

A Regular Meeting of the City Council was held Tuesday, February 9, 2010 at 9:00 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 and Frank J. Calandriello

Councilmembers Absent: Stanley J. Moskal

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

REPORTS OF OFFICERS

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

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

RESOLUTIONS

Resolution No. 10-40

WHEREAS, the Bergen Arts and Sciences Charter School is located at 200 MacArthur Avenue in the City of Garfield, and

WHEREAS, the Bergen Arts and Science Charter School Science Olympiad Team recently won Second Place at the New Jersey Regional Science Olympiads Division B and

WHEREAS, the BASCS First Lego League Team won First Place on Robot Design at the Bergen Qualification and won Second Place on Project Safety and Transportation at the New Jersey State Competition and

WHEREAS, the Garfield Mayor and Council are desirous of publicly recognizing the outstanding achievements of the BASCS students,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that the award winning students of the Bergen Arts and Sciences Charter School are hereby CONGRATULATED on their success in academic competition and wished continued success in their future endeavors.

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

(Sgd) Frank J. Calandriello
Louis G. Aloia

Resolution No. 10-41

WHEREAS, The Boy Scouts of America was established February 8, 1910 and for one hundred years has created a strong foundation of leadership, service and community for millions of American youth; and

WHEREAS, The Boy Scouts of America provides a program that builds character, trains Scouts in the responsibilities of participating citizenship and develops personal fitness; and

WHEREAS, With every rank advancement comes new challenges, new adventures and new friends for Scouts and those Scouters who accompany them along the way; and

WHEREAS, The Boy Scouts of America has nurtured and honored over two million Eagle Scouts; and

WHEREAS, The Boy Scouts of America alumni share memories that last a lifetime; and

WHEREAS, Scouting celebrates its legacy and reaffirms its commitment to inspire and prepare future generations.

RESOLUTIONS

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the Scouting Organizations in the City of Garfield – their leaders and sponsoring organizations – are hereby honored for making a difference in Garfield by their dedication of Scouting’s core values – leadership, character, community service, achievement and stewardship, on the occasion of the Hundredth Anniversary of the Boy Scouts of America.

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

(Sgd) Frank J. Calandriello
Louis G. Aloia

Resolution No. 10-42

Whereas, Senate Bill 458 calls for a referendum to consolidate the municipal tax assessor, municipal tax collector, municipal health services and municipal animal control services at the county, and;

Whereas, Senate bill 458 does not give the municipality any option if the county voters cast a majority to consolidate, and;

Whereas, consolidation would cause unnecessary hardship on citizens who rely on the municipal tax office for information and assistance, particularly the community’s senior citizens who depend on tax offices for assistance in completing tax freeze and rebate forms. Without proper study there is no proof that consolidation will save any public money, and;

Whereas, Senate Bill 458 calls for a master plan for the consolidation of the tax assessment and tax collection functions after enactment of the proposal without giving the public the opportunity to review and comment on the proposed master plan, and;

Whereas, current state statutes place responsibility for tax assessment and tax collection under municipal jurisdiction, and;

Whereas, it is the municipalities responsibility to collect all property taxes due and distribute same to the other taxing authorities, as well as enforcing laws on delinquents, and;

Whereas, current statute provide for the reserve for uncollected taxes to be included in the municipal budget;

Now, therefore, be it Resolved, that the governing body of the City of Garfield does hereby oppose the passage and enactment of Senate Bill 458.

Be it Further Resolved that a certified copy of this resolution be sent to Senate President Stephen Sweeney, Senator Jeffrey Van Drew, Chairman of the Community & Urban Affairs Committee and Senator Paul Sarlo representing this district as a sign of our opposition to this proposal.

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

(Sgd) Tana M. Raymond
Joseph Delaney

Resolution No. 10-43

RESOLUTION – IN SUPPORT OF SENATE BILL S-1

WHEREAS, legislation has been introduced which makes significant reforms to the Fair Housing Act and abolishes the Council on Affordable Housing; and

WHEREAS, a review of this legislation has revealed, to the Mayor and Council, that, if enacted, considerable relief will be granted to the City of Garfield as well as many other municipalities in connection with dealing with the extremely burdensome obligations imposed by the Council on Affordable Housing; and

WHEREAS, enactment of Senate Bill S-1 would grant additional local authority over matters pertaining to exclusionary zoning for low and moderate income households.

