

A Regular Meeting of the City Council was held Tuesday, January 27, 2009 at 9:10 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 letters to him this month from Mayor Frank J. Calandriello, the Mayor made the following appointments to the Planning Board:

- \* Gracie Williams, 125 Gaston Avenue, as a Regular Member, effective January 1, 2009, to succeed herself, for the full four year term, said term to expire December 31, 2012.
- \* Daniel Tummillo, 28 Henrietta Street, as the First Alternate Member, effective immediately, to succeed Nick Milevski; (who was appointed as a Regular Member), for the unexpired term, said term to expire December 31, 2009.
- \* Ernest P. Rosolen, 25 Pershing Street, as the Second Alternate Member, effective immediately, to succeed Anthony Lio, for the unexpired term, said term to expire December 31, 2009.

#### 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

#### RESOLUTIONS

Resolution No. 09-24

WHEREAS, the Saint Ciro Society of Garfield will be holding their 100th Annual Dinner-Dance on Saturday, January 31, 2009 at the Venetian Restaurant located at 546 River Road in Garfield, and

WHEREAS, the Saint Ciro Society has proven to be a worthwhile proponent of Italian Culture and devotion to Saint Ciro, and

WHEREAS, Monsignor Giuseppe Randazzo, the Episcopal Delegate for Real Time coordinating the technical field and administration of the Archdiocese of Palermo, will be honored as "Man of the Year" at this 100th Annual Dinner-Dance, and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Monsignor Giuseppe Randazzo is hereby CONGRATULATED for being honored as "Man of the Year", and

BE IT FURTHER RESOLVED that the Saint Ciro Society is also hereby CONGRATULATED on the occasion of its 100th Annual Dinner Dance and is hereby publicly recognized and praised for its outstanding dedication to God and community.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal  
Louis G. Aloia

RESOLUTIONS

Resolution No. 09-25

WHEREAS, the City of Garfield is a member of the Suburban Essex Joint Insurance Fund; and  
WHEREAS, as a member in this fund, the City of Garfield must appoint a Fund Commissioner and an Alternate to represent the City on all matters before the Fund; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield, county of Bergen and State of New Jersey that City Manager Thomas J. Duch is hereby appointed as J.I.F. Fund Commissioner and Andrew J. Pavlica, City Clerk be and is hereby appointed as Alternate J.I.F. Fund Commissioner for the City of Garfield of the Suburban Essex Joint Insurance Fund for the year 2009.

BE IT FURTHER RESOLVED, that the City Clerk be and he is hereby authorized and directed to forward a copy of this approved Resolution to the Suburban Essex Joint Insurance Fund, Risk Management Consultant and to the Office of the City Manager.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09- 26

WHEREAS, pursuant to Resolution No. 08-454 the Governing Body determined that it would be in the best interests of the City of make certain professional appointments pursuant to a "Fair and Open Process" pursuant to the provisions of the New Jersey Local Unit Pay to Play Law which became effective on January 1, 2006; and

WHEREAS, pursuant to the aforesaid Resolution, a legal notice and statement of criteria for submission of qualifications were prepared by the City Attorney which solicited submissions by the various professionals no later than Friday, January 9, 2009; and

WHEREAS, pursuant to the aforesaid notice, statements of professional qualifications were, in fact, submitted; and

WHEREAS, contracts with these professionals may be entered into by the City of Garfield without the necessity of competitive bidding since these contracts are professional services which are example from competitive bidding pursuant to N.J.S.A. 40A-11-5(1)a; 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. Kevin Boswell of Boswell McClave Engineering is hereby appointed as city Engineer for the City of Garfield with compensation to be determined pursuant to the applicable salary Ordinance. This appointment shall include appointment to serve as the Engineer for the Garfield Planning Board.
2. Dieter Lerch of the firm of Lerch, Vinci and Higgins, LLP is hereby appointed as City Auditor for the City of Garfield with compensation to be determined pursuant to the applicable salary Ordinance or pursuant to separate Resolution.
3. Steven L. Rogut, Esq. of the firm of Rogut McCarthy Troy, LLC is hereby appointed as Bond Counsel for the City of Garfield with compensation to be determined pursuant to the various Bond Ordinances established by the City Council.
4. Joseph Burgis of the firm of Burgis Associates, Inc. is hereby appointed City Planner for the City of Garfield for an annual fee in an amount to be determined pursuant to separate Resolution.
5. Frank Covelli of Professional Insurance Associate, Inc. be and is hereby appointed Risk Management Consultant for the City of Garfield to perform various professional services as detailed in a Risk Management Consultant Agreement which indicates a minimum fee equal to six percent (6%) of the municipal assessment.
6. Robert McNerney of McNerney Appraisal Services Corp. is hereby appointed City Tax Appraiser for the City of Garfield in connection with defending tax appeals for a monthly retainer of \$2,900.00 per month.

RESOLUTIONS

7. Edward Arcari of the firm of Arcari Iovino Architects, PC is hereby appointed as Architect for the City of Garfield for a fee to be determined based upon each individual project awarded.
8. Joseph Giammanco is hereby appointed Municipal Prosecutor with compensation to be determined pursuant to the applicable salary Ordinance.
9. Capital Alternatives Corporation is hereby appointed as Grants Consultant for the City of Garfield with compensation to be determined in accordance with a separate Resolution and contract.
10. Curt J. Geisler, Esq. is hereby appointed Municipal Public Defender with compensation to be determined based upon separate Resolution and / or salary Ordinance.

