

A Regular Meeting of the City Council was held Tuesday, May 11, 2010 at 8:30 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, City Labor Counsel Joseph Randazzo and City Engineer Kevin J. Boswell

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. 10-143

WHEREAS, the Bergen Charter School located on MacArthur Avenue in Garfield, had three students, Angus Fung, Mitchell Haverty and Zoey Zibor participate in the International Sustainable World Project Olympiads held in Houston, Texas from April 14 to 19, 2010, and

WHEREAS, more than 1,000 young scientists, from more than 43 states and 69 countries, were in Houston, Texas to participate in I-SWEEP 2010, an international science project Olympiad, open to Middle and High School Students, and

WHEREAS, a Silver Medal was awarded to Angus Fung and Mitchell Haverty for their project, "Algae Ethanol: Fuel of the Future", and

WHEREAS, a Bronze Medal was awarded to Zoey Zibor for her project "The Wardercliff Tower Revisited", and a Special Award Certificate was given to Zoey Zibor for HUNSTEM (Houston Urban Network for Science, Technology, Engineering and Mathematics), and

WHEREAS, the Garfield Mayor and City Council are desirous of publicly recognizing these outstanding achievements by these young scientists,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Angus Fung, Mitchell Haverty and Zoey Zibor are hereby CONGRATULATED on their much deserved recognitions at the International Sustainable World Project Olympiads and for bringing positive attention to the City by bringing home to Garfield International Awards of which all can be justly proud.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 10-144

WHEREAS, Fire Company No. 3 has advised that they have accepted Thomas Kordosky of 29 Van Winkle Avenue, as a regular active member, effective March 1, 2010.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the action taken by Fire Company No. 3 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-145

WHEREAS, Fire Company No. 4 has advised that they have accepted Frank Antonello of 110 Wood Street, as a regular active member, effective April 2, 2010.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the action taken by Fire Company No. 4 with respect to the above matter, is hereby approved.

RESOLUTIONS

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-146

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

1. Mayor Frank J. Calandriello of 65 Maitland Place is hereby appointed as a Commissioner to the Garfield Redevelopment Agency, to succeed himself, for a full one year term, said term to commence May 14, 2010 and expire May 13, 2011.
2. Deputy Mayor Stanley J. Moskal of 51 Main Street is hereby appointed as a Commissioner to the Garfield Redevelopment Agency, to succeed himself, for a full one year term, said term to commence May 14, 2010 and expire May 13, 2011.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-147

STATE OF NEW JERSEY

DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES

RESOLUTION AUTHORIZING AMENDMENT TO PROJECT AGREEMENT

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the City of Garfield has previously obtained a loan of \$422,500.00 and/or a grant of \$1,767,500 .00 from the State to fund the following project:

Passaic River Historic Park Acquisition

WHEREAS, the State and the City of Garfield intends to increase Green Acres funding; and
WHEREAS, the applicant is willing to use the State's funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield

1. That City Manager Thomas J. Duch or the successor to the office of the City Manager is hereby authorized to execute an Amendment to the Agreement increasing funding to \$2,190,000.00 and;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$166,667.00
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-148

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 Sprint-Nextel Attn, Ms. Susan Lopez, 6480 Sprint Parkway, Overland Park, KS 66251. For Project #gfes-1159a (B135/L1) in the amount of \$966.66 for Attorney fees on 05/30/06, said funds are being held in the Developer's Escrow Fund, and

RESOLUTIONS

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
 Louis G. Aloia

Resolution No. 10-149
 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 SBA Network, Inc 5900 Broken Sound Parkway NW Boca Raton, FL 33487-2797 for Project #gfes-1159 (B149.01/L3.01) in the amount of \$1,513.50 for Engineering fees on 06/25/07, 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) Stanley J. Moskal
 Louis G. Aloia

Resolution No. 10-150
 WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to overpaid taxes 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
45	27	“Waters, McPherson, McNeill, PC Attorneys for Girolamo Puccio”	O/P	\$ 786.00
77.01	11	Joshua D. Novin, Esq. Attorney Trust Account	O/P	8,842.50

On call of roll, Ayes 5 (Sgd) Stanley J. Moskal
 Louis G. Aloia

Resolution No. 10-151
 WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to overpaid taxes 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
45	27	“Waters, McPherson, McNeill, PC Attorneys for Girolamo Puccio”	O/P	\$1,843.20

On call of roll, Ayes 5 (Sgd) Stanley J. Moskal
 Louis G. Aloia

BILLS AND CLAIMS

Resolution No. 10-152

RESOLVED by the City Council of the City of Garfield that the following bills No. 1388 to 1392 covering Dog Trust Fund, Trust Other totaling \$43,995.65 and Current Fund totaling \$3,258,265.40 and Water Fund Current totaling \$1,402.23 and General Capital Fund totaling \$34,450.65 and Water Capital Fund \$1,984.69 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 nine (9) items prior to the meeting be ratified.

See

The

Following

Pages Numbered _____

For

Bills

and

Claims

ORDINANCES

Ordinance No.

The following entitled ordinance was introduced at a Regular Meeting held April 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 CHAPTER 80
OF THE CODE OF THE CITY OF GARFIELD
ENTITLED "ANIMALS" TO ADD A SECTION
OF THAT CHAPTER ENTITLED "PIT BULLS"

City Clerk Pavlica read the ordinance by title.

