

A Regular Meeting of the City Council was held Tuesday, January 26, 2010 at 8:20 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, Joseph Delaney, Louis G. Aloia, Stanley J. Moskal and Frank J. Calandriello

Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, Labor Counsel Joseph Randazzo, City Engineer Kevin J. Boswell and Interim Chief Financial Officer Roy Riggitano

REPORTS OF OFFICERS

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

On call of roll, Ayes 5

PRESENTATION OF RESOLUTION NO. 09-366

City Clerk Pavlica read Resolution No. 09-366, adopted by the City Council at a meeting held November 10, 2009, which congratulated Peter DeFranco and Peter Amoruso for being publicly recognized with a Special Achievement Award for Professional Excellence in Sports Officiating by the YMCA of Greater Bergen County at their 2009 Sports Awards Banquet held November 24, 2009.

At this time, a framed copy of Resolution No. 09-366 was presented to Peter DeFranco.

RESOLUTIONS

Resolution No. 10-11

WHEREAS, on November 12, 2009, the General Casimir Pulaski Memorial Parade Committee, Inc., bestowed upon Garfield Deputy Mayor Stanley J. Moskal, the extremely high honor of being the 2010 Grand Marshall of the Pulaski Day Parade held in New York City, and

WHEREAS, Garfield Deputy Mayor Stanley J. Moskal will aptly represent the Polish Community of the entire Tri-State area of Connecticut, New York and New Jersey, when he marches up Fifth Avenue on Pulaski Day, Sunday, October 3, 2010, with a contingent of family, friends and supporters, and

WHEREAS, the official "sashing" of Garfield Deputy Mayor Stanley J. Moskal occurred at the Polish Consulate at 233 Madison Avenue, in New York City on Friday, January 22, 2010, and WHEREAS, the City of Garfield is extremely proud, pleased and honored that for the first time, ever, in the history of the Pulaski Day Parade, that one of our own sons, Deputy Mayor Stanley J. Moskal, has brought, positive attention, fame and glory upon his home town of Garfield, and continued the traditions which have earned Garfield the moniker as "The City of Champions",

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that DEPUTY MAYOR STANLEY J. MOSKAL is hereby CONGRATULATED on being bestowed with the much deserved honor of being named the 2010 Grand Marshall of the General Casimir Pulaski Memorial Day Parade, representing his hometown, the City of Garfield, and the entire Tri-State Region, and for being an effective and worthwhile proponent of the causes of the Polish Community and Polish Nation.

On call of roll, Ayes 4

(Sgd) Frank J. Calandriello
Louis G. Aloia
Joseph Delaney
Tana M. Raymond

RESOLUTIONS

Resolution No. 10-17

WHEREAS, Robert Cochrane, residing at 72 Manner Avenue, has requested to be appointed as a constable, and he has met the requirements of C. 200, laws of 1971 (NJSA 40A:9-120 et. seq.) and he has been recommended for appointment by City Manager Thomas Duch,
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Robert Cochrane, residing at 72 Manner Avenue, Garfield, NJ is hereby appointed a constable for the year 2010.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-18

WHEREAS, Gordon Scott Reid, residing at 225 Midland Avenue, Apartment 9C, has requested to be appointed as a constable, and he has met the requirements of C. 200, laws of 1971 (NJSA 40A:9-120 et. seq.) and he has been recommended for appointment by City Manager Thomas Duch,
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Gordon Scott Reid, residing at 225 Midland Avenue Apartment 9C, Garfield, NJ is hereby appointed a constable for the year 2010.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-19

WHEREAS, Resolution No. 09-35 was adopted granting a towing license to Belfi's Auto and Truck Repair, Inc. of 208 Palisade Avenue, Garfield, NJ, pursuant to Chapter 229 of the Code of the City of Garfield, and

WHEREAS, the latest one year term of the license has expired, and

WHEREAS, Belfi's Auto and Truck Repair, Inc. has filed for a license renewal and the City Council having determined the public convenience and necessity, allows and requires such license and that the applicant is fit and has the necessary equipment, including a storage area pursuant to Chapter 229, and

