

A Regular Meeting of the City Council was held Tuesday, June 15, 2010 at 8:40 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, Louis G. Aloia, Stanley J. Moskal and Frank J. Calandriello

Councilmembers Absent: Joseph Delaney

Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Joseph J. Rotolo, 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 Aloia duly seconded the motion.

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

PUBLIC HEARING ON THE 2010 MUNICIPAL BUDGET

Mayor Calandriello declared a public hearing on the 2010 Municipal Budget.

There being no one wishing to speak for or against the 2010 Municipal Budget, Mayor Calandriello declared the public hearing closed.

RESOLUTIONS

Resolution No. 10-196

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:

PLENARY RETAIL CONSUMPTION LICENSES

License No.	0221-33-037-005	Smoke House LLC 1 Passaic Street
	0221-33-040-002	Drazek, Inc. t/a BJ's Polonia 126 Ray Street
	0221-33-069-013	Bergen Heritage Management LLC t/a The Bar BQ Grill 517 River Drive
	0221-33-07-005	Pranav Enterprise Inc. t/a River Drive Bar & Liquor 85 River Drive
	0221-33-002-004	Apple Food Service of Garfield LLC Applebee's Neighborhood Grill & Bar 186 Passaic Street

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

RESOLUTIONS

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 4,
Absent 1 – Councilmember Delaney

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-197

WHEREAS, Fire Company No. 3 has advised that they have expelled Jurgen Cardi of 60 Farnham Avenue, Apt. 2, as an active member effective May 3, 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 4,
Absent 1 – Councilmember Delaney

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-198

WHEREAS, Fire Company No. 3 has advised that they have accepted Stephen Hawroniak of 113 Summit Avenue, as a regular active member effective May 3, 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 4,
Absent 1 – Councilmember Delaney

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-199

WHEREAS, Fire Company No. 3 has advised that they have accepted Jonathan Potoczak of 260 Division Avenue, as a regular 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 4,
Absent 1 – Councilmember Delaney

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-200

WHEREAS, Fire Company No. 3 has advised that they have accepted Craig Yarmula Jr. of 125 Jewell Street, as a regular 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 4,
Absent 1 – Councilmember Delaney

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-201

WHEREAS, Fire Company No. 4 has advised that they have accepted the resignation of Jason Banzaca of 114 Orchard Street, as an active member, effective June 4, 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 4,
Absent 1 – Councilmember Delaney

(Sgd) Louis G. Aloia
Stanley J. Moskal

RESOLUTIONS

Resolution No. 10-202

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

BJ Polonia	1 Pool Table	\$75.00
126 Ray Street		
Garfield, NJ 07026		<hr/>
		\$75.00

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-203

WHEREAS, New Bridgeland Warehouses, LLC is the owner of properties located on Passaic Street in the City of Garfield; and

WHEREAS, the subject property is part of a development conducted by Vornado Realty Trust; and
WHEREAS, in connection with that proposed development conducted by Vornado Realty Trust and
WHEREAS, the environmental investigation shall require soil boring holes to be conducted within the sidewalks at ten (10) locations in the vicinity of the project described above; and

WHEREAS, Excel Environmental Resources, Inc., 111 North Center Drive, North Brunswick, New Jersey has requested permission from the Governing Body to conduct soil boring holes at these locations; and

WHEREAS, this request has been reviewed by the City Engineer, the Building Department and the Police Department and each have approved the request subject to certain conditions; and

WHEREAS, as a condition of granting such approval, an Indemnification and Hold Harmless Agreement will also have to be executed and appropriate insurance certificates will have to be put in place.

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. The request on behalf of Excel Environmental Resources, Inc. for soil boring holes to be conducted within the sidewalks at ten locations in the vicinity of Vornado Development project is hereby approved.
2. The approval granted herein is based upon the documents, sketches and information prepared by Excel Environmental Resources, Inc. dated March 29th, 2010 which has been submitted to the City Engineer.
3. The approval granted herein shall be subject to posting of sufficient escrows, payment of all fees and execution of the Indemnification and Hold Harmless Agreement prepared by the City Attorney.
4. The approval granted herein shall also be subject to all reasonable requirements of the City Engineer, Police Department, the Department of Public Works and Excel Environmental Resources, Inc.

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-204

RESOLUTION - ENVIRONMENTAL TESTING AUTHORIZATION

WHEREAS, the former Kalama Chemical, Inc. facility located at 290 River Drive has been the subject of numerous environmental studies and other environmental activities; and

WHEREAS, the City of Garfield previously authorized SECOR International Incorporated to conduct certain off-site activities with regard to the continued environmental remediation of the Kalama Chemical site; and

WHEREAS, the said approvals were granted pursuant to the following Resolutions:

RESOLUTIONS

No. 96-76 (February 22, 1996)
No. 96-427 (December 17, 1996)
No. 97-323 (September 2, 1997)
No. 99-347 (October 19, 1999)
No. 02-95 (March 12, 2002)
No. 02-312 (July 23, 2002)
No. 07- (October 12, 2007)

WHEREAS, in addition to the resolutions, an Indemnification Agreement was signed in favor of the City of Garfield by this company as a condition of granting said approval; and

WHEREAS, Sovereign Consulting, Inc. has now requested permission to perform certain other off-site activities associated with the same project that were not originally contemplated at the time that the aforementioned resolutions were adopted; and

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

WHEREAS, any approval granted shall be specifically contingent upon the execution of an Indemnification Agreement in favor of the City of Garfield.

