

**Minutes of the Regular  
Meeting of the 2020 Council of the  
City of Linden, held Tuesday,  
December 29, 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, December 29, 2020 at 7:36 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
Councilman	Alfred Mohammed
Councilwoman	Rhashonna Cosby
Councilman	John F. Roman
Councilman	Ralph Strano
Councilman	Garnett Blaine
Councilman	Armando Medina
Council President	Michele Yamakaitis
Mayor	Derek Armstead

President Yamakaitis announced that Mrs. Hickey was excused.

**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:

64-59            An ordinance approving the application for a long-term tax exemption and authorizing the Execution of a financial agreement with the Apartments at Linden Station Urban Renewal, LLC

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. Robert Scutro was recognized and called on a number of times by the Council President, but could not be heard.

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 ordered approved by a roll call vote with all voting in favor except Ms. Cosby who voted no, and Mr. Javick, and Mr. Roman were having technical difficulty in participating and were not able to respond.

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

64-60 Bond Ordinance providing an appropriation of \$288,200 for the Acquisition and installation of a video surveillance system for the Fourth Ward Park and authorizing the issuance of \$273,790 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. Mohammed moved that the hearing be closed and the ordinance be adopted. The motion was seconded by Mrs. Caldwell and on a roll, call vote the foregoing ordinance was ordered approved by a roll call vote with all voting in favor except Mr. Javick, and Mr. Roman were having technical difficulty in participating and were not able to respond.

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

64-61 An ordinance to amend and supplement Chapter VII, Traffic, of an ordinance entitled, "An ordinance adopting and enacting the revised General Ordinance of the City of Linden, 1999," passed November 23, 1999 and approved November 24, 1999, and as amended and supplements.

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

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 to add the following:

Name of Street	Side	Hours and Days	Location
Gesner Street	South	Mon.- Fri. 7:00 a.m. To 10:00 a.m.	Between Wood Avenue to Ainsworth Street

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 Mrs. Caldwell and on a roll, call vote the foregoing ordinance was ordered approved by a roll call vote with all voting in favor except for Mr. Roman who was having technical difficulty in participating and was unable to respond. (Mr. Javick re-entered the meeting at 7:45 pm).

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

**CONSENT AGENDA**

- \*\*\*  
**Mayor Armstead**  
(1) Advising that he has appointed Joshua Weiss to the Linden Economic Development Corporation to fill the unexpired term of Joao Goncalves, expiring December 31, 2022.

Mrs. Cosby moved for approval of the Consent Agenda. The motion was seconded by Mr. Medina, and was ordered approved by a roll call vote with all voting in favor except for Mr. Roman, who was having technical difficulties in participating and was unable to respond.

**COMMITTEE REPORTS**

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

1. Department of Community Services
  - I. Division of Building and Grounds

- a) The internal designation of Gerald Bishop as Deputy Director at no increase in salary effective December 30, 2020.
- b) The termination of Matthew Rabadi (Laborer 1) effective November 2, 2020.

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 was having technical difficulties in participating and was unable to respond.

## RESOLUTIONS

### **RESOLUTION: 2020-366**

#### **RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT FOR DRUG RECOGNITION EXPERT CALLOUT PROGRAM**

**WHEREAS**, the City of Linden and the County of Union desire to enter into an agreement that allows both parties to implement a callout procedure for certified Drug Recognition Experts to respond to and conduct evaluations when drug use is suspected during a motor vehicle stop; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LINDEN** that the Mayor and City Clerk be and hereby are directed and authorized to enter into an agreement with the County of Union.; and

**BE IT FURTHER RESOLVED** that this Resolution be published and take effect pursuant to law.

### **RESOLUTION: 2020-367**

#### **RESOLUTION ACCEPTING THE RESIGNATION OF JAY DESAI S AS A MEMBER OF THE SPECIAL IMPROVEMENT DISTRICT**

WHEREAS, Jai Desai has submitted his resignation as a member of the Special Improvement District Board (SID), effective December 14, 2020.