NOW, THEREFORE, BE IT RESOLVED that no appointments are being made for the positions of City Attorney and Litigation Attorney. Furthermore, these positions are on a salary basis only and, therefore, are exempt from Pay to Play regulations. A review of prior Resolutions and action of the Governing Body has revealed that contracts for those positions are currently in effect which extend through the current Council term.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that each of the appointments set forth herein shall be for a period of one (1) year commencing on January 1, 2009 and each appointment is subject to confirmation by the Chief Financial Officer that sufficient funds exist for these purposes.

WHEREAS, to the extent that the power of appointment rests with the City Manager, these appointments are intended to confirm said appointments made by the Office of the City Manager.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the within appointments have been made pursuant to a "Fair and Open Process"; and

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 Offices of the City Manager, City Attorney, Chief Financial Officer for the City of Garfield and each of the professions appointed pursuant to this Resolution.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-27

WHEREAS, Capital Alternatives Corporation has previously performed services on behalf of the City of Garfield which services included grant consulting services; and

WHEREAS, the governing body believes that it would be in the best interests of the City to enter into a new contract with Capital Alternatives Corporation which will designate that company as its grants consulting firm for a one (1) year period; and

WHEREAS, the services performed by Capital Alternatives Corporation are professional services and, therefore, competitive bidding is not required.

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. A Contract for grants consulting services between the City of Garfield and Capital Alternatives Corporation of New Milford, New Jersey be and is hereby authorized.
2. The Mayor and the City Clerk be and are hereby authorized to execute the Contract on behalf of the City for a one (1) year term commencing on January 1, 2009 and extending until December 31, 2009, in the form to be reviewed and approved by the City Attorney and the Chief Financial Officer for the City of Garfield.
3. The within Contract shall not provide for the payment of any retainer to Capital Alternatives Corporation, but shall provide for fees to be paid based upon eligible funding programs and successful grant applications presented to the City of Garfield by Capital Alternatives Corporation.
4. The within Contract may be entered into without the necessity of competitive bidding as it provides for professional services within the definition set forth in the Local Public Contracts Law.

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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 Capital Alternatives Corporation, the Chief Financial Office, and the City Attorney for the City of Garfield.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-28

WHEREAS, Fire Company No. 3 has advised that they have accepted the resignation of Altin Manuka 191 Market Street, 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. 3 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-29

WHEREAS, Fire Company No. 5 has advised that they have accepted Grzegorz Kalata of 66 Belmont Avenue, as a regular active member, effective May 6, 2008.

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

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-30

WHEREAS, Fire Company No. 5 has advised that they have accepted Keith R. Kopacz of 462 Boulevard, as a regular active member, effective December 6, 2008.

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

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-31

WHEREAS, Fire Company No. 5 has advised that they have accepted Patrick F. Connolly Jr. of 46 Hartman Avenue, as a regular active member, effective December 6, 2008.

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

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-32

WHEREAS, Fire Company No. 5 has advised that they have accepted David M. Neilley of 31 Scudder Street, as a regular active member, effective December 6, 2008.

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

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

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Resolution No. 09-33

WHEREAS, Fire Company No. 5 advises that Carmen Breonte of 125 Mac Arthur Avenue has served as an active member of the Garfield Fire Department for a period of seven years and recommend that he be granted an exemption, and

WHEREAS, the records in the City Clerk's Office indicate that he has served for a period of seven years,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the recommendation of Fire Company No. 5 is hereby approved and that the proper officers are hereby authorized to issue an Exempt Firemen's Certificate to the above named individual.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-34

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that the proper officers are hereby authorized to issue checks for the annual clothing allowance for the Garfield Volunteer Fire Department for active members for the calendar year 2008 pursuant to Ordinance No. 2021, Adopted October 17, 1989; Amended October 5, 1999 by Ordinance No. 2275; December 28, 2006 by Ordinance No. 2480, as per recommendation and list submitted by the Fire Chief, provided that the Chief Financial Officer certifies that there are sufficient funds available in the appropriate accounts for this expenditure.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Louis G. Aloia

Resolution No. 09-35

WHEREAS, Resolution No. 08-30 was adopted granting a towing license to Belfi's Auto and Truck Repair, Inc. of 208 Palisade Avenue, Garfield, NJ, pursuant to Chapter 229 of the Code of the City of Garfield, and

WHEREAS, the latest one year term of the license has expired, and

WHEREAS, Belfi's Auto and Truck Repair, Inc. has filed for a license renewal and the City Council having determined the public convenience and necessity, allows and requires such license and that the applicant is fit and has the necessary equipment, including a storage area pursuant to Chapter 229, and

WHEREAS, a \$500.00 license fee has been received by the City Clerk in connection with this application pursuant to City Ordinance No. 2008,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is authorized to notify Belfi's Auto and Truck Repair, Inc. of 208 Palisade Avenue, Garfield, New Jersey that it has received a 2009 Towing License pursuant to the City Code, and

FURTHER RESOLVED that Belfi's Auto and Truck Repair, Inc. shall comply with all the pre-conditions and requirements of the towing license.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley Moskal

Resolution No. 09-36

WHEREAS, Resolution No. 08-31 was adopted granting a towing license to Bob's Automotive of 619 Midland Avenue, Garfield, NJ, pursuant to Chapter 229 of the Code of the City of Garfield, and

WHEREAS, the latest one year term of the license has expired, and

WHEREAS, Bob's Automotive has filed for a license renewal and the City Council having determined the public convenience and necessity, allows and requires such license and that the applicant is fit and has the necessary equipment, including a storage area pursuant to Chapter 229, and

WHEREAS, a \$500.00 license fee has been received by the City Clerk in connection with this application pursuant to City Ordinance No. 2008,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is authorized to notify Bob's Automotive of 619 Midland

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Avenue, Garfield, New Jersey that it has received a 2009 Towing License pursuant to the City Code, and

FURTHER RESOLVED that Bob's Automotive shall comply with all the pre-conditions and requirements of the towing license.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-37

