced the upcoming Eighth Ward Yard sale and provided details on how to register to participate. Mr. Blaine talked about street lights that had are supposed to be going up and trees that need to be removed. He noted that all of that is in the works and asked that all be patient.

MR. Blaine gave updates on various projects taking place in the Eighth Ward, He spoke about the old paint factory, and a DEP grant to do an assessment for the environmental cleanup that needs to be done. He informed all that the development of the old Park Plastics site has gone out for a new RFP. He talked about the hotel and cube storage facility being built on Linden Avenue. He concluded by urging all to be safe and love one another.

Ninth Ward

Mr. Medina noted that he had no committee reports for this evening. He thanked Mrs. Caldwell for the approval of additional street lights in the Ninth Ward. He noted the long list of sidewalk replacements that he would be submitting, and road paving projects. He then spoke about the project to repave the portion of North Wood Avenue whose ownership is split between Linden and Roselle. He thanked Mayor Armstead, Mr. Pantina and Freeholder Hudak for working hard to make this project come together. The work is being planned for the spring of 2021.

Mr. Medina spoke about the number of trees that came down in a recent storm, and that there are still stumps to be removed as well as the sidewalks that were raised, by the falling trees, still need to be addressed. He pointed out that it is all being worked on. He also discussed several quality of life issues, in the ward, and that they are being worked on. He informed all as the streets that he had submitted to be part of the Street of the Week program.

Mr. Medina talked about the recent rash of car break-ins, and how a resident assisted the police in catching one of the individuals He also noted that he is working on addressing the high grass complaints with the Board of Health. He concluded by providing his contact information.

Tenth Ward

Mrs. Hickey began by giving the report of the Building and Grounds Committee. The skate park has been removed and is being stored. The work is progressing on Melnyk Park, and the installation of the new sound system, in the Planning Board room should be done soon. She spoke about the graffiti, that is occurring in parks, and asked that cameras be installed. She noted the work being done in Livingston Park, and provided updates on renovations being done in City Hall to deal with safety and pandemic issues. She went on to speak about making these same alterations in the City's other buildings.

Mrs. Hickey next spoke about OEM, and their budget for 2021. She pointed out how much money these volunteers save the City. She spoke about a littering issue on Academy Terrace and that tickets would be given out. Next, Mrs. Hickey requested that an ordinance be drafted to regulate protest in town. They need to be organized and civil. The ordinance should require the organizers to get a permit. She discussed a recent protest, in a neighborhood, and how it upset her. She thought some of the actions of the protestors to be inappropriate.

Mrs. Hickey next discussed resolution 2020-289, noting that there was a vote tonight to hire a developer for the Clarke property. They seem like a good developer. She expressed her worries about parking issues that might result from this development, along with existing parking concerns in the area. Mrs. Hickey asked to be included in future negotiations for this development.

Mrs. Hickey spoke about the recent change in FEMA rules regarding trees and FEMA not providing reimbursement to the city for any cost for trees taken out in storms.

Council President

President Yamakaitis announced that the annual September to Remember has been canceled due to Covid 19.

MAYOR'S REPORT

Mayor Armstead spoke about resolution 2020-289 designating a redeveloper for the Clarke property. He discussed his confidence in the developer, and that the project, to be built, is for high end apartments and retail space. He explained his hopes for development of night life. He also addressed the issues regarding parking that had been raised, the loss of revenue from the parking lots, noting that Linden splits the revenue, from those lots, with NJ. Transit.

Mayor Armstead provided updates on the hotel and cube storage being built on East Linden Avenue, and announced that Freddy's Frozen Custard is coming to the Legacy Square mall. He noted that when he became Mayor he promised to move the City forward, for all current and future residents.

Mayor Armstead announced that the Mayor's Youth Commission would be hosting drive-in movie nights. He detailed the movies that were chosen, and that there would be a fee of \$20.00 per vehicle, noting that each passenger needed a seat.

Mayor Armstead announced that representatives of the Clarke Property Developer were present to answer any questions.

Mayor Armstead talked about resolution 2020-288, hiring the firm of Muller Bohlin, and what they will be doing for with the rail freight project. He concluded by providing the current Covid 19 numbers for the City of Linden.

RESOLUTIONS

President Yamakaitis announced that there was an additional resolution, 2020-294 added. She then had the Clerk read it in full.

RESOLUTION: 2020-277

RESOLUTION FOR THE PURCHASE OF TWO 2020 HARLEY DAVISON POLICE ELECTRA GLIDE FLHTP MOTORCYCLES SOLICITED BY QUOTATIONS FOR THE CITY OF LINDEN POLICE DEPARTMENT

WHEREAS, the City of Linden wishes to purchase Two 2020 Harley Davidson Police Electra Glide FLHTP motorcycles for the City of Linden Police Department; and

WHEREAS, N.J.S.A. 40A:11-6 provides for the solicitation of competitive quotes and the award to a vendor whose response is most advantageous, price and other factors considered; and

WHEREAS, Hannum's H-D of Rahway 12 West Milton Avenue, Rahway, NJ 07065 was solicited for quotations; and

WHEREAS, Hannum's H-D of Rahway provided the most advantageous quote, price and others factors considered in the amount not to exceed \$38,470.32; and

WHEREAS, the Chief Finance Officer has certified the availability of funds for this award, which will be charged to 0-01-26-301-159-277;

NOW THEREFORE BE IT RESOLVED Hannum's H-D of Rahway be awarded a contract for the purchase of Two 2020 Harley Davidson Police Electra Glide FLHTP Motorcycles at the low quote of \$38,470.32.

