

A Regular Meeting of the City Council was held Monday, August 9, 2010 at 9:00 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, Louis G. Aloia, Stanley J. Moskal and Frank J. Calandriello

Councilmembers Absent: Joseph Delaney

Also Present: City Clerk/Deputy City Manager Andrew J. Pavlica, City Attorney Joseph J. Rotolo, City Engineer Kevin J. Boswell and Interim Chief Financial Officer Roy Riggitano

APPROVAL OF MINUTES

Councilmember Moskal moved to approve the Minutes of the following meetings:

Work	Session	-	July	12,	2010
Regular	Meeting	-	July	12,	2010
Work	Session	-	July	20,	2010
Regular	Meeting	-	July	20,	2010

Councilmember Raymond duly seconded the motion.

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

REPORTS OF OFFICERS

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

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

RESOLUTIONS

Resolution No. 10-238

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Distribution License No. 0221-44-063-002, from Joseph & Mary Tofilski, and Ronald & Theresa Pelikan, t/a Hy Spirits Wine and Liquor, 76 Jewell Street to Ronald & Theresa Pelikan, (228 Hillside Avenue, Saddle Brook, NJ 07662), t/a Hy Spirits Wine and Liquor, 76 Jewell Street, 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 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

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, 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 August 10, 2010, the transfer of the aforesaid Plenary Retail Distribution License No. 0221-44-063-002, Ronald & Theresa Pelikan, (228 Hillside Avenue, Saddle Brook, NJ 07662, who will each own 50% of the shares of the partnership), t/a Hy Spirits Wine and Liquor, 76 Jewell Street, Garfield, NJ 07026 and does hereby direct the City Clerk

RESOLUTIONS

to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to Ronald & Theresa Pelikan, effective August 10, 2010.”,

(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 person to person license transfer).

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-239

WHEREAS, Fire Company No. 3 has advised that they have accepted Breanne Lynch of 83 Ray Street, as a regular active member, effective August 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. 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. 10-240

WHEREAS, the City Council recently enacted an Ordinance amending Chapter 365 of the City Code which established certain charges for sewer usage; and

WHEREAS, various questions and concerns have been raised by residents of the City of Garfield concerning these charges; and

WHEREAS, the City Council has now determined that it would be appropriate to provide the City Manager with the authority, within his sound discretion, to adjust sewer bills in those cases where he believes that such an adjustment is justified;

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 Manager be and is hereby granted authority to reduce or otherwise adjust sewer bills for residential property owners within the City of Garfield.
2. The authority to adjust these sewer bills shall be within the sound discretion of the City Manager, if, after examination of all applicable proofs, he believes an equitable adjustment is appropriate.
3. The City Manager is granted the authority to make adjustments to sewer bills up to a maximum adjustment of \$800.00 and, upon making such an adjustment a report shall be forwarded to the appropriate billing department and to the Mayor and Council describing the amount of the adjustment and the basis for the same.

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 Manager, the City Attorney, the Department of Public Works and the office of the Tax Collector.

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-241

WHEREAS, the Mayor and Council of the City of Garfield are desirous of appointing a conflict Building Department inspection in light of the passing of NJSA 6:23-4.5 which prohibits a local inspector from matters within his/her/jurisdiction which concern a member of the Municipal Governing Body of a family member of a Governing Body; and;

WHEREAS, Fred Krowl is the Certified Building Inspector, Code Enforcement Official and serves as Zoning Officer for the City of Garfield; and

WHEREAS, Fred Krowl recommends the use of the Elmwood Park Building Department for all conflict inspections;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Garfield, County of Bergen, State of New Jersey that inspectors of the Elmwood Park Building Department be and are hereby appointed for all conflict inspections retroactive to July 1, 2010.

RESOLUTIONS

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-242

BE IT RESOLVED, that the Mayor and Council of the City of Garfield wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$404,671.00 in 2010 Community Development Block for Barrier Free Curb Cuts; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize City Manager Thomas J. Duch to be a signatory to the aforesaid grant agreement;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize City Manager Thomas J. Duch to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the City of Garfield is liable for any funds not spent in accordance with the Grant Agreement; and that the liability of the Mayor and Council is in accordance with HUD requirements.