WHEREAS, Resolution No. 08-32 was adopted granting a towing license to Dabal's Service Station of 181 Prospect Street, Garfield, NJ, pursuant to Chapter 229 of the Code of the City of Garfield, and

WHEREAS, the latest one year term of the license has expired, and

WHEREAS, Dabal's Service Station has filed for a license renewal and the City Council having determined the public convenience and necessity, allows and requires such license and that the applicant is fit and has the necessary equipment, including a storage area pursuant to Chapter 229, and

WHEREAS, a \$500.00 license fee has been received by the City Clerk in connection with this application pursuant to City Ordinance No. 2008,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is authorized to notify Dabal's Service Station of 181 Prospect Street, Garfield, New Jersey that it has received a 2009 Towing License pursuant to the City Code, and

FURTHER RESOLVED that Dabal's Service Station shall comply with all the pre-conditions and requirements of the towing license.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley Moskal

Resolution No. 09-38

WHEREAS, Resolution No. 08-33 was adopted granting a towing license to David's Auto Body of 70 Lincoln Place, Garfield, NJ, pursuant to Chapter 229 of the Code of the City of Garfield, and

WHEREAS, the latest one year term of the license has expired, and

WHEREAS, David's Auto Body has filed for a license renewal and the City Council having determined the public convenience and necessity, allows and requires such license and that the applicant is fit and has the necessary equipment, including a storage area pursuant to Chapter 229, and

WHEREAS, a \$500.00 license fee has been received by the City Clerk in connection with this application pursuant to City Ordinance No. 2008,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is authorized to notify David's Auto Body of 70 Lincoln Place, Garfield, New Jersey that it has received a 2009 Towing License pursuant to the City Code, and

FURTHER RESOLVED that David's Auto Body shall comply with all the pre-conditions and requirements of the towing license.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley Moskal

Resolution No. 09-39

WHEREAS, Marilyn Anzalone, 21 Franklin Avenue, who is the holder of a Disabled Person I.D. Card No. P111512, has filed application for a handicapped parking sign to be placed at her address, and

WHEREAS, the Police Department had 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

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of Franklin Avenue commencing 150 feet east of the intersection of Franklin Avenue and River Drive and 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 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-40

WHEREAS, Russell Winans, 115 Prospect Street, who is the holder of a Disabled Person I.D. Card No. P840445, has filed application for a handicapped parking sign to be placed at her address, and WHEREAS, the Police Department had 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 west curb line of Prospect Street commencing 100 feet north of the intersection of Prospect Street and Semel Avenue 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) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-41

WHEREAS, Marian Nieroda, 83 Prospect Street, who is the holder of a Disabled Person I.D. Card No. P873821 has filed application for a handicapped parking sign to be placed at her address, and WHEREAS, the Police Department had 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 west curb line of Prospect Street commencing 75 feet north of the intersection of Prospect Street and Plauderville Avenue 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) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-42

WHEREAS, Maryann S. Bocak, 133 Semel Avenue, who is the holder of a Disabled Person I.D. Card No. P792204, has filed application for a handicapped parking sign to be placed at her address, and

WHEREAS, the Police Department had 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 Semel Avenue commencing 75 feet east of the intersection of Semel Avenue and Ray Street and 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 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-43

WHEREAS, Joseph R. Hahn, 17 Pleasant Avenue, who is the holder of a Disabled Person I.D. Card No. P337285, has filed application for a handicapped parking sign to be placed at her address, and WHEREAS, the Police Department had conducted an investigation and recommend approval of the application,

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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 west curb line of Pleasant Avenue commencing 225 feet north of the intersection of Pleasant Avenue and Semel Avenue 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) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-44

WHEREAS, Barbara Wozniak, 166 Cambridge Avenue, is the holder of a Disabled Person I.D. Card No. P873692, has filed application for a handicapped parking sign to be placed at her address, and

WHEREAS, the Police Department had 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 east curb line of Cambridge Avenue commencing 150 feet north of the intersection of Cambridge Avenue and Grand Street 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) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-45

WHEREAS, Karen S. Hurwitz, 91 Banta Avenue, who is the holder of a Disabled Person I.D. Card No. P849799, has filed application for a handicapped parking sign to be placed at her address, and

WHEREAS, the Police Department had 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 Banta Avenue commencing 115 feet east of the intersection of Banta Avenue and Madonna Place and 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 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-46

WHEREAS, Teresa Rojas, 145 Farnham Avenue who is the holder of a Disabled Person I.D. Card No. P771623, has filed application for a handicapped parking sign to be placed at her address, and WHEREAS, the Police Department had 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 west curb line of Farnham Avenue commencing 125 feet south of the intersection of Farnham Avenue and Frederick Street and an additional 25 south 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) Frank J. Calandriello  
Stanley J. Moskal

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Resolution No. 09-47

WHEREAS, Rosa N. Osaria, 54 Maple Street, who is the holder of a Disabled Person I.D. Card No. P860529, has filed application for a handicapped parking sign to be placed at her address, and  
WHEREAS, the Police Department had 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 south curb line of Maple Street commencing 250 feet east of the intersection of Maple Street and Palisade Avenue and 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 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-48

WHEREAS, Joao M. Domingues, 83 Somerset Street, who is the holder of a Disabled Person I.D. Card No. P868686, has filed application for a handicapped parking sign to be placed at her address, and

WHEREAS, the Police Department had 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 Somerset Street commencing 150 feet east of the intersection of Somerset Street and Palisade Avenue and 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 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 99-49

WHEREAS, the City of Garfield, with the assistance from the New Jersey Meadowlands Commission and the Bergen County Office of Emergency Management, has gathered information and prepared the Bergen County Natural Hazard Mitigation Plan; and