BE IT FURTHER RESOLVED, 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.

RESOLUTION: 2020-278

RESOLUTION AUTHORIZING THE USE OF STATE CONTRACTS 17-FLEET-00726, 17-FLEET-00719 & 17-FLEET-00768 FOR SECURITY EQUIPMENT AND SUPPLIES FOR POLICE VEHICLES FROM GENERAL SALES ADMINISTRATION, T/A MAJOR POLICE SUPPLY

WHEREAS, the City of Linden wishes to obtain security equipment and supplies to outfit police vehicles from an authorized vendor under the State of New Jersey contract 17-FLEET-00726, 17-FLEET-00719 & 17-00768 awarded to General Sales Administration t/a Major Police Supply, 47 N. Dell Avenue, Kenvil, NJ 07847 an authorized vendor and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and,

WHEREAS, General Sales Administration t/a Major Police Supply has been awarded Contract No 17-FLEET-00726, 17-FLEET-00719 & 17-FLEET-00768 for the provision of Police and Homeland Security Equipment and Supplies; and,

WHEREAS, the Purchasing Agent recommends the utilization of this contract on the grounds that it represents the best means available to obtain services for; and,

WHEREAS, the amount of the service is not to exceed \$100,875.34 and,

WHEREAS, the Chief Finance Officer has certified the availability of funds for this contract, which will be charged to account number C-04-55-902-719-919 and;

NOW THEREFORE BE IT RESOLVED by the City of Linden that General Sales Administration t/a Major Police Supply be awarded a contract for a term of one year or until new awards are made; and,

BE IT FURTHER RESOLVED, 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.

RESOLUTION: 2020-279

RESOLUTION AUTHORIZING THE IMPLEMENTATION OF THE UNION COUNTY DEER CONTROL PROGRAM IN THE CITY OF LINDEN

WHEREAS, the overpopulation of white-tailed deer in the Hawkrise Sanctuary, the Linden Municipal Landfill and the Linden Municipal Airport has resulted in overbrowsing of native vegetation in this largely undeveloped area, and an creating an impediment to safe operation, at the airport; and

WHEREAS, the overpopulation impacts the Hawkrise Sanctuary, the Linden Municipal Landfill and the Linden Municipal Airport in the form of damage to greens and ornamental vegetation, and creating an impediment to safe operation, at the airport; and

WHEREAS, the City of Linden feels it is in the best interests of the City to evoke services of individuals who are licensed hunters to remove deer from the Hawkrise Sanctuary, the Linden Municipal Landfill and the Linden Municipal Airport during the Fall Bow (October 1, 2020 through December 31, 2020), Winter Bow (January 1, 2020 through February 19, 2021) and Shotgun Season (January 4, 2021 through February 1, 2021 – Mondays with Wednesday rain dates); and

WHEREAS, the City of Linden is aware that the County of Union has the resources and experience to manage same:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN that the City Council hereby requests the Union County Board of Chosen Freeholders authorize the County of Union staff to conduct deer management activity on the aforementioned City property, to remove white-tailed deer from said property, in the manner prescribed by the Fish and Game Code of the State of New Jersey, Fall Bow (October 1, 2020 through December 31, 2020), Bow and Winter Bow (January 1, 2020 through February 19, 2021) and Shotgun Season (January 4, 2021 through February 1, 2021 – Mondays with Wednesday rain dates); and

BE IT FURTHER RESOLVED that the City of Linden authorizes the execution of a shared services agreement with the County of Union for the aforementioned services; and

BE IT FURTHER RESOLVED that the City of Linden authorizes the Director of Community Services to coordinate with the County of Union through the County Department of Parks and Community Renewal, to provide adequate oversight and coordination in the conduct of the deer removal activity, to maximize the success of their efforts while ensuring the safety of the Hawkrise Sanctuary, Linden Municipal Landfill and the Linden Municipal Airport users and neighbors; and

BE IT FURTHER RESOLVED that any deer which are harvested from Hawkrise Sanctuary as a result of this program, are the property and responsibility of said licensed hunters in accordance with the conduct of deer removal at Hawkrise Sanctuary, the Linden Municipal Landfill and the Linden Municipal Airport; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Board of Chosen Freeholder of the County of Union, the County Manager, and the New Jersey Division of Fish and Wildlife.

RESOLUTION: 2020-280

RESOLUTION FOR STATE CONTRACT PURCHASE OF TRASH RECEPTACLES FOR THE PUBLIC PROPERTY DIVISION

WHEREAS, the City of Linden wishes to obtain services from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; for playground receptacles from Ben Shaffer, an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and,

WHEREAS, Ben Shaffer & Associates, Inc., PO Box 844 Lake Hopatcong, NJ 07849 has been awarded New Jersey State Contract No #16-FLEET-00135 for the provision of playground equipment; and,

WHEREAS, the Purchasing Agent recommends the utilization of this contract on the grounds that it represents the best means available to obtain services for; and,

WHEREAS, the amount of the service is not to exceed \$38,615.75; and,

WHEREAS, the Chief Finance Officer has certified the availability of funds for this contract, which will be charged to account number C-04-55-904-653-919; and,

NOW THEREFORE BE IT RESOLVED by the City of Linden that Ben Shaffer & Associates, Inc. be awarded a contract for a term of one year or until new awards are made; and,

BE IT FURTHER RESOLVED, 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.