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-243

RESOLUTION CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO ENACT PROPERTY TAX REFORM WITH PASSAGE OF THE “MUNICIPAL TOOLKIT” AND MANDATES RELIEF

WHEREAS, difficult times demand difficult choices, and facing an unprecedented revenue gap this year, Governor Christie introduced, and the Legislature passed, a budget that cut municipal property tax relief funding by about \$450 million, from last year’s already reduced totals; and

WHEREAS, realizing that a 20% cut in revenue replacement funding, instead of the statutorily required increase, would present a serious challenge to local budget makers, Governor Christie intended to provide local officials with meaningful tools to limit the, otherwise devastating, impact of the cuts; and

WHEREAS, the Governor’s “Tool Kit to Meet Today’s Fiscal Challenges” was supposed to accomplish six objectives: collective bargaining reform; pension and benefits reform; civil service reform; management reform; a constitutional cap on increases in spending for direct State government services; and a constitutional cap on property tax increases; and

WHEREAS, Governor Christopher Christie and the State Legislature have agreed on and enacted a 2% statutory cap for annual property tax levy increases; and

WHEREAS, the Governor was correct when he said, ‘New caps without the toolkit are unworkable.’ and

WHEREAS, with the cuts assured in the State’s new budget and with bi-partisan agreement reached on new property tax caps, New Jersey Mayors – from municipalities, large and small, and from all around our Garden State – still wait for Trenton policy makers to enact meaningful local government cost containment reforms;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Garfield calls for the immediate passage of the “Toolkit” reforms and mandates relief, including, but not limited to interest arbitration reform, civil service reforms, public employee pension and benefits, disciplinary procedures, school and special district elections, reforms to the Fair Housing Act and the Council on Affordable Housing and mandates relief; and

BE IT FURTHER RESOLVED, that statutory arbitration reforms must limit the full economic impact of awards to conform to the 2% cap; and

BE IT FURTHER RESOLVED, that statutory Health benefit reforms must conform future health benefit costs to the 2% cap; and

BE IT FURTHER RESOLVED, that municipal revenues, such as the Energy Tax, which are now collected by, and diverted to, the State, but which are legally intended for municipal property tax relief, must be constitutionally dedicated for their original purpose; or in the alternative, those taxes should be reformed to allow collection directly by municipalities; and

BE IT FURTHER RESOLVED, that the Administration and Legislature must advance immediate mandates relief initiatives to assist municipalities in managing within the 2% cap; and

BE IT FURTHER RESOLVED, that the Administration and Legislature must advance reforms to the Fair Housing Act and the Council on Affordable Housing (COAH); and

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BE IT FURTHER REOLVED, that a cap exception for the costs associated with tax appeals should be included, and costs mandated by the Administrative Office of the Courts (AOC) should be excepted from the 2% cap or the costs of the new AOC mandates should be capped at 2%; and
BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-244

WHEREAS, the City of Garfield is committed to creating a pedestrian and bikeway system that makes walking and cycling a viable alternative to driving, and which improves bicyclist and pedestrian safety, by creating street corridors that safely accommodate all road users of all abilities and disabilities; and

WHEREAS, the New Jersey Department of Transportation’s Complete Streets policy states “A Complete Street is defined as means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options.”; and

WHEREAS, significant accomplishments have already been achieved by incorporating pedestrian safety and traffic calming measures when public streets are improved; and

WHEREAS, the City Council supports this “complete streets” initiative and wishes to reinforce its commitment to creating a comprehensive, integrated, connected street network that safely accommodates all road users of all abilities and disabilities and for all trips;

NOW THEREFORE, BE IT RESOLVED that all public street projects, both new construction and reconstruction (excluding maintenance) undertaken by the City of Garfield shall be designed and constructed as “complete streets” whenever feasible to do so in order to safely accommodate travel by pedestrians, bicyclists, public transit, and motorized vehicles and their passengers, with special priority given to bicyclist and pedestrian safety, and subject to the following conditions:

- a. Pedestrian and bicycle facilities shall not be required where they are prohibited by law.
- b. Public transit facilities shall not be required on streets not serving as transit routes and the desirability of transit facilities will be determined on a project specific basis

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No.10-245

RESOLUTION – AUTHORIZING SETTLEMENT OF TAX APPEAL

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

Property Owner:	Somerset Realty Corp.
Address:	1 River Drive/49 River Drive
Lot:	10/1.02
Block:	2.02, 2.01
Docket Nos:	005290-2007, 000580-2008, 000899-2009

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:

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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 4,
Absent 1 – Councilmember Delaney

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-246

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 2010.