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

The City Council hereby expresses its support for Senate Bill S-1.

The City Council respectfully urges all members of the Senate to support Senate Bill S-1 as it provides substantial benefits to municipalities.

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 Honorable Christopher Christie, Governor of the State of New Jersey as well as to all of Garfield’s Senators and Assembly members.

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

(Sgd) Joseph Delaney
Louis G. Aloia

RESOLUTIONS

Resolution No. 10-44

RESOLUTION - AUTHORIZING DISCIPLINARY ACTION

WHEREAS, Plenary Retail Consumption Liquor License No. 0221-33-049-005 has been issued to Ever Wide, Inc. (Pan Shoushin) t/a Ever Wide, Inc.; and

WHEREAS, said Licensee operates the premises located at 235 Palisade Avenue in the City of Garfield; and

WHEREAS, various incidents have occurred involving the subject premises as reported by the Garfield Police Department; and

WHEREAS, said licensee has been previously charged with the same or similar violations which resulted in a suspension of their license; and

WHEREAS, additional incidents have occurred which also violate applicable ABC regulations.

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. The City Attorney is hereby authorized and directed to prepare disciplinary charges against the holder of Plenary Retail Consumption Liquor License No. 0221-33-049-005;
2. The charges to be prepared by the City Attorney shall pertain to the incidents described on the attached schedule as reported by the Garfield Police Department.
3. The City Attorney shall direct that a copy of said charges be served upon the Licensee at the licensed premises and a hearing shall thereafter be scheduled.

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 Garfield Police Department, the Licensee and the State Division of Alcohol Beverage Control.

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

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 10-45

WHEREAS, Fire Company No. 2 has advised that they have expelled Augustin Dell Valle of 42 Gaston Avenue, as an active member effective January 4, 2010,

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 accepted.

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

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 10-46

WHEREAS, Fire Company No. 2 has advised that they have accepted the resignation of Will Houck of 90 Chestnut Street, as an active member, effective January 4, 2010,

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 Moskal

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 10-47

RESOLVED by the City Council of the City of Garfield that Andrew J. Pavlica, City Clerk, is hereby authorized to issue the following licenses for Games of Skill for the year 2010 described in application, duly filed:

Sportsman Tavern	1 Pool Table	\$ 75.00
245 Outwater Lane	2 Video Games	100.00
Garfield, NJ 07026	1 Juke Box	<u>50.00</u>
		\$ 225.00
Wisla, Inc.	Pool Table	\$ 75.00
73 Main Street	Juke Box	<u>50.00</u>
Garfield, NJ 07026		\$ 125.00

Regular Meeting February 9, 2010, Continued

RESOLUTIONS

MVP Sports Bar 402 River Drive Garfield, NJ 07026	1 Pool Table 1 Juke Box	\$ 75.00 <u>50.00</u> \$ 125.00
Midnight Sun 323 Semel Avenue Garfield, NJ 07026	Pool Table Juke Box	\$ 75.00 <u>50.00</u> \$ 125.00
Taps Saloon 142 Outwater Lane Garfield, NJ 07026	1 Pool Table 1 Video Games 1 Juke Box	\$ 75.00 50.00 <u>50.00</u> \$ 175.00
Detour 437 Lanza Avenue Garfield, NJ 07026	1 Pool Table 1 Juke Box 1 Mega Touch	\$ 75.00 50.00 <u>50.00</u> \$ 175.00
J&S Fregata 45 Shaw Street Garfield, NJ 07026	1 Pool Table 1 Juke Box 1 Mega Touch 1 Foosball 1 Video Game	\$ 75.00 50.00 50.00 50.00 <u>50.00</u> \$ 275.00

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

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 10-48

WHEREAS, Lanza Laundromat LLC, 418 Lanza Avenue has filed an application for a Laundromat license for the year 2010, and

WHEREAS, the local inspectors CERTIFY that they have conformed with provisions of Ordinance No. 1288,

NOW THEREFORE BE IT RESOLVED by the Council of the City of Garfield that the City Clerk be and is hereby authorized to issue a license to Lanza Laundromat LLC for the year 2010.

