

A Regular Meeting of the City Council was held Tuesday, October 13, 2009 at 8:20 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, Louis G. Aloia, Stanley J. Moskal and Frank J. Calandriello

Councilmembers Absent: Joseph Delaney

Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Joseph J. Rotolo, Labor Counsel Joseph Randazzo, City Engineer Representative Bernard Mirandi (for City Engineer Kevin J. Boswell), Superintendent of Public Works Sam Garofalo and Police Chief Kevin Amos

COMMUNICATIONS/APPOINTMENTS

City Clerk Pavlica reported that in a letter to him from City Manager Duch dated October 1, 2009, the City Manager advised that effective July 1, 2009, he had appointed Tax Assessor Kurt Hielle, 95 Union Avenue, Garfield, New Jersey, as the City Manager's appointment to Community Development, to succeed himself, for a one year term, said term to expire June 30, 2010.

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 4,
Absent 1 – Councilmember Delaney

RESOLUTIONS

Resolution No. 09-329

WHEREAS, the Garfield Girls Softball League Ditto Services Junior Division team are the 2009 City Champs, and

WHEREAS, the team is comprised of Emily Sanabria, Shelby Juarez, Jenica Camacho, Tiffany Clark, Nathalie Batista, Gabrielle Mercandante, Kiana Rodriguez, Danielle Rosa, Alysia Camacho, Caroline Terranova, Mariah Ortiz, Alexis Santos-Wilk, under the direction of their coaches Pat Kavinski, Vic Terranova and Lisa VanBuskirk; and

WHEREAS, the City Council is desirous of publicly recognizing the outstanding accomplishments of the 2009 Garfield Girls Softball League Ditto Services Junior Division team,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that CONGRATULATIONS are hereby extended to the Garfield Girls Softball League Ditto Services Junior Division team on becoming the 2009 City Champs.

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

(Sgd) Frank J. Calandriello
Stanley J. Moskal

At this time, CERTIFIED copies of Resolution No. 09-329 were presented to the players and coaches of the Garfield Girls Softball League Ditto Services Junior Division Team.

Resolution No. 09-330

WHEREAS, the Garfield Girls Softball League Rotary Senior Division team are the 1st Place Team in the League for the years 2008 & 2009 and are the 2009 City Champs, and

RESOLUTIONS

WHEREAS, the team is comprised of Alyssa LoConte, Diana S. Quezada, Jennifer Milete, Kristal Rivero, Rita Moreno, Sabrina Gentile, Stephanie Rangel, Brittany Handzo, Casey Ramos, Melony Rodriguez, Stacey Grabiec, Mia Tummillo, under the direction of their coaches Sherry Batelli, Dan Tummillo and Dave Handzo; and

WHEREAS, the City Council is desirous of publicly recognizing the outstanding accomplishments of the 2009 Garfield Girls Softball League Rotary Senior Division team, NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that CONGRATULATIONS are hereby extended to the Garfield Girls Softball League Rotary Senior Division team on finishing in 1st Place in 2008 and 2009 and on becoming the City Champs in 2009.

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

(Sgd) Frank J. Calandriello
Stanley J. Moskal

At this time, CERTIFIED copies of Resolution No. 09-330 were presented to the players and coaches of the Garfield Girls Softball League Rotary Senior Division Team.

Resolution No. 09-331

WHEREAS, Martin Rybak, the owner of Piast Foods, an outstanding Polish food establishment and ethnic attraction in the City of Garfield, has magnanimously given of himself to others, in the Garfield community and the surrounding area, and

WHEREAS, he has been an active parishioner and has been of great assistance to Saint Stanislaus Kostka Roman Catholic Church located on Ray Street in the City of Garfield, and

WHEREAS, he has been a tremendous supporter of Saint Stan's Polish Night celebration, as well as the Casimir Pulaski Parade Committee, and other worthwhile causes, and

WHEREAS, he is an asset to the Polish Community, and the general population at large, in the City of Garfield and its environs, and

WHEREAS, the Mayor and City Council is desirous of publicly recognizing the outstanding contributions of Martin Rybak in service to others,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Martin Rybak is hereby publicly recognized for his exemplary measures of public-spiritedness for which he has earned the deepest respect and admiration of many.