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
182	14	Stephen Szucs	O/P	\$1,257.00

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-247

WHEREAS, pursuant to State Law all municipalities must appoint an alternate Municipal Prosecutor

NOW THEREFORE, BE IT RESOLVED, that Dennis Maycher, Esq. of Garfield, New Jersey, is hereby appointed alternate Municipal Prosecutor, effective immediately, to be paid on a per appearance basis to be determined by the City Manager.

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

(Sgd) Stanley J. Moskal
Louis G. Aloia

BILLS AND CLAIMS

Resolution No. 10-248

RESOLVED by the City Council of the City of Garfield that the following bills No. 1408 to 1409 covering Current Fund totaling \$1,449,472.07 and General Capital Fund totaling \$32,238.48 and Water Capital Fund totaling \$441.65 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 thirty one (31) 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 AUTHORIZING THE SALE OF REAL
PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES
PURSUANT TO N.J.S.A. 40a:12-12(A)

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled: “AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES PURSUANT TO N.J.S.A. 40A:12-13(a)”, 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 September 13, 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

Councilmember Aloia introduced in writing the following ordinance entitled:

AN ORDINANCE PERMITTING AN EMPLOYEE WHO IS ELIGIBLE
FOR OTHER HEALTH CARE COVERAGE TO WAIVE COVERAGE “OPT OUT”
UNDER THE CITY’S PLAN TO WHICH THE EMPLOYEE
IS ENTITLED TO BY VIRTUE OF EMPLOYMENT WITH THE CITY

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled: “AN ORDINANCE PERMITTING AN EMPLOYEE WHO IS ELIGIBLE FOR OTHER HEALTH CARE COVERAGE TO WAIVE COVERAGE “OPT OUT” UNDER THE CITY’S PLAN TO WHICH THE EMPLOYEE IS ENTITLED TO BY VIRTUE OF EMPLOYMENT WITH THE CITY”, 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 September 13, 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

Mr. Adam Szewczyk, a former resident of 22 DeWitt Street, said that he would like to know the City’s plans for raising taxes in the next few years. He also spoke on quality of life issues.

Mr. Slawomir Bazouik, 145 Division Avenue, complained about the condition of the sidewalks and the bridge over Fleischer’s Brook in his neighborhood.

Ms. Jeanette Casiano, 88 Hudson Street, complained about a property maintenance issue in her neighborhood, especially a neighbor who has failed to mow his lawn. She complained about hit and run accidents at the end of her street.

CITIZENS AND TAXPAYERS

Mr. Salvatore Giammanco. 88 Ray Street, complained about how he had to repair his own sidewalks. He complained about the newly implemented sewer tax. He asked for tax relief.

Ms. Elizabeth Soltys, 217 Lanza Avenue, asked questions concerning the Lanza Avenue Improvement.

COUNCILMEMBER COMMENTS

Councilmember Raymond spoke on the car wash fundraiser scheduled to be held Saturday, August 21, 2010 from 11:00 AM to 3:00 PM at the Sam and Ann Sangis Recreation Center located at 466 Midland Avenue. She also remarked that on Thursday, August 26, 2010, for every patron who brings in a specific coupon to the new Applebee's in Garfield, Applebee's will donate 10% of their profit to the Garfield Animal Rescue Foundation.

ADJOURNMENT

At 10:20 PM, there being no further business, Councilmember Moskal moved to adjourn the meeting. Councilmember Raymond duly seconded the motion.

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

Andrew J. Pavlica, CITY CLERK