RESOLUTION: 2020-281

RESOLUTION WAIVING FEES FOR A COMMUNITY WIDE GARAGE SALE TO BE HELD IN THE EIGHTH WARD

WHEREAS, the City Council has determined to allow a community wide garage sale in the Eighth Ward on September 19, 2020 with a rain date of September 26, 2020; and

WHEREAS, the City of Linden shall waive all fees for permits for a garage sale including the completion of an application form pursuant to City Code 4-3.1 entitled "Garage Sales"; and

WHEREAS, the Eighth Ward garage sale shall not impact a resident's right to conduct up to two garage sales in a year; and

WHEREAS, chapter 4-3.6 shall still apply, limiting one singled faced sign containing not more than four square feet in total area to be placed upon the premises where the sale is being conducted, and further prohibiting any other signs and either public or private property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN as follows:

1. The City of Linden hereby waives fees for permits for a community wide garage sale in the Eighth Ward on September 19, 2020 with a rain date of September 26, 2020.
2. The Eighth Ward garage sale shall not impact a resident's right to conduct up to two garage sales in a year.
3. Chapter 4-3.6 shall still apply, limiting one singled faced sign containing not more than four square feet in total area to be placed upon the premises where the sale is being conducted, and further prohibiting any other signs and either public or private property.
4. This Resolution shall take effect pursuant to law.

RESOLUTION: 2020-282

RESOLUTON TEMPORARILY WAIVING CERTAIN PORTIONS IN THE LEASE AGREEMENT WITH T&L CATERING DUE TO THE PUBLIC HEALTH EMERGENCY

WHEREAS, on February 20, 2019, the City of Linden entered into a lease agreement with T & L Catering for a banquet hall owned by the City of Linden, and located at 12 North Stiles Street, also known as Block 321, Lot 4 on the tax maps of the City of Linden; and

WHEREAS, on March 9, 2020, the Governor of the State of New Jersey issued Executive Order No. 103, declaring both a Public Health Emergency and State of Emergency due to COVID-19; and

WHEREAS, through said Executive Order, and subsequent Executive Orders, the Governor banned indoor dinning and indoor gatherings; and

WHEREAS, these actions effectively closed the operations of T & L Catering at its location in the City of Linden and they have shutoff all equipment using electric service; and

WHEREAS, in a letter dated, August 12, 2020, T & L Catering requested relief from the portion of the lease agreement requiring them to pay a pro-rata portion of the electric utility; and

WHEREAS, the Mayor and Council of the City of Linden are in agreement with providing T & L Catering the requested relief.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Linden, that effective, June 11, 2020, that portion of the lease requiring payment of 50% of the electric cost is hereby suspended until the Governor authorizes the operation of this type of facility, to be reviewed monthly in accordance therewith; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

RESOLUTION: 2020-283

RESOLUTION RETROACTIVLEY WAIVING FEES FOR A COMMUNITY WIDE GARAGE SALE TO BE HELD IN THE SIXTH WARD

WHEREAS, the City Council has determined to retroactively allow a community wide garage sale in the Sixth Ward on September 12, 2020, and September 13, 2020; and

WHEREAS, the City of Linden shall waive all fees for permits for a garage sale including the completion of an application form pursuant to City Code 4-3.1 entitled "Garage Sales"; and

WHEREAS, the Eighth Ward garage sale shall not impact a resident's right to conduct up to two garage sales in a year; and

WHEREAS, chapter 4-3.6 shall still apply, limiting one singled faced sign containing not more than four square feet in total area to be placed upon the premises where the sale is being conducted, and further prohibiting any other signs and either public or private property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN as follows:

1. The City of Linden hereby waives fees for permits for a community wide garage sale in the Sixth Ward on September 12, 2020 and September 13, 2020.
2. The Sixth Ward garage sale shall not impact a resident's right to conduct up to two garage sales in a year.
3. Chapter 4-3.6 shall still apply, limiting one singled faced sign containing not more than four square feet in total area to be placed upon the premises where the sale is being conducted, and further prohibiting any other signs and either public or private property.
4. This Resolution shall take effect pursuant to law.

RESOLUTION: 2020-284

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN VISITING NURSE AND HEALTH SERVICES, INC., D/B/A HOLY REDEEMER HOME CARE AND THE LINDEN DEPARTMENT OF WELFARE FOR 2020

WHEREAS, the City of Linden is desirous of entering into a contract with Visiting Nurse and Health Services, Inc., d/b/a Holy Redeemer Home Care-NJ North for public health nursing services; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(2), said contract is exempt from the bidding requirements of the Local Public Contracts Law; and

WHEREAS, funds are available for this purpose, to be charged to account/line item No. 0-01-27-331-185-255;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LINDEN as follows:

1. The City of Linden and the Welfare Department hereby approve the 2020 qualified public health nursing services agreement between the City of Linden and Visiting Nurse and Health Services, Inc., d/b/a Holy Redeemer Home Care-NJ North, attached hereto and made a part hereof, in the amount totaling \$5,500.00, payable in eleven installments of \$458.33 and one installment of \$458.37 per month effective January 1, 2020 through December 31, 2020.

2. The Mayor and City Clerk be and hereby are directed, empowered and authorized to execute said 2020 public health nursing services agreement on behalf of the City of Linden.

