

A Regular Meeting of the City Council was held Tuesday, March 16, 2010 at 8:35 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, City Attorney Joseph J. Rotolo, Labor Counsel Joseph Randazzo, City Engineer Kevin J. Boswell, Interim Chief Financial Officer Roy Riggitano, Police Chief Kevin Amos, Recreation Director Anthony Furfaro and Superintendent of Public Works Sam Garofalo

### REPORTS OF OFFICERS

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

On call of roll, Ayes 5

### RESOLUTIONS

Resolution No. 10-100

WHEREAS, Chapter 73 of the Code of the City of Garfield was recently amended to permit liquor licenses to be transferred to locations within 1,000 feet of another licensed premises if the Governing Body believes that it would be in the best interests of the City of Garfield to allow such a location; and

WHEREAS, the City Council has received a request for a liquor license transfer from NJCRY Enterprises, LLC to Bergen Heritage Management (Plenary Retail Consumption License No. 0221-33-069-013); and

WHEREAS, said transfer application provides for a person to person and a place to place transfer; and

WHEREAS, location at which the proposed transferee will operate is 517 River Drive, a location which is within 1,000 feet of other licensed premises; and

WHEREAS, the City Manager has reviewed this proposed transfer and has recommended that the Council allow a transfer to this location; and

WHEREAS, the City Council has reviewed this transfer as well and agrees that a transfer to this location is in the best interest of the City of Garfield and has elevated, therefore, to grant the waiver set forth in the newly revised provisions of Section 73-5 of the City,

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 transfer of the aforementioned liquor license to the location at 517 River Drive is hereby approved.
2. This resolution only grants a waiver of the location restriction in accordance with the provisions of Section 73-5 of the City Code and does not effectuate an actual transfer of the liquor license which will be done pursuant to a separate resolution of the Governing Body.
3. This decision is made based upon the recommendation of the City Manager and in view of the fact that said location is on River Drive, in the contemplated "restaurant zone" and will encourage development of this particular area in a manner which is consistent with the master plan and the City Council's vision for the River Drive Corridor.

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 Attorney, Building Department of the City of Garfield, the Office of the City Manager and Bergen Heritage Management, LLC and Frances Ciambone, Esq.

RESOLUTIONS

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal  
Louis G. Aloia

Resolution No. 10-101

WHEREAS, an application has been filed for a person to person transfer and a place to place transfer of Plenary Retail Consumption License No. 0221-33-069-013, from NJCRY Enterprises, LLC, located at 149 VanWinkle Avenue, Garfield, NJ 07026 (Manuel A. Silva, 257 ½ Walnut Street, 2<sup>nd</sup> Floor, Newark, NJ 07105 and Fernando Lavrador, 6 Sussex Place, Jackson, NJ 08527, who each owns 50% of the shares of the Corporation) to Bergen Heritage Management, LLC, (Giovanni LoGrasso, 110 East Ridgewood Avenue, Paramus, NJ 07652-who will own 100% of the shares of the Corporation), t/a The Bar B Q Grill, 517 River Drive, Garfield, NJ 07026, and

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Garfield, Bergen County, New Jersey, does hereby approve, effective March 17, 2010, the transfer of the aforesaid Plenary Retail Consumption License, Bergen Heritage Management, (Giovanni LoGrasso, 110 East Ridgewood Avenue, Paramus, NJ 07652-who will own 100% of the shares of the Corporation) t/a the Bar BQ Grill, 517River Drive, Garfield, NJ 07026 and does hereby direct the City Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Bergen Heritage Management, effective March 17, 2010."

BE IT FURTHER RESOLVED that this license is transferred on the condition that no Go-Go, live entertainment, discotheque, no D.J., cover charge or door charges be used in connection with this license; (A fee of \$75.00 was collected for the City of Garfield and \$200.00 was collected for the State of New Jersey in connection with the person to person license transfer and a fee of \$75.00 was collected for the City of Garfield and \$200.00 was collected for the State of New Jersey in connection with the place to place license transfer). All outdoor seating shall be in compliance with the provisions of Ordinance #2529 entitled "Outdoor Cafes".