WHEREAS, the Bergen County Natural Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the City of Garfield is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the City of Garfield has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by the City of Garfield City Council adopts the Bergen County Natural Hazard Mitigation Plan as this jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the action in the Plan.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-50

WHEREAS, the Getty Service Station located at 606 Midland Avenue in the City of Garfield has been the subject of numerous environmental studies and other environmental activities; and

WHEREAS, part of the investigations at that site are being conducted by Tyree Environmental Corporation of Cinnaminson, New Jersey; and

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WHEREAS, Tyree Environmental Corporation has requested the City's permission to install soil borings in the right of way at the intersection of Midland Avenue and Outwater Lane; and  
WHEREAS, the purpose of these soil borings will be to delineate the soil impact formerly detected at the Getty Service Station and the installation of the borings is a requirement of the New Jersey Department of Environmental Protection; and  
WHEREAS, the City Engineer has reviewed the request and confirmed that it is acceptable and recommends its approval; and  
WHEREAS, any approval granted herein shall be specifically contingent upon an indemnification and hold harmless 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, State of New Jersey as follows:

1. Tyree Environmental Corporation of Cinnaminson, New Jersey is hereby granted approval for the installation of soil borings in the right of way at the intersection of Midland Avenue and Outwater Lane specifically in the sidewalk of Outwater Lane;
2. Prior to installing the borings Tyree Environmental Corporation shall be least three (3) business days in advance and shall also be required to notify Michael Sferruzzo of the Garfield Water Department and Sam Garofalo of the Garfield Department of Public Works in order to clear any City owned utilities.
3. The boreholes will measure no more than two inches (2") in diameter and will be terminated at approximately fifteen feet (15') below grade.
4. The traffic along Midland Avenue and Outwater Lane shall not be disturbed during the installation of the borings and upon completion, the boreholes will be filled with residual soil cuttings and shrink resistant bentonite grout.
5. In the event that asphalt or concrete is disturbed, asphalt or concrete patch will be used to restore the area to pre-existing conditions.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Tyree Environmental Corporation shall execute, in favor of the City of Garfield, an indemnification and hold harmless agreement in the form approved by the City Attorney prior to commencing any work, and  
BE IT FURTHER RESOLVED, that the test borings shall be located in the area set forth on a diagram prepared by Tyree Environmental Corporation and subject to the approval of the City Engineer; and  
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 Tyree Environmental Corporation, the City Engineer, the City Attorney, the Department of Public Works and the Water Department.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-51

WHEREAS, bids were received on Friday, October 31, 2008 at 11:00 AM in the City Hall for a Hydrogeologic Evaluation of the City of Garfield's Elmwood Park Well Field in the Borough of Elmwood Park, Bergen County, New Jersey and  
WHEREAS, present at the bid opening were City Clerk Andrew J. Pavlica, City Engineer Representatives Frank J. Rossi and Bernard N. Mirandi, P.E.; and  
WHEREAS, the following bids were received:

1. Samuel Stothoff Co., Inc.  
P.O. Box 306  
Flemington, New Jersey 08822                      Total Bid                      \$254,000.00



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BE IT RESOLVED the City Engineer is hereby authorized to prepare the Requisite Commitment Form Planning Documents and Loan Application in connection with the above referenced project.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-54

Resolution authorizing application for a loan from the New Jersey Environmental infrastructure financing program.

Applicant – City of Garfield, Bergen County, New Jersey

Loan Number –

WHEREAS, the City of Garfield intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the 2009 NJEIT Water System improvements,

NOW, THEREFORE BE IT RESOLVED, that Thomas J. Duch, City Manager be authorized to act as the Authorized Representative to represent the City of Garfield in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at Garfield City Hall, 111 Outwater Lane, Garfield, New Jersey 07026.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-55

A resolution authorizing the City Engineer to prepare application forms in connection with the State of New Jersey Environmental Infrastructure financing program for the 2009 NJEIT Sanitary Sewer Improvement program.

BE IT RESOLVED, the City Engineer is hereby authorized to prepare the Requisite Commitment Form Planning Documents, Design Documents and Loan Application in connection with the above referenced project.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-56

Resolution authorizing application for a loan from the New Jersey Environmental Infrastructure Financing Program.

Applicant – City of Garfield, Bergen County, New Jersey

Loan No. –

WHEREAS, the City of Garfield intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the 2009 NJEIT Sanitary Sewer improvements.

NOW, THEREFORE BE IT RESOLVED, that Thomas J. Duch, City Manager be authorized to act as the Authorized Representative to represent the City of Garfield in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at Garfield City Hall, 111 Outwater Lane, Garfield, New Jersey 07026 (973)340-2000.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-57

RESOLUTION – REGIONAL CONTRIBUTION AGREEMENT

REACHED WITH THE BOROUGH OF PARK RIDGE

WHEREAS, the City of Garfield has entered into a Regional Contribution Agreement with the Borough of Park Ridge; and

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WHEREAS, said Agreement was part of both towns' plans to meet their affordable housing requirements; and

WHEREAS, the Agreement provided, among other things, for a \$75,000.00 payment from the Borough of Park Ridge to the City of Garfield in order to establish the Regional Contribution Agreement Trust Fund; and

WHEREAS, as a result of changes to the Law in connection with affordable housing issues, the Borough of Park Ridge did not receive the required and necessary approvals for this Regional Contribution Agreement; and

WHEREAS, the funds described above were, in fact, paid to the City of Garfield prior to final Park Ridge approval and, as a result, it is now necessary to return those funds to the Borough of Park Ridge; and

WHEREAS, the City Attorney and Director of the Garfield Housing Rehabilitation program have reviewed this matter and have agreed that the funds must, at this time, be returned.