3. This Resolution shall take effect pursuant to law.

RESOLUTION: 2020-285

RESOLUTION AUTHORIZING THE USE OF STATE CONTRACT 17-FLEET-00953 FOR THE PURCHASE OF TWO 2021 CHEVROLET MALIBU LS FROM HERTRICH FLEET SERVICES

WHEREAS, the City of Linden wishes to obtain two (2) Chevrolet Malibu LS's from an authorized vendor under the State of New Jersey contract 19-FLEET-00953 awarded to Hertrich Fleet Services, Inc. 1427 Bay Road Milford DE 19963, an authorized vendor and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and,

WHEREAS, Hertrich Fleet Services has been awarded Contract 19-FLEET-00953 for the provision of motors fleet; and,

WHEREAS, the Purchasing Agent recommends the utilization of this contract on the grounds that it represents the best means available to obtain services for; and,

WHEREAS, the amount of the service is not to exceed \$32902.00; and

WHEREAS, the Chief Finance Officer has certified the availability of funds for this contract, which will be charged to account numbers 0-01-26-301-159-277; and

NOW THEREFORE BE IT RESOLVED by the City of Linden that Hertrich Fleet Services be awarded a contract for a term of one year or until new awards are made; and,

BE IT FURTHER RESOLVED, 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.

RESOLUTION: 2020-286

RESOLUTION AUTHORIZING APPLICATION TO UNION COUNTY FOR THE GREENING OF UNION COUNTY GRANT FOR 2020

WHEREAS, the voters of Union County overwhelmingly voted in favor of the Union County Open Space, Recreation and Historic Preservation Trust Fund in November of 2000; and

WHEREAS, Union County Board of Chosen Freeholders established the Trust Fund creating local funding opportunities such as Field of Dreams in 2001, Green the Streets in 2002, Preserve Union County in 2003, and Kids Recreation Trust Fund in 2004, 2005, 2006, 2007, 2008, 2009 and 2010, and Greening Union County in 2008, 2009, 2010, 2011, 2012, 2013, 2017, 2018 and 2019; and

WHEREAS, the City of Linden wishes to apply to the Union County Trust Fund through the Greening Union County program for a matching grant in the amount of \$24,000; and

WHEREAS, the City of Linden will match the Greening Union County grant program award for a total of \$24,000, in accordance with the Grant Application attached hereto and made a part hereof; and

WHEREAS, the City of Linden will use the Trust Fund dollars in accordance with such rules and regulations governing the grant program ;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LINDEN that the Mayor or the successor to the Office of Mayor is hereby authorized to:

1. Make application for the grant.
2. Provide additional application information and furnish such documents as may be required.
3. Act as the authorized correspondent of the above-named applicant.
4. A copy of this Resolution be forwarded to Victoria Durbin Drake, Trust Fund Administrator, Office of the Trust Fund/Greening Union County, Union County Administration Building, 6th Floor, Elizabethtown Plaza, Elizabeth, New Jersey 07207.
5. This Resolution shall take effect pursuant to law.

RESOLUTION: 2020-287

RESOLUTION AWARDED TO MONTANA CONSTRUCTION CORP. FOR THE SERVICES OF EMERGENCY SEWER REPAIR LOCATED AT SOUTH WOOD AVENUE AND MUNSELL AVENUE SOLICITED BY QUOTATIONS

WHEREAS, the City of Linden wishes to retain services for emergency sewer repair for the City of Linden; and

WHEREAS, N.J.S.A. 40A:11-6 provided for solicitation of competitive quotes and the award to a vendor whose response is most advantageous, price and other factors considered; and

WHEREAS, Montana Construction Corp., 80 Contant Avenue, Lodi, NJ 07644 was solicited for quotations; and

WHEREAS, Montana Construction Corp. provides the most advantageous quote, price and other factors considered in the amount not to exceed \$63,631.40; and

WHEREAS, the Chief Financial Officer or her designee has certified as to the availability of funds for this award, which will be charged to Account No. C-04-55-901-657-919; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN Montana Construction Corp. be awarded a contract for emergency sewer repair at the low quote of \$63,631.40.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and hereby are empowered and directed to execute such documents as necessary to implement this resolution.

RESOLUTION: 2020-288

RESOLUTION ENGAGING MULLER BOHLIN ASSOCIATES, INC. TO PROVIDE GRANT WRITING SERVICES RELATIVE TO TRANSPORTATION COORDINATOR – RAIL FREIGHT GRANT

WHEREAS, there exists within the City of Linden the need for a consultant in order to continue to obtain grants and for the purpose of assisting the City of Linden in Transportation Coordinator Rail Freight Grant Services; 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, Muller Bohlin Associates submitted a qualification to the City and has qualified for the aforesaid services in 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, Muller Bohlin Associates, having offices at 242 10TH Street, Suite 101, Jersey City, NJ 07302 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: C-04-55-901-736-919;

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 \$187,000.00 for a term through December 31, 2020; and

BE IT FURTHER RESOLVED, that the scope of such services shall include assisting the City of Linden in Grant Writing services; 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.

RESOLUTION: 2020-289

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 254, LOTS 1-10 (A/K/A IN THE AREA OF 7 NORTH WOOD AVENUE TO 27 NORTH WOOD AVENUE, AND FROM 11-15 WEST ELIZABETH AVENUE TO 101 WEST ELIZABETH AVENUE) 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, on June 18, 2019, the City Council of the City (the "**City Council**"), pursuant to *N.J.S.A. 40A:12A-6*, authorized the Planning Board of the City (the "**Planning Board**") to determine whether the property identified as Block 254, Lots 1-10 on the official tax map of the City ("**Study Area**"), met the statutory criteria for designation as an "area in need of redevelopment" pursuant to the Redevelopment Law; and

WHEREAS, on September 10, 2019, the Planning Board undertook said investigation and conducted a public hearing, all in accordance with *N.J.S.A. 40A:12A-6*, and recommended to the City Council that the Study Area satisfied certain statutory criteria and thus constituted an area in need of redevelopment in accordance with the Redevelopment Law; and