Transfer is subject to submission of revised plan showing outdoor service approved by City Attorney.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal  
Louis G. Aloia

Resolution No. 10-102

A Resolution Authorizing Environmental Consulting Services in Connection with the Preparation of a Preliminary Assessment Report (PAR) for a Replacement Parcel Required as Part of the Green Acres Diversion on River Drive City of Garfield, Bergen County, New Jersey

WHEREAS, the River Drive Improvement Project requires the diversion of Green Acres parkland, and:

WHEREAS, replacement parcels must be identified as part of the Green Acres diversion process, and;

WHEREAS, replacement parcels were identified at Block 7.02, Lot 1.02, Block 140, Lot 100.02 & Block 213.02, Lot 1 within the City, and;

WHEREAS, a Preliminary Assessment Reports are required pursuant to NJDEP Green Acres.

NOW THEREFORE BE IT RESOLVED, the City Engineer is hereby authorized to undertake the requisite environmental services for a fee not to exceed \$35,000.00.

RESOLUTIONS

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal  
Louis G. Aloia

Resolution No. 10-103

A Resolution Authorizing Change Order No. 3 in Connection with the Lanza Avenue Water Main Improvement Project

WHEREAS, the City of Garfield awarded a contract to Daibes Brothers Inc. in the original contract amount \$691,674.50, and;

WHEREAS, Change Orders 1 & 2 were passed on September 22, 2009 and extended the project limits and schedule, and;

WHEREAS, Change Order No. 3 (providing for a reduction in the contract amount of \$3,500.00) is also necessary to reflect additional costs and reductions of same.

NOW THEREFORE BE IT RESOLVED, by the City of Garfield, Bergen County, New Jersey, that Change Order No. 3 is hereby authorized in connection with the above referenced improvement resulting in an adjusted contract amount of \$787,548.00.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Stanley J. Moskal

Resolution No. 10-104

WHEREAS, the Chief Financial Officer of the City of Garfield has identified the following checks to be stale, and

WHEREAS, the Chief Financial Officer has been deemed to cancel of record the following checks which are dated prior to February 1, 2009

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey that all balances shall be treated as MRNA, as to the treasurer's bank statement reconciliation:

Payroll Account 800741811

<u>Check#</u>	<u>Dollar Amount</u>
13072	\$100.00
13218	\$ 78.64
13763	\$ 51.70
13808	\$ 56.25
13858	\$ 56.25
13907	\$ 56.25
13914	\$ 56.25
14252	\$200.00

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Stanley J. Moskal

Resolution No. 10-105

WHEREAS the Chief Financial Officer, City Manager, have reviewed the New Jersey Class Financial Program, and;

WHEREAS, the Chief Financial Officer and City Manager have reviewed the program entitled New Jersey Class, in which idle funds are invested with an approved Corporation such as New Jersey Class and;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Garfield that the City Financial Officer and City Manager are hereby authorized to enter into an agreement with New Jersey Class for the purposes of participating in the New Jersey Class Program.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Stanley J. Moskal

RESOLUTIONS

Resolution No. 10-106

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 Garfield YMCA, 33 Outwater Lane, Garfield, NJ 07026 (Block 135.01/Lot1) in the amount of \$1,150.00 for Engineering fees on 11/14/2008 and \$1,050.00 for Attorney fees on 11/14/2008 for a total of \$2,200.00, 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) Louis G. Aloia  
Stanley J. Moskal

Resolution No. 10-107

WHEREAS, Raymond Simione, was appointed to the Garfield Redevelopment Agency pursuant to Resolution No. 10-98, adopted by the City Council at a meeting held March 9, 2010, and WHEREAS, his term of office expires May 13, 2010, 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 May 14, 2010, to succeed himself, for the full five year term, said term to expire May 13, 2015.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Stanley J. Moskal

BILLS AND CLAIMS

Resolution No. 10-108

RESOLVED by the City Council of the City of Garfield that the following bills No. 1376 to 1377 covering Escrow Developers Trust, Dog Trust Fund totaling \$9,986.45 and Current Fund Reserve totaling \$16,624.78 and Current Fund totaling \$148,448.81 and Water Fund Current totaling \$98,857.69 and General Capital Fund totaling \$7,156.50 Water Capital Fund totaling \$14,757.50 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 twelve (12) items prior to the meeting be ratified.

