

A Regular Meeting of the City Council was held Wednesday, June 9, 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 Clerk Andrew J. Pavlica, 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

STORM READY RECOGNITION PRESENTATION

The City Council and Cabinet recognized Brandon Smith, National Weather Service Meteorologist New York City, who publicly recognized Garfield Emergency Management Coordinator Michael Marsh for successful working and obtaining Storm Ready Designation for the City of Garfield. Also present for the presentation of plaques and Storm Ready signs, were Gary Conte, Warning Coordination Meteorologist, National Weather Service New York City; and Trooper James Dunham, NJ State Office of Emergency Management North Region.

RESOLUTIONS

Resolution No. 10-170

WHEREAS, an application has been filed for a Place to Place Transfer Application of Plenary Retail Consumption License No. 0221-33-002-004, held by Apple Food Service, LLC, (Edward W. Doherty, 10 Ridge Crest Road, Saddle River, NJ 07458, 99.1% of the shares of the corporation and Joan Doherty, 10 Ridge Crest Road, Saddle River, NJ 07458, .9% of the shares of the Corporation), t/a Applebee's Neighborhood Grill & Bar to 186 Passaic Street.

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 according 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

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield, Bergen County, New Jersey, does hereby approve, effective June 10, 2010, the transfer of the aforesaid Plenary Retail Consumption License, Apple Food Service, LLC, (Edward W. Doherty, 10 Ridge Crest Road, Saddle River, NJ 07458 who will own 99.1% of the shares of the Corporation and Joan Doherty, 10 Ridge Crest Road, Saddle River, NJ 07458 .9% of the shares of the Corporation) t/a Applebee's Neighborhood Grill & Bar to 186 Passaic Street 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 186 Passaic Street, effective June 10, 2010",

BE IT FURTHER RESOLVED that this license is transferred on the condition that no Go-Go, live entertainment or discotheque be used in connection with this license; (A fee of \$90.00 was collected for the City of Garfield and \$200.00 was collected for the State of New Jersey in connection with the license transfer).

This transfer is subject to receipt of temporary and/or permanent certificate of occupancy upon completion of construction.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

RESOLUTIONS

Resolution No. 10-171

WHEREAS, Saint Stanislaus Kostka Roman Catholic Church celebrated their annual Polish Night on Sunday, June 6, 2010, at the Royal Manor Restaurant located at 454 Midland Avenue in Garfield, and publicly recognized the Garfield honorees of the 2010 General Casimir Pulaski Parade to be held October 3, 2010, and

WHEREAS, Deputy Mayor Stanley J. Moskal has been selected to be the Grand Marshall of the 2010 Pulaski Day Parade for the entire Tri-State Region and will lead the Parade up Fifth Avenue in New York City, and

WHEREAS, Stanley J. Moskal graduated from Garfield High School and Pennsylvania State University with honors, is employed by Uniliever as the Senior Manager of Supply Chain Finance, has served on the Garfield City Council since 2004, serves on the Garfield YMCA Board of Directors, the Vistula Soccer Club, is Vice President of the Pulaski Parade Association, is a member of Garfield's Community Emergency Response Team (CERT), has served as a Commissioner to Garfield's Joint Insurance Fund, and has many other community activities and awards, and

WHEREAS, Meredith Hryczyk has been selected as Garfield's 2010 Miss Polonia and is in the 11th Grade at Pascack Hills High School, is enrolled in several honors courses, will be inducted into the honor society, is active on varsity softball and soccer teams, is a dedicated soccer referee, is active in Girl Scouting and so many other activities, and

WHEREAS, Victoria Olowski has been selected as Garfield's 2010 Junior Miss Polonia, and is an eleven year old 5th Grade student who loves art, dance and soccer and attends Polish School,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Congratulations are extended to Deputy Mayor Stanley J. Moskal for being named Grand Marshall of the 2010 Parade for the entire Tri-State Region and to Miss Meredith Hryczyk on being named Garfield's 2010 "Miss Polonia", and to Miss Viktoria Olowski on being named Garfield's 2010 "Junior Miss Polonia".