WHEREAS, on September 17, 2019, the City Council adopted a Resolution 2019-348, which designated the Study Area as an area in need of redevelopment (the "**Redevelopment Area**"); and

WHEREAS, in order to facilitate the redevelopment of the Study Area, the City Council also authorized the preparation of a redevelopment plan for the Property pursuant to the authority granted under the Redevelopment Law, that was adopted, after review and comment by the Planning Board, by the City Council on; and

WHEREAS, Ricci Planning prepared the redevelopment plan entitled "Redevelopment Plan – Block 254, Lots 1 through 10," (the "**Redevelopment Plan**"), providing the development standards for the Study Area; and

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

WHEREAS, on February 11, 2020, the Planning Board reviewed and recommended the Redevelopment Plan; and

WHEREAS, on March 17, 2020, the City Council, having received and reviewed the recommendations of the Planning Board to the Redevelopment Plan, adopted the Redevelopment Plan by way of Ordinance No. 64-07; and

WHEREAS, on July 21, 2020, by way of Resolution 2020-238, the City further affirmed and clarified the designation of the Redevelopment Area as an area in need of redevelopment (condemnation); 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, The Apartments at Linden Station Urban Renewal, 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 Redeveloper 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 Redeveloper as the exclusive redeveloper as to the Property; and

WHEREAS, Redeveloper proposes to construct the hereinafter defined “Scenario # 1” or “Scenario # 2” on the Study Area, which shall be consistent with the Redevelopment Plan; and

WHEREAS, under Scenario # 1, the Project shall consist of the following: (a) construction of a six-story, mixed use building consisting of enclosed, ground-level parking as well as approximately 17,000 square feet of retail space with 250 residential units at Block 254, Lots 1-8 with 130 parking spaces and (b) construction of a six-story building consisting of two (2) stories of structured parking, totaling 610 parking spaces and 254 residential units on Block 254, Lots 9 & 10;

WHEREAS, under Scenario # 2, the Project shall consist of construction of a six-story, mixed use building consisting of enclosed, ground-level parking having 225 parking spaces as well as approximately 13,000 square feet of retail space with 300 residential units at Block 254, Lots 1-9; and

WHEREAS, under Scenario # 2, when Redeveloper thereafter acquires title to the Transit Parcel, the Project as to the Transit Parcel will be of similar conceptual design to the improvements set forth under Scenario # 1(b) above; 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. City Council is authorizing Redeveloper to proceed with either Scenario # 1 or Scenario # 2, depending upon those certain contingencies more fully set forth in the Resolution.
3. 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.
4. This Resolution shall take effect immediately.

RESOLUTION: 2020-290

CITY OF LINDEN RAT RESOLUTION

WHEREAS, there were certain payments made by the Municipal Treasurer during the month of August 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>AMOUNT</u>	<u>PAYABLE TO:</u>	<u>PURPOSE</u>	
	8/5/2020	Unity Bank	Worker’s Comp Claims 7/27 – 8/2	\$128,921.60
177972	8/6/2020	VE Ralph & Son, Inc.	Defibrillator	\$1,823.04
177973	8/6/2020	Language Line Services	Over the Phone Interpretation	\$324.67
177974	8/7/2020	Sanitation Equipment Corp.	Automated Sanitation/Recycling	\$313,023.92
177975	8/7/2020	Kempton Flag LLC	Flag Pole for Linden Train Station	\$927.20
	8/10/2020	Linden Board of Education	August Board of Ed. Payment	\$7,851,326.33
	8/10/2020	Linden Library Payment	August Library Payment	\$170,731.64
	8/11/2020	Payroll 8/13	Payroll – Current	\$1,744,108.65
	8/11/2020	Payroll 8/13	Payroll – Trust	\$138,277.26
	8/11/2020	Payroll 8/13	Payroll – Grant	\$1,191.44
	8/11/2020	Payroll 8/13	Payroll – Unemployment	\$311.80
177977	8/12/2020	Muller Bohlin Associates	Finalizing Outstanding Grants	\$4,962.50
	8/12/2020	Elavon, Inc.	August Merchant Fees – Garage Sale	\$68.63
	8/12/2020	Elavon, Inc.	August Merchant Fees – Dog Online	\$97.61
	8/12/2020	Unity Bank	Worker’s Comp Claims 8/3 – 8/9	\$33,551.37

	8/13/2020	Unity Bank	Adjust July Month End – Railroad	\$600.00
	8/14/2020	County of Union	3 rd Quarter County Purpose Tax	\$7,776,423.57
	8/14/2020	County of Union	3 rd Quarter County Open Space Tax	\$248,887.84
	8/18/2020	Benecard Services LLC	July Funding for Prescription Plan	\$129,658.12
	8/18/2020	Benecard Services LLC	August Funding for Prescription Plan	\$137,102.74
	8/18/2020	NJ State Health Benefits	Health Claims – Active Bill	\$666,552.07
	8/18/2020	NJ State Health Benefits	Health Claims – September Bill	\$397,729.83
	8/19/2020	NJDEP, Budget & Finance	Multiparks 1992 Debt Payment	\$15,880.75
178183	8/21/2020	Sonia Montalvo	Refund – 2 nd Quarter Railroad Permit	\$270.00
178184	8/21/2020	NJ Motor Vehicle Comm.	Registration for Loader DPW	\$60.00
178185	8/21/2020	NJ Motor Vehicle Comm.	Registration for A7	\$60.00
	8/24/2020	Unity Bank	Worker's Comp Claims 8/10	8/16
	\$126,191.82	8/24/2020	Unity Bank	Worker's Comp Claims
8/10 – 8/16		\$53,782.76		
	8/25/2020	Unity Bank	Worker's Comp Claims 8/17 – 8/23	\$9,744.44
	8/25/2020	Payroll 8/27	Payroll – Current	
	\$1,725,239.79		8/25/2020	Payroll 8/27 Payroll –
Trust		\$100,047.50		
	8/25/2020	Payroll 8/27	Payroll – Grant	\$1,693.35
	8/25/2020	Payroll 8/27	Payroll – Unemployment	\$298.17
	8/26/2020	US Bank	UCIA S Wood Ave 2004 Debt Payment	\$68,609.00
178186	8/31/2020	City of Linden Insurance	8/27 Special Payment of Claims	\$300,195.00