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

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 10-49

WHEREAS, Garfield Network Inc. Suds City Laundromat, 228 Palisade Avenue has filed an application for a Laundromat license for the year 2010, and

WHEREAS, the local inspectors CERTIFY that they have conformed with provisions of Ordinance No. 1288,

NOW THEREFORE BE IT RESOLVED by the Council of the City of Garfield that the City Clerk be and is hereby authorized to issue a license to, F&R Burke Enterprises LLC DBA Suds City Laundromat for the year 2010.

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

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 10-50

WHEREAS, Time to Wash, 69 River Drive has filed an application for a Laundromat license for the year 2010, and

RESOLUTIONS

WHEREAS, the local inspectors CERTIFY that they have conformed with provisions of Ordinance No. 1288,

NOW THEREFORE BE IT RESOLVED by the Council of the City of Garfield that the City Clerk be and is hereby authorized to issue a license to, DL Sugarhouse LLC DBA Time to Wash for the year 2010.

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

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 10-51

RESOLUTION – AUTHORIZING EXTENSION OF CONTRACT

WHEREAS, the City of Garfield entered into a Recycling Agreement with Zozzaro, Inc. dated March 1st, 2007; and

WHEREAS, that Contract provided, among other things, for the disposal of recyclables on behalf of the City; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:11-5(l), Contract may be awarded without competitive bidding since it provides for the marketing of certain recyclable materials generated by the City's recycling program; and

WHEREAS, the Contract with Zozzaro Brothers, Inc. was later transferred or assigned to Green Sky Industries and said Contract ends on February 28th, 2010; and

WHEREAS, Green Sky Industries has now proposed a three year extension of that Contract until February 28th, 2013 with certain modifications and enhancements for the City; and

WHEREAS, the City Manager and the Superintendent of the Department of Public Works have recommended acceptance of said extension.

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. An extension of the current contract for marketing of recyclables is hereby authorized.
2. This Contract, with Green Sky Industries, shall be extended until February 28th, 2013.
3. All terms, conditions and obligations of the Contract dated March 1, 2007 shall remain in effect, with the exception of the modifications described on the proposal from Green Sky Industries dated January 25th, 2010, a copy of which is attached to this resolution.
4. The City Attorney is authorized and directed to prepare any and all documents, extensions or agreements which may be necessary in order to effectuate the provisions of this resolution.

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 Green Sky Industries, the City Attorney and the Department of Public Works for the City of Garfield.

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

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 10-52

RESOLUTION - INSTALLATION OF GROUND WATER MONITORING WELL

WHEREAS, Langan Engineering and Environmental Services has requested permission to install a ground water monitoring well within the sidewalk along the north side of Hartmann Avenue in the vicinity of 21 Hartmann Avenue in connection with the New Jersey Department of Environmental Protection directives and cleanup plan for the property located at 45 Hartmann Avenue; and

WHEREAS, the City Engineer has reviewed the request and has confirmed that it is acceptable and recommends its approval; and

WHEREAS, any approval granted herein shall be subject to execution, by Langan Engineering and Environmental Services of an Agreement for Site Access and Hold Harmless Agreement as well as compliance with all directives of the City Engineer.

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

RESOLUTIONS

Langan Engineering and Environmental Services is hereby granted approval for the installation of a ground water monitoring well within the sidewalk along the north side of Hartmann Avenue in the vicinity of 21 Hartmann Avenue.

This approval is in furtherance of the request received from Langan Engineering and Environmental Services dated December 22, 2009 as reviewed by City Engineer in his letter dated January 4, 2010. This approval is granted conditioned upon compliance with all requests and direction of the City Engineer, Department of Public Works and Police Department 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 Langan Engineering and Environmental Services, the City Engineer, the Police Department of the City of Garfield and the City Attorney.