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. Sovereign Consulting, Inc., on behalf of EPC Polymers, Inc. is hereby granted approval for the following:
Install one soil boring along the curb of Bloomingdale Avenue near the intersection with Hudson Street.
2. The soil boring will be in the approximate location located on the attached schedule and shall be approximately 2.0 inches in diameter and have a total depth of approximately sixteen (16) feet and would be sealed to grade with a cement/bentonide grout.

BE IT FURTHER RESOLVED, that the City Attorney be and he is hereby authorized and directed to prepare any and all documents necessary in order to effectuate the provisions of this Resolution;

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 Sovereign Consulting, Inc., Kevin Boswell, the City Engineer, Joseph J. Rotolo, Esq., the City Attorney, Sam Garofalo, the Superintendent of the Department of Public Works.

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-205

RESOLUTION - AUTHORIZING THE PREPARATION OF SPECIFICATIONS FOR SOLAR GENERATING FACILITIES

WHEREAS, the City of Garfield has investigated several options regarding utilization of solar energy in an effort to save utility costs throughout the City; and

WHEREAS, the City Council has received proposals from various companies which estimate utility savings and propose other services which may be suitable for the City; and

WHEREAS, the City Council has determined that it would be in the best interest of the City to authorize the preparation of specifications for providing such services to the Municipality

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. The City Engineer be and is hereby authorized and directed to prepare specifications or requests for qualifications for providing solar energy services to the City of Garfield.

RESOLUTIONS

2. This proposal shall include, upon other things, solar energy proposals for all City owned buildings as well as such other related services as the City Engineer are necessary and appropriate.
3. The City Engineer shall consult with the City Attorney in connection with the legal requirements for such proposals and the City Clerk shall arrange for the necessary publication of the solicitation for these quotations and/or bids.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward certified copies of the within Resolution to the City Engineer, the City Attorney, Amberjack Solar Energy and A Plus International, Inc.

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-206

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 August 1, 2008

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:

Municipal Court Account 61-00280718

<u>Check #</u>	<u>Dollar Amount</u>
2888	\$721.50
3266	\$ 5.00
3328	\$ 3.00
3382	\$ 50.00
3514	\$ 7.00
3701	\$ 50.00
3728	\$ 50.00
3780	\$ 1.50

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-207

WHEREAS, Viridian Energy is a company engaged in the business of providing for the purchase and sale of electricity to governmental entities and commercial entities; and

WHEREAS, the Mayor and Council have determined that the purchase of electricity from or through Viridian may save a substantial amount of money for the City; and

WHEREAS, the City Manager has recommended that this contract be approved;

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 contract for the purchase of electricity with Viridian Energy.
2. This contract is subject to the final approval of the City Manager and City Attorney.
3. The contract, when executed, shall be terminable by the City upon fourteen (14) days notice.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to forward certified copies of the within Resolution to Viridian Energy, the City Attorney and the Finance Office.

RESOLUTIONS

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

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-208

WHEREAS, the City Council was recently called upon to review the defeated Board of Education budget; and

WHEREAS, that review, which was conducted pursuant to the requirements of state law, resulted in a reduction in the current expense tax levy; and

WHEREAS, all Municipalities within the State of New Jersey have been faced with dramatic state aid reductions, limitations spending and other fiscal policies imposed by the State of New Jersey; and

WHEREAS, the result of these state actions as well as the requirements of state law, have made the City Council acutely aware of the spending policies of all aspects of City government and, in addition, the spending policies and procedures of the Board of Education; and

WHEREAS, the City Council has been made aware of agreements reached between the Board of Education and the Superintendent of Schools as well as the Assistant Superintendent which provide, among other things, for payments, to these employees, of approximately \$150,000.00 each for accumulated sick leave; and

WHEREAS, these payments have been made to these employees pursuant to contracts which provide, among other things, for payment upon “separation from the district”; and

WHEREAS, the aforementioned agreements also provide for an inconsistent provision which calls for payments while these employees are still employed by the school district; and

WHEREAS, the Mayor and Council have significant concerns about the legality and/or the fiscal responsibility of such an agreement in these difficult and trying financial times.

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

The City Manager is hereby directed to forward a copy of this resolution together with a copy of Garfield Board of Education Resolution 06-437-06 and the Superintendent of School’s Contract and Assistant Superintendent’s contract to the State of New Jersey Department of Education.