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the City of Linden does hereby accept his resignation; and

BE IT FURTHER RESOLVED that the Mayor and Council of the City of Linden thank him for his service to the citizens of Linden and wish him well in his future endeavors.

### **RESOLUTION: 2020-368**

#### **RESOLUTION ACCEPTING THE RESIGNATION OF DONALD BLADZINSKI AS A MEMBER OF THE ZONING BOARD OF ADJUSTMENT**

WHEREAS, Donald Bladzinski has submitted his resignation as a member and Chairman of the Zoning Board of Adjustment, effective December 14, 2020.

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the City of Linden does hereby accept his resignation; and

BE IT FURTHER RESOLVED that the Mayor and Council of the City of Linden thank him for his service to the citizens of Linden and wish him well in his future endeavors.

### **RESOLUTION: 2020-369**

#### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDEN, COUNTY OF UNION, NEW JERSEY ACKNOWLEDGING AND RATIFYING ASSUMPTION OF LEASE WITH LINDEN HAWK RISE SOLAR, LLC AND AUTHORIZING SECOND AMENDMENT TO LEASE**

**WHEREAS**, the City of Linden (the "Linden") is a public body corporate and politic of the State of New Jersey; and

**WHEREAS**, Linden and Linden Hawk Rise Solar LLC ("Project Company") entered into that certain Lease Agreement, dated November 15, 2019, as amended by that certain First Amendment of Lease, dated July 22, 2020 (collectively, the "Lease"), pursuant to which Linden leased a portion of its former landfill located off Lower Road within Linden, New Jersey, identified on the City's official tax maps as parts of Block 581, Lots 11.03 and 17 (the "Property") to Project Company for the construction, operation and maintenance of a solar generation facility through the New Jersey Community Solar Pilot Program (the "Project"); and

**WHEREAS**, Linden and Project Company entered into that certain Easement for Transmission, Construction and Access, dated October 8, 2020 (the "Easement"), pursuant to which Linden granted to Project Company certain easements required for the construction and operation of the Project;

**WHEREAS**, Hathaway, a Delaware limited liability company, was an Affiliate of Project Company, and previously owned all of the issued and outstanding ownership and other equity interests in Project Company (collectively, the "Membership Interests");

**WHEREAS**, pursuant to that certain Membership Interest Purchase Agreement (the "Purchase Agreement"), dated as of November 2, 2020 (the "Effective Date"), by and between Hathaway and Navisun, Navisun acquired all the Membership Interests of Project Company (the "Transaction");

**WHEREAS**, Linden, Navisun and Project Company entered into that certain Acknowledgement and Estoppel Agreement, also dated November 2, 2020, a copy of which is on file with the City; and

**WHEREAS**, as of the Transaction, Project Company continues to have undertaken the Lease and all of the rights, benefits, privileges, obligations and duties of the Lessee thereunder;

**WHEREAS**, Hathaway has represented to Linden that Navisun is qualified to own, operate and maintain the Project, and that Navisun is an experienced independent power producer that focuses of the operation of solar projects in the 1-20MWdc range, with an executive management team that has an extensive portfolio of successfully financed and operating solar projects;

**WHEREAS**, Navisun and Project Company each desire to work cooperatively with Linden to effectuate the Project and the Community Solar Pilot Program, and are willing to provide any additional information that may be reasonably requested by Linden in order that Linden may familiarize itself with the Navisun team and Project Company;

**WHEREAS**, an affiliate of Hathaway shall continue as the EPC contractor for the Project;

**WHEREAS**, the parties have determined to enter into an Acknowledgment of Acquisition and Assumption of Lease (the "Agreement") in substantially the form attached hereto as Exhibit A, in order to memorialize the Transaction and a Second Amendment to Lease, in substantially the form attached hereto as Exhibit B, in order to clarify the process for transfer of ownership interests in the Project Company.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN, NEW JERSEY AS FOLLOWS:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The City Council hereby ratifies the Transaction and authorizes the Agreement and the Amendment, in the forms attached hereto, with any modifications to be approved by the City's legal counsel.

