

A Regular Meeting of the City Council was held Tuesday, October 19, 2010 at 8:35 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, Stanley J. Moskal and Frank J. Calandriello

Also Present: 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 Raymond duly seconded the motion.

On call of roll, Ayes 5

COMMUNICATIONS/APPOINTMENTS

City Clerk Andrew J. Pavlica reported that in a letter to him dated today from Mayor Frank J. Calandriello, the Mayor appointed Ms. Leane Surma, 22 Steinberg Avenue, to the Housing Authority of the City of Garfield, pursuant to Act No. 239, as the Mayor's Appointee, to succeed herself, effective immediately, for a full five year term, said term to expire October 19, 2015.

GRANT PRESENTATION

State Farm Insurance Agent Daryl J. Laglia, 1 South Main Street, Suite 5, Lodi, New Jersey 07644, publicly presented a \$1,500.00 check to Garfield Fire Official Gerald Walis in connection with a grant to fund the purchase of various fire prevention education materials.

RESOLUTIONS

Resolution No. 10-318

WHEREAS, Edward J. Dabal, was last appointed to the Housing Authority of the City of Garfield pursuant to Resolution No. 09-402, adopted by the City Council at a meeting held December 1, 2009, and

WHEREAS, his term of office expires October 19, 2010,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Edward J. Dabal of 250 Division Avenue is hereby appointed to the Housing Authority of the City of Garfield, effective October 19, 2010, to succeed himself for a full five year term, said term to expire October 19, 2015.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-319

WHEREAS, the Garfield PBA Local No. 46 will hold their Annual Awards Dinner on Thursday, November 4, 2010 at The Venetian Restaurant located at 546 River Drive, Garfield, New Jersey, and

WHEREAS, the P.B.A. is honoring Lieutenant Ronald Polonkay and Sergeant Barry Kody with Gold PBA Lifetime Members Cards and Mr. Nicolo Aiello and Mr. Larry Luterzo with Silver PBA Lifetime Member Cards for their many years of dedicated service, and

WHEREAS, the City Council is desirous of joining with the P.B.A. in honoring these four fine individuals,

RESOLUTIONS

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Lieutenant Ronald Polonkay, Sergeant Barry Kody, Mr. Nicolo Aiello and Mr. Larry Luterzo are hereby publicly congratulated and acknowledged for being deservedly honored with a dinner celebration by Garfield PBA Local No. 46 for their dedicated service to our community and the Garfield Police Department.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 10-320

WHEREAS, the Division of Local Government Services requires the Chief Financial Officer to file a "Corrective Action Plan" outlining the actions to be taken by the City relative to the findings and recommendations in the annual audit report, and;

WHEREAS , the "Corrective Action Plan" shall be prepared by the Chief financial Officer with Assistance from other Officials affected by the audit finding and recommendations; and

WHEREAS, the governing body is required by resolution, to approve said "Corrective Action Plain" and'

WHEREAS, the "Corrective Action Plan", as prepared by the Chief Financial Officer and approved by the governing body, shall be placed on file and made available for public inspection in the office of the City Clerk;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that is hereby approves the "Corrective Action Plan"; for the Calendar Year 2009 Annual Report Submitted by the Chief Financial Officer.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-321

RESOLUTION - AUTHORIZING AWARD OF CONTRACT FOR RIVER DRIVE IMPROVEMENTS

WHEREAS, the City of Garfield has been engaged in a comprehensive project for the reconstruction and improvement of River Drive; and

WHEREAS, the City has also been engaged in a project which will ultimately result in the construction of a riverfront park; and

WHEREAS, a substantial portion of the aforementioned project will involve improvements to River Drive and, therefore, specifications were prepared for the solicitation of bids for this project; and

WHEREAS, bids were originally received on August 25th, 2010 and numerous bids were received in response to the bid solicitation, however, all bids were rejected as a result of a determination by the Mayor and Council that substantial revisions had to be made to the specifications; and

WHEREAS, as a result of the foregoing, bid specifications were revised, advertised and bids were again scheduled to be received on September 24th, 2010; and

WHEREAS, a total of sixteen (16) prospective bidders obtained bid specifications; and

WHEREAS, twelve (12) bids were received on September 24th, 2010 ranging from approximately \$7,200,000.00 to \$9,100,000.00; and

WHEREAS, the three apparent low bidders were as follows:

AJM Contracting:	Base Bid	\$7,202,058.00
	Alternate	\$ 210,981.75
English Paving:	Base Bid	\$7,344,805.00
	Alternate	\$ 199,621.50
ConQuest Ind., LLC:	Base Bid	\$7,351,576.80
	Alternate	\$ 211,705.50; and

