

A Regular Meeting of the City Council was held Tuesday, January 13, 2009 at 8:15 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 Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Joseph Rotolo and City Engineer Kevin J. Boswell

COMMUNICATIONS/APPOINTMENTS

City Clerk Pavlica reported that in a letter to him from Mayor Frank J. Calandriello, dated January 9, 2009, the Mayor made the following appointment to the Planning Board: Michael Alfonso, 382 Mac Arthur Avenue, as a Regular Member, effective January 1, 2009, to succeed himself, for the full four year term, said term to expire December 31, 2012.

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 5

RESOLUTIONS

Resolution No. 09-3

WHEREAS, the Garfield Boys & Girls Club will be holding their 50th Anniversary Kickoff Celebration and Installation Brunch on Sunday, January 25, 2009 at the Venetian Restaurant located at 546 River Drive in Garfield, and

WHEREAS, Years of Service Awards will be presented to Helen Choma–50 years, Stanley Cislak–50 years, Thomas Duch Esq.–25 years, and William Messineo Esq.–15 years, and

WHEREAS, the City Council is desirous of publicly recognizing the outstanding contributions of these very deserving, prominent and community-minded individuals, who have given of themselves to the Garfield Boys and Girls Club and to the people of Garfield,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Helen Choma, Stanley Cislak, Thomas Duch Esq. and William Messineo Esq. are hereby CONGRATULATED on being honored and for continually demonstrating an extraordinary measure of public-spiritedness which has earned them the deepest respect and admiration of the citizenry of the City of Garfield,

BE IT FURTHER RESOLVED that the Garfield Boys and Girls Club is hereby CONGRATULATED on their 50th Anniversary and thanked for their many years of Community Service.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 09-4

WHEREAS, Fire Company No. 2 has advised that they have accepted the resignation of Henri Wejnert of 234 Lincoln Place, as an active member, effective January 5, 2009.

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) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-5

WHEREAS, Fire Company No. 3 has advised that they have accepted the resignation of Armand Stroni of 272 Palisade Avenue, as an active member, effective December 5, 2008.

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.

RESOLUTIONS

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-6

WHEREAS, Fire Company No. 4 has advised that they have accepted the resignation of John Chayka of 23 Williams Street, as an active member, effective January 9, 2009.

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) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-7

WHEREAS, Fire Company No. 4 has advised that they have accepted Anthony Swistak of 70 Dewitt Street, as a regular active member, effective January 9, 2009.

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. 4 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-8

WHEREAS, Anthony Shupenko, was appointed to the Zoning Board of Adjustment as the Regular Member pursuant to Resolution No. 05-152, adopted by the City Council at a Regular Meeting held April 12, 2005, and

WHEREAS, his term of office expired December 31, 2008,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Anthony Shupenko, 2 Garden Court North, is hereby appointed as a Regular Member of the Zoning Board of Adjustment, effective January 1, 2009 to succeed himself for the full four year term, said term to expire December 31, 2012.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-9

WHEREAS, Janice E. Driver, 211 Lincoln Place, who is the holder of a Disabled Person I.D. Card No. P813251, 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 is designated as reserved for "Handicapped Parking", located on the west curb line of Lincoln Place commencing 60 feet north of the intersection of Lincoln Place & Clark Street and an additional 25 north 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 5

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-10

RESOLVED by the Council of the City of Garfield that Andrew J> Pavlica, City Clerk, is hereby authorized to issue the following Skill Games Distributor's License for the year 2009:

Millenium Amusements LLC
44 East Railway Avenue
Paterson, New Jersey 07522

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Tana M. Raymond

RESOLUTIONS

Resolution No. 09-11

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 2009 described in application, duly filed:

Sportsman Tavern 245 Outwater Lane Garfield NJ 07026	1 Pool Table 1 Video Games 1 Juke Box	\$ 75.00 50.00 50.00 \$ 175.00
Wisla, Inc. 73 Main Street Garfield, NJ 07026	Pool Table Juke Box Video Game	\$ 75.00 50.00 50.00 \$ 175.00
MVP Sports Bar 402 River Drive Garfield NJ 07026	1 Pool Table 1 Video Games 1 Juke Box	\$ 75.00 50.00 50.00 \$ 175.00
Midnight Sun 323 Semel Avenue Garfield, NJ 07026	Pool Table Juke Box	\$ 75.00 50.00 \$ 125.00
Taps Saloon 142 Outwater Lane Garfield NJ 07026	1 Pool Table 1 Video Games 1 Juke Box	\$ 75.00 50.00 50.00 \$ 175.00
Detour 437 Lanza Avenue Garfield, NJ 07026	Pool Table Juke Box Video Game	\$ 75.00 50.00 50.00 \$ 175.00
Fregata 67 Scudder Street Garfield, NJ 07026	1 Foosball 1 Megatouch 1 Juke Box 1 Pin Ball 1 Boxer	\$ 75.00 50.00 50.00 50.00 50.00 \$ 275.00