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

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 10-53

WHEREAS, pursuant to Resolution No. 09-430 the Governing Body determined that it would be in the best interests of the City of make certain professional appointments pursuant to a “Fair and Open Process” pursuant to the provisions of the New Jersey Local Unit Pay to Play Law which became effective on January 1, 2006; and

WHEREAS, pursuant to the aforesaid Resolution, a legal notice and statement of criteria for submission of qualifications were prepared by the City Attorney which solicited submissions by the various professionals no later than Friday, January 22, 2010; and

WHEREAS, pursuant to the aforesaid notice, statements of professional qualifications were, in fact, submitted; and

WHEREAS, contracts with these professionals may be entered into by the City of Garfield without the necessity of competitive bidding since these contracts are professional services which are exempt from competitive bidding pursuant to N.J.S.A. 40A-11-5(1)a; and

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. Kevin Boswell of Boswell McClave Engineering is hereby appointed as city Engineer for the City of Garfield with compensation to be determined pursuant to the applicable salary Ordinance. This appointment shall include appointment to serve as the Engineer for the Garfield Planning Board.
2. Dieter Lerch of the firm of Lerch, Vinci and Higgins, LLP is hereby appointed as City Auditor for the City of Garfield with compensation to be determined pursuant to the applicable salary Ordinance or pursuant to separate Resolution.
3. Steven L. Rogut, Esq. of the firm of Rogut McCarthy Troy, LLC is hereby appointed as Bond Counsel for the City of Garfield with compensation to be determined pursuant to the various Bond Ordinances established by the City Council.
4. Joseph Burgis of the firm of Burgis Associates, Inc. is hereby appointed City Planner for the City of Garfield for an annual fee in an amount to be determined pursuant to separate Resolution.
5. Frank Covelli of Professional Insurance Associate, Inc. be and is hereby appointed Risk Management Consultant for the City of Garfield to perform various professional services as detailed in a Risk Management Consultant Agreement which indicates a minimum fee equal to six percent (6%) of the municipal assessment.
6. Robert McNerney of McNerney Appraisal Services Corp. is hereby appointed City Tax Appraiser for the City of Garfield in connection with defending tax appeals for a monthly retainer of \$2,900.00 per month.
7. Edward Arcari of the firm of Arcari Iovino Architects, PC is hereby appointed as Architect for the City of Garfield for a fee to be determined based upon each individual project awarded.
8. Joseph Giammanco is hereby appointed Municipal Prosecutor with compensation to be determined pursuant to the applicable salary Ordinance.

RESOLUTIONS

9. Capital Alternatives Corporation is hereby appointed as Grants Consultant for the City of Garfield with compensation to be determined in accordance with separate Resolution and contract. NOW, THEREFORE, BE IT RESOLVED that no appointments are being made for the positions of City Attorney and Litigation Attorney. Furthermore, these positions are on a salary basis only and, therefore, are exempt from Pay to Play regulations. A review of prior Resolutions and action of the Governing Body has revealed that contracts for those positions are currently in effect which extend through the current Council term.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that each of the appointments set forth herein shall be for a period of one (1) year commencing on January 1, 2010 and each appointment is subject to confirmation by the Chief Financial Officer that sufficient funds exist for these purposes.

WHEREAS, to the extent that the power of appointment rests with the City Manager, these appointments are intended to confirm said appointments made by the Office of the City Manager.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the within appointments have been made pursuant to a "Fair and Open Process"; and

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 Offices of the City Manager, City Attorney, Chief Financial Officer for the City of Garfield and each of the professions appointed pursuant to this Resolution.