WHEREAS, a review of the bids by the City Engineer revealed that a mathematical error was made in the bid submitted by AJM Contracting and, therefore, their bid should have been increased by \$457,150.00 and, as a result thereof, AJM Contracting was no longer the lowest apparent bidder; and

WHEREAS, the Mayor and Council have determined that it would be in the best interest of the City to include the alternate bid in this Contract award and, therefore, the two apparent low bidders, including the alternate bid were as follows:

RESOLUTIONS

- a. English Paving: \$7,544,426.52; and
- b. ConQuest Industries, LLC \$7,563,288.40; and

WHEREAS, a protest letter was received from ConQuest Industries in which it was alleged that that the English Paving bid failed to list the required subcontractors in accordance with the requirements of the Local Public Contracts Law, (N.J.S.A. 40A11-1 et seq); and

WHEREAS, the City Attorney has reviewed the bids submitted by English Paving and has consulted with the City Engineer and has determined that the bid submitted by English Paving is in compliance with the aforementioned law and the bid specifications; and

WHEREAS, the City Engineer has recommended the award of this Contract to English Paving Company of Clifton, New Jersey and the City Attorney has agreed with that recommendation based upon his legal review of the bids submitted; and

WHEREAS, the Chief Financial Officer for the City of Garfield has certified that that funds necessary to facilitate this Contract are available to the City.

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 River Drive Improvements in accordance with the specifications and other documents prepared by the City Engineer be and is hereby authorized.
2. The Contract shall be awarded to English Paving Company, Inc., 650 Route 46 West, Clifton, New Jersey on their total bid of \$7,544,426.52 which includes their base bid of \$7,344,805.00 and their alternate bid of \$199,621.50.
3. This award is contingent upon certification, by the Chief Financial Officer, that sufficient funds exist for this purpose.
4. The successful bidder shall be required to post all performance bonds, bid security and other security and/or escrows as required by the specifications and shall be required to execute a Contract in the form prepared or approved by the City Attorney within the time period set forth in the bid specifications.
5. The City Clerk is hereby directed to return all bid security to the unsuccessful bidders together with a copy of the within resolution.

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 Attorney, Joseph J. Rotolo, Esq., the City Engineer, Kevin Boswell, P.E., the Department of Public Works, the Chief Financial Officer for the City of Garfield, the County of Bergen and English Paving, Inc. of Clifton New Jersey.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-322

A Resolution authorizing payment to the City Engineer for services rendered in connection with the Historic Dundee Dam Park and River Drive Improvement Project and Environmental Consulting Services associated with the Environmental Study Green Acres Diversion of Parkland and Remediation of same within the City of Garfield, Bergen County, New Jersey.

WHEREAS, as the City Engineer has rendered services in connection with the Historic Dundee Dam Park and River Drive Improvement Project, and,

WHEREAS, correspondence dated October 18, 2010 was forwarded to the City summarizing these charges in detail.

NOW THEREFORE BE IT RESOLVED, the following invoices are hereby authorized for payment:

Invoice No. 50446	\$ 302.50
Invoice No. 51726	\$139,455.60
Invoice No. 53839	\$ 7,601.33

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

RESOLUTIONS

Resolution No. 10-323

RESOLUTION – AUTHORIZING THE CITY OF GARFIELD TO ACCEPT A SUB GRANT AWARD OF THE FEDERAL FISCAL YEAR 2010 OF DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING AND FOR THE CHIEF FINANCIAL OFFICER TO AMEND THE BUDGET AND CERTIFY THE AVAILABILITY OF FUNDS

WHEREAS, the City of Garfield, Office of Emergency Management has been awarded State Homeland Security Grant Program Sub grant CFDA #97.042, Award # 2010-P110-0221 from the New Jersey State Police Office of Emergency Management. The Sub grant, consisting of a total amount of \$10,000.00, including \$5,000.00 Federal Award and \$5,000.00 Local Matching Funds, is for the purpose of enhancing City of Garfield ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and WHEREAS, the Sub grant award incorporates all conditions and representations contained or made in application and notice of award # 2010-EP-EO-0047; and

WHEREAS, the City of Garfield Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an application for Sub grant Award that has been required by the said New Jersey State Police Office of Emergency Management; and

WHEREAS, the application for the City of Garfield for Sub grant Award calls for a match in the amount of \$5,000.00 which the City of Garfield Office of Emergency Management adequately satisfies through the 2010 City of Garfield approved budget for Division salaries and wages and fringe benefits.