WHEREAS, a \$500.00 license fee has been received by the City Clerk in connection with this application pursuant to City Ordinance No. 2008,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is authorized to notify Belfi's Auto and Truck Repair, Inc. of 208 Palisade Avenue, Garfield, New Jersey that it has received a 2010 Towing License pursuant to the City Code, and

FURTHER RESOLVED that Belfi's Auto and Truck Repair, Inc. shall comply with all the pre-conditions and requirements of the towing license.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-20

WHEREAS, Resolution No. 09-36 was adopted granting a towing license to Bob's Automotive of 619 Midland Avenue, Garfield, NJ, pursuant to Chapter 229 of the Code of the City of Garfield, and

WHEREAS, the latest one year term of the license has expired, and

WHEREAS, Bob's Automotive has filed for a license renewal and the City Council having determined the public convenience and necessity, allows and requires such license and that the applicant is fit and has the necessary equipment, including a storage area pursuant to Chapter 229, and

WHEREAS, a \$500.00 license fee has been received by the City Clerk in connection with this application pursuant to City Ordinance No. 2008,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is authorized to notify Bob's Automotive of 619 Midland

RESOLUTIONS

Avenue, Garfield, New Jersey that it has received a 2010 Towing License pursuant to the City Code, and

FURTHER RESOLVED that Bob's Automotive shall comply with all the pre-conditions and requirements of the towing license.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-21

WHEREAS, Resolution No. 09-37 was adopted granting a towing license to Dabal's Service Station of 181 Prospect Street, Garfield, NJ, pursuant to Chapter 229 of the Code of the City of Garfield, and

WHEREAS, the latest one year term of the license has expired, and

WHEREAS, Dabal's Service Station has filed for a license renewal and the City Council having determined the public convenience and necessity, allows and requires such license and that the applicant is fit and has the necessary equipment, including a storage area pursuant to Chapter 229, and

WHEREAS, a \$500.00 license fee has been received by the City Clerk in connection with this application pursuant to City Ordinance No. 2008,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is authorized to notify Dabal's Service Station of 181 Prospect Street, Garfield, New Jersey that it has received a 2010 Towing License pursuant to the City Code, and

FURTHER RESOLVED that Dabal's Service Station shall comply with all the pre-conditions and requirements of the towing license.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-22

WHEREAS, Resolution No. 09-38 was adopted granting a towing license to David's Auto Body of 70 Lincoln Place, Garfield, NJ, pursuant to Chapter 229 of the Code of the City of Garfield, and

WHEREAS, the latest one year term of the license has expired, and

WHEREAS, David's Auto Body has filed for a license renewal and the City Council having determined the public convenience and necessity, allows and requires such license and that the applicant is fit and has the necessary equipment, including a storage area pursuant to Chapter 229, and

WHEREAS, a \$500.00 license fee has been received by the City Clerk in connection with this application pursuant to City Ordinance No. 2008,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is authorized to notify David's Auto Body of 70 Lincoln Place, Garfield, New Jersey that it has received a 2010 Towing License pursuant to the City Code, and

FURTHER RESOLVED that David's Auto Body shall comply with all the pre-conditions and requirements of the towing license.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-23

WHEREAS, pursuant to Section 229 of the Code of the City of Garfield municipal towing licenses are issued, on an annual basis, to towing companies who have expressed an interest in providing rotational towing services on behalf of the City of Garfield; and

WHEREAS, Mazzola Automotive Repair Center, Inc., 187-189 Midland Avenue, Garfield, N.J., has filed an application for a towing license for calendar year 2010; and

WHEREAS, the City Clerk and City Attorney have reviewed the application submitted and have determined that the application complies with all the requirements of local Ordinance; and

RESOLUTIONS

WHEREAS, the City of Garfield Police Department has conducted the appropriate investigation of this license and has also determined that the applicant does not comply with the equipment and storage facilities requirements of the Ordinance; and

WHEREAS, Section 229-19 of the Code of the City of Garfield provides that no more than three (3) licenses per year will be issued; and

WHEREAS, there currently exists a total of four (4) licensees who have applied for and received annual towing licenses from the City Council; and

WHEREAS, The outstanding licenses currently exceed the number of licenses set forth in local ordinance since several licensees were on the rotational towing list prior to the adoption of the aforementioned limitation; and

WHEREAS, as a result of the foregoing, the application filed by Mazzola Automotive Repair Center, Inc. fails to comply with the requirements of the Ordinance and would result in the issuance of a license which further exceeded the limitation set forth in the Ordinance; and

WHEREAS, the aforesaid City Ordinance provides that applicants in excess of the specified number would be placed on a waiting list and would, thereafter, be considered for a license in the event that any existing licenses are either forfeited or revoked.

