

A Regular Meeting of the City Council was held Tuesday, March 9, 2010 at 9:05 PM in the Conference Room 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 Moskal 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 5

RESOLUTIONS

Resolution No. 10-86

WHEREAS, the young people of the City of Garfield are tomorrow's leaders; and

WHEREAS, many such young people need professional youth services to help them reach their full potential; and

WHEREAS, the Garfield Boys & Girls Club provides services to hundreds of young people annually; and

WHEREAS, the Garfield Boys & Girls Club is at the forefront of efforts in academic success, healthy lifestyles, good character, sportsmanship and citizenship; and

WHEREAS, the Boys & Girls Club organizations in our state help ensure that our young people keep off the streets, offering them a safe and supportive place to go and providing them with quality programs; and

WHEREAS, the Garfield Boys & Girls Club will celebrate National Boys & Girls Club Week;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that MARCH 21 THROUGH MARCH 27, 2010, is hereby PROCLAIMED AS BOYS & GIRLS CLUB WEEK IN the City of Garfield, and all citizens are called to join in recognizing and commending the Boys & Girls Club organizations in our state for providing comprehensive, effective services to the young people in our communities.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 10-87

WHEREAS, the Sicilian Federation of New Jersey will be holding their Annual Gala on Sunday, March 14, 2010 at 4:00 PM at the Venetian Restaurant located at 546 River Drive in Garfield, New Jersey, and

WHEREAS, the Sicilian Federation of New Jersey is a non-profit organization based in Bergen County, which promotes relations between the Region of Sicily and the State of New Jersey, and fosters the exchange of cultural, commercial and entrepreneurial interactions between the two countries, and

WHEREAS, this year the Federation is honoring the following organizations: the Ribera Club; San Ciro Society; Scoglitti Club, San Giuseppe Santa Croce Camerina Society; San Anthony Society; Sicilian Citizen Club of Bayonne; Italian American Forum of Lodi; Associazione Italiana Ieri Oggi Domani; Club Maria Santissima delle Grazie; Societa Unita of Union City; and Federazione Pugliesi del NJ, and

WHEREAS, the Garfield Mayor and Council are desirous of publicly recognizing all these organizations who have demonstrated a long commitment to promoting relations between Sicily and the State of New Jersey, and have continued their dedication to giving back to the community,

RESOLUTIONS

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that CONGRATULATIONS are hereby extended to all the honored organizations and the Sicilian Federation of New Jersey on being justly honored for their good deeds and for being worthwhile proponents of the causes of the Italian American community and the Italian nation.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 10-88

WHEREAS, Laundry Plaza (DBA) E-Z Laundromat, 255 Midland 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, E-Z Laundromat, for the year 2010.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Stanley J. Moskal

Resolution No. 10-89

WHEREAS, the Local Unit Electronic Technology Pilot Program and Study Act has been enacted by the New Jersey Legislature to permit local units to purchase bulk commodities and services and sell surplus property through means of the internet and related technologies; and

WHEREAS, the City of Garfield ("City") has surplus equipment and vehicles that is no longer used and useful in providing municipal services to the citizens of the City and wishes to dispose of these goods through an efficient and effective process; and

WHEREAS, the City has determined that the equipment and vehicles constitutes Property no longer needed for public use; and

WHEREAS, the City desires to sell through an online auction this Property no longer used; and

WHEREAS, the sale of surplus through an online auction is to be conducted in accordance with the requirements of Local Finance Notice 2008-9; and

WHEREAS, the auction of surplus pursuant with the terms and conditions of the City's contract with Propertyroom.com is necessary for the efficient operations of the City and the sale of Property no longer used and useful by the City for the provision of municipal services is in the best interests of its citizens; and

WHEREAS, the contract by and between the City and Propertyroom.com setting forth the terms and conditions for the auction services to be provided are available in the City Clerk's Office and the website of Propertyroom.com

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to enter into an Agreement with Propertyroom.com to perform an on-line auction on behalf of the City.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Stanley J. Moskal

Resolution No. 10-90

WHEREAS, pursuant to N.J.S.A. 2C:35-7 and 2C:35-7.1 certain narcotics related activities occurring within 1,000 ft of any school or within 500 ft of any Public Housing Facility, Public Parks or Public Building property, respectively, shall constitute separate and distinct criminal offenses; and

