

A Regular Meeting of the City Council was held Tuesday, July 19, 2011 at 8:45 PM in the Council Chamber in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

Mayor Frank J. Calandriello 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: Tana M. Raymond, Louis G. Aloia, Stanley J. Moskal and Frank J. Calandriello

Councilmembers Absent: Joseph Delaney

Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Joseph J. Rotolo and City Engineer Kevin J. Boswell

SWEARING-IN CEREMONY FOR NEW POLICE OFFICER

City Manager Thomas J. Duch acted as Master of Ceremonies and introduced Police Chief Kevin Amos who led the members of the Garfield Police Department into the Council Chamber.

City Manager Duch read his letter of appointment for Sebastian Tyburski as a Garfield Police Officer and administered the official oath to him.

Each Councilmember present made congratulatory remarks to Sebastian Tyburski.

Police Chief Amos led the Police Department from the Council Chamber.

REPORTS OF OFFICERS

Councilmember Moskal moved to approve the Reports of the Cabinet as presented orally and in writing during the Work Session held earlier this evening. Councilmember Aloia duly seconded the motion.

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

RESOLUTIONS

Resolution No.11-229

WHEREAS, the Garfield Boys & Girls Club Buddy Basketball Senior Division Opirhory Realtors have gone undefeated 10-0 for the 2010-2011 season, and

WHEREAS, the team is comprised of Alex Castillo, Alvin Siljkovic, Anthony Ramos, Alex Victorino, Arvinder Matharu, Daniel Ramos, Elyssa Molina, Kristian Todorvoski, Michael Jones, Nicholas Marquez, Varinder Matharu, under the direction of their Outstanding Coaches Edo Molina, Frank Gulli and Alberto Victorino; and

WHEREAS, the City Council is desirous of publicly recognizing the outstanding accomplishments of the Opirhory Realtors Basketball Team,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that CONGRATULATIONS are hereby extended to the Opirhory Realtors Team on their championship.

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

(Sgd) Frank J. Calandriello
Stanley J. Moskal

At this time CERTIFIED copies of Resolution No. 11-229 were presented to the Garfield Boys Club Buddy Basketball Senior Division Opirhory Realtors team.

RESOLUTIONS

Resolution No. 11-230

WHEREAS, St. Stanislaus Kostka Roman Catholic Church will celebrate their annual Polish Night on Friday, September 9, 2011, and

WHEREAS, the Pulaski Day Parade Committee has consistently proven to be a most worthwhile proponent of the causes of the Polish nation and Polish people, and

WHEREAS, the Mayor and City Council of the City of Garfield wish to acknowledge the successful endeavors of the committee and the contributions of citizens of Polish ancestry,

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield, Bergen County, New Jersey, that the entire month of October 2011, shall be deemed and designated as “POLISH HERITAGE MONTH”, in honor of all citizens of Polish ancestry, St. Stanislaus Kostka Roman Catholic Church, and the Pulaski Day Parade Committee of the City of Garfield,

BE IT FURTHER RESOLVED that Congratulations are also extended to Henry Rybak for being named Grand Marshall of the 2011 Parade, and to Miss Agata Sokal on being named 2011 “Miss Polonia”.

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

(Sgd) Frank J. Calandriello
Stanley J. Moskal

Resolution No. 11-231

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, 2011 and ending June 30, 2012:

PLENARY RETAIL CONSUMPTION LICENSES

License No. 0221-33-031-005 Jimmy Jim’s Grill
399 Midland Avenue

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 Delaney

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 11-232

WHEREAS, the Mayor and Council of the City of Garfield, Bergen County, New Jersey, has adopted a resolution implementing Length of Service Awards Program (LOSAP), in 2001 to Section 457 (e)(11)(13) of the Internal Service Code of 1986 and:

WHEREAS, the Chief Financial Officer shall be the Plan Administrator for all correspondences in reference to LOSAP and the provider Lincoln Financial

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer, Roy Riggitano is hereby authorized as the Plan Administrator.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 11-233

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Public Service Electric and Gas Company is hereby authorized and requested to install a “Yellow” High Pressure Sodium Lamp on Pole Number 61453G located AT 175 Division Avenue,

BE IT FURTHER RESOLVED that City Clerk Andrew J. Pavlica is hereby authorized and directed to forward a certified and exact copy of this approved resolution to P.S.E. & G. Co. at the following address.

RESOLUTIONS

Mr. Tom Zotollo
P.S.E. & G. Company
325 County Avenue
Secaucus, New Jersey 07094

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 11-234

A Resolution Authorizing the City Engineer to perform surveying services in connection with the Power Purchase Agreement with Amber Jack Solar Energy Solutions on an escrow basis at no cost to the City of Garfield.