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello
Louis G. Aloia

Resolution No. 10-172

WHEREAS, Fire Company No. 2 has advised that they have accepted the resignation of Steve Hawroniak of 45 Spindler Terrace, Saddle Brook, New Jersey, as an active member, effective April 7, 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 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-173

WHEREAS, Fire Company No. 3 has advised that they have accepted the resignation of James Chalot of 461 Van Bussum, as an active member, effective March 1, 2010,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield 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. 10-174

WHEREAS, Fire Company No. 4 has advised that they have accepted the resignation of Salvatore Mazzara of 24 Garwood Court North, as an active member, effective March 1, 2010,

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

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

RESOLUTIONS

Resolution No. 10-175

WHEREAS, Fire Company No. 4 advises that Rafael Sanchez of 58 Malcolm Avenue has served as an active member of the Garfield Fire Department for a period of seven years and recommend that he be granted an exemption, and

WHEREAS, the records in the City Clerk's Office indicate that he has served for a period of seven years,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the recommendation of Fire Company No. 4 is hereby approved and that the proper officers are hereby authorized to issue an Exempt Firemen's Certificate to the above named individual.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-176

WHEREAS, Fire Company No. 4 advises that Christopher Kotwica of 121 Spring Street has served as an active member of the Garfield Fire Department for a period of seven years and recommend that he be granted an exemption, and

WHEREAS, the records in the City Clerk's Office indicate that he has served for a period of seven years,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the recommendation of Fire Company No. 4 is hereby approved and that the proper officers are hereby authorized to issue an Exempt Firemen's Certificate to the above named individual.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-177

WHEREAS, Fire Company No. 4 advises that Michael Semancik Jr. of 255 Malcolm Avenue has served as an active member of the Garfield Fire Department for a period of seven years and recommend that he be granted an exemption, and

WHEREAS, the records in the City Clerk's Office indicate that he has served for a period of seven years,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the recommendation of Fire Company No. 4 is hereby approved and that the proper officers are hereby authorized to issue an Exempt Firemen's Certificate to the above named individual.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 178

WHEREAS, Fire Company No. 5 has advised that they have accepted Piotr Szeloch of 860 River Drive Apt 8A, as a regular active member, effective April 6, 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. 5 with respect to the above matter is hereby approved.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-179

RESOLVED by the City Council of the City of Garfield that the City Clerk is hereby authorized to issue the following licenses for the fiscal year beginning July 1, 2010 and ending June 30, 2011:

Regular Meeting June 9, 2010, Continued

RESOLUTIONS

CLUB LICENSES

License No. 0221-31-073-001 American Hungarian Citizens League
t/a American Hungarian Citizen League
21 New Schley Street

PLENARY RETAIL CONSUMPTION LICENSES

0221-33-001-004 J & S Fregata LLC
t/a The Fregata
67 Scudder Street

0221-33-004-003 Charlie Blood's Inc.
t/a Charlie Blood's
147 Frederick Street

0221-33-006-005 Swami Yogi Inc.
t/a La Bella Pizza
300 Lanza Avenue

0221-33-007-006 DPC, Corp.
t/a MVP Sports Club
402 River Drive

0221-33-010-005 Rojovin, Inc.
t/a Goodfella's
661 Midland Avenue

0221-33-013-005 Thirteen Hundred LLC
t/a Pips
226 MacArthur Avenue

0221-33-016-005 G and B LLC
t/a The Royal Manor
454 Midland Avenue

0221-33-017-004 Timlo LLC
t/a DP's Pub
732 River Drive

0221-33-030-003 Yogiji Enterprises Inc.
t/a Boggy's Bar & Liquors
142 Division Avenue

0221-33-033-009 New Firehouse Associates LLC
t/a New Firehouse Family Restaurant
42 Plauderville Avenue