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 application of Mazzola Automotive Repair Center, Inc. for a municipal towing license pursuant to Chapter 229 of the City code is hereby rejected;
2. City Code which provides that no more than three (3) licenses shall be issued per year; and, additionally, it is based upon the failure of the applicant to comply with the requirements of local ordinance;
3. The City Clerk shall place Mazzola Automotive Repair Center, Inc. on a waiting list for the issuance of a towing license in the event that one becomes available and said Mazzola Automotive Repair Center, Inc. shall be the first application considered for such a license in the event of its availability;
4. All fees paid by Mazzola Automotive Repair Center, Inc. shall be returned to this applicant.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to forward certified copies of the within Resolution to Mazzola Automotive Repair Center, Inc., as well as all other applicants, the Garfield Chief of Police and the City Attorney.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-24

WHEREAS, the City of Garfield is a member of the Suburban Essex Joint Insurance Fund; and

WHEREAS, as a member in this fund, the City of Garfield must appoint a Fund Commissioner and an Alternate to represent the City on all matters before the Fund; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield, county of Bergen and State of New Jersey that City Manager Thomas J. Duch is hereby appointed as J.I.F. Fund Commissioner and Andrew J. Pavlica, City Clerk be and is hereby appointed as Alternate J.I.F. Fund Commissioner for the City of Garfield of the Suburban Essex Joint Insurance Fund for the year 2010.

BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward a copy of this approved Resolution to the Suburban Essex Joint Insurance Fund, Risk Management Consultant and to the Office of the City Manager.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-25

RESOLUTION AUTHORIZING

TEMPORARY APPOINTMENT OF ACTING DEPUTY MAYOR

WHEREAS, pursuant to Local Ordinance, STANLEY MOSKAL, 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

RESOLUTIONS

WHEREAS, on February 13th, 2010, it will be necessary and appropriate to temporarily appoint JOSEPH DELANEY as Deputy Mayor for the City of Garfield in order to perform a single act, to wit, the marriage ceremony of RANI FINK and KEVIN HOULIS.

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

1. Councilman JOSEPH DELANEY be and is hereby appointed Deputy Mayor for the City of Garfield for February 13th, 2010 to perform the marriage ceremony of RANI FINK and KEVIN HOULIS.
2. This temporary appointment shall be solely for the purpose of performance of this marriage ceremony and for no other reason. Similarly, no additional authority is granted hereby other than to perform said ceremony 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 ceremony 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 JOSEPH DELANEY, and the City Attorney.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-26

WHEREAS, Patricia Alberti, 155 Van Winkle Avenue, who is the holder of a Disabled Person I.D. Card No. P324828, has filed application for a handicapped parking sign to be placed at her 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 north curb line of Van Winkle Avenue commencing 75 feet west of the intersection of Van Winkle Avenue and Chestnut Street and 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 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-27

WHEREAS, Donna Nank, 120 Van Winkle Avenue, who is the holder of a Disabled Person I.D. Card No. P841084, has filed application for a handicapped parking sign to be placed at her 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 Van Winkle Avenue commencing 80 feet east of the intersection of Van Winkle Avenue and Summit Avenue and 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 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-28

WHEREAS, Christiann Vaught, 297 Harrison Avenue, who is the holder of a Disabled Person I.D. Card No. P933716, has filed application for a handicapped parking sign to be placed at her address, and

RESOLUTIONS

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 Harrison Avenue commencing 220 feet south of the intersection of Harrison Avenue and Elizabeth Street and an additional 25 south 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 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-29

WHEREAS, litigation has been commenced by Steven Gilbert against Ellen Heine in the Superior Court of New Jersey, Chancery Division, Bergen County under Docket No. BER-C-278-09; and WHEREAS, the Defendant, Ellen Heine, has subsequently filed a Third Party Action against the City of Garfield and other third party defendants; and