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-12

BE IT RESOLVED by the City Council of the City of Garfield that the Tax Collector is hereby authorized to carry out the following directives for the year 2009:

1. Charge 8% interest per annum on the first \$1,500.00 of delinquency and 18% per annum on any amount in excess of \$1,500.00.
2. Charge 18% interest on tax title liens as per R.S. 54:4-67.
3. Allow a grace period of ten days before charging interest, as provided by R.S. 54:4-67, except that if the office of the Tax Collector is closed on the tenth day following the due date for a tax payment, then the grace period shall be extended to include the first business day thereafter.

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RESOLUTIONS

4. Allow no discount for pre-payment of taxes.
5. Charge an additional end of year penalty of 6% as provided by R.S. 54:4-67 on all delinquencies of unpaid taxes, interest, and other municipal charges, when the total exceeds \$10,000.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-13

RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey that City Clerk Andrew J. Pavlica is hereby authorized and directed to advertise for the receipt of bids for the Firehouse No. Two improvements to be received Thursday, February 5, 2009 at 10:00 AM in the Conference Room in City Hall.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-14

WHEREAS, the Code of the City of Garfield provides, among other things, that the management of the various Fire Companies shall be according to Rules and Bylaws as each Fire Company may adopt; and

WHEREAS, the City Code provides, however, that these Bylaws shall be subject to the review and approval by the Mayor and Council before the same become operative; and

WHEREAS, Fire Company No. 2 has now prepared a revision of their Bylaws and has requested that the Mayor and Council review and approve these new Bylaws in accordance with the aforementioned provisions of the City Code; and

WHEREAS, the Mayor and Council have reviewed the Bylaws and have determined that they are acceptable and in accordance with the requirements of the City Code.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield, County of Bergen, State of New Jersey that the 2000 Edition of the Bylaws of Fire Company No. 2 be and hereby approved in accordance with Garfield City Code Section 23-6; and

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward a certified copy of the within Resolution to Garfield Fire Company No. 2 as well as to the Office of the City Attorney.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-15

WHEREAS, the City of Garfield, together with the County of Bergen, have recognized the need for improvement and signalization of the intersection of River Drive and Lanza Avenue; and

WHEREAS, the County of Bergen intends to construct a road improvement project in the City for the above purpose; and

WHEREAS, Freeholder Resolution No. 1907 dated December 17, 2008 has authorized this project; and

WHEREAS, the Mayor and Council must now authorize the execution of an Interlocal Services Agreement with Bergen County in order to facilitate this project.

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. An Interlocal Services Agreement be and is hereby authorized with the County of Bergen for the signalization and improvement of the intersection of River Drive and Lanza Avenue.

2. The Mayor and City Clerk be and are hereby authorized and directed to execute an Interlocal Services Agreement outlining the relative obligations of the parties with regard to this project.

3. The Interlocal Services Agreement shall be in the form provided by the County of Bergen and as approved by Bergen County Freeholder Resolution No. 1907.

RESOLUTIONS

4. Contract shall be reviewed and approved by the City Attorney, City Engineer and City Manager prior to execution.

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 Attorney, the Office of the City Engineer, the Office of the City Manager and the Office of the Bergen County Counsel.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-16

WHEREAS, a leak detection survey was determined to be necessary for the water distribution system, and;

WHEREAS, a proposal was solicited and received from New York Leak Detection, Inc (NYLD) in the amount of \$4,800 for a comprehensive leak detection survey and report for approximately 40 miles of water mains and;

WHEREAS, City Engineer Representative Kevin J. Boswell, P.E. has reviewed the proposal and recommends award of contract for this project to NYLD; and,

WHEREAS, this work can be awarded without public bidding; and'

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that a contract is hereby awarded to NYLD in the amount of \$4,800.00; and,

BE IT FURTHER RESOLVED that City Attorney Joseph J. Rotolo, Esq. is hereby authorized and directed to prepare the appropriate contract for execution by the Mayor and City Clerk.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-17