RESOLUTIONS

- 0221-33-036-008 The Off Duty Tavern, LLC
t/a The Off Duty Tavern
133 Monroe Street
- 0221-33-043-004 Michele's Catering Inc.
t/a Michele's
32 Passaic Street
- 0221-33-047-005 Kazwell Co., Inc.
t/a Garfield Bar & Liquor
46 Wood Street
- 0221-33-049-006 Everwide, Inc.
t/a Everwide, Inc.
237 Palisade Avenue
- 0221-33-051-006 CP Sunrise LLC
t/a The Midnight Sun
323 Semel Avenue
- 0221-33-052-015 JDMJ Entertainment, LLC
t/a Heavy Metal – The Bar
279 Passaic Street
- 0221-33-053-003 Venetian Corp
t/a The Venetian
546 River Drive
- 0221-33-055-005 Stecyk Danuta and Wojdat Stanislaw
t/a Bania U Cygana
175 Jewell Street
- 0221-33-057-004 Detour, Inc.
t/a Detour Bar
437 Lanza Avenue
- 0221-33-058-001 Russian Orthodox Greek Catholic Church of the
Three Saints
t/a Russian Orthodox Greek Catholic Church of the
Three Saints
464 Outwater Lane
- 0221-33-059-006 Lizmo Inc.
t/a Taps Saloon
142 Outwater Lane
- 0221-33-060-003 Sportsman Tavern Inc.
t/a Sportsman Tavern
245 Outwater Lane

Regular Meeting June 9, 2010, Continued

RESOLUTIONS

- 0221-33-062-009 Pazza Luna Pizzeria, Restaurant & Bar Inc.
t/a Pazza Luna Pizzeria, Restaurant & Bar
52 Chestnut Street
- 0221-33-066-009 G F Mazzola Inc.
Filippos & Jocks Kicks Ristorante & Sports Bar
250-252 Midland Avenue
- 0221-33-068-006 Benda Roehrich Post#2867 Veterans of Foreign
Wars t/a Benda Roehrich Post#2867 Veterans of
Foreign Wars
340 Outwater Lane
- 0221-33-070-002 Wisla, Inc.
t/a Wisla Inc.
73 Main Street

PLENARY RETAIL DISTRIBUTION LICENSES

- License No. 0221-44-020-009 Lilly's House Corporation
t/a All Nation's Liquor
80 Passaic Street
- 0221-44-034-008 Worldwide Liquors LLC
t/a Worldwide Liquors
68 Van Winkle Avenue
- 0221-44-063-002 Tofilski Joseph E & Mary S &
Pelikan Ronald & Theresa
t/a Hy Spirits Wine and Liquor
76 Jewell Street
- 0221-44-064-003 Mahant Liquors, Inc.
t/a Joe's Liquors
114 Outwater Lane

BE IT FURTHER RESOLVED that the foregoing renewals are granted on the condition that said renewal shall not constitute approval of anything at variance with the records of the City Council or any person-to-person transfer, place-to-place transfer or change of corporate structure approved prior to the passage of this resolution.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

RESOLUTIONS

Resolution No. 10-180

RESOLUTION - AUTHORIZING EXECUTION OF SHARED SERVICES AGREEMENT

WHEREAS, the City of Garfield has been engaged in discussions with the County of Bergen in connection with the repair, improvement and reconstruction of River Drive in the City of Garfield; and

WHEREAS, substantial funding for this project will be provided through the County of Bergen; and WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act (N.J.S.A.40A:65-1, et seq), a written agreement must be entered into confirming the agreement between two government entities for such a project; and

WHEREAS, a proposed Shared Services Agreement between the County of Bergen and the City of Garfield has been provided and has been reviewed by the City Attorney, City Engineer and City Manager; and

WHEREAS, the Mayor and Council believe that it would be in the best interest of the City of Garfield to enter into such a Shared Services Agreement;

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 Shared Service Agreement between the County of Bergen and the City of Garfield be and is hereby approved.
2. The Shared Services Agreement shall be in the form previously submitted to the City of Garfield and approved by the City Attorney.
3. The City Manager and the City Clerk are hereby authorized to execute such an agreement on behalf of the City of Garfield.
4. The execution of this Agreement is subject to confirmation from the Chief Financial Officer, that sufficient funds exists for this purpose and also confirmation by the City Manager and City Engineer that the financial terms of such agreement are acceptable to the City.

