

A Regular Meeting of the City Council was held Tuesday, September 21, 2010 at 8:25 PM in the Conference Room in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

Mayor Frank J. Calandriello presided. City Clerk Andrew J. Pavlica announced that the meeting was being held in accordance with provisions of the Open Public Meetings Act and that adequate notice was provided by mail and fax to the official City newspapers and to other interested parties and by posting the meeting notice on the bulletin boards in City Hall.

Councilmembers Present: Tana M. Raymond, Joseph Delaney, Louis G. Aloia and Frank J. Calandriello
Councilmembers Absent: Stanley J. Moskal
Also Present: City Clerk Andrew J. Pavlica, City Attorney Joseph J. Rotolo and City Engineer Kevin J. Boswell

REPORTS OF OFFICERS

Councilmember Raymond 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 Moskal

RESOLUTIONS

Resolution No.10-283

WHEREAS, Garfield, New Jersey Deputy Mayor Stanley J. Moskal has been selected to be the Grand Marshall of the 2010 General Casimir Pulaski Day Parade for the entire Tri-State Region representing New York, New Jersey and Connecticut and will lead the Parade up Fifth Avenue in New York City, on Sunday, October 3, 2010, 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, Deputy Mayor Moskal is being honored at the 73rd Annual Banquet of the General Pulaski Memorial Parade Committee to be held on Saturday, September 25, 2010, at the New York Marriott Marquis Hotel on Broadway in New York City, and the Garfield Mayor and City Council are desirous of publicly recognizing this tremendous honor,

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 for being a worthwhile proponent of the causes of the Polish community and the Polish nation.

On call of roll, Ayes 4,
Absent 1 - Councilmember Moskal

(Sgd) Frank J. Calandriello
Louis G. Aloia

Resolution No. 10-284

RESOLUTION AUTHORIZING ISSUANCE OF LIQUOR LICENSE PURSUANT TO ALCOHOLIC BEVERAGE CONTROL RULING

WHEREAS, an application has been filed for the re-issuance of a "new" liquor license for Daniel's Il Piacere, LLC; and

WHEREAS, this license is to be issued under License No. 0221-33-008-006 for the years 2007-2008, 2008-2009, 2009-2010 and 2010-2011; and

WHEREAS, a special ruling was required from the Division of Alcoholic Beverage Control due to the fact that the subject liquor license has lapsed and was not renewed for these licensed terms; and WHEREAS, the Municipality has the ability to reissue this license due to recent amendments to the law controlling the same.

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

RESOLUTIONS

1. Plenary Retail Consumption Liquor License No. 0221-33-008-006 be and is hereby issued for the license terms described above.
2. The license herein shall be Daniel's Il Piacere, LLC, 190 Harrison Avenue, Garfield, New Jersey.
3. This action is contingent upon full and complete compliance with all requirements of the special ruling issued by the Division of Alcoholic Beverage Control dated August 11, 2010.
4. There shall be no cover charge, door charge, or live entertainment including DJ in connection with the operation of the licensed premises.
5. The within approval is for renewal only for the terms described above and shall not constitute a person to person, place to place or any other form or manner of action.

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 State of New Jersey Division of Alcoholic Beverage Control, the City Attorney and the Garfield Police Department.

On call of roll, Ayes 4,
Absent 1 - Councilmember Moskal

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No. 10-285

WHEREAS, Carla Almohayed, 55 Passaic Street, who is the holder of a Disabled Person I.D. Card No. HN8880, has filed application for a handicapped parking sign to be placed at her address, and WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for "Handicapped Parking", located on the north curb line of Passaic Street commencing 142 feet west of the intersection of Passaic Street and Palisade Avenue and run an additional 25 west from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 4,
Absent 1 - Councilmember Moskal

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No. 10-286

WHEREAS, Sharon Kay Brooks, 11 Farnham Avenue, who is the holder of a Disabled Person I.D. Card No. P982776, has filed application for a handicapped parking sign to be placed at her address, and

WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for "Handicapped Parking", located on the north curb line of Farnham Avenue commencing 100 feet east of the intersection of Farnham Avenue and Mac Arthur Avenue and run an additional 25 east from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 4,
Absent 1 - Councilmember Moskal

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No. 10-287

RESOLUTION FOR MUNICIPALITIES TO CONFIRM ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECTS

RESOLUTIONS

WHEREAS, A Bergen County Community Development Grant of \$310,500 has been proposed by the Margaret P. Muscarelle Child Development Center for addition to the Muscarelle Center in the municipality of Garfield, New Jersey and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development Funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of the City of Garfield, and;

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditures of the aforesaid Community Development Funds,

NOW, therefore be it resolved that the Governing Body of the City of Garfield hereby confirms endorsement of the aforesaid project, and;

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the Aforesaid project may be expedited.

On call of roll, Ayes 4,
Absent 1 - Councilmember Moskal

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No. 10-288

A RESOLUTION CONFIRMING ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECT

WHEREAS, a Bergen County Community Development grant of \$83,076.00 has been proposed by Boys & Girls Club of Garfield for an Interior Renovation Project, Bathrooms in the Municipality of Garfield; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of the City of Garfield, Bergen County, and;

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditures of the aforesaid Community Development Funds,

NOW, Therefore be it resolved that the City Council of the City of Garfield, Bergen County, New Jersey hereby confirms endorsement of the aforesaid project, and;

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the Aforesaid project may be expedited.

On call of roll, Ayes 4,
Absent 1 - Councilmember Moskal

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No. 10-289

A RESOLUTION ENDORSING THE FILING OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION IN CONNECTION WITH THE BOYS AND GIRLS CLUB OF GARFIELD TEEN INITIATIVE

WHEREAS, A Bergen County Community Development Grant of \$52,900.00 has been proposed by the Boys and Girls Club of Garfield, located at 490 Midland Avenue for their Teen Initiative;

WHEREAS, Pursuant to the State Interlocal Services Act, Community Development Funds may not be spent in a municipality without authorization by the Governing Body, and;

WHEREAS, the aforesaid project is in the best interest of the people of the City of Garfield, and;

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditures of the aforesaid Community Development Funds,

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Garfield, Bergen County, New Jersey hereby confirms endorsement of the aforesaid project, and;

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the Aforesaid project may be expedited.

On call of roll, Ayes 4,
Absent 1 - Councilmember Moskal

(Sgd) Louis G. Aloia
Frank J. Calandriello

RESOLUTIONS

Resolution No. 10-290

Resolution Authorizing Adjustment of Tax Assessment

WHEREAS, Real Property Tax Appeals were filed in connection with the following property: 44 Summit Avenue, Garfield, NJ; and

WHEREAS, judgment has been previously entered by the Tax Court of New Jersey in connection with this matter which reduced the assessment to the subject property to a total assessment of \$300,000.00; and

WHEREAS, at the recommendation of the Tax Assessor and City Attorney, a further adjustment to a total assessment of \$290,000.00 is requested.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Garfield, County of Bergen, State of New Jersey that the total assessment for the subject property be and is hereby reduced to \$290,000.00; and

IT IS FURTHER RESOLVED that the Tax Assessor is hereby authorized to adjust the records of the City of Garfield to reflect this reduction with the apportionment between land and improvement to be made based upon the Tax Assessor's discretion.

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 Tax Collector, the Tax Assessor and the City Attorney.

On call of roll, Ayes 4,
Absent 1 - Councilmember Moskal

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No. 10-291

WHEREAS the Receiver of Sewer reports that she has received a request from the following property owners for a refund due to over paid sewer 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 over payment and forward same to the Receiver of Sewer for the purpose of noting her records and for mailing to the property owner.