Section 3. The City Council hereby authorizes the Mayor, City Clerk, and other necessary City officials to execute, deliver, and accept the Agreement, the Second Amendment and all other necessary documents and undertake all actions reasonably necessary to effectuate the aforementioned purposes and this Resolution, in consultation with the City's legal counsel.

Section 4. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 5. This Resolution shall take effect immediately.

**RESOLUTION: 2020-370**

**RESOLUTION PURSUANT TO A FAIR AND OPEN PROCESS  
QUALIFYING CERTAIN PROFESSIONALS FOR CERTAIN POSITIONS  
FOR THE CALENDAR YEAR 2021**

**WHEREAS**, in accordance with N.J.S.A. 40A:11-2(6) the City of Linden (the "City"), County of Union, a municipal corporation of the State of New Jersey, instituted a policy to negotiate agreements for Professional Services on the basis of demonstrated confidence and qualifications for types of Professional Services required by the City pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the Purchasing Agent of the City of Linden has received in accordance with a published notice, sealed qualifications for various positions; and

**WHEREAS**, pursuant to the fair and open process, and based upon review of the qualifications and recommendations therefore, certain professionals are qualified for certain positions for the calendar year 2021;

**Additional**

**SPECIAL COUNSEL SERVICES INCLUDING BUT NOT LIMITED TO AVIATION MATTERS, MUNICIPAL PORT AUTHORITY MATTERS, ENVIRONMENTAL MATTERS, AND LABOR COUNSEL.**

Hunt, Hamlin & Ridley  
60 Park Place, 16<sup>th</sup> Floor  
Newark, NJ 07102

Steve S. Glickman, LLC  
150 Morris Avenue Suite 303  
Springfield, NJ 07081

Florio Kenny Raval  
125 Chubb Avenue  
Suite 310  
Lyndhurst, NJ 07071

McManimon Scotland Baumann  
75 Livingston Avenue  
2<sup>nd</sup> floor  
Roseland, NJ 07068

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN** that in accordance with N.J.S.A. 40A:11-2(6) on such basis as necessary, and for each of the approved and qualified vendors, a resolution approving each individual specific contract shall be considered by the Mayor and Council;

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

**RESOLUTION: 2020-371**

**A RESOLUTION AUTHORIZING AND RATIFYING THE RETENTION OF BLAU AND BLAU, ATTORNEYS AT LAW AS SPECIAL COUNSEL TO FILE AFFIRMATIVE TAX APPEALS ON BEHALF OF THE CITY OF LINDEN TOWNSHIP FROM JANUARY 1, 2021 UNTIL DECEMBER 31, 2021.**

**WHEREAS**, pursuant to Title 54 of the New Jersey Statutes Annotated, the Township regularly assesses all real properties within the Township and allocates its budget in proportionate manner based on the value of the various line items; and

**WHEREAS**, the City shall retain Blau and Blau, Attorneys at Law ("Blau and Blau"), as special counsel for the purpose of filing commercial tax appeals on behalf of the City of Linden Township for the period January 1, 2021, through December 31, 2021 ("Special Counsel"); and

**WHEREAS**, the agreement to retain Blau and Blau as Special Counsel for the period of January 1, 2021, through December 31, 2021 is attached hereto; and

**WHEREAS**, Special Counsel's Agreement specifically includes the right to file affirmative tax appeals on behalf of the City which tax appeals are designed to accurately and equitably apportion the real estate tax burden among the existing properties within the City; and

**WHEREAS**, Special Counsel is entitled to a 33% contingent fee if any increase in assessment occurs as a result of the appeal; and