WHEREAS, Amberjack Solar Energy requires surveying services to identify subsurface utilities, and:

WHEREAS, these services may be performed on an escrow basis which will involve the deposit of monies with the City prior to the performance of the work.

NOW THEREFORE BE IT RESOLVED, the City and the Mayor and Council hereby authorize the City Engineer to perform said surveying services with the understanding the City will not be responsible for the payment of these monies and a deposit in the full amount of the contract shall be made prior to the performance of the work.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 11-235

A Resolution Authorizing the award of Replacement Well 8R at the Elmwood Park Well Field to Samuel Stothoff Co., Inc.

WHEREAS, the public bid for the Replacement of Well 8R was held on April 26, 2011, and;

WHEREAS, a written agreement to extend the bid date until the end of July, 2011 was received from the low bidder, Samuel Stothoff Co., Inc., 59 State Highway 31, Flemington, N.J., prior to June 26, 2011, and;

WHEREAS, the Chief Financial Officer has certified to the existence of funds in the appropriate accounts.

NOW THEREFORE BE IT RESOLVED Samuel Stothoff Co., Inc. is hereby awarded a contract in connection with the Replacement of Well 8R for the base bid, and alternate bid items, in the total contract amount of \$206,600.00.

BE IT FURTHER RESOLVED the City Engineer is hereby authorized to coordinate with the licensed water operator and file the appropriate certifications with the State of New Jersey in order to allow Well 8R to be placed back into service.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 11-236

A Resolution Authorizing Change Order No. 2 in Connection with the River Drive Improvement Project.

WHEREAS, Change Order No. 2 is necessary in order to replace existing water mains which require replacement;

NOW THEREFORE BE IT RESOLVED by the City of Garfield, Bergen County, New Jersey, that Change Order No. 2, in the amount of \$135,000 is hereby authorized in connection with the referenced River Drive Improvement Project.

BE IT FURTHER RESOLVED a subsequent change order shall be executed to result in a credit equal to this amount for a net zero increase for this work.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

RESOLUTIONS

Resolution No. 11-237

WHEREAS, the rules of procedure of the Planning and Zoning Boards of Adjustment of the City of Garfield state that a deposit shall be made to cover Engineering and Attorney fees, and WHEREAS, deposits have been received from James Hoffman, 48 Harrison Avenue, Garfield, NJ 07026 in the amount of \$135.50 for Engineering fees on 8/12/10 and \$153.70 for Attorney fees on 8/12/10, for a total of \$289.25 said funds are being held in the Developer's Escrow Fund, and WHEREAS, the Chief Financial Officer has investigated these deposits 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, Bergen County, New Jersey that these monies be refunded to the above named claimant.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 11-238

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 2010.
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 the overpayment and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
199	1	“Zipp & Tannenbaum, L.L.C. Attorney Trust Fund	TCJ	\$4,206.00

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 11-239

WHEREAS, pursuant to Resolution No. 07-212, Arthur Andreano was appointed to the Garfield Redevelopment Agency for a term that expired May 13, 2011,
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Arthur Andreano of 99 Willard Street is hereby appointed as a Commissioner of the Garfield Redevelopment Agency for a five year term, commencing May 14, 2011 and expiring May 13, 2016.

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

(Sgd) Frank J. Calandriello
Stanley J. Moskal

Resolution No. 11-240

WHEREAS, pursuant to Resolution No. 10-146, Frank J. Calandriello was appointed to the Garfield Redevelopment Agency for a term that expired May 13, 2011,
NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that pursuant to Ordinance No. 2338 codified as Chapter 56 of the Code of the City of Garfield that:
Mayor Frank J. Calandriello of 65 Maitland Place is hereby appointed as a Commissioner to the Garfield Redevelopment Agency, to succeed himself, for a full one year term, said term to commence May 14, 2011 and expire May 13, 2012.

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

(Sgd) Frank J. Calandriello
Stanley J. Moskal

RESOLUTIONS

Resolution No. 11-241

WHEREAS, pursuant to Resolution No. 10-146, Stanley J. Moskal was appointed to the Garfield Redevelopment Agency for a term that expired May 13, 2011,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that pursuant to Ordinance No. 2338 codified as Chapter 56 of the Code of the City of Garfield that:

Deputy Mayor Stanley J. Moskal of 51 Main Street is hereby appointed as a Commissioner to the Garfield Redevelopment Agency, to succeed himself, for a full one year term, said term to commence May 14, 2011 and expire May 13, 2012.