WHEREAS, the City Engineer has produced and approved two (2) maps for the purposes of depicting the location and boundaries of the area on or within 1,000 ft of property within the City of Garfield used for school purposes or public facilities, respectively, dated February 20, 2009; and

WHEREAS, pursuant to Section 3 of Chapter 44 of the Laws of 1988 and their amendments, amending N.J.S.A. 2C:35-7 and 2C:35-7.1, said maps shall upon proper authentication be admissible in criminal proceedings and shall constitute prima facie evidence of the location and boundaries of said school properties and public facilities in the City of Garfield; and

RESOLUTIONS

WHEREAS, said maps, prepared and approved by the City Engineer, Kevin J. Boswell of Boswell Engineering, 330 Phillips Avenue, South Hackensack, New Jersey dated February 20, 2009 accurately depicts the boundaries of such aforementioned properties in the City of Garfield; and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey, that the aforesaid maps are hereby approved as the official finding and record of the location and boundaries or the area or areas on or within 1,000 ft of school property or 500 ft of public facility property in the City of Garfield; and

FURTHER RESOLVED that the originals of said maps, or a true copy thereof, shall be filed with the Clerk of the City of Garfield, and shall be there maintained as an official record of the City of Garfield for the purposes of N.J.S.A. 2C:35-7 and 2C:35-7.1.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Stanley J. Moskal

Resolution No. 10-91

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE CITY OF GARFIELD AND AUTHORIZING THE MAYOR, CITY CLERK, INTERIM CHIEF FINANCIAL OFFICER AND OTHER CITY OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING \$6,684,300 OF NOTES, CONSISTING OF \$4,052,500 GENERAL BOND ANTICIPATION NOTES, BOTH ISSUES DATED MARCH 3, 2010 AND PAYABLE MARCH 3, 2011, AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" PURSUANT TO SECTION 265(b) (3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the City of Garfield, in the County of Bergen, New Jersey (the "City"), from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, that require issuers of tax-exempt obligations, such as the City, to account for and rebate certain arbitrage earnings to the United States Treasury and to take such other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the City intends to issue \$6,684,300 of notes, consisting of \$4,052,500 General Bond Anticipation Notes and \$2,631,800 Water Utility Bond Anticipation Notes, both issues dated March 3, 2010 and payable March 3, 2011 (collectively, the "Notes"); and

WHEREAS, the City desires to designate the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b) (3) of the Code;

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

SECTION 1. The City Council hereby covenants on behalf of the City, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the City (including the Notes) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, City Clerk, Interim Chief Financial Officer and other officials of the City are hereby authorized and directed to take such action, make such representatives and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b) (3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Notes are not "private activity bonds" as defined in the Code and (2) the City and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$30 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2010.

RESOLUTIONS

SECTION 5. It is further determined and stated that the City has not, as of the date hereof, issued any tax-exempt obligations (other than the Notes) during the calendar year 2010.

SECTION 6. The City will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265 (b) (3) of the Code; however, the City does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the City are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2010 dated as of the date of delivery of the Notes.

SECTION 8. This resolution shall take effect immediately upon its adoption.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Stanley J. Moskal

Resolution No. 10-92

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 Ironman Enterprises, LLC, 20 Passaic Street, Garfield, NJ, B201/L45-47 in the amount of \$763.00 for Engineering fees on 12/15/03 and \$482.90 for Attorney fees on 12/15/03 for a total of \$1,245.90, 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) Joseph Delaney
Stanley J. Moskal

Resolution No. 10-93

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 Paul Houllis, 41 Schley Street, Garfield, NJ 07026 B129.01/28 in the amount of \$750.00 for Attorney fees on 08/08/06, said funds are being held 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) Joseph Delaney
Stanley J. Moskal

Resolution No. 10-94

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 Rick and Suzanne Francis, 123 Von Bolen Way, Mahwah, NJ 07430 for 730 River Drive, Garfield, NJ, B152/L23 in the amount of \$3.50 for Engineering fees on 01/22/07, 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) Joseph Delaney
Stanley J. Moskal