RESOLUTION: 2020-291

RESOLUTION APPROVING MEMORANDA OF UNDERSTANDING WITH VARIOUS UNIONS

Whereas, the Council of the City of Linden has a collective negotiations agreement with the Linden Local 469, Blue Collar; and

Whereas, the Council of the City of Linden has a collective negotiations agreement with the CWA Local 1032, 911 Telecommunicators; and

Whereas, each of the aforementioned collective negotiations agreements expired on December 31, 2018; and

Whereas, the Council and each of the aforementioned Unions have negotiated a successor agreement for their respective members and have memorialized the said terms in Memoranda of Understanding.

Now therefore be it resolved that this Council approves the following Memoranda of Understanding with each of the following Unions for the period January 1, 2019 through December 31, 2019:

- Linden Local 469 Blue Collar
- CWA Local 1032

Be it further resolved that this Council authorizes the Mayor of the City of Linden to execute the attached Memoranda of Understanding on behalf of the City.

Be it further resolved that this resolution is effective subject to the aforementioned provisions.

RESOLUTION: 2020-292

RESOLUTION FOR THE CLEANING OF THE HVAC SYSTEM AT CITY HALL IN THE CITY OF LINDEN

WHEREAS, the City of Linden wishes to clean the existing HVAC system in City Hall in the City of Linden; and

WHEREAS, N.J.S.A 40A:11-6 provides for the solicitation of competitive quotes and the award to a vendor whose response is most advantageous, price and other factors considered; and

WHEREAS, Chutemaster Environmental Inc., 1640 Vauxhall Rd. Union, NJ 07083 was solicited for quotations; and

WHEREAS, Chutemaster Environmental Inc. provided the most advantageous quote, price, and other factors considered in the amount of \$29,295.00 for the scope of work that was solicited; and

WHEREAS, the Chief Financial Officer has certified to the availability of funds for this award, to be charged to Account No. C-04-55-904-589-919;

NOW, THEREFORE, BE IT RESOLVED, that Chutemaster Environmental Inc. be awarded a contract to clean the HVAC system at City Hall at the low quote of \$29,295.00.

BE IT FURTHER RESOLVED that this Resolution is expressly contingent upon the execution of the contract between Chutemaster Environmental 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 such documents as necessary to implement this resolution.

RESOLUTION: 2020-293

**RESOLUTION AUTHORIZING A MEMORANDUM OF
AGREEMENT FOR THE ACCEPTANCE OF EQUIPMENT PURCHASED
BY THE COUNTY OF UNION AND GIVEN TO THE CITY OF LINDEN
FIRE DEPARTMENT**

WHEREAS, the use of Personal Protective Equipment is necessary and required during the COVID-19 pandemic and first responders are in need of N95 masks;

WHEREAS, those that are required to wear N95 masks must be fit tested for same and special equipment is required to perform the fit test and

WHEREAS, the County of Union has purchased said equipment using County funds in anticipation of reimbursement under FEMA DR-4488 declaration with an approximate value of \$238, and

WHEREAS, the County of Union would like to give the 3M Qualitative Fit Test Apparatus FT-10 to the City of Linden Fire Department to fit test those individuals required to use the N95 masks and obtain a Memorandum of Agreement and Receipt Acknowledgement for said equipment;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LINDEN THAT;**

1. The City Council hereby authorizes the City of Linden Fire Department to accept said equipment and;

BE IT FURTHER RESOLVED, that the Mayor and Fire Chief are hereby authorized to execute any and all documents, if necessary, to effectuate the foregoing.

Resolution #2020-294 was read, in full, by the Municipal Clerk Joseph Bodek.

RESOLUTION: 2020-294

**RESOLUTION AUTHORIZING APPLICATION TO THE UNION COUNTY TRUST FUND GRANT
THROUGH KIDS RECREATION TRUST FUND**

WHEREAS, the voters of Union County overwhelmingly voted in favor of the Union County Open Space, Recreation and Historic Preservation Trust Fund in November of 2000; and

WHEREAS, Union County Board of Chosen Freeholders established the Trust Fund creating local funding opportunities such a Field of Dreams in 2001, Green the Streets in 2002, Preserve Union County in 2003, and Kids Recreation Trust Fund in 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, and 2019; and

WHEREAS, the 2020 Chairman's Initiatives called for the continuation of the Kids Recreation Trust Fund Program, a program designed to fund two types of recreational opportunities (scholarship and field/recreation center improvements) for our County's children; and

WHEREAS, The City of Linden wishes to apply to the Union County Trust Fund through the Kids Recreation Trust Fund Program for a matching grant in the amount of \$115,000.00 for Form 002, Recreational Grant Application for the upgrading of Tennis Courts in Dr. Martin Luther King Park to ensure the safety and enjoyment of Linden's youth; and

WHEREAS, The City of Linden will match the Kids Recreation Trust Fund grant program award with \$115,000.00 for the recreational grant; and

WHEREAS, said funds will be subject to the approval of The City of Linden 2021 budget; and

WHEREAS, The City of Linden will use the Trust Fund dollars in accordance with such rules and regulations governing the grant program;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LINDEN that the Mayor or the successor to the Office of Mayor is hereby authorized to:

1. Make application for the grant.
2. Provide additional application information and furnish such documents as may be required.
3. Act as the authorized correspondent of the above-named applicant.
4. This Resolution shall take effect pursuant to law.