WHEREAS, the City has forwarded this Third Party Complaint to the Municipal Excess Liability Joint Insurance Fund (MEL) which has reviewed the complaint and has advised that there would be little, if any, coverage for this claim; and

WHEREAS, the MEL has offered to allow the City to "buy out" of any potential coverage and under the terms of this agreement, the MEL would pay the City \$5,000.00 to utilize for defense costs and the City would thereafter be without insurance coverage or defense; and

WHEREAS, the City Attorney has reviewed the facts and circumstances surrounding this litigation as well as the Complaint, Third Party Complaint and Reservation of Rights Letter and has recommended that the City accept this proposal from the MEL.

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 of Garfield hereby .accepts the proposal of the Municipal Excess Liability Joint Insurance Fund to release the MEL and receive payment of \$5,000.00 in lieu of providing a defense to this action.

2. The Mayor and the City Clerk are authorized to execute a release confirming that agreement in the form which has been provided by the Law Firm of Dorsey & Semrau, General Counsel of the Municipal Excess Liability Joint Insurance Fund.

3. The City attorney and special litigation counsel are hereby authorized to take any and all further action which may be necessary in order to protect the City's interest in connection with this litigation.

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 Office of the City Manager, the City Attorney and the Law Offices of Dorsey & Semrau, Esqs.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-30

THE STATE OF NEW JERSEY

Department of State Division of Archives and Records Management

PARIS Grants Program Resolution-Municipality for Shared Services with County

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2010-11 grant cycle, priority funding will be given to county projects shared services projects with its constituent municipalities; and

RESOLUTIONS

WHEREAS, the City of Garfield desires to collaborate with the County of Bergen in the performance of the Paris Grant Shares Services; and
WHEREAS, the City of Garfield is acknowledging that their eligible funding of \$40,000.00 will be leveraged with County of Bergen; and
WHEREAS, the City of Garfield is acknowledging that the County of Bergen would be both the lead agency and the applicant for such a proposal; and
NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Garfield, Bergen County, that the City of Garfield does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-31

RESOLUTION – AUTHORIZING AGREEMENT WITH PUBLIC SERVICE ELECTRIC AND GAS COMPANY FOR ENERGY CONSERVATION PROGRAM

WHEREAS, Public Service Electric and Gas Company has offered an Energy Conservation Program to certain commercial and industrial customers; and
WHEREAS, under this program, PSE&G is arranging the installation of certain energy conservation measures at the facilities of eligible customers; and
WHEREAS, the intent of this program is to provide certain energy conservation installations which will, ultimately, result in reduced energy usage and cost to these customers; and
WHEREAS, a proposal for this program has been made to the City Manager in connection with the Senior Citizen Building and the City Manager has recommended the acceptance of this program; and
WHEREAS, once provision of the program is for the customer to contribute to the cost of the installation of the necessary equipment which may be paid in a lump sum or by paying twenty four (24) monthly payments; and
WHEREAS, the Mayor and Council have determined that the cost of such a program is justified and that the benefits of such a program on a long term basis will far outweigh this cost.
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. An agreement with Public Service Electric and Gas Company for their Energy Conservation Program be and is hereby approved.
 2. This agreement shall be for the City of Garfield Senior Citizen Building located at 488 Midland Avenue, Garfield, New Jersey.
 3. The City Manager is hereby authorized to execute the customer contract dated January 20th, 2010 which has been presented by PSE&G.
 4. The cost of this Contract shall be \$16,595.34 which may be paid in a lump sum basis or in twenty four (24) monthly payments of \$891.47.
 5. The award of this Contract is contingent upon certification, by the Chief Financial Officer, that sufficient funds exist for this purpose.
 6. The award of this Contract is exempt from the requirement of competitive bidding since the amount of the Contract does not exceed the applicable bid threshold and, in addition, due to the fact that the nature of the Contract does not lend itself to preparation of specifications.
- 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 Manager, Public Electric and Gas Company and the City of Garfield Recreation Department.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-32