WHEREAS, an emergency sewer repair was required on Midland Avenue last year to address a serious public health emergency, and;

WHEREAS, the City Engineer was directed to coordinate all work including the solicitation of bids and inspection of said work, and;

WHEREAS, the work was completed pursuant to the enabling Bond Ordinance No. 2502, and;

WHEREAS, invoices totaling \$12,426.00 were submitted in connection with this effort, and;

NOW THEREFORE BE IT RESOLVED, engineering services are hereby authorized in connection with the above referenced project for a total amount not to exceed \$12,426.00.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 09-18

WHEREAS, architectural and structural engineering services were performed in connection with the rehabilitation of an existing area behind the DPW building utilized for salt storage, and;

WHEREAS, enabling Ordinance No. 2541 was passed in connection with this project. And,

WHEREAS, the City Engineer submitted a proposal for structural engineering services in connection with the determination as to the repair of the building walls within a failed section of the building, and;

NOW THEREFORE BE IT RESOLVED, the City Engineer is hereby authorized to perform said structural engineering services in connection with the above referenced project for a total amount not to exceed \$3,500.00.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Tana M. Raymond

Resolution No. 09-19

WHEREAS, the City Engineer has been authorized to perform various services in connection with the acquisition of grants from numerous funding entities in connection with the purchase of properties, remediation of environmental concerns and design of a river front park along River Drive between Outwater Lane and the Elmwood Park municipal boundary, and;

RESOLUTIONS

WHEREAS, the New Jersey Department of Environmental Protection, Offices of Green Acres required and additional environmental consulting service in connection with the preparation of Preliminary Assessment Reports, surveying services and remediation of
WHEREAS, the City Engineer performed these services pursuant to the requirements of the NJDEP office of Green Acres, and;
NOW THEREFORE BE IT RESOLVED, the City engineer is hereby authorized to perform said services in connection with the above referenced project for a total amount not to exceed \$50,000. and;
BE IT FURTHER RESOLVED, the enabling ordinance for the above stated work if Ordinance No. 2525.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Tana M. Raymond

Resolution No. 09-20

RESOLVED, by the Mayor and Council of the City of Garfield that the Chief Financial Officer shall and is hereby authorized to make the following transfers as per instructions from the Chief Financial Officer as follows:

	Appropriation Reserves From:	Appropriation Reserves To:
DPW Salary and Wages	\$36,000.00	
Municipal Court OE		\$5,000.00
Electricity		\$8,000.00
Street Lighting		\$9,000.00
Bldgs and Grounds OE		\$2,000.00
Snow Removal		\$7,000.00
Telephone		\$5,000.00
	\$36,000.00	\$36,000.00

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

BILLS AND CLAIMS

Resolution No. 09-21

RESOLVED by the City Council of the City of Garfield that the following bills No. 1279 to 1283 covering Dog Trust and Trust Other totaling \$18,285.04 and Current Fund Reserve totaling \$234,137.09 and Current Fund totaling \$1,985,036.45 and Water Fund Current totaling \$99,249.49 and Water Capital totaling \$63,307.70 and General Capital totaling \$512.48 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 three (33) items prior to the meeting be ratified.

See the following

Pages Numbered 439, 441, 443, 445, 447, 449, 451, 453, 455, 457, 459, 461, 463, 465, 467, 469, 471, 473, 475, 477, 479, 481, 483, 485, 487,

For Bills and Claims

Regular Meeting January 13, 2009, Continued

CITIZENS AND TAXPAYERS

Ms. Judith Rodermond, 6 Plauderville Avenue, complained about the Wisla Center located at the corner of Plauderville Avenue and Main Street. She spoke on an alleged incident of a fight and stabbing that required the Police and an ambulance to respond. She complained about loud music on December 27th and January 3rd. She claimed that styrofoam sound proofing was being installed at the Wisla Center on January 10th and she said that that will do nothing to reduce noise and that it is flammable.

Ms. Laura Danis, 33 Spring Street, said that she was at Ms. Rodermond's house and heard how loud the Wisla Center was. She complained about the Wisla Center and its manager, Elizabeth. She said that neighbors who live around the Wisla Center will not come to a Council Meeting because they are afraid of retaliation by the Wisla Center.

Mr. Richard Derrig, 71 Herman Street, said that he was looking for copies of records from the US Army Corps of Engineers concerning stormwater drainage by the construction site of the old Monego Auto Body property on Lanza Avenue next to Fleischer's Brook. He said that someone vandalized the only memorial to Garfield's current service men and women when the Army and Navy insignias were removed from the sign in front of Garfield High School. He spoke on the list of meetings on the City Web Site. He spoke on illegal apartments and whether the Home Depot backed out of being located in the Vornado/South Garfield Redevelopment off Passaic Street.