Mrs. Ormon moved for the approval of Resolutions #2020-277 through #2020-294. The motion was seconded by Mr. Roman. President Yamakaitis asked if there was any discussion.

Ms. Cosby stated that she wanted to discuss resolution 2020-289. She stated that she did not have a problem with the developer, but wanted to make sure that the Board of Education would receive some funding through the PILOT agreement. She also spoke about the affordability of the rents for these developments, noting that last night the monthly rent was estimated to be \$1,700.00 per month. In her view \$1,700 per month was not an affordable rent for a one-bedroom unit. She continued speaking about the need to include affordability in this project, particularly for Linden residents.

Mayor Armstead said to look around at the building being built in Rahway and Elizabeth. They are getting compliment for what they are doing. The projects, in those towns don't have set asides. This development will be the crown jewel of Linden. He spoke about the need to bring people in, in-order to build Wood Avenue up. If restaurants are going to open, on Wood Avenue they need people. He explained his rational and spoke about the need for change. He also addressed the affordability issues, that had been raised, and that Linden has met its Mt. Laurel obligations.

Mrs. Hickey stated she was curious, after this vote, does Council have the final say as to what is going to be built? She asked if the PILOT agreement is going to be the same as the previous ones that the City has entered into. She went on that she wants to see a plan, and explained her reasons and concerns. Mrs. Hickey discussed the need for a parking garage to address parking issues in the downtown.

Mayor Armstead stated that the PILOT agreements are driven by State Statute. He continued that there are people interested in opening restaurants, if there are people coming into the area. He compared this development to developments in other towns.

Mr. Northgrave stated that the Financial Agreement will come down this road, noting that the developer and the City are still working on a final scenario for the development. Once that occurs then a PILOT will be developed, which will come back to Council. He pointed out that until there is people, in the area, no one will build a restaurant. He spoke about adoption of the redevelopment plan. Mr. Northgrave also addressed the parking issues that Mrs. Hickey had raised, and the sharing of PILOT funds with the Board of Education.

Mrs. Hickey responded to Mr. Northgrave's comments.

Mr. Roman stated that he had ran a campaign when he was twenty-seven years old, pointing out that he was now thirty-two. He spoke about going to Rahway, and what Rahway was doing different then Linden, how they made themselves successful. It is not as easy as build it and they will come. He addressed comments, made by the Mayor, regarding his comments over the size of the commercial rental space existing on Wood Avenue. He pointed that the developers are not doing anything, nor contributing to upgrades for our infra-structure.

Ms. Cosby pointed out to Mr. Northgrave that the redeveloper was OK with adding a set aside of 13% of 500 units. There should be low income units. Take it off the table and put into the agreement the things that we want. She spoke about some of the reasons come to Linden and what they are looking for. Ms. Cosby spoke about the requirements for low income, and if the project moves forward what happens to commuter parking.

President Yamakaitis interrupted Ms. Cosby and asked her to shut of the live stream she was doing on Facebook. Ms. Cosby stated that she was not going to shut it off and the reasons why. President Yamakaitis asked Mr. Antonelli for a ruling. Mr. Antonelli stated that it was a policy decision of Council. He noted the requirements of the Open Public Meeting Act.

Mr. Northgrave stated that he did not think that he left any questions unanswered. He then described the project, noting that the Financial Agreement would come, down the road.

Upon a roll call vote the resolutions were ordered approved, with all voting in favor, with the exception of Mrs. Cosby who abstained on Resolutions #2020-267, #2020-277, #2020-290, #2020-291 and #2020-293. Mrs. Cosby and Hickey who voted no on Resolution #2020-289 and Mr. Blaine who abstained on Resolution #2020-291.

President Yamakaitis again asked Ms. Cosby to stop Facebooking, during the meeting. Mr. Antonelli repeated that it was a policy decision of Council. In addition, it may be a distraction from the meeting. Ms. Cosby responded that she was not distracted. Mr. Antonelli it is a decision of Council. Mr. Antonelli addressed a comment, made by Mr. Roman regarding the right to freedom of speech. Council rules address comments from the members of the public and Council. This is a limited public forum. You ask for permission to speak, and wait to be recognized.

ORDINANCE FOR INTRODUCTION

Ordinance

64-46 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 REGULATES
7-33.1A Handicapped Parking On-Street
Delete: (the listed spots)

Ordinance #64-46 was introduced by Mrs. Ormon and was read on first reading by the Deputy Clerk.

On motion of Mrs. Ormon, seconded by Mr. Blaine the foregoing Ordinance was on roll call unanimously ordered approved. (Mr. Roman was absent)

Ordinance

64-47 ORDINANCE APPROVING THE APPLICATION FOR A LONG-TERM TAX EXEMPTION AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH GOETHALS COMMERCE PARK URBAN RENEWAL, LLC.

Ordinance #64-47 was introduced by Mrs. Ormon and was read on first reading by the Deputy Clerk.