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

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 10-55

A Resolution Authorizing Payment to the City Engineer in Connection with Professional Engineering, Surveying and Environmental Sciences Services In Connection with the Dundee Dam River Drive Improvement Project City of Garfield, Bergen County, New Jersey

BE IT RESOLVED, the following Invoice Numbers are hereby approved in connection with the Environmental, Surveying, Green Acres Diversion and General Design Services in Connection with the Dundee Dam Historic Park and River Drive Improvement Project:

Invoice	Amount
44843	\$532.00
45518	\$1,415.00
43843	\$465.50
43231	\$532.00
46648	\$332.50
47473	\$1,228.50
46525	\$2,653.00
45102	\$3,150.35
43641	\$6,750.00
43735	\$5,220.74
40986	\$4,831.50
39964	\$4,033.20
47471	\$2,838.50
46340	\$3,528.50
47709	\$1,068.00
47710	\$15,410.33
47570	\$93,361.37

BE IT FURTER RESOLVED, these invoices are to be charged against Ordinance Number 2551.

**Subject to the review and approval of the City Manager

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

(Sgd) Louis G. Aloia
Joseph Delaney

RESOLUTIONS

Resolution No. 10-56

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 an Street Opening Bond for the period of one year and,

WHEREAS, a deposit has been received from EMN Builders, LLC, PO Box 70, Dumont, New Jersey 07628, for 119 Pierre Avenue B177.04/L1, in the City of Garfield, Bergen County, New Jersey, in the amount of \$2,500.00 for said Street Opening Bond on 4/11/2007, 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 Moskal

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 10-57

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 an Street Opening Bond for the period of one year and,

WHEREAS, a deposit has been received from Alfred and Maria Lemanski, 452 Lanza Avenue, B177.04/L1, in the City of Garfield, Bergen County, New Jersey, in the amount of \$2,500.00 for said Street Opening Bond on 01/23/2009, 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 Moskal

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 10-58

WHEREAS, the rules of procedure of Ordinance N. 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 an Street Opening Bond for the period of one year and,

WHEREAS, a deposit has been received from Robert Benanti, 619 Midland Avenue Garfield, NJ 07026, for 508 Van Bussum Avenue B213.01/L9, in the City of Garfield, Bergen County, new Jersey, in the amount of \$2,500.00 for said Street Opening Bond on 06/13/2008 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 Moskal

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 10-59

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to overpaid taxes due to Tax Court Judgment for the year 2002.

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 for mailing to the property owner.

RESOLUTIONS

Block	Lot	Owner	Reason	Amount
119.03	52	The Irwin Law Firm, P.A., as Attorney for Sketchley Services etc.	TCJ	\$9,918.05

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

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 10-60

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to overpaid taxes due to Tax Court Judgment for the year 2003. 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 for mailing to the property owner.

Block	Lot	Owner	Reason	Amount
119.03	52	The Irwin Law Firm, P.A., as Attorney for Sketchley Services etc.	TCJ	\$9,926.75

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

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 10-61

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to overpaid taxes due to Tax Court Judgment for the year 2004. 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 for mailing to the property owner.

Block	Lot	Owner	Reason	Amount
119.03	52	The Irwin Law Firm, P.A., as Attorney for Sketchley Services etc.	TCJ	\$9,998.65

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

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 10-62

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to overpaid taxes due to Tax Court Judgment for the year 2005. 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 for mailing to the property owner.

Block	Lot	Owner	Reason	Amount
119.03	52	The Irwin Law Firm, P.A., as Attorney for Sketchley Services etc.	TCJ	\$10,673.80

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

(Sgd) Louis G. Aloia
Joseph Delaney

RESOLUTIONS

Resolution No. 10-63

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to overpaid taxes due to Tax Court Judgment for the year 2006. 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 for mailing to the property owner.

Block	Lot	Owner	Reason	Amount
119.03	52	The Irwin Law Firm, P.A., as Attorney for Sketchley Services etc.	TCJ	\$4,669.56

On call of roll, Ayes 4, (Sgd) Louis G. Aloia
Absent 1 – Councilmember Moskal Joseph Delaney

Resolution No. 10-64

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to overpaid taxes due to Tax Court Judgment for the year 2007. 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 for mailing to the property owner.

Block	Lot	Owner	Reason	Amount
119.03	52	The Irwin Law Firm, P.A., as Attorney for Sketchley Services etc.	TCJ	\$4,839.60

On call of roll, Ayes 4, (Sgd) Louis G. Aloia
Absent 1 – Councilmember Moskal Joseph Delaney

Resolution No. 10-65

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to overpaid taxes due to Tax Court Judgment for the year 2008. 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 for mailing to the property owner.