Mr. Joseph Dorman, 174 Palisade Avenue, spoke on quality of life issues. He asked if the City Manager was looking into increasing revenues by increasing penalties on violations of quality of life issues. He asked about proposed revisions to the City Noise Ordinance.

Ms. Christine Korsak, 185 Chestnut Street, defended the Wisla Center. She said that she was at the Wisla Center on the nights in question and said that the music was not loud. She spoke on the security at the Wisla Center.

COUNCILMEMBER COMMENTS

Councilmember Raymond said that the Council is working very diligently on the Budget and is watching every penny that is spent. She said that the City Manager and Interim Chief Financial Officer will meet with State Representatives to secure assistance for the City. She said that the Governor is placing restrictions on municipalities. She said that there will be a Special Budget Meeting on February 9th. She spoke on the damaged memorial in front of the high school and said that some of the service men and women listed have had two or three duties in Iraq and Afghanistan. She said that the Noise Ordinance will be addressed and through dialogue, there will be a resolution of the situation with the Wisla Club.

Councilmember Delaney complimented Superintendent of Public Works Garofalo and City Manager Duch for recycling City Christmas Trees this year. He spoke on how the Garfield High School Basketball Team is off to a great start.

Councilmember Aloia said that he hoped that everybody had a good New Year. He said that the DPW has been doing a good job with snowplowing. He said that the Wisla Center is a valued asset and that Judy Rodermond is a valued citizen and we have to come up with a solution.

Deputy Mayor Moskal wished everybody a Happy New Year. He said that 2008 was a challenging year and 2009 will be even tougher. He said that there has been a lot of discussion concerning the City Budget.

Mayor Calandriello said that this year will be an extremely difficult year. He spoke on how he expects an increase in water revenue this year. He said that the City Council and the Administration will be looking over every phase of the City government. He said that incoming President Barrack

Regular Meeting January 13, 2009, Continued

COUNCILMEMBER COMMENTS

Obama is expected to fund Infrastructure repairs for the State of New Jersey. He told everybody to have a good New Year.

CLOSED SESSION

Resolution No. 09-22

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to exclude the public from a meeting in certain circumstances, and

WHEREAS, the City Council is of the opinion that such circumstances now exist,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that a "Closed Session" is hereby called at 9:15 PM on Tuesday, January 13, 2009, to discuss the following as outlined in N.J.S.A. 10:4-12:

- * Collective bargaining agreements including the negotiation of the terms and thereof with employees or representatives of employees of the public body; (Collective bargaining negotiations with PBA Local No. 46 and the statement by the mediator; collective bargaining negotiations with the Blue Collar Union and the White Collar Unit).
- * Tactics or techniques utilized in protecting the safety and property of the public or any investigation of violations or possible violations of the law; (Guilty verdict against Police Officer Todd Mosby in Superior Court in Hackensack and the restriction signed by the Judge that he cannot hold public office).
- * Pending or anticipated litigation or contract negotiations or matters falling within attorney-client privilege; (Mark Wallace vs City Lawsuit; James Mazzer Lawsuit; Joseph Bigica, Inc. vs. City lawsuit).
- * Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplinary action of personnel unless the individual in the right request a public meeting in writing; (Proposed salary enhancement of Payroll Clerk Shannon Tarzia).

BE IT FURTHER RESOLVED that the matters so discussed will be disclosed to the public as soon as and to the extent that such disclosure can be made without adversely affecting the public interest or without violation of the confidentiality of personnel.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Tana M. Raymond

SHORT RECESS, CHANGE OF VENUE AND RETURN TO ORDER

Immediately after the City Council voted to go with Closed Session, a short recess was called to move the meeting down the hall to the second floor Conference Room. At 9:30 PM, Mayor Calandriello called the meeting to order in Closed Session and all City Officials were present as before the recess and the meeting was joined by Special Labor Counsel Joseph Randazzo and Interim Chief Financial Officer Roy Riggitano. It was duly noted for the record.

Regular Meeting January 13, 2009, Continued

ADJOURMENT

After the City Council came out of Closed Session at 10:45 PM, there being no further business, Councilmember Delaney moved to adjourn the meeting. Councilmember Aloia duly seconded the motion.

On call of roll, Ayes 5

Andrew J. Pavlica, City Clerk