RESOLUTION TO CONFIRM ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECTS

WHEREAS, a Bergen County Community Development Grant of \$47,255.00 has been proposed by the Children's Aid and Family Services for Eldercare Expansion Services at the Americas Unidas

RESOLUTIONS

Multicultural Senior Center and the Garfield Senior Center in the municipalities of Hackensack and Garfield, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development Funds may not be spent in a municipality without authorization by the Governing Body, and;

WHEREAS, the aforesaid project is in the best interest of the people of the City of Hackensack and the people of the City of Garfield, and;

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditures of the aforesaid Community Development Funds,

NOW THEREFORE BE IT RESOLVED, that the Governing Bodies of Hackensack and Garfield, hereby confirms endorsement of the aforesaid project, and;

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the Aforesaid project may be expedited.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-33

GRANT AGREEMENT BETWEEN THE CITY OF GARFIELD AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the governing body of the City of Garfield desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund the following project:

2010 Green Communities Grant
Community Forestry Management Plan

NOW THEREFORE, BE IT RESOLVED that Thomas J. Duch, City Manager is or the successor to the office of City Manager is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

BE IT FURTHER RESOLVED that The City Council of the City of Garfield authorizes and hereby agrees to match 33.3% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified 33% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

The Grantee agrees to comply with all applicable Federal, State and Municipal Laws, Rules and Regulations in its performance pursuant to the agreement.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-34

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 Jaime DaCosta, 16 Hudson Street, Garfield, New Jersey 07026 in the amount of \$409.71 for Attorney fees on 04/28/09, 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 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

RESOLUTIONS

Resolution No. 10-35

RESOLVED, by the City Council of the City of Garfield that the Chief Financial Officer shall and is hereby authorized to make the following transfers as per instructions from the Chief Financial Officer:

	Appropriation Reserves From:	Appropriation Reserves To:
Social Security	\$51,800.00	
Police Other Expenses	25,000.00	
UCC Enforcement O/E		\$1,500.00
Other Insurance Premiums		52,000.00
Volunteer Fire O/E		10,000.00
EMT/Contractual Expenses		3,000.00
Snow Removal		8,000.00
Public Health Salary and Wages		1,100.00
Municipal Court O/E		1,200.00
	\$76,800.00	\$76,800.00

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

Resolution No. 10-36

RESOLUTION – AUTHORIZING CONTRACT FOR DISTRICT-WIDE REVALUATION

WHEREAS, the Bergen County Board of Taxation has ordered the City of Garfield to implement a municipal wide revaluation to be completed in 2010 for the 2011 tax year; and

WHEREAS, the Bergen County Board of Taxation has granted several extensions to the deadline for conducting this municipal-wide revaluation prior to the current deadline but has now mandated that this project be completed as described above; and

WHEREAS, in furtherance of completing the mandated municipal-wide revaluation, the City Council has authorized the City Engineer to update and revise its tax assessment maps; and

WHEREAS, in addition, pursuant to Resolution 09-213, the City authorized the preparation of request for proposals for this revaluation; and

WHEREAS, in response to this request for proposal, several proposals were received from the following companies:

Appraisal Systems, Inc. located in Glen Rock, New Jersey

Certified Valuations, Inc. of Randolph, New Jersey; and

Realty Appraisal Company of West New York, New Jersey; and

WHEREAS, the proposal received from Appraisal Systems, Inc. provided

for a cost of \$434,100.00 together with Court services to be performed at its hourly rate of \$100.00/hour;

WHEREAS, the proposal submitted by Appraisal Systems, Inc. was lower than the proposal submitted by either of the other companies; and

WHEREAS, Appraisal Systems, Inc. is a qualified and competent company which has performed revaluations for various Municipalities located in Bergen County as well as other counties; and

WHEREAS, the City Council has determined that it would be in the best interests of the residents and tax payers of the City of Garfield to award this contract to Appraisal Systems, Inc.; and

WHEREAS, the within contract may be awarded without the necessity of competitive bidding since it provides for a contract of professional services and is therefore exempt from competitive bidding pursuant to the local public contracts law; and

WHEREAS, the Chief Financial Officer for the City of Garfield has certified 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. A Contract be and is hereby awarded to Appraisal Systems, Inc. , 266 Harristown Road, Glen Rock, New Jersey in accordance with its proposal dated November 25th, 2009.

