

A Regular Meeting of the City Council was held Tuesday, September 11, 2012 at 7:20 PM in the Council Chamber in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

Mayor Joseph Delaney presided. City Clerk Andrew J. Pavlica announced that the meeting was being held in accordance with provisions of the Open Public Meetings Act and that adequate notice was provided by mail and fax to the official City newspapers and to other interested parties and by posting the meeting notice on the bulletin boards in City Hall.

Councilmembers Present: Frank J. Calandriello, Tana M. Raymond, Glenn A. Mati and Joseph Delaney

Councilmembers Absent: Louis G. Aloia

Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, Deputy City Clerk Diane Rosolen, City Attorney Representative Robert Ferraro of Bruno and Ferraro (for City Attorney John Bruno) and City Engineer Kevin J. Boswell

#### REPORTS OF OFFICERS

Councilmember Raymond moved to approve the Reports of the Cabinet as presented orally and in writing during the Work Session held Monday, September 10, 2012. Councilmember Mati duly seconded the motion.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

#### MINUTES

Councilmember Mati moved to approve the Minutes of the following meetings:

Work	Session	-	March	6,	2012
Regular	Meeting	-	March	6,	2012
Work	Session	-	March	20,	2012
Regular	Meeting	-	March	20,	2012
Special	Meeting	-	March	22,	2012
Work	Session	-	April	3,	2012
Regular	Meeting	-	April	3,	2012
Work	Session	-	April	18,	2012
Regular	Meeting	-	April	18,	2012
Work	Session	-	May	1,	2012
Regular	Meeting	-	May	1,	2012
Work	Session	-	May	15,	2012
Regular	Meeting	-	May	15,	2012
Work	Session	-	June	6,	2012
Regular	Session	-	June	6,	2012
Regular	Session	-	June	19,	2012

Councilmember Raymond duly seconded the motion.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

RESOLUTIONS

Resolution No. 12-281

WHEREAS, Fire Company No. 5 advises that Patrick Connolly Sr. of 46 Hartmann Avenue, Garfield, New Jersey has served as an active member of the Garfield Fire Department for a period of seven years and recommend that he be granted an exemption, and  
WHEREAS, the records in the City Clerk's Office indicate that he has served for a period of seven years,  
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the recommendation of Fire Company No. 5 is hereby approved and that the proper officers are hereby authorized to issue an Exempt Firemen's Certificate to the above named individual.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Frank J. Calandriello  
Glenn A. Mati

Resolution No. 12-282

WHEREAS, Fire Company No. 2 has advised that they have accepted the resignation of Ricardo Reyes of 900 Paulison Avenue, Clifton, NJ as an active member, effective March 5, 2012,  
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 2 with respect to the above matter, is hereby approved.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Frank J. Calandriello  
Glenn A. Mati

Resolution No. 12-283

WHEREAS, Fire Company No. 5 has advised that they have accepted the resignation of Christopher Hoffman of 485 Van Bussum Avenue, Garfield, New Jersey as an active member, effective July 10, 2012,  
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 5 with respect to the above matter, is hereby approved.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Frank J. Calandriello  
Glenn A. Mati

Resolution No. 12-284

WHEREAS, Fire Company No. 5 has advised that they have accepted Nicholas Kopacz of 462 Boulevard, Garfield, New Jersey 07026, as a regular active member, effective July 18, 2012,  
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the action taken by Fire Company No. 5 with respect to the above matter, is hereby approved.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Frank J. Calandriello  
Glenn A. Mati

Resolution No. 12-285

WHEREAS, Fire Company No. 5 has advised that they have accepted Jan Kutarnia of 284 Delawanna Avenue, Clifton, New Jersey 07014, as a regular active member, effective August 9, 2012,  
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the action taken by Fire Company No. 5 with respect to the above matter, is hereby approved.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Frank J. Calandriello  
Glenn A. Mati

RESOLUTIONS

Resolution No. 12-286

WHEREAS, Fire Company No. 5 has advised that they have accepted Christopher Polonkay of 457 Van Bussum Avenue, Garfield, New Jersey 07026, as a regular active member, effective September 4, 2012,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the action taken by Fire Company No. 5 with respect to the above matter, is hereby approved.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Frank J. Calandriello  
Glenn A. Mati