Block	Lot	Owner	Reason	Amount
119.04	1.01	Dahnerts Park Apts. LLC, c/o John R. Lloyd Esq., Nowell Amoruso Klein Bierman, P.A.	TCJ	\$3,930.00

On call of roll, Ayes 4, (Sgd) Louis G. Aloia
Absent 1 – Councilmember Moskal Joseph Delaney

Resolution No. 10-66

Resolution Re: Special Emergency – Revaluation

WHEREAS, an ordinance has been approved creating a special emergency appropriation of \$450,000 to meet certain expenses to be incurred for the engagement of special consultants for a city-wide revaluation and no adequate provision was made in the City budget for the aforesaid purpose, and N.J.S.A. 40A:4-53 provides for the creation of a special emergency appropriation for the purpose mentioned, and

WHEREAS, the total amount of the emergency appropriation created including the appropriation to be created by this resolution is \$450,000

And three percent of the total operations in the budget for the year 2009 was \$874,071

RESOLUTIONS

NOW THEREFORE BE IT RESOLVED that in accordance with N.J.S.A. 40A:4-48 and 40A:4-53:

1. A Special Emergency Appropriation be and the same is hereby made for:
Revaluation \$450,000
2. Total amount of the ordinance is for \$450,000 and the City hereby requests that an exclusion from the "CAP" be granted by the Director of Local Government services in accordance with P.L. 1981, Chapter 56, in the amount of \$90,000 per year in the budgets of the next five (5) succeeding years commencing with the budget of 2011 in accordance with 40A:4-55(c).
3. That a special emergency note or notes be authorized not in excess of \$450,000, the amount appropriated by ordinance as stated above.
4. That said note or notes may be renewed from time to time and at least 1/5 of all such notes and renewals thereof shall mature and be paid in each fiscal year thereafter until all are paid.
5. The Mayor and the Chief Financial Officer are hereby authorized to execute said notes, and the City Clerk is hereby authorized to affix the seal of the City to such notes and to attest such seal and said notes, and said officers are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said notes, and that said notes are within every debt and other limit prescribed by the Constitution or statutes of New Jersey.
6. The Chief Financial Officer is hereby authorized to sell said notes and any renewals thereof from time to time, at not less than par and accrued interest and to determine within the limitations prescribed by this resolution, the date, principal amount, maturity date, and denomination of said notes, and the rate of interest said notes shall bear and to deliver such notes upon receiving the purchase price to be paid therefore.
7. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.

On call of roll, Ayes 3, Nays 1
Nays 1- Councilmember Raymond
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia
Joseph Delaney

BILLS AND CLAIMS

Resolution No. 10-67

RESOLVED by the City Council of the City of Garfield that the following bills No. 1357 to 1362 covering Escrow Developers Trust, Trust Other, Dog Trust Fund, Building Dedicated Trust, Dog Trust Fund totaling \$26,021.94 and Current Fund Reserve totaling \$15,472.62 and Current Fund totaling \$3,361,949.03 and Water Fund Current totaling \$33,523.75 General Capital Fund totaling \$300.00 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 twenty two (22) items prior to the meeting, be ratified.

See

The

Following

Pages Numbered _____

For

Bills

and

Claims

ORDINANCES

Ordinance No. 2571

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 AMEND THE CHAPTER 260
OF THE CODE OF THE CITY OF GARFIELD AND, SPECIFICALLY,
TO AMEND ARTICLE VI OF CHAPTER 260
ENTITLED BARBER SHOPS AND BEAUTY PARLORS

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 4, Absent 1 – Councilmember Moskal

Councilmember Aloia introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND CHAPTER 73
OF THE CODE OF THE CITY OF GARFIELD
AND SPECIFICALLY, TO AMEND SECTION 73-5 OF THE CODE

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled: “AN ORDINANCE TO AMEND CHAPTER 73 OF THE CODE OF THE CITY OF GARFIELD AND, SPECIFICALLY, TO AMEND SECTION 73-5 OF THE CODE”, 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 March 9, 2010 at 8:00 PM in the City Hall in 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 Raymond, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 4, Absent 1 – Councilmember Moskal