Sewer Acct#	Owner	Reason	Amount
4-15-83	Cruze, Nicolas	O/P Sewer	\$8.00

On call of roll, Ayes 4,
Absent 1 - Councilmember Moskal

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No. 10-292

Resolution Authorizing Execution of Redevelopment Agreement

WHEREAS, HP GARFIELD INVESTMENT, LLC has been designated as redeveloper in connection with certain property located in the City of Garfield, and

WHEREAS, these discussions and negotiations have related to the property known as the GARDEN STATE PAPER property located on River Drive in the City of Garfield;

WHEREAS, these discussions and negotiations have resulted in the preparation of a Redevelopment Agreement between the City of Garfield Redevelopment Agency, the City of Garfield and HP Garfield Investment,

WHEREAS, the said agreement has been reviewed and conditionally approved by the Garfield Redevelopment Agency, its counsel, the City Manager, the Planning Board, Counsel to the Planning Board, the City Attorney and the City Engineer; and

WHEREAS, although the agreement is between the Redevelopment Agency and the redeveloper it also requires the consent and approval of the Mayor and Council; and

WHEREAS, the Mayor and Council now wish to authorize the Mayor and the City Clerk to execute this agreement once it has been reviewed, in its final form and approved by the attorney for the Redevelopment Agency and the City Attorney; and

WHEREAS, the execution of the same will also be subject to certain modifications and approvals as detailed in this resolution;

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 Mayor and the City Clerk be and are hereby authorized and directed to execute the aforementioned Redevelopment Agreement.
2. Prior to execution the following changes shall be made:
 - All references to a PILOT (Payment in lieu of Taxes) shall be removed.
 - The Redeveloper shall be required to post Performance Completion Guarantees (PCG) for each phase of the project as each phase is started. These guarantees shall be deemed to include all obligations that the Redeveloper shall have pursuant to the terms of the agreement and shall be subject to the review and approval as to form and amount by the City Engineer and counsel for the Redevelopment Agency.
 - All Performance Bonds shall be posted in the amount determined by the City Engineer in his sole and absolute discretion which determinations shall be final.
 - Compliance with all requirements of the City Planner with regard to the obligations to provide low and moderate income housing pursuant to the requirements of the Council on Affordable Housing (COAH) and
3. Prior to execution of the Agreement the following shall review and approve the same, in writing, and in the following order:
 - The Redeveloper
 - Counsel for the Garfield Planning Board
 - Counsel to the Garfield Redevelopment Agency
 - The City Engineer
 - The City Manager
 - The City Attorney and;

WHEREAS, the City Clerk be and he is hereby authorized to forward certified copies of the within resolution to the City Manager, the City Engineer, the City Attorney, The Garfield Redevelopment Agency, the Tax Assessor, the City Planner, HP Garfield Investment, LLC and the attorney for the Garfield Planning Board.

WHEREAS, the City Clerk be and he is hereby authorized to forward certified copies of the within resolution to the City Manager, the City Engineer, the City Attorney, the Garfield Redevelopment Agency, the Tax Assessor, the City Planner and HP Garfield Investment, LLC.

On call of roll, Ayes 4,
Absent 1 - Councilmember Moskal

(Sgd) Louis G. Aloia
Tana M. Raymond

BILLS AND CLAIMS

Resolution No. 10-293

RESOLVED by the City Council of the City of Garfield that the following bill No. 1418 covering Escrow Developers Trust totaling \$16,869.75 and Current Fund totaling \$97,122.94 and Water Fund totaling \$89,167.81 and Water Capital Fund totaling \$3,815.00 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.

See

The

Following

Pages Numbered _____

For

Bills and Claims

CITIZENS AND TAXPAYERS

Mr. Ettore Monico, 166 Charles Street, complained about the social club at the corner of Charles Street and MacArthur Avenue. He said that he had a friendly conversation with the owner. He complained about noise and parking and other issues associated with the Club.

COUNCILMEMBER COMMENTS

Mayor Calandriello spoke on Miles Austin of Garfield playing Wide Receiver for the Dallas Cowboys, leading the NFL in receptions and averaging 10 receptions a game.

ADJOURNMENT

At 8:50 PM, there being no further business, Councilmember Raymond moved to adjourn the meeting. Councilmember Aloia duly seconded the motion.

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

Andrew J. Pavlica, CITY CLERK