Resolution No. 12-287

WHEREAS, Donna Dziaba, 30 Willard Street, who is the holder of a Disabled Person I.D. Card No. P1072770, has filed application for a handicapped parking sign to be placed at his address, and WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicapped Parking”, located on the south curb line of Willard Street commencing 25 feet south of the intersection of Willard Street and Blakely Place, and run an additional 25 west from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Frank J. Calandriello  
Glenn A. Mati

Resolution No. 12-288

WHEREAS, Craig Barckett, 183 Lincoln Place, who is the holder of a Disabled Person I.D. Card No. P1082485, has filed application for a handicapped parking sign to be placed at his address, and WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicapped Parking”, located on the west curb line of Schley Street commencing 45 feet north of the intersection of Lincoln Place & Grand Street, and run an additional 25 east from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Glenn A. Mati  
Tana M. Raymond

Resolution No. 12-289

WHEREAS, Michael Kaminski, 18 Schley Street, who is the holder of a Disabled Person I.D. Card No. P1074244, has filed application for a handicapped parking sign to be placed at his address, and WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicapped Parking”, located on the south curb line of Schley Street commencing 225 feet west of the intersection of Schley Street & Rose Garden Lane, and run an additional 25 west from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Glenn A. Mati  
Tana M. Raymond

RESOLUTIONS

Resolution No. 12-290

RESOLUTION AUTHORIZING TEMPORARY APPOINTMENT OF ACTING DEPUTY MAYOR

WHEREAS, pursuant to Local Ordinance, Tana M. Raymond, was appointed Deputy Mayor for the City of Garfield; and

WHEREAS, pursuant to the provisions of state and local law, the Deputy Mayor shall serve in the place of the Mayor and perform all functions of the Mayor in the Mayor’s absence; and

WHEREAS, on Friday, October 12, 2012, it will be necessary and appropriate to temporarily appoint Glenn A. Mati as Deputy Mayor for the City of Garfield in order to perform the marriage ceremony of Michael Latona and Rosann Borrelli of Saddle Brook, NJ, and

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

1. Councilman Glenn A. Mati be and is hereby appointed Deputy Mayor for the City of Garfield to perform the marriage ceremony of Michael Latona and Rosann Borrelli.
2. This temporary appointment shall be solely for the purpose of performance of these marriage ceremonies and for no other reason. Similarly, no additional authority is granted hereby other than to perform said ceremonies and to execute any and all documents which may be necessary in order to effectuate the provision of this Resolution and to confirm the performance of the marriage ceremonies as described above.

BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward certified copies of the within Resolution to Councilman Glenn A. Mati and Michael Latona and Rosann Borrelli.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Frank J. Calandriello  
Glenn A. Mati

Resolution No. 12-291

RESOLVED by the City Council of the City of Garfield that the City Clerk is hereby authorized to issue the following licenses for the fiscal year beginning July 1, 2012 and ending June 30, 2013:

PLENARY RETAIL CONSUMPTION LICENSES

License No. 0221-33-031-005	LCJD, LLC t/a Jimmy Jim’s Grill 399 Midland Avenue
0221-33-048-005	PJG Corporation POCKET LICENSE
0221-33-052-015	JDMJ Entertainment 279 Passaic Street

BE IT FURTHER RESOLVED that the foregoing renewals are granted on the condition that said renewal shall not constitute approval of anything at variance with the records of the City Council or any person-to-person transfer, place-to-place transfer or change of corporate structure approved prior to the passage of this resolution.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Frank J. Calandriello  
Joseph Delaney

RESOLUTIONS

Resolution No. 12-292

WHEREAS, an application has been filed for Person to Person Transfer Application of Plenary Retail Consumption License No. 0221-33-052-014, from JDMJ Entertainment, LLC (Pocket License) to 279 Passaic Street, LLC (Larry Preschel, 907 Prince Street, Teaneck, NJ 07666 - who will own 50% of the shares of the corporation and Jeffrey Raglievch, 23 Rustio Way, Freehold, NJ 07728 – who will own 50% of the shares of the corporation), for licensed premises to be located at 279 Passaic Street, Garfield, NJ 07026.