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 sum of \$75,000.00 which was received by the City of Garfield from the Borough of Park Ridge as part of the Regional Contribution Agreement between these municipalities shall be returned to the Borough of Park Ridge.

2. The Chief Financial Officer for the City of Garfield is hereby directed to take any steps which may be necessary in order to implement the return of these funds to the Borough of Park Ridge.

3. This action is being taken based upon the recommendation of the City Attorney and the Director of the City of Garfield Housing Rehabilitation Program.

4. The action is in furtherance of the directive received from the State of New Jersey, Council on Affordable Housing.

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, Council on Affordable Housing, the Borough of Park Ridge, the Garfield Housing Rehabilitation Program and the City Attorney.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-58

**RESOLUTION – REGIONAL CONTRIBUTION AGREEMENTS**

**REACHED WITH THE BOROUGH OF FRANKLIN LAKES AND THE BOROUGH OF MONTVALE**

WHEREAS, the City of Garfield has entered into Regional Contribution Agreements with the Borough of Franklin Lakes and the Borough of Montvale; and

WHEREAS, said Regional Contribution Agreements provide, among other things, for payment of certain amounts to the City of Garfield to be utilized into the City of Garfield Housing Rehabilitation Program; and

WHEREAS, upon receipt of those funds, the City is required to establish separate interest bearing escrow accounts; and

WHEREAS, the City previously authorized the placement of these accounts with Spencer Savings Bank, however, at this time the City Manager in consultation with the Housing Rehabilitation Program has determined that it would be in the best interests of the City of Garfield to transfer those accounts to Wavel Savings Bank an institution which is located within the City of Garfield at 933 River Drive, Garfield, New Jersey.

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 escrow account established in connection with the Regional Contribution Agreement between the Borough of Franklin Lakes and the City of Garfield may be transferred to Wavel Savings Bank and Wavel Savings Bank is hereby designated as the escrow agent for this Regional Contribution Agreement Trust Fund.

2. The escrow account established in connection with the Regional Contribution Agreement between the Borough of Montvale and the City of Garfield may be transferred to Wavel Savings

RESOLUTIONS

Bank and Wawel Savings Bank is hereby designated as the escrow agent for this Regional Contribution Agreement Trust Fund.

3. The City Manager be and is hereby authorized and directed to take any and all steps which may be necessary in order to implement the provisions of this Resolution including, without being limited to, execution of escrow agreements on behalf of the City of Garfield.

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 Wawel Savings Bank, Spencer Savings Bank, the Council on Affordable Housing, William Katchen of the Garfield Housing Rehabilitation Program and the City Attorney.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-59

**RESOLUTION – CONTRIBUTION TO LOCAL SPORTS LEAGUES AND CHARITABLE ORGANIZATIONS**

WHEREAS, the Mayor and Council, from time to time, wish to provide financial support and assistance to various organizations within the City of Garfield; and

WHEREAS, the Constitution of the State of New Jersey prohibits direct financial contributions to any non-governmental organizations; and

WHEREAS, notwithstanding that prohibition, the municipal entities are permitted to reimburse local organizations for certain expenses; and

WHEREAS, the Mayor and Council now wish to confirm their continued support for local organizations and further wish to confirm that the manner in which such support is provided shall be in compliance with law.

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. All financial assistance for local sports and charitable organizations shall be in the form of reimbursement to the listed organizations for expenses incurred; to submit receipts or invoices to support the checks issued;

2. As a further condition of said payments, all payments shall be contingent upon certification by the Chief Financial Officer of the City of Garfield in compliance with the requirements of this 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 Chief Financial Officer for the City of Garfield, the City Auditor and the Office of the City Manager.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-60

**AUTHORIZING VOLUNTARY PAYROLL DEDUCTION BY CITY EMPLOYEES FOR THE PURPOSE OF ADDITIONAL SUPPLEMENTAL INSURANCE AT NO COST TO THE CITY OF GARFIELD**

WHEREAS, the municipality of Garfield has employees rendering valuable services, and

WHEREAS, providing an opportunity for employees to purchase services provided by Colonial Supplemental Insurance through a payroll deduction of which will be on a voluntary basis and could be beneficial to employees at no cost to the municipality of Garfield.

WHEREAS, providing an opportunity for the employer to obtain valuable communication and enrollment services provided by Colonial Supplemental Insurance and it's representatives and could be beneficial to the employer as well as the employees at no cost to the municipality of Garfield

NOW, THEREFORE, BE IT RESOLVED that the municipality of Garfield hereby recognizes and authorizes a payroll deduction for Colonial Supplemental Insurance.

BE IT FURTHER RESOLVED that payroll deductions for Colonial Supplemental Insurance will replace the incumbent supplemental insurance payroll deductions and carrier so as to not create opportunity for duplicity of coverage or burden the payroll administration requirement of the

RESOLUTIONS

municipality of Garfield while employees may continue these coverages on an individual basis direct with the incumbent supplemental carrier should they decide to do so.

BE IT FURTHER RESOLVED that the Open Enrollment period for Colonial Supplemental Insurance shall be in effect from February 1, 2009 until December 31, 2009 and have an coverage effective date of March 1, 2009.