**WHEREAS**, Special Counsel and the Tax Assessor has performed an analysis as to the various properties within the Township that it believes warrant affirmative tax appeals; and

**WHEREAS**, tax appeals had to be filed no later than April 1, 2021; and

**WHEREAS**, Special Counsel is responsible for all fees and expenses in prosecuting any affirmative tax appeals; and

**WHEREAS**, nothing contained herein shall mandate or require the prosecution of such appeals, but shall authorize any and all actions necessary and appropriate to prosecute these affirmative appeals.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN TOWNSHIP** that Blau and Blau, as Special Counsel, be and is hereby authorized and empowered to take all steps necessary to prosecute affirmative tax appeals for the year 2021.

**BE IT FURTHER RESOLVED** that this Resolution shall be available to inspection during normal business hours and in accordance with all applicable statutes.

**BE IT FURTHER RESOLVED** that this Resolution be published and take effect pursuant to law.

**RESOLUTION: 2020-372**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDEN, CONFIRMING CASES FOR SPECIAL TAX APPEAL ASSIGNED TO BLAU & BLAU**

**WHEREAS**, the City Council has previously retained Blau & Blau as Special Tax Council to file appeals to increase assessments that they found to be substantially under assessed; and

**WHEREAS**, Blau & Blau have filed such appeals for 2019 and 2020; and

**WHEREAS**, the appeals that have been filed have not been specifically authorized by resolution of the City Council; and

**WHEREAS**, the City Attorney has requested that the Council ratify the actions that Blau & Blau has taken on behalf of the City of Linden; and

**THEREFORE, BE IT RESOLVED**, by the City Council of the City of Linden hereby authorizes the filing of appeals to increase the assessments on the properties listed on **Schedule A**.

**RESOLUTION: 2020-373**

**RESOLUTION AUTHORIZING A CONTRACT WITH GOVERNMENT STRATEGY GROUP FOR REVIEW OF THE PROPOSED 2021 MUNICIPAL BUDGET**

**WHEREAS**, the City of Linden has a need to retain Government Strategy Group (“GSG”) and award said contract through a Non-Fair and Open process pursuant to N.J.S.A. 19:44A-20.4/20.5; and

**WHEREAS**, the City Attorney has certified that the fees, if any, to be paid to the GSG will not exceed \$17,500.00; and

**WHEREAS**, the City of Linden hereby awards a contract to the GSG for an amount not to exceed \$17,500.00; and

**WHEREAS**, the Finance Director has certified to the availability of funds for this purpose, to be charged to Account No. 0-01-20-155-123-255.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LINDEN** that an agreement for Professional Services be awarded to Government Strategy Group, 450 Shrewsbury Plaza, #330, Shrewsbury, NJ 07702 ; and

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk be and hereby are empowered and directed to execute said contract; and

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

Mrs. Cosby moved for approval of resolutions #2020-366 through #2020-373. The motion was seconded by Mr. Strano and was ordered approved by a roll call vote, with all voting in favor except Ms. Cosby who voted no to resolution #2020-373, abstained on resolutions 2020-268 and 2020-370, and Mr. Roman who was having technical difficulties in participating and was unable to respond.

**PUBLIC COMMENT**

President Yamakaitis recognized a person identified on RingCentral as Yesss Man, and asked that they state their name and address, as at any council meeting.

The person identified themselves as Wally Dixon. Mr. Dixon spoke about the recent criminal activity that had been occurring in the Fourth Ward Park, and the purchase of a camera system to combat it. He called the purchase a waste of money, as all that would occur would be that the activity would move to another park, without cameras. Mr. Dixon stated that the he believed that the activity was due to a lack of communications between the councilperson and the Linden Police Department. He spoke about the need to engage more with the young people of our community.

(Mr. Roman re-entered the meeting at 7:54 p.m.)

President Yamakaitis next recognized a person identified as SM-G965U, and asked that they state their name and address, as at any council meeting. President Yamakaitis repeated the request a few more times, and there was no response. There were no other persons wishing to speak.