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term, and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33, and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business, and

WHEREAS, the Police Department has conducted a background investigation and the applicant and premises are suitable for licensing, and

WHEREAS, a “Tax Clearance - Transfer Certificate” has been issued and has been received as required pursuant to regulations promulgated by the State of New Jersey Division of Taxation,

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield, Bergen County, New Jersey, does hereby approve, effective September 12, 2012, the transfer of the aforesaid Plenary Retail Consumption License, 279 Passaic Street, LLC, (Larry Preschel, 907 Prince Street, Teaneck, NJ 07666 - who will own 50% of the shares of the corporation and Jeffrey Raglievch, 23 Rustio Way, Freehold, NJ 07728 – who will own 50% of the shares of the corporation), for licensed premises to be located at 279 Passaic Street, Garfield, NJ 07026 and does hereby direct the City Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to 279 Passaic Street, LLC, effective September 12, 2012.”,

BE IT FURTHER RESOLVED that this license is transferred on the condition that no Go-Go, live entertainment or discotheque, cover charge, entry fee or minimum or teen nights be permitted or in connection with this license. The Transfer is subject to the receipt of a Certificate of Occupancy (A fee of \$90.00 was collected for the City of Garfield and \$200.00 was collected for the State of New Jersey in connection with the person to person license transfer).

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Tana M. Raymond  
Glenn A. Mati

Resolution No. 12-293

A Resolution Authorizing Change Order No. 3 in Connection With The 2012 Joint Road Improvement Program, City of Garfield.

WHEREAS, the City of Garfield awarded a contract to Smith Soudy Asphalt Construction Co. in the original contract amount of \$1,039,480.00, and;

WHEREAS, Change Order No. 3 is necessary due to additional work within school properties, and;

WHEREAS, all work associated with Change Orders 1,2 & 3 reflect work done on Board of Education property for a net increase in the original contract amount of \$2,735.91.

NOW THEREFORE BE IT RESOLVED, Change Order No. 3 in the contract amount of \$26,495.05 is hereby approved.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Glenn A. Mati  
Tana M. Raymond

Resolution No. 12-294

A Resolution Authorizing Change Order No. 8 in Connection with the River Drive Improvement Project, City of Garfield.

WHEREAS, the City of Garfield awarded a contract to English Paving Co. in the original contract amount of \$7,544,462.52, and;

WHEREAS, Change Order No. 8 is necessary to adjust As-Built quantities and to compensate for extra work due to various unforeseen conditions encountered.

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NOW THEREFORE BE IT RESOLVED, Change Order No.8 in the total amount of \$181,913.77 is hereby approved.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Glenn A. Mati  
Joseph Delaney

Resolution No. 12-295

A Resolution Authorizing Change Order No. 9 in Connection with the River Drive Improvement Project, City of Garfield.

WHEREAS, the City of Garfield awarded a contract to English Paving Co. in the original contract amount of \$7,544,462.52, and;

WHEREAS, Change Order No. 9 is necessary to adjust As-Built quantities and to compensate for extra work due to various unforeseen conditions encountered.

NOW THEREFORE BE IT RESOLVED, Change Order No.9 in the total amount of \$625.38 is hereby approved. Subject to approval of City Engineer and City Manager.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Glenn A. Mati  
Tana M. Raymond

Resolution No. 12-296

A Resolution Authorizing Change Order No. 10 in Connection with the River Drive Improvement Project, City of Garfield.

WHEREAS, the City of Garfield awarded a contract to English Paving Co. in the original contract amount of \$7,544,462.52, and;

WHEREAS, Change Order No. 10 is necessary to adjust As-Built quantities and to compensate for extra work due to various unforeseen conditions encountered.