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 Bergen County Counsel, the City Attorney, the office of the City Engineer.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-181

A RESOLUTION AUTHORIZING ADVERTISEMENT OF BIDS FOR THE RIVER DRIVE IMPROVEMENTS/HISTORIC DUNDEE DAM PRESERVE PROJECT

RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is hereby authorized and directed to advertise for receipt of bids for the River Drive Improvements/Historic Dundee Dam Project and that said City Clerk shall coordinate a bid date with the City Engineer and that the receipt of bids shall be held in the 2nd floor Conference Room in City Hall.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-182

RESOLUTION - AUTHORIZING USE OF CITY PROPERTY

WHEREAS, the Estate of Anna Sovic and Olga Herk are co-owners of property located at 170 Cambridge Avenue; and

WHEREAS, it has been determined that an oil tank must be removed from that property and said oil tank is located in the backyard; and

WHEREAS, a review by the property owner and contractor has revealed that the vehicles and equipment necessary to remove the oil tank may not gain access from the street but can only gain access from the rear of the property which is contiguous to old Fire Company #3 yard ; and

WHEREAS, Mayor and Council now intend, through this resolution, to authorize vehicles and equipment to access the rear of 170 Cambridge Avenue through this City property

RESOLUTIONS

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. Access through the old Fire Company #3 yard to the rear of 170 Cambridge Avenue be and is hereby authorized.
2. This authorization is contingent upon submission of all necessary insurance certificates and execution and Indemnification, Hold Harmless and Insurance Agreement in the form approved by the City Attorney.
3. This access shall be limited to the time necessary to complete the requested oil tank removal and all other city permits and approvals must be secured for this project.

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 Law Office of Thomas J. Duch, Esq., the Superintendent of the Department of Public Works and Garfield Building Department.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-183

A RESOLUTION AUTHORIZING THE PAYMENT OF VARIOUS INVOICES FROM M-2 ASSOCIATES IN CONNECTION WITH THE HYDROGEOLOGIC EVALUATION OF THE ELMWOOD PARK WELL FIELD CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY WHEREAS, M-2 Associates has been authorized to provide the professional engineering services in connection with the above referenced project.

NOW THEREFORE, BE IT RESOLVED, M-2 Associates is hereby authorized payment of the current outstanding invoices totaling \$90,870.00 in connection with this work which was previously authorized.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-184

A RESOLUTION AUTHORIZING PAYMENT TO SAMUEL STOTHOFF CO., INC. IN CONNECTION WITH THE HYDROGEOLOGIC EVALUATION OF THE ELMWOOD PARK WELL FIELD CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY

WHEREAS, Samuel Stothoff Co., Inc. publicly bid and was awarded a contract to provide contracting services in connection with the above referenced project.

NOW THEREFORE, BE IT RESOLVED, Samuel Stothoff co., Inc. is hereby authorized payments totaling \$155,787.63.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-185

A RESOLUTION AUTHORIZING THE PAYMENT OF OUTSTANDING ENGINEERING INVOICES IN CONNECTION WITH GARFIELD WATER SYSTEM MASTER PLAN IMPLEMENTATION PHASE I, THE HYDROGEOLOGIC STUDY OF WELLS 8 & 14, THE HYDROGEOLOGIC EVALUATION OF THE ELMWOOD PARK WELL FIELD AND THE ENCROACHMENT SURVEY OF THE GARFIELD WATER WORKS PROPERTY CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY

WHEREAS, the City Engineer has been authorized to proceed with the above referenced projects over the past several years, and

WHEREAS, there are numerous invoices totaling \$227,274.75 outstanding in connection with these projects, and;

WHEREAS, the City Engineer has agreed to issue a credit to the benefit of the City in the amount of \$35,000.00.