BE IT FURTHER RESOLVED that such payroll deductions for participation in Colonial Supplemental Insurance shall take effect with the first payroll after March 1, 2009.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the following:

1. Colonial Supplemental Insurance  
Attn: Mr. Frank M. Dartee, District Sales Manager  
District Sales office  
75 Lane Road, Floor 4  
Fairfield, New Jersey 07004-1000
  
2. Olson Financial Group  
Attn: Mr. Ciro J. Giue, CPA, MBA  
180 River Road  
Summit, New Jersey 07902

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-61

RESOLUTION – AUTHORIZING A DEPENDENT ELIGIBILITY AUDIT OF MUNICIPAL EMPLOYEES AND THEIR DEPENDENTS FOR THE PURPOSE OF COMPLIANCE WITH THE ERISA EXCLUSIVE BENEFITS RULE AT NO COST TO THE MUNICIPALITY OF GARFIELD

WHEREAS, the municipality of the City of Garfield has employees and their dependents who participate in the municipality's employee benefit plans; and

WHEREAS, the municipality of Garfield's employee benefit plans have well established documented definitions of eligibility qualifications for dependents as published in the benefit plans SPD – Summary Plan Description.

WHEREAS, the municipality of Garfield's employer paid, employee benefit plans are characterized as ERISA plans subject to Department of Labor requirements and enforcement of the Exclusive Benefits Rule which mandates that plan sponsors "manage plans for the exclusive benefit of participants and beneficiaries" as per the Department of Labor's definition and which excludes any and all ineligible dependents not contained herein nor in the SPD.

WHEREAS, providing an opportunity for employees to voluntarily dis-enroll any ineligible dependent(s) currently enrolled in error without any penalties or repercussions under and amnesty period not to exceed thirty (30) days from the commencement of the Dependent Eligibility Audit.

WHEREAS, providing an opportunity for the employer to obtain said Dependent Eligibility Audit service to be conducted by Colonial Supplemental Insurance representatives through 1) Pre-Enrollment Employee Communications, 2) Group Employee Educational Meetings and, 3) Individual Employee Counseling Sessions for re-certifications and re-enrollment all to be conducted at the workplace, during normal working hours and mandated by the employer and all services to be rendered at no cost to the municipality of Garfield.

NOW, THEREFORE, BE IT RESOLVED, that the municipality of Garfield hereby recognizes and authorizes Colonial Supplemental Insurance Representatives to conduct said Dependent Eligibility Audit.

BE IT FURTHER RESOLVED, that such Dependent Eligibility Audit run concurrent with the Colonial Supplemental Insurance open enrollment period in effect from:

February 1, 2009 until May 1, 2009 with an effective date of February 1, 2009.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the following:

1. Colonial Supplemental Insurance  
Attn: Mr. Frank M. Dartee, District Sales Manager  
District Sales office  
75 Lane Road, Floor 4

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Fairfield, New Jersey 07004-1000

- 2. Olson Financial Group  
 Attn: Mr. Ciro J. Giue, CPA, MBA  
 180 River Road  
 Summit, New Jersey 07902

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-62

RESOLUTION – AUTHORIZING A DUPLICATE COVERAGE OPT OUT BONUS (HEALTH INSURANCE BUYBACK), COMMUNICATION AND ENROLLMENT FOR MUNICIPAL EMPLOYEES FOR THE PURPOSE OF VOLUNTARY DISENROLLMENT FROM EMPLOYEE BENEFITS AT NO COST TO THE MUNICIPALITY OF THE CITY OF GARFIELD.

WHEREAS, the municipality of the City of Garfield has employees and their dependents who participate in the municipality’s employee benefit plans; and

WHEREAS, providing an opportunity for employees to opt out of duplicate major medical coverage in exchange for a cash bonus as long as the employee proves that they have major medical coverage elsewhere; and

WHEREAS, providing an opportunity for the City of Garfield to save significant premium outlay and/or claims incurred by employees voluntarily electing to opt out of employer paid major medical coverage when covered elsewhere.

WHEREAS, providing an opportunity for the employer to obtain communications and enrollment services to be conducted by Colonial Supplemental Insurance representatives to educate employees of the Opt Out bonuses available to them through 1) Pre-Enrollment Employee Communications, 2) Group Employee Educational Meetings and, 3) Individual Employee Counseling Sessions for Enrollment all to be conducted at the workplace, during normal working hours and mandated by the employer and all services to be rendered at no cost to the City of Garfield.

NOW THEREFORE BE IT RESOLVED that the City of Garfield hereby authorizes the following Opt Out bonus amounts:

\_\_\_\_\_ Single: ( \$ 2500.00 ) annually to be divided and paid on a per payroll basis.

\_\_\_\_\_ Spouse: ( \$ 3000.00 ) annually to be divided and paid on a per payroll basis.

\_\_\_\_\_ Child(ren): ( \$ 4000.00 ) annually to be divided and paid on a per payroll basis.

Amounts may be combined for a maximum annual Opt Out bonus of (\$ \_\_\_\_\_ )

BE IT FURTHER RESOLVED, that the City of Garfield hereby recognizes and authorizes Colonial Supplemental Insurance Representatives to conduct duplicate coverage Opt Out bonus communication and enrollment services.

BE IT FURTHER RESOLVED, that such duplicate coverage Opt Out bonus communication and enrollment run concurrent with the Colonial Supplemental Insurance open enrollment period in effect from February 1, 2009 until May 1, 2009 with and effective date of February 1, 2009.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the following:

- 1. Colonial Supplemental Insurance  
 Attn: Mr. Frank M. Dartee, District Sales Manager  
 District Sales office  
 75 Lane Road, Floor 4

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Fairfield, New Jersey 07004-1000

2. Olson Financial Group  
Attn: Mr. Ciro J. Giue, CPA, MBA  
180 River Road  
Summit, New Jersey 07902

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-63

AUTHORIZING A BENEFIT BANK EMPLOYEE ALLOTMENT, COMMUNICATION AND ENROLLMENT FOR MUNICIPAL EMPLOYEES FOR THE PURPOSE OF PROVIDING AN INCENTIVE TOWARDS SECURING EMPLOYEE INTEREST IN LEARNING ABOUT AND PARTICIPATION IN VOLUNTARY OR INVOLUNTARY DISENROLLMENT FROM EMPLOYEE BENEFITS AT NO FINAL COST TO THE CITY OF GARFIELD.