Councilmember Aloia introduced in writing the following ordinance entitled:

AN ORDINANCE AUTHORIZING AN
EMERGENCY APPROPRIATION N.J.S.40A:4-53 ENGAGEMENT OF SPECIAL
CONSULTANTS FOR A CITY WIDE REVALUATION

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled: “AN ORDINANCE AUTHORIZING AN EMBERGENCY APPROPRIATION N.J.S.40A:4-53 ENGAGEMENT OF SPECIAL CONSULTANTS FOR A CITY WIDE REVALUATION”, do now pass on first reading and remain on file with the City Clerk for public inspection until public hearing thereon and further

ORDINANCES

consideration thereof which shall be held on March 9, 2010 at 8:00 PM in the City Hall in 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 3, Nay 1-Councilmember Raymond, Absent 1 – Councilmember Moskal

Councilmember Aloia introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND
THE CODE OF THE CITY OF GARFIELD
SECTIONS 73-2, 73-3 AND 73-7 TO
INCREASE THE LICENSING FEES
FOR THE ACTIVITIES DESCRIBED THEREIN

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled: “AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARFIELD SECTIONS 73-2, 73-3 AND 73-7 TO INCREASE THE LICENSING FEES FOR THE ACTIVITIES DESCRIBED THEREIN”, 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 March 9, 2010 at 8:00 PM in the City Hall in 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 4, Absent 1 – Councilmember Moskal

CITIZENS AND TAXPAYERS

Ms. Dolores Marsh, 142 Plauderville Avenue, thanked the Mayor and Council and City Manager for the many tributes to her son, Ex-Fire Chief Michael Marsh, at the Firemen’s Dinner held at the Venetian Restaurant on Friday, February 5, 2010. She said that it was a pleasure and it made her family proud and she really appreciates it.

COUNCILMEMBER COMMENTS

Councilmember Raymond thanked Dolores Marsh for raising two wonderful sons, Michael and Joseph. She said that they are great community servants and the City is privileged to have them in Garfield. She announced that February 25, 2010 will be the first meeting of the Spade and Neuter Committee to control the feral cat population.

Councilmember Delaney thanked Mrs. Marsh and said that the Firemen’s Dinner held last Friday was a great night for her and her family and the City of Garfield. He said that he had the pleasure on Sunday of seeing Garfield High School play Don Bosco Prep High School in basketball. He spoke in favor of the proposal to deed over the City-owned “Railroad Property” along the high school stadium to the School System.

Councilmember Aloia thanked Mrs. Marsh because her son is a cop and does that job well, he is a fireman and does that job well, he is Emergency Management Coordinator and does that job well, and last Friday was a special night. He commented that a lot of City employees do a lot more than they get credit and recognition and that night was very nice and Michael Marsh does a great job. He wished a Happy Valentine’s Day to all the ladies and Happy Birthday to Councilmember Raymond. He said that it is really great if somebody has the opportunity to drive down Passaic Street to see the largest Redevelopment in South Bergen, right here in the City of Garfield. He also

COUNCILMEMBER COMMENTS

commented on the Grand Opening of a business in town on Monday, February 15, 2010 – the Bar-B-Q Grill at 519 River Drive.

Mayor Calandriello commented that the City has never not worked with the School Board, but he would appreciate them working with the City, not just when they need something. He said that the City has reached out to them numerous times. He wished everyone a Happy Valentine's Day. He said that hopefully it will be not too much of a snowy weekend, but he believes the City is all prepared. He said that the City Manager made a reverse 9-1-1 call tonight to the citizens as to what is in place, that the City is prepared, what is expected of the citizens, and asking people to not park their cars on the street, if possible, so that the streets can be plowed better.

ADJOURNMENT

At 9:20 PM, there being no further business, Councilmember Raymond moved to adjourn the meeting. Councilmember Aloia duly seconded the motion.

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

Andrew J. Pavlica, CITY CLERK