There being no further persons wishing to speak, Mrs. Cosby moved to close the public comment period. The motion was seconded by Mr. Strano and was unanimously ordered approved by a roll call vote.

## COMMENTS FROM MEMBERS OF THE GOVERNING BODY

Mrs. Caldwell thanked her neighbors for believing in her and for the privilege of serving them. She went to state that never before had she worked in an atmosphere where peers belittled each other. She then spoke about leadership.

Ms. Cosby informed all that Mr. Elijah Johnson, Sr. had made his transition. She explained that donations were being made in his memory and how to donate. Next, she addressed the public, noting that during the conference meeting she had made attempts to include specific language in the conference meeting minutes of October 19, 2020, regarding the language change to the City's education policy. She stated that she wanted to set the record straight, that the City Council will "no longer require a minimum education of a high school diploma if the Civil Service Commission did not specify that in the job description for the position."

Mr. Medina Wished all a Happy New Year and noted that he would be putting out his Ninth Ward Report, and his goals for 2021 in the near future.

Mrs. Ormon wished her First Ward and all of the residents of Linden a healthy and prosperous New Year. She spoke about how challenging 2020 was, particularly with COVID, and how life was turned upside down. She noted that she was looking forward to a healthier 2021. She then spoke about the holiday house decorating contest, noted that the winners are posted on the City's website, and urged residents to drive around town to see the beauty and festivity of the holiday. She pointed out that she would be giving her year-end wrap up at the next Council meeting. She offered all a happy holiday and a blessed New Year.

Mr. Roman apologized for missing part of the meeting due to technology issues. He wished all a Happy New Year. He wished Mrs. Caldwell a happy birthday, and spoke about being sworn-in to his second term.

Mr. Strano wished all a happy New Year.

Mr. Blaine wished Mrs. Caldwell a happy birthday. He offered congratulations to newly elected city officials and wished all a happy and prosperous New Year. He thanked thee residents of the Eighth Ward for allowing him to represent them.

Mr. Javick – Wished Mrs. Caldwell a happy birthday. He also congratulated the newly re-elected members of Council and wish all a happy New Year.

Mrs. Caldwell offered her condolences to the family of Page Cook who passed away a few days before Christmas.

Mayor Armstead offered his condolences to the family of Page Cook, noting how she was a fixture in the Third and Fourth Wards. He offered condolences to the family of Elijah Johnson, Sr. and spoke about Mr. Johnson's long history of involvement, in Linden, including his service on the Board of Education. Next, he offered condolences to the Carter family, on their loss, and noted how Mrs. Carter had been a fixture in the Fourth Ward. Mayor Armstead wished Mrs. Caldwell a happy birthday, and thanked her for her service on this governing body. Happy New Year to all and God bless.

President Yamakaitis offered her condolences to the various families that had recently lost a love one, and in particular to the family of Mr. Johnson. She wished a happy birthday to Mrs. Caldwell and wished all a healthy and happy New Year.

## ANNOUNCEMENTS

President Yamakaitis announced that the re-organization meeting of the City Council will be as follows:

\*Council Conference meeting prior to the Council meeting:

Tuesday, January 5, 2021 at 6:00 pm in the Council Conference Room, City Hall, 301 N. Wood Ave.  
(Meeting to be held virtually)

\*Council Meeting: Tuesday, January 5, 2021, at 7:00 p.m. in the Council Chambers, City Hall, 301 N. Wood Ave. (Meeting to be held virtually)

Please check the City website, Linden-nj.gov for directions on how to participate electronically in these meetings and for copies of the agenda.

There being no further business to come before the Governing Body, Mr. Strano moved to adjourn the meeting. The motion was seconded by Mrs. Ormon and was unanimously ordered approved by a roll call vote. The meeting was adjourned at 8:08 p.m.

Respectfully submitted,

Joseph C. Bodek  
City Clerk