WHEREAS, the municipality of Garfield has employees and their dependents who participate in the municipality's employee benefit plans, and

WHEREAS, providing a financial incentive for employees to sit down and learn about voluntary and/or involuntary disenrollment from employer paid benefit plans.

WHEREAS, the employee allotment is expected to be funded completely by anticipated savings from employee voluntary or involuntary disenrollment from employer paid benefit plans and which may be adjusted year to year as experience dictates.

WHEREAS, the Benefit Bank allotment may be used to purchase supplemental benefits of the employee's choosing but may not be exchanged for cash.

NOW, THEREFORE, BE IT RESOLVED that the municipality of Garfield hereby authorizes the following Benefit Bank allotment amounts:

- \_\_\_ Single: (\$ 2500.00 annual ) biweekly.
- \_\_\_ Husband & Wife: (\$ 3000.00 annual ) biweekly
- \_\_\_ Parent & Child(ren): (\$ 4000.00 annual ) biweekly
- \_\_\_ Family: (\$ 4000.00 annual ) biweekly

Amounts may not be converted to cash and are forfeited, or any balance thereof, if not utilized.

BE IT FURTHER RESOLVED that the municipality of Garfield hereby recognizes and authorizes Colonial Supplemental Insurance Representatives to conduct communication and enrollment of the Benefit Bank allotment.

BE IT FURTHER RESOLVED that such Benefit Bank communication and enrollment run concurrent with the Colonial Supplemental Insurance open enrollment period in effect from February 1, 2009 until May 1, 2009 with and effective date of February 1, 2009.

BE IT FUTHER RESOLVED, that copies of this Resolution be forwarded to the following:

1. Colonial Supplemental Insurance  
Attn: Mr. Frank M. Dartee, District Sales Manager  
District Sales office  
75 Lane Road, Floor 4  
Fairfield, New Jersey 07004-1000
2. Olson Financial Group  
Attn: Mr. Ciro J. Giue, CPA, MBA  
180 River Road  
Summit, New Jersey 07902

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-64

Resolution for Employers Adopting AXA Equitable's Specimen 457 Plan Document

RESOLUTIONS

WHEREAS, in order to attract and retain qualified employees there exists a need to adopt and implement a Deferred Compensation Plan for the employees of City of Garfield which will provide employees the opportunity to enhance their financial security at retirement through savings of compensation on a deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended (“Code”); and

WHEREAS, there is no direct financial cost to the Employer to adopt and implement both a Deferred Compensation Plan and Service Agreement;

WHEREAS, the Employer made written requests for proposals from two or more approved contractors, including AXA Equitable Life Insurance Company (hereinafter referred to as “AXA Equitable), Lincoln National Life Ins. Co. for the administration of the investments of funds under a Deferred Compensation Plan including providing Prototypical Plans and Service Agreements that meet the requirements of the Municipal, County and Authority Deferred Compensation Programs Rule N.J.A.C. 5:37;

WHEREAS, the following contractors submitted written proposals: AXA Equitable, Lincoln National

WHEREAS, the City Council of the City of Garfield reviewed the proposals and met with representatives of the responding contractors of deferred compensation services; and

WHEREAS, it was determined that AXA Equitable has the ability to: (1) maintain complete records of accounts; (2) manage accounts with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Garfield Bergen County, New Jersey that

(a) effective as of the date of this resolution the Deferred Compensation Plan provided by AXA Equitable and assigned the plan identifier: 66-PD-Equitable-053107 by the New Jersey Division of Local Government Services, is hereby adopted and signed by the Employer.

It is hereby acknowledge that the said Deferred Compensation Plan is substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provisions added by reason of The Small Business Job Protection Act of 1996 (United States Public Law No. 104-188), the Tax payer Relief Act of 2001 (United States Public Law No. 107-16), and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Code Section 457 including pertinent applicable Treasury Regulations. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the ruling of another employer is not be considered precedent.

(b) the City Manager is/are authorized to execute the Service Agreement (bearing the identifier: 66-SA-Equitable-053107 assigned by the New Jersey Division of Local Government) with AXA Equitable for the provision of administrative and investment services. There has been no collusion, or evidence or appearance of collusion, between any local official and a representative of AXA Equitable in the selection of AXA Equitable as contractor for the administration of the Service Agreement pursuant to N.J.A.C. Section 5:37-5.7.

(c) the Chief Financial Officer is hereby designated as Local Plan Administrator for the administration of the Deferred Compensation Plan.

A certified copy of this resolution and all necessary required documents shall be submitted to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

On call of roll Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

See

The

Following

Pages numbered \_\_\_\_\_

For

RESOLUTIONS

Resolution No. 09-66

WHEREAS, the City of Garfield has previously entered into an agreement with the State of New Jersey, Department of Environmental Protection regarding a tree planting campaign called the “Green Cities are Cool Initiative”, and

WHEREAS, this agreement is scheduled for renewal at this time;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Garfield that the Mayor is hereby authorized to execute a renewal agreement in the form submitted by the NJDEP for the “Green Cities are Cool Initiative”.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal  
Louis G. Aloia

BILLS AND CLAIMS

Resolution No. 09-67

RESOLVED by the City Council of the City of Garfield that the following bills No. 1284 to 1285 covering Trust Other and Building Dedicated Trust totaling \$10,569.15 and Current Fund Reserve totaling \$352,703.25 and Current Fund totaling \$1,089,462.71 and Water Fund Reserve totaling \$110,574.91 and Water Fund Current totaling \$4,239.65 and Water Capital totaling \$5,685.00 and General Capital totaling \$6,477.18 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 eight (8) items prior to the meeting, be ratified.