RESOLUTIONS

NOW THEREFORE, BE IT RESOLVED, the City Engineer is hereby authorized payment of the previously authorized engineering services in the amount of \$192,274.75 as payment in full for these invoices.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-186

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-836a (B203.01/L50.01) in the amount of \$300.00 for Attorney fees on 12/18/2000, 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. 10-187

RESOLUTION – AUTHORIZING SETTLEMENT OF TAX APPEAL

WHEREAS, Real Property Tax Appeals have been filed as follows:

Property Owner:	222 Outwater Lane, LLC
Address:	222 Outwater Lane
Lot:	38
Block:	128
Docket Nos:	010840-2008

and

WHEREAS, these Tax Appeals have been reviewed with the Tax Assessor, City Attorney and Appraisal Expert who have concurred that a fair settlement, as detailed on the attached Stipulation of Settlement, has been reached; and

WHEREAS, the proposed settlement reflects consideration of all factors, including, without being limited to, the cost and expense of defending these appeals and securing Appraisal Reports; and

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 settlement of the Real Property Tax Appeals described in the preamble of this resolution is hereby authorized.
2. The terms of the settlement are as set forth on the attached Stipulation of Settlement which is specifically incorporated herein.
3. The City Attorney is authorized to execute the attached Stipulation of Settlement on behalf of the City of Garfield.
4. Any refunds due and owing as a result of the settlement of the Tax Appeal shall be forwarded to Counsel for the Plaintiff and made payable to the attorney trust account of the Plaintiff's attorney.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward copies of the within Resolution to the City Attorney, the Tax Assessor of the City of Garfield and Robert McNerney of McNerney & Associates.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

RESOLUTIONS

Resolution No. 10-188

RESOLUTION – AUTHORIZING SETTLEMENT OF TAX APPEAL

WHEREAS, Real Property Tax Appeals have been filed as follows:

Property Owner:	Samio Vento
Address:	786 River Drive
Lot:	1
Block:	199
Docket Nos:	010789-2008 0115595-2009

and

WHEREAS, these Tax Appeals have been reviewed with the Tax Assessor, City Attorney and Appraisal Expert who have concurred that a fair settlement, as detailed on the attached Stipulation of Settlement, has been reached; and

WHEREAS, the proposed settlement reflects consideration of all factors, including, without being limited to, the cost and expense of defending these appeals and securing Appraisal Reports; and

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 settlement of the Real Property Tax Appeals described in the preamble of this resolution is hereby authorized.
2. The terms of the settlement are as set forth on the attached Stipulation of Settlement which is specifically incorporated herein.
3. The City Attorney is authorized to execute the attached Stipulation of Settlement on behalf of the City of Garfield.
4. Any refunds due and owing as a result of the settlement of the Tax Appeal shall be forwarded to Counsel for the Plaintiff and made payable to the attorney trust account of the Plaintiff's attorney.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward copies of the within Resolution to the City Attorney, the Tax Assessor of the City of Garfield and Robert McNerney of McNerney & Associates.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-189

RESOLUTION – AUTHORIZING SETTLEMENT OF TAX APPEAL

WHEREAS, Real Property Tax Appeals have been filed as follows:

Property Owner:	JP Morgan Chase #140030
Address:	136 Passaic Street
Lot:	1, 4 and 6
Block:	16
Docket Nos:	009075-2008 015193-2009

and

WHEREAS, these Tax Appeals have been reviewed with the Tax Assessor, City Attorney and Appraisal Expert who have concurred that a fair settlement, as detailed on the attached Stipulation of Settlement, has been reached; and

WHEREAS, the proposed settlement reflects consideration of all factors, including, without being limited to, the cost and expense of defending these appeals and securing Appraisal Reports; and

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:

RESOLUTIONS

1. The settlement of the Real Property Tax Appeals described in the preamble of this resolution is hereby authorized.
2. The terms of the settlement are as set forth on the attached Stipulation of Settlement which is specifically incorporated herein.
3. The City Attorney is authorized to execute the attached Stipulation of Settlement on behalf of the City of Garfield.
4. Any refunds due and owing as a result of the settlement of the Tax Appeal shall be forwarded to Counsel for the Plaintiff and made payable to the attorney trust account of the Plaintiff's attorney.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward copies of the within Resolution to the City Attorney, the Tax Assessor of the City of Garfield and Robert McNerney of McNerney & Associates.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-190