On motion of Mrs. Ormon, seconded by Mr. Medina the foregoing Ordinance was on roll call was ordered approved, with all voting in favor except Ms. Cosby and Mrs. Hickey who voted no.

Ordinance

64-48 Ordinance approving the application for a long-term tax exemption and authorizing the execution of a financial agreement with Linden Renewable Energy Urban Renewal, LLC.

Ordinance #64-48 was introduced by Mrs. Ormon and was read on first reading by the Deputy Clerk.

On motion of Mrs. Ormon, seconded by Mr. Blaine the foregoing Ordinance was on roll call vote ordered approved with all voting in favor except Ms. Cosby and Mrs. Hickey who voted no.

Ordinance

64-49 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 4-00-6

Ordinance #64-49 was introduced by Mr. Strano and was read on first reading by the Deputy Clerk.

On motion of Mr. Strano, seconded by Mrs. Ormon the foregoing Ordinance was on roll call vote unanimously ordered approved.

Ordinance

64-50 Bond ordinance providing an appropriation of \$286,00 for the acquisition of a rear Loader sanitation truck with plow for the Division of Public Works for and by the City of Linden, and authorizing the issuance of \$271,700 bonds or notes of the City for Financing part of the appropriation.

Ordinance #64-51 was introduced by Mr. Strano and was read on first reading by the Deputy Clerk.

On motion of Mr. Strano, seconded by Mrs. Ormon the foregoing Ordinance was on roll call vote unanimously ordered.

Ordinance

64-51 Ordinance of the City Council, City of Linden adopting a Redevelopment Plan entitled “Block 339, Lot 5 (former D’s Dugout)” pursuant to the Local Redevelopment and Housing Law.

Ordinance #64-51 was introduced by Mr. Strano and was read on first reading by the Deputy Clerk.

On motion of Mr. Strano, seconded by Mrs. Ormon the foregoing Ordinance was on roll call vote ordered approved with all voting in favor except Ms. Cosby who voted no.

PUBLIC COMMENTS

NO PERSONAL, POLITICAL OR DEROGATORY COMMENTS: (not to exceed 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. Please raise the hand on the Ring Central site and wait to be recognized.

Anthony Mislán, 444 Inwood Road. Mr. Mislán spoke about the Mayor’s comments about why people go to restaurants and why they are being built. He spoke about who goes to them. He asked why Ms. Cosby’s issue of streaming the meeting on Facebook wrong. He spoke about the lack of transparency.

5032W – Identified himself as Donald Givens, 1313 W. Baltimore Ave. Mr. Givens spoke about the stifling of the public. The public should participate and the meeting should be broadcast on TV36. He spoke on development issues and what is occurring in other towns. He stated that to him, the development project on W. St. Georges Ave makes no sense Mr. Givens noted that the issue, regarding people on Elizabeth Ave parking too close to the corner, he had previously raised at another Council meeting, still has not been addressed. He then spoke about speeding issues in the Fourth Ward.

Sm-G965V – Identified himself as John Kaczor, Sixth Ward, Mr. Kaczor spoke about stopping the arguing over the live streaming of Council meetings. He went to state that the Council needs to return to live meetings. He then spoke about redevelopment and what he would like to see. He spoke about he defends the City and the potential that he sees in Linden, but he did not see it with the first developer, Meridia, that the City named. They are not attracting the right kind of people. The new developer was dissing Meridia during their presentation.

There being no other member of the public wishing to speak, Mr. Strano moved to close the public comment portion of the meeting. The motion was seconded by Mrs. Caldwell and was unanimously ordered approved.

COMMENTS FROM MEMBERS OF THE GOVERNING BODY

Mr. Medina stated that he is working out the details for a Ninth and Tenth Ward yard sale. He noted that when he was younger he had worked in Jersey City. At that time there was nothing in the area. He talked about the area, now, and how a PILOT agreement and responsible redevelopment are an important tool.

Mr. Blaine concurred with Mr. Medina, and the need to move forward responsibly. Look at the development of our town, and look at the added value it brings. We should make sure that we are not overdoing it in some areas of towns. Development will address some of the eye sores we have around town. There is a lot of development in areas that had been vacant. It is bringing in revenue.

Mr. Javick spoke on redevelopment and the need to move forward. The development that is taking place is great for the town, and he supports it.

Mrs. Caldwell noted that she has received text messages from residents regarding redevelopment. She noted the high property values, in Linden, and how this project is an asset to the City.

Mr. Mohammed stated that he was proud to be a Linden resident and taxpayer. Residents need to cooperate. Stop questioning people integrity. He repeated that he was proud to be a citizen and legislator.

Mayor Armstead reminded all that the first Meridia building was put up before he was Mayor. He talked about the changes that were made to the second Meridia building, and that we are getting better with each project. He also spoke about St. George’s avenue redevelopment and how beautiful of a project it was.

Ms. Cosby talked about possibly having the schools reopen, after hearing the Mayor's report on the Covid 19 numbers.

President Yamakaitis talked about the possibility of re-turning to open meetings and the current method of holding the meetings.

ANNOUNCEMENTS

President Yamakaitis made the following announcement:

* Council Conference meeting: Monday, October 19, 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, October 20, 2020 at 6:00 pm in the Council Conference Room, City Hall, 301 N. Wood Ave.

*Council Meeting: Tuesday, October 20, 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 participate electronically in these meetings, if the need continues.

ADJOURN

There being no further business to come before the Governing Body, Mr. Strano moved to adjourn the meeting. The motion was seconded by Mr. Blaine and was unanimously ordered approved by a roll call vote. The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

**Joseph C. Bodek
City Clerk**