RESOLUTIONS

2. The Contract awarded to Appraisal Systems, Inc. shall be to provide all services necessary in connection with the performance of a district-wide revaluation pursuant to the requirements of law and in accordance with the order of the Bergen County board of Taxation

3. The cost of performing these services shall be \$434,100.00 together with additional services for testimony and other matters at a rate of \$100.00/hour in accordance with the aforementioned proposal.

4. The award of this contract is contingent upon certification by the Chief Financial Officer that sufficient funds exist for this purpose.

5. A contract shall be executed by Appraisal Systems, Inc. and the City of Garfield on a form prepared by or approved by the City Attorney.

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 Appraisal Systems, Inc., the Tax Assessor for the City of Garfield, the Bergen County Board of Taxation, the City Attorney and to Realty Appraisal Company and Certified Valuations, Inc.

On call of roll, Ayes 4,
Nay 1 – Councilmember Raymond

(Sgd) Stanley J. Moskal
Frank J. Calandriello

BILLS AND CLAIMS

Resolution No. 10-37

RESOLVED by the City Council of the City of Garfield that the following bills No. 1354 to 1356 covering Trust Other, Escrow Developers Trust and Dedicated Penalty Trust Fire Department totaling \$4035.78 and Current Fund Reserve totaling \$112,425.85 and Current Fund totaling \$339,838.24 and Water Fund Reserve totaling \$84,995.40 and Water Fund Current totaling \$558.96 and Water Capital Fund totaling \$4,660.00 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 sixteen (16) items prior to the meeting, be ratified.

See

The

Following

Pages Numbered _____

For

Bills

and

Claims

ORDINANCES

Ordinance No. 2569

The following entitled ordinance was introduced at a Regular Meeting held January 5, 2010; 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 AMEND CHAPTER 39
OF THE CODE OF THE CITY OF GARFIELD AND, SPECIFICALLY,
TO CREATE THE POSITION OF WATER AND SEWER FACILITY MANAGER

City Clerk Pavlica read the ordinance by title.

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

There being none, Mayor Calandriello declared the public hearing closed.

Councilmember Aloia 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 Delaney duly seconded the motion.

On call of roll, Ayes 5

Ordinance No. 2570

The following entitled ordinance was introduced at a Regular Meeting held January 12, 2010; 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 DETERMINE THE POSITIONS
WITHIN THE CITY THAT ARE ELIGIBLE AND SHALL
PARTICIPATE IN THE STATE'S DEFINED
CONTRIBUTION RETIREMENT PROGRAM

City Clerk Pavlica read the ordinance by title.

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

There being none, Mayor Calandriello declared the public hearing closed.

Councilmember Delaney 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 5

Deputy Mayor Moskal introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND CHAPTER 260-57
OF THE CODE OF THE CITY OF GARFIELD

City Clerk Pavlica read the ordinance by title.

Deputy Mayor Moskal moved that this ordinance entitled: "AN ORDINANCE TO AMEND CHAPTER 260-57 OF THE CODE OF THE CITY OF GARFIELD", do now pass on first reading and remain on file with the City Clerk for public inspection until public hearing thereon and further consideration thereof which shall be held on February 23, 2010 at 8:00 PM in the City Hall in

ORDINANCES

Garfield and that the City Clerk shall be directed to publish said ordinance in full together with the notice of such hearing in Our Town Newspaper, at least seven days prior to the hearing.

The motion, duly seconded by Councilmember Delaney, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 5

CITIZENS AND TAXPAYERS

Ms. Lana Antes, 124 Grand Street, complained about her neighbor feeding stray cats.

COUNCILMEMBER COMMENTS

Councilmember Raymond spoke on Board of Education candidates Nick Milevski and Jim Miller being in attendance at tonight's Council meeting. She offered congratulations to Councilmember Moskal on making the City of Garfield proud by his selection as Grand Marshall of the 2010 Pulaski Day Parade in New York City. She said that in regard to the Revaluation, in these turbulent times, she is not willing to take that leap. She said that times are bad and if the City was ordered by the Tax Court, the City should fight the order. She spoke on the feral cat situation in Garfield.