RESOLUTION – AUTHORIZING SETTLEMENT OF TAX APPEAL

WHEREAS, Real Property Tax Appeals have been filed as follows:

Property Owner:	Domenick Diminni
Address:	15 Belmont Avenue
Lot:	29
Block:	109
Docket Nos:	010670-2008 017613-2009

and

WHEREAS, these Tax Appeals have been reviewed with the Tax Assessor, City Attorney and Appraisal Expert who have concurred that a fair settlement, as detailed on the attached Stipulation of Settlement, has been reached; and

WHEREAS, the proposed settlement reflects consideration of all factors, including, without being limited to, the cost and expense of defending these appeals and securing Appraisal Reports; and

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 settlement of the Real Property Tax Appeals described in the preamble of this resolution is hereby authorized.
2. The terms of the settlement are as set forth on the attached Stipulation of Settlement which is specifically incorporated herein.
3. The City Attorney is authorized to execute the attached Stipulation of Settlement on behalf of the City of Garfield.
4. Any refunds due and owing as a result of the settlement of the Tax Appeal shall be forwarded to Counsel for the Plaintiff and made payable to the attorney trust account of the Plaintiff's attorney.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward copies of the within Resolution to the City Attorney, the Tax Assessor of the City of Garfield and Robert McNerney of McNerney & Associates.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-191

RESOLUTION – AUTHORIZING SETTLEMENT OF TAX APPEAL

RESOLUTIONS

WHEREAS, Real Property Tax Appeals have been filed as follows:

Property Owner: K&H STRZEPEK HS& KT LLC
Address: 67 Prospect Street
Lot: 48
Block: 149.02
Docket Nos: 010841-2008

and

WHEREAS, these Tax Appeals have been reviewed with the Tax Assessor, City Attorney and Appraisal Expert who have concurred that a fair settlement, as detailed on the attached Stipulation of Settlement, has been reached; and

WHEREAS, the proposed settlement reflects consideration of all factors, including, without being limited to, the cost and expense of defending these appeals and securing Appraisal Reports; and
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 settlement of the Real Property Tax Appeals described in the preamble of this resolution is hereby authorized.
2. The terms of the settlement are as set forth on the attached Stipulation of Settlement which is specifically incorporated herein.
3. The City Attorney is authorized to execute the attached Stipulation of Settlement on behalf of the City of Garfield.
4. Any refunds due and owing as a result of the settlement of the Tax Appeal shall be forwarded to Counsel for the Plaintiff and made payable to the attorney trust account of the Plaintiff's attorney.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward copies of the within Resolution to the City Attorney, the Tax Assessor of the City of Garfield and Robert McNerney of McNerney & Associates.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-192

RESOLUTION – AUTHORIZING SETTLEMENT OF TAX APPEAL

WHEREAS, Real Property Tax Appeals have been filed as follows:

Property Owner: Darius Czyzewski
Address: 137 Palisade Avenue
Lot: 26
Block: 49
Docket Nos: 010838-2008

and

WHEREAS, these Tax Appeals have been reviewed with the Tax Assessor, City Attorney and Appraisal Expert who have concurred that a fair settlement, as detailed on the attached Stipulation of Settlement, has been reached; and

WHEREAS, the proposed settlement reflects consideration of all factors, including, without being limited to, the cost and expense of defending these appeals and securing Appraisal Reports; and
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:

5. The settlement of the Real Property Tax Appeals described in the preamble of this resolution is hereby authorized.
6. The terms of the settlement are as set forth on the attached Stipulation of Settlement which is specifically incorporated herein.
7. The City Attorney is authorized to execute the attached Stipulation of Settlement on behalf of the City of Garfield.
8. Any refunds due and owing as a result of the settlement of the Tax Appeal shall be forwarded to Counsel for the Plaintiff and made payable to the attorney trust account of the Plaintiff's attorney.