NOW THEREFORE BE IT RESOLVED, Change Order No.10 in the total amount of \$83,837.01 is hereby approved.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Glenn A. Mati  
Joseph Delaney

Resolution No. 12-297

BE IT RESOLVED, that the Mayor and Council of the City of Garfield wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$332,000.00 in 2012 Community Development Block for Road Resurfacing; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes the City Manager Thomas J. Duch to be a signatory to the aforesaid grant agreements;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize City Manager Thomas J. Duch to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the City of Garfield is liable for any funds not spent in accordance with the Grant Agreement; and that the liability of the Mayor and Council is in accordance with HUD requirements.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Frank J. Calandriello  
Glenn A. Mati

Resolution No. 12-298

RESOLUTION APPROVING PAYMENT TO CLEAN EARTH INC. FOR REMOVAL OF CONTAMINATED SOIL ON RIVER DRIVE PROJECT

Whereas the City of Garfield under advisement of Boswell Engineering hired Clean Earth Inc. to remove contaminated soil from the River Drive Project

Whereas, the Clean Earth Inc. removed contaminated soil from the River Drive Project location

Now, Therefore, Be It Resolved that the City of Garfield approves the payment to Clean Earth Inc. in the amount of \$165,426.56.

BE it further resolved, that the Mayor and Council authorized the City of Garfield CFO to make payment to Clean Earth Inc. in the amount of \$165,426.56.

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On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Glenn A. Mati  
Tana M. Raymond

Resolution No. 12-299

**RESOLUTION APPROVING PAYMENT TO WAWEL BANK FOR THE RECONSTRUCTION OF THEIR IRRIGATION SYSTEM**

WHEREAS, the irrigation system at Wawel Bank was damaged/relocated due to the beautification of the River Drive Bikeway and Park.

WHEREAS, Boswell Engineering determined that the City of Garfield needed to relocate Wawel irrigation system due to the beautification of the River Drive Bikeway Project and that it would be the responsibility of the City of Garfield to pay for this project.

NOW THEREFORE BE IT RESOLVED, that the City of Garfield approves the payment to Wawel Bank. in the amount of \$5,122.70.

BE IT FURTHER RESOLVED, that the Mayor and Council authorized the City of Garfield CFO to make payment to Wawel Bank. in the amount of \$5,122.70.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Frank J. Calandriello  
Glenn A. Mati

Resolution No. 12-300

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to Tax Court Judgment for the year 2012.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, that the proper offices are hereby authorized to issue a check refunding this overpayment and forward same to the Receiver of Taxes for the purpose of noting her records and fro mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
59	21	CoreLogic	O/P	\$1,933.11
143.06	22	CoreLogic	O/P	\$1,617.76
203.01	50.02	Pulte Croup	O/P	\$ 469.75
208.07	48	CoreLogic	O/P	\$1,904.36
218	8	Tadeusz & Bronislawa Pele	O/P	\$1,565.50

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Frank J. Calandriello  
Glenn A. Mati

Resolution No. 12-301

WHEREAS, the rules of procedure of Ordinance No. 1856, adopted on 1/22/1985, as per the City Manager and his designee of the City of Garfield state that a Performance Guaranty shall be made, in an amount as determined by the City Engineer, to cover a Street Opening Bond for the period of one year and,

WHEREAS, a deposit has been received from Krste & Janja Fantulin, P.O. Box 1442, Paramus, New Jersey 07653, for 580 Palisade Avenue, Block 149.02 Lot 15 in the City of Garfield, Bergen County, New Jersey, in the amount of \$2,500.00 for said Street Opening Bond on June 1,2011 said funds are being held in the Trust Other Fund, and

WHEREAS, the Building Inspector has investigated this deposit and had determined that they are due to the above individual;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield that these monies be refunded to the above named claimant.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Frank J. Calandriello  
Glenn A. Mati

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Resolution No. 12-302

Resolution Re: Cancelling Certain Grants Receivable and Appropriated Grant Reserves

WHEREAS, certain grants receivable and appropriated grant reserve balances remain on the Current Fund Balance Sheet; and,

WHEREAS, it has been determined that the these grant funds have been collected and/or expended in a previous budget; and,

WHEREAS, it is necessary to formally cancel said grants receivable and reserve balances from the Current Fund Balance Sheet;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Garfield that the following appropriated grants receivable and appropriated grant reserve balances be cancelled:

<u>Grant</u>	<u>Grants Receivable</u>	<u>Grant Reserves</u>
Safe Routes to Schools	\$ 48,000	\$46,438
Hazardous Discharge	48,619	
Juvenile Justice Grant	4,400	
Bergen County 200 Club	1,600	
Child Adolescent Health	10,000	
You Drink You Drive You Lose	5,000	
BCUA Recycling Program		258
Emergency 911		31
Local Domestic Preparedness		<u>25,000</u>
	<u>\$117,619</u>	<u>\$71,727</u>