See

The

Following

Pages Numbered \_\_\_\_\_

For

Bills

And

Claims

ORDINANCES

Councilmember Moskal introduced in writing the following ordinance entitled:

“BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF VARIOUS WELLS IN THE ELMWOOD PARK WELL FIELD BY AND FOR THE WATER UTILITY OF THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$500,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF SUCH BONDS.”

City Clerk Pavlica read the ordinance by title.

Councilmember Moskal moved that this ordinance entitled “BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF VARIOUS WELLS IN THE ELMWOOD PARK WELL FIELD BY AND FOR THE WATER UTILITY OF THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$500,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS”, does now pass on first reading and remain on file with the City Clerk for inspection until public hearing thereon and further consideration thereof which shall be held on February 10, 2009 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 the Garfield Messenger.

The motion, duly seconded by Councilmember Aloia, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 5.

Councilmember Delaney introduced in writing the following ordinance entitled:

“AN ORDINANCE TO AMEND CHAPTER 333 OF THE CODE OF THE CITY OF GARFIELD ENTITLED “WATER” AND, SPECIFICALLY, TO IMPLEMENT AN INCREASE IN EXISTING WATER RATES”

City Clerk Pavlica read the ordinance by title.

Councilmember Delaney moved that this ordinance entitled, “AN ORDINANCE TO AMEND CHAPTER 333 OF THE CODE OF THE CITY OF GARFIELD ENTITLED “WATER” AND, SPECIFICALLY, TO IMPLEMENT AN INCREASE IN EXISTING WATER RATES”, does now pass on first reading and remain on file with the City Clerk for inspection until public hearing thereon and further consideration thereof which shall be held on February 10, 2009 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 the Garfield Messenger.

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, Nay 1 - Councilmember Raymond

CITIZENS AND TAXPAYERS

Ms. Laura Danis, 33 Spring Street, spoke on property maintenance issues. She complained about trash and garbage all over her neighbor’s yard. She spoke on an alleged confrontation with her neighbor. She questioned if City Officials told her neighbors that she complained about them and she accused her neighbor of threatening to retaliate against her.

Mr. Stewart Walters, 272 Palisade Avenue, complimented the DPW on snow removal.

CITIZENS AND TAXPAYERS

Mr. Richard Derrig, 71 Herman Street, said he was concerned about the safety of Garfield families because of the murder of a 30 year old man on Saturday. He questioned what City Officials were doing to reduce crime. He said that he was outraged at this senseless crime and there have been previous robberies and an attempted murder at that same store on Mac Arthur Avenue. He spoke on the murder that occurred on Gaston Avenue during the last five years. He said that if police officers walk a beat that is a true deterrent of crime and shows people that the City means business. He spoke on the need for graffiti removal.

Mr. Rafael Herrera, 190 Lanza Avenue, complained about snow and ice not being cleaned from the public sidewalks, in front of homes and businesses. He proposed security cameras for high crime areas and he proposed that the cameras be funded through grants.

Mr. Ignatius Tripodi, 155 Malcolm Avenue, asked questions about the resolution refunding \$75,000.00 to the Borough of Park Ridge and about the resolution moving the money from Spencer Savings Bank to Wawel Savings Bank. He said that the City has done a good job with snow removal this year. He said that he cannot offer a cure-all for robberies, but he suggests the requirement that store windows be open, unobstructed and exposed.

COUNCILMEMBER COMMENTS

Councilmember Raymond said that the recent tragedy is a shame and law enforcement is doing what they have to do. She said that a lot of homes where sidewalks are not shoveled have absentee landlords. She said that things were much better last Saturday at the Wisla Club. She said that it was a great Ambulance Corps dinner Friday night and a great Boys and Girls Club brunch on Sunday. She said that City Manager Duch is so involved attending events and that it is great for the City. She advised everyone that the City Council will conduct a Special Budget Meeting on Monday, February 9, 2009 at 6:00 PM in the Conference Room in City Hall.

Councilmember Delaney said that the citizens of Garfield are outraged about Saturday's murder, but no one is more outraged than the Mayor and Council. He said that in this bad economy, robberies are up all across the country. He said that City Manager Duch did a great job as emcee of the Boys and Girls Club 50<sup>th</sup> Anniversary Brunch and Installation of Officers. He commented that Dallas Cowboys Wide Receiver Miles Austin was at the brunch and that he is so proud of being a prior part of the Garfield Boys and Girls Club. He said that the DPW did a great job snow plowing. Councilmember Aloia said that in regard to snow issues, if someone has not shoveled their sidewalk to tell City Officials immediately. He remarked that the sad reality is that when the police catch those spray painting graffiti, it is most likely our own kids. He said that the Police should receive credit for keeping graffiti vandalism to a minimum. He spoke on property maintenance issues. He encouraged those who are part of a Neighborhood Crime Watch to call the cops if they see anything suspicious.

Deputy Mayor Moskal said that in regard to grants, the newspapers picked up that City Manager Duch was such a great "Grants Magnet" that officials from other municipalities were calling Garfield City Hall to find out what the City was doing. He spoke on street lighting, safety, the neighborhood watch concept and the proposal that police walk a beat. He said that the Boys and Girls Club Brunch this past Sunday was fantastic. He promoted the Garfield YMCA Comedy Night fundraiser to be held on March 5<sup>th</sup> at the Frank B. Calandriello Senior Center.

Mayor Calandriello remarked that the City and the Police are doing all that can be done to address the City's problems.

Regular Meeting January 27, 2009, Continued

ADJOURMENT

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

On call of roll, Ayes 5

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Andrew J. Pavlica, City Clerk