The City Manager was also directed to request that the Department of Education review the enclosures which will be forwarded to that agency and request an opinion as to their legality and/or fiscal responsibility.

The City Manager shall specifically direct this correspondence to the Commissioner of Education, the Honorable Brett Schundler for his review and commend and a copy of same should be forwarded to the Honorable Christopher Christie, Governor of the State of New Jersey.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward certified copies of the within Resolution to the City of Garfield Board of Education, the City Attorney, the Chief Financial Officer, the City Auditor, the Board of Education Auditor and the Bergen County Superintendent of Schools.

On call of roll, Ayes 3,
Abstain 1 – Councilmember Raymond,
Absent 1 – Councilmember Delaney

(Sgd) Louis G. Aloia
Stanley J. Moskal

BILLS AND CLAIMS

Resolution No. 10-209

RESOLVED by the City Council of the City of Garfield that the following bills covering Current Fund totaling \$180,635.50 and Water Fund Current totaling \$70,920.59 and Water Capital Fund totaling \$6,805.00 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 twelve (12) items prior to the meeting be ratified.

BILLS AND CLAIMS

See

The

Following

Pages Numbered _____

For

Bills

and

Claims

ORDINANCES

Councilmember Aloia introduced in writing the following ordinance entitled:

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.

Councilmember Aloia moved that this ordinance entitled: "AN ORDINANCE TO FIX THE SALARY, WAGES AND COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY", 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 Moskal, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 4, Absent 1- Councilmember Delaney

CITIZENS AND TAXPAYERS

Ms. Laura Danis, 33 Spring Street, spoke on the resolution adopted at this meeting concerning the separation agreement for the Superintendent of Schools and Assistant Superintendent of Schools. She spoke on a recent noise complaint in her neighborhood and the response by the City Police Department.

Mr. Salvatore Zangara, 88 Gaston Avenue; and Mr. Ettore Monaco, 166 Charles Street, both complained about the club on the corner of Gaston Avenue and Charles Street called "Friends Albanian Coffee Shop", concerning being unable to sleep at night due to the noise, the beeping of car horns, how it is unbearable, how the Police have to be called, how a man who appeared drunk came out of the place, how there are bottles outside the place on Monday and Thursday nights and how it is difficult to park in the area because of the club.

Mr. John Oddo, 323 Lanza Avenue, asked questions and spoke about the Sanitary Sewer surcharge.

Mr. Ignatius Tripodi, 155 Malcolm Avenue, said that parking around the club is horrendous. He asked questions concerning the resolution concerning environmental testing around the old Kalama Chemical Plant formerly located on Monroe Street, Cambridge Avenue, Hudson Street and River Drive. He questioned what the City intends to do with the old Fire House No. Three property located at 53 Willard Street.

COUNCILMEMBER COMMENTS

Councilmember Raymond said that last Sunday was a very good Polish Night hosted by Saint Stan's Church at the Royal Manor Restaurant located at 454 Midland Avenue. She said that everyone is proud of Deputy Mayor Moskal as the Pulaski Day Grand Marshall for the entire Tri-State area. She spoke on the Garfield Animal Rescue Organization. She spoke on the group "FOCUS" which she said helped out with the spaying of animals and she said a baby kitten will be fostered in a home. She said that FOCUS does an awful lot for animals and the City is grateful for them.

Councilmember Aloia spoke on the Social Club issue and said that maybe it is an alcoholic beverage control issue. He spoke on the resolution concerning the separation agreement of the

COUNCILMEMBER COMMENTS

Superintendent of Schools and the Assistant Superintendent of Schools. He spoke on a recent newspaper article which stated, after an extensive meeting between the City Council and School Officials, Board of Education members claimed the cuts made by the City Council in the defeated School Board Budget forced layoffs in the School System. He spoke on Garfield High School football alum Miles Austin signing a big contract with the Dallas Cowboys and perhaps organizing a social event when the Super Bowl comes to East Rutherford to bring some real notoriety to Garfield.

Deputy Mayor Moskal said he was glad that the Social Club issue was brought to the attention of the Mayor and Council and perhaps the City Attorney can check what other towns do and maybe the City can address Social Clubs based on that information. He spoke on a noise complaint occurrence on Prospect Street and how the Police responded in a positive, professional way, and how everyone can get through these situations together.

Mayor Calandriello spoke on the Redevelopment of the Kalama Chemical property, the Resolution passed this evening concerning the separation agreement with School Officials and noise complaints from Garfield residents concerning parties being held in a park in the City of Passaic across the Passaic River on the other side of the Wall Street/Passaic Street Bridge.

ADJOURNMENT

At, 9:35 PM there being no further business, Councilmember Raymond moved to adjourn the meeting. Councilmember Moskal duly seconded the motion.

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

Andrew J. Pavlica, CITY CLERK