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Frank J. Calandriello  
Glenn A. Mati

Resolution No. 12-303

RESOLUTION AWARDING CONTRACTS FOR SOLID WASTE & RECYCLABLES COLLECTION

WHEREAS, the City of Garfield previously entered into contracts for solid waste collection services and recyclables collection services which are scheduled to expire September 30, 2012; and WHEREAS, as a result of the anticipated expiration of these agreements, the City Council, pursuant to Resolution, authorized the advertisement for the solicitation of bids for successor agreements; and

WHEREAS, pursuant to the aforesaid Resolution, July 27, 2012 was established for the submission of bids and the opening thereof for both the solid waste and recyclables collection services for the City of Garfield; and

WHEREAS, the advertisement for the solicitation of bids was published and provided in accordance with the requirements of New Jersey Law more than sixty (60) days prior to the date for submission of bids; and

WHEREAS, a total of eight (8) prospective bidders received bid packages in response to the advertisement for bids, as follows:

Company

Joseph Smentkowski, Inc.  
3 New York Avenue  
Jersey City, New Jersey 07307

The First Occupational Recycling & Waste, Inc.  
120 Arlington Avenue  
Bloomfield, NJ 07003

Advanced Recycling  
61 Buff Lane  
Hillsdale, New Jersey 07642

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Interstate Waste Services  
111 Outwater Lane  
Garfield, NJ 07026

Waste Management  
75 Broad Avenue  
Fairview, NJ 07022

Future Sanitation Inc.  
80 Liberty Street  
Passaic, NJ 07055

Ferretti Carting  
160 Union Street  
Hackensack, NJ 07601

Suburban Disposal, Inc.  
54 Montesano Road  
Fairfield, New Jersey 07004;       and

WHEREAS, the bid specifications provided among other things, for several options including, most significantly, the option to bid on a three (3) year or a five (5) year contract for either or both of the contracts under consideration; and

WHEREAS, the City Council has determined after consultation with the Superintendent of the Department of Public Works, that a five (5) year contract for both solid waste collection and recyclables collection, with collection for the Garfield Housing Authority included, would be in the best interest of the City of Garfield; and

WHEREAS, at ten o'clock a.m. on Friday, July 27, 2012, a total of six bids were received, as follows:

1. Interstate Waste Services  
Solid Waste – bid  
Recycling - no bid
2. First Occupational Recycling & Waste Inc.  
Solid Waste - no bid  
Recycling - bid
3. Advanced Recycling  
Solid Waste - no bid  
Recycling - bid
4. Future Sanitation Inc.  
Solid Waste- bid  
Recycling- bid
5. Joseph Smentkowski, Inc.  
Solid Waste – bid  
Recycling- bid
6. Suburban Disposal, Inc.  
Solid Waste - bid  
Recycling - no bid;       and

WHEREAS, each of the aforementioned bidders submitted bids on both the three (3) year and the five (5) year optional contract for the specific contracts for which bids were submitted; and

WHEREAS, the City Attorney together with the Superintendent of the Department of Public Works met and reviewed each of the bids submitted by the six (6) bidders listed above in an effort to

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determine whether each of the bidders was in compliance with the bid specifications and the requirements of law; and

WHEREAS, the three (3) lowest bidders for each of the contracts bid for the five (5) year term selected by the Governing Body were as follows:

Solid Waste Collection Services – Five (5) Year Term including Housing Authority

- |                             |                |
|-----------------------------|----------------|
| 1. Joseph Smentkowski, Inc. | \$2,652,000.00 |
| 2. Future Sanitation        | \$2,685,600.00 |
| 3. Suburban Disposal        | \$3,089,000.00 |

Recyclables Collection – Five (5) Year Term

- |  |                |
|--|----------------|
| 1. First Occupational Recycling & Waste Inc. | \$999,350.00   |
| 2. Future Sanitation Inc.                    | \$1,014,000.00 |
| 3. Advanced Recycling Inc.                   | \$1,040,000.00 |
- and

WHEREAS, a review of the bids reveals that the recycling bid of First Occupational Recycling & Waste Inc. has failed to include its Financial Statement as required and therefore is disqualified and its bid is rejected,