RESOLUTIONS

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward copies of the within Resolution to the City Attorney, the Tax Assessor of the City of Garfield and Robert McNerney of McNerney & Associates.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-193

WHEREAS, the Tax Collector of the City of Garfield has determined that the mailing of the 3rd quarter City of Garfield Tax Bills will be ready for mailing on or before June 23, 2010, and;
WHEREAS, the Tax Collector and the Chief Financial Officer has determined that an estimated 3rd quarter tax bill is economically feasible and prudent to the fiscal stability of the City using an estimated tax rate of 4.30 which constitutes a 1.05% increase from the certified tax 2009 levy and;
WHEREAS, once the City of Garfield receives from the County Board of Taxation, a certified tax rate for the calendar year 2010, the tax collector shall forthwith reconcile and prepare the 4th quarter reconciled tax bill and estimated 1st and 2nd quarter 2011 taxes due.
THEREFORE BE IT RESOLVED by the City of Garfield, Bergen County, New Jersey that the Tax Collector is hereby authorized to prepare and mail 3rd quarter tax bills.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

BILLS AND CLAIMS

Resolution No. 10-194

RESOLVED by the City Council of the City of Garfield that the following bills No. 1395 to 1403 covering Escrow Developers Trust Account, Trust Other, Dog Trust Fund totaling \$40,701.87 and Current Fund totaling \$1,941,067.96 and Water Fund Current totaling \$12,286.99 and General Capital Fund totaling \$32,061.94 and Water Capital Fund \$4,268.08 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 three (23) items prior to the meeting be ratified.

See

The

Following

Pages Numbered _____

For

Bills

and

Claims

ORDINANCES

Ordinance No. 2587

The following entitled ordinance was introduced at a Regular Meeting held May 11, 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 260-36 OF THE CODE
OF THE CITY OF GARFIELD ENTITLED "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 Moskal moved that said ordinance do now pass on final passage and that the City Clerk be directed to publish said ordinance in full together with the statement or notice required by law. Councilmember Aloia duly seconded the motion.

On call of roll, Ayes 5

Ordinance No. 2588

The following entitled ordinance was introduced at a Regular Meeting held May 18, 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:

CAPITAL ORDINANCE OF THE CITY OF GARFIELD,
IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE
ACQUISITION OF REAL PROPERTY FOR THE PASSAIC RIVER PARK
AND BIKEWAY PROJECT IN, BY AND FOR THE CITY, APPROPRIATING
THEREFOR THE SUM OF \$1,523, 210 AND PROVIDING THAT
SUCH SUM SO APPROPRIATED SHALL BE RAISED
FROM VARIOUS COUNTY GRANTS

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. 2589

The following entitled ordinance was introduced at a Regular Meeting held May 18, 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:

TO AMEND THE CODE OF THE CITY OF GARFIELD TO
REQUIRE A FEE FOR CALCULATION OF AMOUNT NEEDED TO
REDEEM TAX SALES CERTIFICATES

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 Moskal 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 4,
Abstain 1 – Councilmember Delaney

Ordinance No. 2590

The following entitled ordinance was introduced at a Regular Meeting held May 18, 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 FIX THE SALARY, WAGES AND COMPENSATION OF
CERTAIN OFFICERS AND EMPLOYEES OF THE CITY OF GARFIELD,
BERGEN COUNTY, NEW JERSEY

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 4,
Abstain 1 – Councilmember Delaney

Councilmember Moskal introduced in writing the following ordinance entitled:

CAPITAL ORDINANCE OF THE CITY OF GARFIELD,
IN THE COUNTY OF BERGEN, NEW JERSEY TO APPROPRIATE
AN ADDITIONAL SUM OF \$620,000 FOR THE IMPROVEMENT OF VARIOUS
WELLS IN THE ELMWOOD PARK WELL FIELD BY AND FOR
THE WATER UTILITY OF THE CITY AND TO PROVIDE THAT
SUCH ADDITIONAL SUM SO APPROPRIATED SHALL
BE RAISED FROM WATER UTILITY CAPITAL SURPLUS

City Clerk Pavlica read the ordinance by title.