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

(Sgd) Frank J. Calandriello
Stanley J. Moskal

BILLS AND CLAIMS

Resolution No. 11-242

RESOLVED by the City Council of the City of Garfield that the following bills covering Current Fund totaling \$421,385.69 and Water Fund Current totaling \$400,605.67 and General Capital Fund totaling \$6,351.42 and Water Capital Fund totaling \$3,520.00 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 four (4) items prior to the meeting be ratified.

See

the

following

Pages Numbered _____

For

Bills

and

Claims

ORDINANCES

Ordinance No. 2616

The following entitled ordinance was introduced at a Special Meeting held July 5, 2011; 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:

AN ORDINANCE TO AMMEND ORDINANCE NO.1268, ENTITLED "AN ORDINANCE TO REGULATE TRAFFIC AND PARKING" IN THE CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF

City Clerk Pavlica read the ordinance by title.

Mayor Frank J. Calandriello declared a public hearing on same and asked if there were any objections.

There being none, Mayor Frank J. Calandriello 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 Aloia duly seconded the motion.

On call of roll, Ayes 4,
Absent 1- Councilmember Delaney

Ordinance No. 2617

The following entitled ordinance was introduced at a Special Meeting held July 5, 2011; 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 AUTHORIZE THE UNDERTAKING OF THE LANZA AVENUE ROADWAY IMPROVEMENT PROJECT, THE MIDLAND AVENUE SIDEWALK IMPROVEMENT PROJECT AND THE PASSAIC STREET STREETScape IMPROVEMENT PROJECT IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$700,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH 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 Frank J. Calandriello declared a public hearing on same and asked if there were any objections.

There being none, Mayor Frank J. Calandriello 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 Aloia duly seconded the motion.

On call of roll, Ayes 4,
Absent 1- Councilmember Delaney

CITIZENS AND TAXPAYERS

Ms. Margaret Bak, 23 Cedar Street; said that in March 2010, her daughter Brittany, who attends the Middle School, wanted to join the Junior Boilermakers Cheerleader Squad, so she wrote a check in the amount of \$75.00 and \$85.00 to the Garfield Junior Boilermakers. She said that she brought her daughter to practice in June but no one was there. She said that her checks were cashed and she wants her money back. She said that she knows that there is a police investigation with the Junior Boilermakers.

Ms. Joyce Uram, 22 Schley Street, asked about the proposed new Police Station.

CLOSED SESSION

Resolution No. 11-243

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to exclude the public from a meeting in certain circumstances, and

WHEREAS, the City Council is of the opinion that such circumstances now exist,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that a "Closed Session" is hereby called at 9:30 P.M. on Tuesday, July 19, 2011, to discuss the following as outlined in N.J.S.A. 10:4-12:

- * Tactics or techniques utilized in protecting the safety and property of the public or any investigation of violations or possible violations of the law; (proposed termination of Garfield Volunteer Ambulance Corps; possible retirement of Police Chief Kevin Amos within the next three years).
- * Pending or anticipated litigation or contract negotiations or matters falling within attorney-client privilege; (proposed sick-out buyout regarding Police Chief Amos over five years; proposed Police Chief salary enhancements over the next few years; contract with English Paving re: River Drive Realignment project and Passaic River park project.).
- * Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplinary action of personnel unless the individual in the right request a public meeting in writing; (possible retirement of Police Chief Kevin Amos within the next three years; proposed sick-out buyout regarding Police Chief Amos over five years; Police Chief salary enhancements over the next few years).

BE IT FURTHER RESOLVED that the matters so discussed will be disclosed to the public as soon as and to the extent that such disclosure can be made without adversely affecting the public interest or without violation of the confidentiality of personnel.

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

(Sgd) Stanley J. Moskal
Louis G. Aloia

EXIT AND ARRIVAL OF CITY OFFICIALS

At 9:45 PM, Emergency Management Coordinator Michael Marsh left the meeting during Closed Session. At 9:50 PM, Councilmember Joseph Delaney joined the meeting during Closed Session. At 10:20 PM, Police Chief Kevin Amos left the meeting and Superintendent of Public Works Sam Garofalo joined the meeting during Closed Session. It was duly noted for the record.

Regular Meeting July 19, 2011, Continued

ADJOURNMENT

After the City Council came out of Closed Session at 10:45 PM, there being no further business, Councilmember Delaney moved to adjourn the meeting. Councilmember Raymond duly seconded the motion.

On call of roll, Ayes 5

Andrew J. Pavlica, CITY CLERK