Councilmember Delaney said that there are certain times that he feels really proud for the City of Garfield. He said that Saturday, he saw Miles Austin's Mom working out at the Garfield Boys and Girls Club. He said that Miles Austin is a pro football player for the Dallas Cowboys and is in the Pro Bowl and he said that his Mom is so humble and so happy to be living in the City of Garfield. He recognized Jim Miller and Nick Milevski who were responsible for bringing approximately sixty kids to play basketball at the Prudential Center at halftime during a college game this past weekend. He spoke on the Garfield Volunteer Ambulance Corps Dinner to be held this coming Saturday Night. He spoke on being thankful and proud of Pete De Franco and Stanley Moskal and said that Garfield is a real good place. He said that Sunday was his proudest moment because a fourteen year Memorial Mass was held for his Mom and his new grandchild was there, too. He spoke on how he witnessed City Manager Duch here on Saturday at 2:00 PM on Passaic Street looking at the Wal-Mart Redevelopment site, on his day off when other Municipal Officials throughout the State are home with their families. He remarked that this is the kind of person City Manager Duch is and the kind of town that Garfield is,

Councilmember Aloia wished everyone a Happy Valentine's Day if they do not make it to the next Council meeting. He said that it is difficult to make different decisions, but it is nice that Garfield is such a great town with so many good things happening in the community. He congratulated Councilmember Moskal and all the people who are doing the things like Peter DeFranco and people we should be mentioning who are not even recognized. He said that Garfield is a solid community and a lot of people come in and do a lot of things that make the community go in a positive direction. He said that really positive things are happening in Garfield with all the redevelopment and community involvement and he commends everyone. He congratulated Councilmember Moskal and one and all.

Deputy Mayor Moskal thanked the Mayor and Council, City Manager Duch and City Clerk Pavlica and everybody who attended his sashing ceremony last Friday at the Polish Consulate. He said that it is truly humbling and that the Pulaski Day Parade has been around for seventy-three years and after all that time, finally a Garfield resident will be leading the Parade, the City of Garfield will be first contingent leading the parade. He said that to have the honor of being the first Garfield resident and the youngest Grand Marshall ever selected, it is one of the sweetest things a person can ask for. He said that he looks forward to the City of Garfield contingent marching up Fifth Avenue and making this a very special year and just shine in New York City and prove that Garfield is the City of Champions. He thanked everyone and he said that Friday Night was a wonderful and touching evening for him and his family.

COUNCILMEMBER COMMENTS

Mayor Calandriello said that City Manager Duch met with Congressman Steve Rothman who is a member of the Congressional Budget Committee about some needs in the City of Garfield which the City will apply for funding. He spoke on the children from the Boys and Girls Club of Garfield who attended a Seton Hall University basketball game and a Fairleigh Dickinson University basketball game and played before crowds at halftime. He said that the kids played before crowds of thousands of people and for these children to get that kind of experience, his hat is off to Boys and Girls Club Executive Director Paul Casey and to Mr. Miller and all the people involved for setting that up. He spoke on Deputy Mayor Moskal's success on being named 2010 Grand Marshall of the Pulaski Day Parade in New York City. He remarked that it is good to see that Councilmember Raymond is on top of the cat situation.

RECESS, CHANGE OF VENUE AND RETURN TO ORDER

At 9:00 PM, a recess was called to move the meeting down the hall to the second floor Conference Room. At 9:25 PM, the meeting was called to order by Mayor Calandriello in the Conference Room and all City Officials were present as before the recess, with the exception of City Engineer Boswell. It was duly noted for the record.

2010 MUNICIPAL BUDGET

The City Council and Cabinet discussed the 2010 Municipal Budget.

CLOSED SESSION

Resolution No. 10-38

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 10:00 PM on Tuesday, January 26, 2010, to discuss the following as outlined in N.J.S.A. 10:4-12:

- * 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; (proposed elimination of City Recreation Department; proposed furloughs and layoffs of City employees).

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 5

(Sgd) Stanley J. Moskal
Frank J. Calandriello

ADJOURNMENT

After the City Council came out of Closed Session at 10:50 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