RESOLUTIONS

Resolution No. 10-95

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 Denise and Josephine Kehoe, 895 5th Street, River Edge, NJ 07661, for 361 Harrison Avenue, Garfield, NJ, B123/L8 in the amount of \$375.00 for Attorney fees on 08/11/04, 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) Joseph Delaney
Stanley J. Moskal

Resolution No. 10-96

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 Jessica DeSantis, 8 Oak Street, Garfield, NJ, B111/L97 in the amount of \$150.00 for Engineering fees on 05/13/05 and \$160.30 for Attorney fees on 05/13/05 for a total of \$310.30, 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) Joseph Delaney
Stanley J. Moskal

Resolution No. 10-97

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:
Financial Salary and Wages	\$8,515.00	
Redevelopment Agency		\$8,515.00
	<hr/>	
	\$8,515.00	\$8,515.00

Resolution No. 10-98

WHEREAS, Dawn Sova, was appointed to the Garfield Redevelopment Agency pursuant to Resolution No. 08-185, adopted by the City Council at a meeting held May 27, 2008, and WHEREAS, Dawn Sova has resigned from the agency,
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Raymond Simione of 74 Maitland Place is hereby appointed to the Garfield Redevelopment Agency, effective immediately, to succeed Dawn Sova, for the unexpired term, said term to expire May 13, 2010.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello
Stanley J. Moskal

BILLS AND CLAIMS

Resolution No. 10-99

RESOLVED by the City Council of the City of Garfield that the following bills No. 1370 to 1375 covering Escrow Developers Trust, Trust Other, Dog Trust Fund totaling \$9,952.95 and Current Fund Reserve totaling \$23,971.18 and Current Fund totaling \$2,273,746.33 and Water Fund Current totaling \$18,248.22 and Water Capital Fund totaling 4,070.00 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. 2573

The following entitled ordinance was introduced at a Regular Meeting held February 9, 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 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.

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. 2574

The following entitled ordinance was introduced at a Regular Meeting held February 9, 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 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.

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 Raymond duly seconded the motion.

On call of roll, Ayes 5

Ordinance No. 2575

The following entitled ordinance was introduced at a Regular Meeting held February 9, 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 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.

ORDINANCES

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

CITIZENS AND TAXPAYERS

Mr. Rafael Herrera, 190 Lanza Avenue, expressed his frustration dealing with the Passaic Valley Water Commission. He admitted that he made a late payment concerning his water bill and he complained that he was charged a late fee. He commented that during the recent installation of a water line on Lanza Avenue, that the construction workers hit a gas line. He complained that the fence along Fleischer's Brook by the Middle School on Lanza Avenue is broken and he said that he does not want a tragedy to happen.

COUNCILMEMBER COMMENTS

Councilmember Raymond said that she is happy that the City Council directed City Manager Duch to contact the School System about the possible sale of the City-owned Railroad Property along the high school stadium property. She spoke on proposed street sweeping around the schools. She spoke on the first meeting rescheduled for tomorrow night of the Trap, Neuter and Release Program Committee.

Deputy Mayor Moskal spoke on his program, to collect resumes and attempt to place unemployed people in finance positions in private industry. He spoke on a cocktail party fundraiser for the 2010 Pulaski Parade Committee to be held Thursday, March 11, 2010 at the Royal Manor located at 454 Midland Avenue.

Mayor Calandriello said that it is a good thing that Deputy Mayor Moskal is offering his services to help place people in private finance jobs. He said that tonight was a long meeting basically all about the City Budget. He said that it is difficult times and the City Council has to do the best to give the taxpayers as much a break as possible. He said that New Jersey has a new Governor who is pretty much at the forefront of giving the taxpayer a break that he feels they need. He said that municipalities have a 4% CAP on raising taxes that must be lived with. He said that City Manager Duch put a lot of effort in coming up with cost effective ideas, along with Interim Chief Financial Officer Roy Riggitano, and City Auditor Lerch was here, too. He said that the Council has its work cut out and hopefully will be able to make the right decisions and take care of the City. He said that the Garfield High School Boys Basketball Team played a team from Newark tonight for a State Championship, but Garfield came up short eight points. He said that it was the first time that the Garfield High School Basketball team got this far in the playoffs.

ADJOURNMENT

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

On call of roll, Ayes 5