Councilmember Moskal moved that this ordinance entitled: “CAPITAL ORDINANCE OF THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY TO APPROPRIATE AN ADDITION SUM OF \$620,000 FOR THE IMPROVEMENT OF VARIOUS WELLS IN THE ELMWOOD PARK WELL FIELD BY AND FOR THE WATER UTILITY OF THE CITY AND TO PROVIDE THAT SUCH ADDITIONAL SUM SO APPROPRIATED SHALL BE RAISED FROM WATER UTILITY CAPITAL SURPLUS”, 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 July 12, 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.

ORDINANCES

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

Councilmember Moskal introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND ORDINANCE NO. 2585 OF THE
CITY OF GARFIELD WHICH AMENDED
CHAPTER 265 OF THE CITY CODE ENTITLED "SEWERS"

City Clerk Pavlica read the ordinance by title.

Councilmember Moskal moved that this ordinance entitled: "AN ORDINANCE TO AMEND ORDINANCE NO. 2585 OF THE CITY OF GARFIELD WHICH AMENDED CHAPTER 265 OF THE CITY CODE ENTITLED "SEWERS", 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 July 12, 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 call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 5

CITIZENS AND TAXPAYERS

Mr. James Bartalone, 204 Malcolm Avenue, spoke on the performance of the Building Inspector. He spoke on the Police Department and the City Budget. He spoke on an alleged shooting at the intersection of Westminister Place and Clark Street. He said that he cannot see laying off Police Officers. He said that the people do need help in this town and that is not the way to go.

Mr. William Whren, 33 Westminister Place, spoke on a recent newspaper article about the City Sewer Fee ordinance. He spoke on crime in Garfield.

PBA Local No. 46 President Everett Garnto spoke on the Sewer Fee ordinance.

COUNCILMEMBER COMMENTS

Councilmember Raymond spoke on plans to establish Zoe's Place on Westminister Place for unwed mothers. She said that the result of proposing a Pit Bull Ordinance that was defeated is that Dog Trainers are donating their time to the cause and there is better Police understanding of the issue. She said that this issue will be revisited.

Councilmember Delaney apologized for not being at the last Council Meeting because he was on vacation. He said that the PBA deserve a lot of credit for their recently held Circus fundraiser because they support a lot of organizations in town. He said that the circus was something nice and he got to ride on an elephant. He said that Polish Night hosted by Saint Stan's Church and held this past Sunday at the Royal Manor Restaurant at 454 Midland Avenue which honored Deputy Mayor Stanley Moskal for being the 2010 Pulaski Day Parade Grand Marshall for the entire tri-state region, was a great night. He publicly congratulated Deputy Mayor Moskal.

Deputy Mayor Moskal said that there is still work to be done on improving the Sewer Fee Ordinance.

COUNCILMEMBER COMMENTS

Mayor Calandriello spoke on a Herald-News newspaper article from March 15, 2001, regarding a concern of whether there is an environmental contamination at the property for the new Middle School on Lanza Avenue. He spoke on a Herald-News article from July 16, 2001, concerning a report from the Bergen County Health Department about a possible Chromium Contamination and he spoke on a Bergen Record newspaper article dated October 26, 2000, concerning the alleged Chromium Contamination. He said that about two weeks ago the Federal Environmental Protection Agency held information sessions concerning the EPA findings of certain properties in the First Ward concerning the alleged Chromium Contamination. He said that this matter has always been brought to the forefront by the City Council and has been brought to the forefront even years ago. He claimed that there are owners and landlords who will not allow the environmental people access to their property to test even after notification by certified mail. He said that some landlords whose property has tested positive for Chromium Contamination are not allowing the environmental people back to clean up the property. He said that if a property owner has a one family home, whatever you do in your own family home, if you live there, that is your own business. He said, however, if you have a two family, a three family, or a four family house, with people utilizing and going into the basement, and the homeowner is not allowing the EPA to go down there and properly clean up, the City may have an obligation to notify the tenants of these buildings. He said that the EPA is requesting assistance from the City to get into those basements.

ADJOURNMENT

At 9:50 PM, there being no further business, Councilmember Raymond moved to adjourn the meeting. Councilmember Delaney duly seconded the motion.

On call of roll, Ayes 5

Andrew J. Pavlica, CITY CLERK