See

The

Following

Pages Numbered \_\_\_\_\_

For

Bills and Claims

ORDINANCES

Ordinance No. 2576

The following entitled ordinance was introduced at a Regular Meeting held February 23, 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 SECTION 341-34  
OF THE CODE OF THE CITY OF GARFIELD  
ENTITLED "FENCES AND WALLS"

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 Moskal duly seconded the motion.

On call of roll, Ayes 5

COUNCILMEMBER COMMENTS

Councilmember Raymond spoke on the success of the meeting of the Trap, Neuter and Release Program to control feral cats. She said that she thinks it will be a successful program. She spoke on the need to regulate dog ownership of pit bulls.

Councilmember Delaney spoke on the need to regulate dog ownership of pit bulls. He complimented the job the Police Department did this past weekend during the windy, rainy storm in which the dispatcher fielded a tremendous number of calls during one shift alone. He praised the DPW on the job they did during this weekend's storm. He wished everyone a Happy Saint Patrick's Day.

Councilmember Aloia wished everyone a Happy Saint Patrick's Day.

Deputy Mayor Moskal spoke on the Trap, Neuter and Release Program. He spoke on the Pulaski Day Parade Cocktail Party fundraiser held last Thursday which he said was a success. He said that he was overwhelmed with the participation and support. He spoke on events coming up this weekend. He spoke on all the trees that were down with this weekend's storms and the great job done by Emergency Responders including the DPW, Fire Department and Police Department.

Mayor Calandriello said that this weekend's rain storm was a difficult one and the City is in real good shape compared to other towns. He spoke on the years of tenacious efforts by Recreation Director Anthony Furfaro to secure grant funding for a Recreation Department bus which was displayed in the parking lot of City Hall during the last Council meeting.

2010 MUNICIPAL BUDGET

The City Council and Cabinet discussed the 2010 Municipal Budget.

REPORTS OF OFFICERS

City Manager Thomas J. Duch reported on the following:

1. Garfield and Garfield agencies were awarded more than 27% of the grant money announced at last Tuesday's Community Development meeting in Hackensack.
2. The severe rain storm that happened this past weekend.
3. The retaining wall along Fleisher's Brook near Semel Avenue had been previously addressed in correspondence to property owner Kate Rizzo.
4. The paperwork that is being processed with Green Acres in connection with the riverfront properties.
5. The roof improvement project concerning Fire House No. Three located at 159 Gaston Avenue.
6. The request from the Garfield Little League for advertisements from the Mayor and Council.
7. Fines being imposed by the Bergen County Soil Conservation District for starting construction jobs in the City prior to their notification and the responsibility of the contractors to pay the fine.
8. Overtime cost analysis for February indicates that the City is doing exceptionally well with limited equipment and compared to other towns.
9. The upcoming publication of illegal apartment convictions in the newspaper.
10. His request to the Junior Boilermakers Football Organization for financial reports of the organization.
11. The River Drive Realignment Project.
12. His correspondence to the Mayor of Wallington asking him of any interest in sharing the cost of services.
13. The liability coverage offered by the Joint Insurance Fund concerning census workers being in member municipalities.
14. The possible closing of Veterans of Foreign Wars Post No. 2867 located at 340 Outwater Lane.
15. Governor Christopher Christie's Budget address he attended today in Trenton.

CLOSED SESSION

Resolution No. 10-109

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 10:35 PM on Tuesday, March 16, 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; (possible retirements, layoffs and furloughs of City employees;

Regular Meeting March 16, 2010, Continued

CLOSED SESSION

authorization for the City Manager to have the discretion to implement his budget reduction plan).

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) Louis G. Aloia  
Stanley J. Moskal

ADJOURNMENT

After the City Council came out of Closed Session at 11:05 PM, there being no further business, Councilmember Delaney moved to adjourn the meeting. Councilmember Moskal duly seconded the motion.

On call of roll, Ayes 5

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Andrew J. Pavlica, CITY CLERK