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

Ms. Erica Proctor, 12-55 Lexington Street, Fair Lawn, New Jersey; Ms. Barbara Haywood, 9 Burnside Street, Upper Montclair, New Jersey; Ms. Barbara Reichman, 14 Cider Mill Lane, Port Murray, New Jersey; Ms. Theresa Sarzynski, 51 Division Avenue; Mr. Jeff Coltenback, 15 Byrd Place, Bloomfield, New Jersey; Ms. Rachel Castelino, 35 DeMont Avenue, Clifton, New Jersey; Ms. Jeanette Casiano, 88 Hudson Street; Ms. Maureen Murray, 397 Lanza Avenue; Ms. Jamie Evelina, 213 Mac Arthur Avenue; Ms. Rachel Adams, 211 Mac Arthur Avenue; Ms. Debbie Viney, 25 Union Place, North Arlington, New Jersey; Ms. Mellisa Perez, 129 Chestnut Street; and Ms. Mary Harwelils, 266 Willow Avenue, Garwood, New Jersey; asked questions and spoke on the ordinance.

There being no further objections, Mayor Calandriello declared the hearing closed.

Councilmember Raymond moved that said ordinance do now pass on final passage and that the City Clerk be directed to publish said ordinance in full together with the statement or notice required by law. Councilmember Delaney duly seconded the motion.

On call of roll, Nays 5

ORDINANCE DEFEATED

SHORT RECESS AND RETURN TO ORDER

At 9:30 PM, a short recess was called. At 9:40 PM, Mayor Calandriello again called the meeting to order and all City Officials were present as before the recess. It was duly noted for the record.

ORDINANCES

Ordinance No. 2583

The following entitled ordinance was introduced at a Regular Meeting held April 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 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.

ORDINANCES

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

Ordinance No. 2584

The following entitled ordinance was introduced at a Regular Meeting held April 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 CODE OF THE CITY OF GARFIELD
TO INCREASE CERTAIN FEES

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

Ordinance No. 2585

The following entitled ordinance was introduced at a Regular Meeting held April 27, 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 AMENDING CHAPTER 265,
“SEWERS” ARTICLE II, “SEWER RENTS” SECTION 265-36
“SCHEDULE OF RENTS’ AND SECTION 265-37
“DETERMINATION OF CHARGES” SETTING RATES AND FEES
FOR THE USE OF THE SEWER SYSTEM

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

Ordinance No. 2586

The following entitled ordinance was introduced at a Regular Meeting held April 12, 2010; it was duly published; a copy was posted on the bulletin board in City Hall; copies were made available to

ORDINANCES

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:

CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY
CALENDAR YEAR 2010 ORDINANCE TO EXCEED THE
MUNICIPAL BUDGET COST OF LIVING ALLOWANCE
AND TO ESTABLISH A CAP BANK
(N.J.S.A.40A-4-45.14)

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 Moskal introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND SECTION 260-36
OF THE CODE OF THE CITY OF GARFIELD
ENTITLED "FEES"

City Clerk Pavlica read the ordinance by title.

Councilmember Moskal moved that this ordinance entitled: "AN ORDINANCE TO AMEND SECTION 260-36 OF THE CODE OF THE CITY OF GARFIELD ENTITLED "FEES", 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 June 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 Aloia, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 5.

A MOTION

Councilmember Aloia moved that the salary for members of the Governing Body be and is hereby reduced during the year 2010 from an annual rate of \$7,531.00 to an annual rate of \$5,031.00. Councilmember Moskal duly seconded the motion.

On call of roll, Ayes 5

CITIZENS AND TAXPAYERS

Ms. Laura Danis, 33 Spring Street spoke on City employees having Internet access in the City Manager's Office. She asked questions and spoke on whether the City is paying for a statue of Revolutionary War hero Casimir Pulaski for the proposed park along the Passaic River from the Outwater Lane Bridge to the Dundee Dam.

CITIZENS AND TAXPAYERS

Mr. Michael Denistran, 104 Palisade Avenue, complained about kids allegedly doing a lot of vandalism at Abraham Lincoln School No. 6, located at 111 Palisade Avenue, and the need for additional lighting.

COUNCILMEMBER COMMENTS

Councilmember Raymond said that she was so happy that so many people came out tonight and educated the City Council concerning breed specific legislation. She spoke on the Board of Education Budget Meeting to be held tomorrow night at the Middle School on Lanza Avenue.

Councilmember Delaney spoke on the Garfield High School Hall of Fame Dinner which was held last week and he said that it was a great dinner and a fun night. He wished a belated Mother's Day to all the Mothers in the City of Garfield.

Councilmember Aloia said that it was great that so many people came out tonight for an issue. He said that rather than ignoring an issue, a light was put on an issue that exists and the City Council is trying to address the bad people and put a light on them.

Deputy Mayor Moskal said that it was a very good meeting with all the feedback and charts. He said that the message was that animals are a function of their environment and he is confident the City Council will come up with a good solution. He spoke on the Garfield Boys and Girls Club Beefsteak scheduled to be held on May 21st. He said that the Pulaski statue should be installed at zero cost to the taxpayers.

Mayor Calandriello said that the park along the Passaic River will be a really great park and City Manager Duch has brought so many funds to Garfield because he has established a great relationship with Green Acres Officials. He spoke on the Polish influence in this town for many, many years and he said that the Garfield Housing Authority even has a Pulaski Court which has been in existence since the 1940's or 1950's. He spoke on last night's meeting with the School Board and their claim that they will need to layoff 93 people in the School System. He spoke on the City Council's need to cut the defeated School Budget.

ADJOURNMENT

At 10:10 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

Andrew J. Pavlica, CITY CLERK