WHEREAS, as a result of the foregoing, the City Attorney and the Superintendent of the Department of Public Works have recommended that the contracts be awarded to the lowest bidder as described above for Solid Waste Collection and the second lowest bidder for Recyclables Collection,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and council of the City of Garfield, County of Bergen, and State of New Jersey as follows:

1. A contract for solid waste collection services for the City of Garfield, for a period of five (5) years, including Garfield Housing Authority properties in accordance with the bid specifications and bids submitted be and is hereby awarded to Joseph Smentkowski, Inc., 3 New York Avenue, Jersey City, New Jersey on their bid in the amount of \$2,652,000.00 for the total of the five (5) year term of said contract;

2. The award of the aforesaid contract is contingent upon certification, by the Chief Financial Office of the City of Garfield, that sufficient funds exist for this purpose;

3. The contract to be awarded herein to Joseph Smentkowski Inc. shall be in strict compliance with the bid specifications, bid submitted and the requirements of law;

4. A contract for recyclables collection and disposal for the City of Garfield, for a five (5) year term, be and is hereby awarded to Future Sanitation Inc., 80 Liberty Street, Passaic, New Jersey on their five (5) year bid in the amount of \$1,014,000.00;

5. The award of the aforesaid contract is contingent upon certification, by the Chief Financial Officer of the City of Garfield, that sufficient funds exist for this purpose;

6. The contract to be awarded herein to Future Sanitation Inc. shall be in strict compliance with the bid specifications, bid submitted and the requirements of law;

7. The successful bidders described above shall be required to execute an agreement with the City of Garfield in the form prepared or approved by the City Attorney and the Superintendent of the Department of Public Works;

8. The Mayor and the City Clerk are hereby authorized to execute any such contracts on behalf of the City of Garfield.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward certified copies of the within Resolution to the City Attorney, the

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Superintendent of the Department of Public Works, Chief Financial Officer of the City of Garfield, the City Manager, Joseph Smentkowski Inc., Future Sanitation Inc., and all unsuccessful bidders.; and

It is further resolved than any resolution previously adopted and inconsistent with the terms hereof is hereby vacated and withdrawn.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Tana M. Raymond  
Joseph Delaney

Resolution No. 12-304

**RESOLUTION – APPOINTING SPECIAL COUNSEL**

WHEREAS, the Mayor and Council believe that it would be in the best interests of the City of Garfield to retain special counsel in connection with representation regarding an Unfair Practice Charge filed by the PBA with the New Jersey Public Employment Relations Commission bearing Docket No. CO-2012-176.

WHEREAS, the Mayor and Council have reviewed the qualifications of Apruzzese, McDermott, Mastro and Murphy, P.C. of Liberty Corner, New Jersey, and believes that this firm is qualified to represent the City of Garfield in this matter, and

WHEREAS, a contract may be awarded without the necessity of public bidding in accordance with the provisions of N.J.S.A. 40A:11-5(m) for this purpose; and

WHEREAS, the award of a Contract is contingent upon certification by the Chief Financial Officer that sufficient funds exist for this purpose.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Garfield, County of Bergen, State of New Jersey that the City Manager of the City of Garfield is hereby authorized to enter into a contract with Apruzzese, McDermott, Mastro and Murphy, P.C. for representation in the above matter in accordance with the terms of the Agreement to Provide Legal Services attached hereto.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward certified copies of the within Resolution to Apruzzese, McDermott, Mastro and Murphy, P.C. the City Manager, City Attorney, and the Chief Financial Officer of the City of Garfield.

On call of roll, Ayes 3,  
Abstain 1 - Councilmember Calandriello,  
Absent 1 - Councilmember Aloia

(Sgd) Tana M. Raymond  
Joseph Delaney

Resolution No. 12-305

**RESOLUTION – APPOINTMENT OF MEDIATOR**

WHEREAS, the Mayor and Council believe that it would be in the best interests of the City of Garfield to retain a mediator to resolve the dispute between English Paving, Inc. and the City of Garfield, and

WHEREAS, the Mayor and Council have reviewed a proposal by Michael Renda, Esq. to serve as mediator at the rate of \$300 per hour which fee is to be shared equally between English Paving, Inc. and the City of Garfield, and