NOW, THEREFORE, BE IT RESOLVED, that the City of Garfield here with accepts the award of the FFY10 Homeland Security Emergency Management Performance Grant Program Sub grant in the amount of \$5,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

BE IT FURTHER RESOLVED, that the Director of the Division of Local Government Services is requested to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$5,000.00, which is now available from the New Jersey State Police, Office of Emergency Management in the like amount of \$5,000.00 from the aforementioned grant; and

BE IT FURTHER RESOLVED, that the like sum of \$5,000.00 is hereby appropriated under the caption FFY10 Homeland Security Emergency Management Performance Grant; and

BE IT FURTHER RESOLVED, that the City of Garfield Administrator, the Chief Financial Officer and the Director of Emergency Management are authorized to sign the appropriate sub grant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the Director of the Division of Local Government Services; the City of Garfield Administrator; the City of Garfield Chief Financial Officer; the City of Garfield Division of Emergency Management and Office of the Treasury.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-324

A RESOLUTION - AUTHORIZING SETTLEMENT OF REAL PROPERTY TAX APPEAL

Address: 32 Passaic Street
Garfield, New Jersey
Taxpayer: Rana Enterprises, Inc.
Tax Block: 10
Tax Lot: 3

WHEREAS, Rana Enterprises, Inc. is the owner of the property described above; and

WHEREAS, that property was assessed for the tax years 2009 and 2010 as follows:

	Original
2009:	<u>Assessment</u>
Land:	\$ 200,000.00
Improvements:	<u>1,018,000.00</u>
Total:	\$ 1,218,000.00

RESOLUTIONS

	Original
2010:	<u>Assessment</u>
Land:	\$ 200,000.00
Improvements:	<u>1,018,000.00</u>
Total:	\$ 1,218,000.00

WHEREAS, the Real Property Tax Appeal were filed in connection with this property for the years 2009 and 2010; and

WHEREAS, as a result of the foregoing, and based upon the recommendation of the Tax Assessor and City Attorney, the Real Property Tax Appeal filed in connection with this matter shall be settled for a total assessments of \$928,900.00 for 2009 and \$918,000.00 for 2010; and

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 Real Property Tax Assessment for the property described above is amended for the 2009 tax year as follows:

Land:	\$ 200,000.00
Improvements:	<u>728,900.00</u>
Total:	\$ 928,900.00

The Real Property Tax Assessment for the property described above is amended for the 2010 tax year as follows:

Land:	\$ 200,000.00
Improvements:	<u>718,900.00</u>
Total:	\$ 918,900.00

2. Prejudgment interest on any refund is waived provided that refund is paid within sixty days of entry of judgment.
3. Any tax refunds shall be made payable to Jack V. DiLisi, Esq. as attorney for Rana Enterprises, LLC and forwarded to counsel for the taxpayer, Jack V. DiLisi, Esq. at the following address:

Jack V. DiLisi, Esq.
 Park 80 West, Plaza II
 250 Pehle Avenue Suite 200
 Saddle Brook, New Jersey 07663

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 Assessor for the City of Garfield , the Tax Collector, the City Attorney and Jack V. DiLisi, Esq.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
 Louis G. Aloia

BILLS AND CLAIMS

Resolution No. 10-325

RESOLVED by the City Council of the City of Garfield that the following bills in the Water Fund totaling \$94,759.73 and General Capital Fund totaling \$4,860.88 and Water Capital Fund totaling \$5,263.08 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

BILLS AND CLAIMS

BE IT FURTHER RESOLVED that the action of the Mayor, City Clerk and City Treasurer in issuing checks in payment on the Ratification List, which includes nine (9) items prior to the meeting be ratified.

See

The

Following

Pages Numbered _____

For

Bills

And

Claims

CITIZENS AND TAXPAYERS

Mr. Constantino Conte and Ms. Rosa Conte, 103 Maitland Place; Ms. Audrey Piscitello, 91 Maitland Place; and Ms. Kathleen Ristasca, 107 Maitland Place; spoke on what they claimed were inequities in the sewer charges to residents and businesses. They complained about the noise of a dumpster being emptied on Mondays and Thursdays at 3:00 AM at the Dunkin' Donuts at the corner of Elizabeth Street and Midland Avenue, and the noise of the Royal Manor Restaurant located at 454 Midland Avenue.

COUNCILMEMBER COMMENTS

Councilmember Delaney publicly thanked Ex-Fire Chief Michael Marsh and the membership of Fire Company No. Five for the beefsteak fundraiser dinner they organized to raise money to help cover medical expenses for ailing Police Officer Jason Tani.

ADJOURNMENT

At 9:20 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