WHEREAS, the Mayor and Council believes the mediator possesses the qualifications, experience and background suited for this purpose and

WHEREAS, a contract may be awarded without the necessity of public bidding in accordance with the provisions of N.J.S.A. 40A:11-5(m) for this purpose; and

WHEREAS, the award of a Contract is contingent upon certification by the Chief Financial Officer that sufficient funds exist for this purpose.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Garfield, County of Bergen, State of New Jersey as follows:

1. The City Manager is hereby authorized to execute a Confidential Mediation Agreement with Michael Renda, Esq. substantially in conformance with the Confidential Mediation Agreement attached hereto and

RESOLUTIONS

IT IS FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward certified copies of the within Resolution to John Lavin, Esq., the City Manager, the City Attorney, and the Chief Financial Officer of the City of Garfield.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

(Sgd) Glenn A. Mati  
Tana M. Raymond

Resolution No. 12-306

WHEREAS, Garfield Restaurant Corp, t/a Déjà vu has a liquor license with a condition that the licensee provide security for the business, and

WHEREAS, the business has been functioning without incident and the licensee has requested the removal of said condition.

NOW, THEREFORE, BE IT RESOLVED that the said condition for security is hereby suspended for a period of one month from the date hereof after which the Mayor and Council will further review the said condition.

On call of roll, Ayes 3,  
Nays 1 - Councilmember Calandriello,  
Absent 1 – Councilmember Aloia

(Sgd) Joseph Delaney  
Tana M. Raymond

BILLS AND CLAIMS

Resolution No. 12-307

RESOLVED by the City Council of the City of Garfield that the following bills No. 1533 to 1537 covering Dog Trust Account and Trust Other Account totaling \$40,138.11, and the Current Fund totaling \$202,738.71 and the Current Water Fund totaling \$33,724.69 and the General Capital Fund totaling \$306,401.07 and the Water Capital Fund totaling \$9,072.84 per attached Computer Lists, be ordered paid and the proper officers are hereby authorized to issue checks for same provided there are funds in the respective appropriations, and

BE IT FURTHER RESOLVED that the action of the Mayor, City Clerk and City Treasurer in issuing checks in payment on the Ratification List, which includes thirty three (33) items prior to the meeting be ratified.

See

The

Following

Pages \_\_\_\_\_

for

Bills

and

Claims

ORDINANCES

Ordinance No. 2634

The following entitled ordinance was introduced at a Regular Meeting held August 14, 2012; it was duly published; a copy was posted on the bulletin board in City Hall; copies were made available to the general public and having complied with the law, this ordinance was not read in full and the City Council can now proceed with the public hearing and final passage:

“BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$1,000,000 FOR THE CONSTRUCTION PHASE OF THE PASSAIC RIVER PARK AND BIKEWAY PROJECT IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.”

City Clerk Pavlica read the ordinance by title.

Mayor Delaney declared a public hearing on same and asked if there were any objections.

Mr. Ciro Disclafani, 47 Orchard Street, spoke on the ordinance.

There being no further objections, Mayor Delaney declared the public hearing closed.

Councilmember Raymond moved that said ordinance do now pass on final passage and that the City Clerk be directed to publish said ordinance in full together with the statement or notice required by law. Councilmember Mati duly seconded the motion.

On call of roll, Ayes 4, Absent 1 – Councilmember Aloia

CITIZENS AND TAXPAYERS

Mr. Miguel Reyes, 91 Passaic Street, asked for a response to his questions from the last Council Meeting:

1. Does City Manager know what the Fair Labor Standards is?
2. Does it have exemptions for Police Chief?
3. Does it apply to Chief Amos?
4. Who approves Chief Amos' overtime?
5. Comp time is supposed to be used in a short time? Why is the Chief allowed to bank his time?

He also asked if there is a conflict of interest with the Police Chief.

Mr. Reginald Buggs, 315 Mac Arthur Avenue, spoke on the format of Council Meetings. He spoke on the lack of action concerning Police Chief Amos. He said that the Council needs to take action and get things done here. He claimed that U.R.G.E.N.T. was being harassed by the Police Department. He complained about the Municipal Court changing the venue to have the case heard in Hackensack. He complained about the process. He said that the Council is powerless. He said that he wanted to know if the City Manager or the Mayor was in charge. He said that he wants answers. He said that the people from U.R.G.E.N.T. are law abiding citizens. He said that they presented a proposal to City Manager Duch to dismiss Kevin Amos from his position as Chief of the Garfield Police Department.

Mr. Lawrence Ignaczak, 186 Wessington Avenue, spoke about yellow striping and spoke on the lack of on-street parking in his neighborhood.

Mr. John Chiaia, Esq., 750 Valley Brook Avenue, Lyndhurst, said that he is our Attorney representing Future Sanitation and he commented on the award of the Recycling Contract at tonight's meeting.

Regular Meeting September 11, 2012, Continued

CITIZENS AND TAXPAYERS

Mr. Clyde Bamby, 105 Chestnut Street, asked about a resolution concerning a refund of overpaid taxes. He requested additional street lights on Chestnut Street.

Mr. Tony Lio, 50 Maitland Avenue, thanked the Mayor and Council for attending last night's session at the Middle School on Lanza Avenue by the EPA regarding the chromium cleanup.

Mr. Michael Ramadani, 167 Malcolm Avenue, said that he went to a coffee shop on Saturday and Malcolm Overhang Door has a loading zone. He said that the business owner called the cops on him for using the loading zone for parking, which he never does. He said that he was walking his dog on Sunday.

Mr. Anthony "Tom" Barckett, 183 Lincoln Place, spoke on harmony between the Mayor and Council and the Board of Education. He spoke on the chromium contamination in his neighborhood. He complained about the treatment of the public by members of the City Building Department.

Ms. Joyce Uram, 37 Schley Street, distributed photographs of the steps going down from Schley Street to Palisade Avenue and she complained about the condition of the steps.

Mr. Ciro Disclafani, 47 Orchard Street, spoke on pedestrian safety on River Drive between Belmont Avenue and Outwater Lane. He spoke on the need to rehabilitate the road in that area. He said the area needs a lot of attention. He spoke on the need for crosswalks in the area. He spoke on the need for lighting in that area.

Ms. Nilda Onativia, 181 Cambridge Avenue, questioned if there is a camera on when someone is arrested and interrogated. She asked questions concerning the retention schedule of the video. She spoke on an incident when she was arrested. She claimed she was slapped by a Garfield Police Officer and was cursed by a Garfield Police Officer.

Mr. John Gervato, 400 Midland Avenue, spoke on a proposed ordinance to eliminate the position of Police Chief and Deputy Police Chief.

COUNCILMEMBER COMMENTS

Councilmember Calandriello spoke on the proposed relocation of the Loaves and Fishes Interfaith Food Pantry to old Firehouse Number Four located on Ray Street. He Spoke on the resolution eliminating a Police Officer at the Déjà Vu Restaurant on River Road and said that he thought it was not a good idea. He spoke on the anniversary of the attacks on September 11th, 2001.

Deputy Mayor Raymond commented on the great meeting with the School Board last night. She told Mike Marsh, that she is very proud of him and thanked him for his dedication and devotion to the City. She spoke of the proposed relocation of the Interfaith Food Pantry to old Fire House Number Four. She spoke on the anniversary of the attacks on September 11th, 2001.

Councilmember Mati spoke on security at Déjà Vu and feels an opportunity should be given to the restaurant to see how it turns out. He spoke on the anniversary of the attacks on September 11<sup>th</sup>, 2001.

Mayor Delaney spoke on starting the meeting at 7:00 PM. He spoke on people speaking so long and not allowing other people a chance to speak. He spoke on the form of government of the City and the powers of the Mayor and City Council. He thanked the Board of Education for the joint meeting. He spoke on the Garfield YMCA and Project Graduation 5K race fundraiser held Saturday, September 8, 2012 in and around 20<sup>th</sup> Century Field with about 105 runners. He spoke on the water shortage and he spoke on the rehabilitation of River Drive.

Regular Meeting September 11, 2012, Continued

ADJOURNMENT

At 9:30 PM, there being no further business, Councilmember Raymond moved to adjourn the meeting. Councilmember Mati duly seconded the motion.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Aloia

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Andrew J. Pavlica, CITY CLERK