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

(Sgd) Frank J. Calandriello
Stanley J. Moskal

At this time, a CERTIFIED copy of Resolution No. 09-331 was presented to Mr. Martin Rybak.

Resolution No. 09-332

WHEREAS, Fire Company No. 2 has advised that they have accepted Agustin Alfonso Salazar of 175 Cambridge Avenue, as a regular active member, effective September 8, 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. 2 with respect to the above matter, is hereby approved.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-333

WHEREAS, Fire Company No. 4 has advised that they have accepted the resignation of Barry Homyack of 18 Franklin Avenue as an active member, effective September 11, 2009.

RESOLUTIONS

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 4,
Absent 1 – Councilmember Delaney

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-334

Resolved by the City Council of the City of Garfield, Bergen County, New Jersey that pursuant to N.J.S.A. Annotated Appendix A:9-41, the following persons are appointed to the Garfield Emergency Planning Council to draft and implement an emergency action plan to be activated in the event of a major emergency, incident or disaster:

Michael Marsh	Emergency Management Coordinator
Sam Garofalo	Deputy Emergency Management Coordinator
John Keating	Assistant Coordinator
Ronald Polonkay	Assistant Coordinator – PD Traffic
Frank Calandriello	Mayor
Kenneth Robertson	Department of Pubic Works
Mary Giresi	Health Inspector
Kevin Amos	Police Department
Michael Latona	Fire Department
Rebecca Schmidt	Ambulance Corps
Alan Tani	Fire Department – HazMat
Thomas Duch	City Manager
Robert Pavlick	Red Cross
Joseph Cassella	HUMC EMS

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-335

WHEREAS, Community Development requires the City of Garfield to have two representatives to Bergen County Community Development, and
WHEREAS, one representative is to be appointed by the City Manager and the other representative is to be appointed by the City Council, and
WHEREAS, the City Manager has made his appointment,
NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Councilmember Joseph Delaney of 15 Garden Court North is hereby appointed as a Representative of the City of Garfield to Bergen County Community Development, effective July 1, 2009, to succeed himself, for a one year term, said term to expire June 30, 2010.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-336

A RESOLUTION APPOINTING A MUNICIPAL REPRESENTATIVE TO BE PART OF THE OPEN SPACE TRUST MUNICIPAL PROGRAM REGIONAL COMMITTEE
WHEREAS, THE City of Garfield has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et seq. to participate in the Bergen County Open Space, Recreation Farmland and Historic Trust Fund; and
WHEREAS, said agreement requires that one municipal representative be appointed by the governing body of the community to be part of the Open Space Trust Municipal Park Improvement and Land Acquisition Program Regional Committee for the term of one year coinciding with fiscal year July 1, 2009 through June 30, 2010; and

RESOLUTIONS

NOW THEREFORE BE IT RESOLVED that the Governing Body of the City of Garfield hereby appoints Councilmember Joseph Delaney as its representative to participate on the Open Space Trust Municipal Program Regional Committee.

BE IT FURTHER RESOLVED, that Resolution No. 09-222 appointing City Manager Thomas J. Duch as its representative to participate on the Open Space Trust Municipal Program Regional Committee is hereby rescinded.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-337

WHEREAS, the City Council of the City of Garfield has appointed a Municipal Alliance Committee for the purpose of providing to the community Educational Programs for Drug and Alcohol awareness; and

WHEREAS, the Municipal Alliance Committee annually applies to the County Board of Freeholders for necessary funds to provide Drug and Alcohol awareness programs for the community; and

WHEREAS, the County of Bergen has advised the City that the Municipal Alliance Committee is to receive \$15,759.00 total for the program identified in the grant application; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield does hereby approve the acceptance of total grant funds of \$15,759.00; and

BE IT FINALLY RESOLVED that a copy of this resolution be provided to the County of Bergen and to the Chairman of the Municipal Alliance Committee.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-338

A RESOLUTION ENDORSING THE FILING OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR AN AIR HANDLER SYSTEM

WHEREAS, a Bergen County Community Development Grant of \$70,000.00 has been proposed by the Garfield YMCA for an air handler system for the Natatorium located at 33 Outwater Lane, and;

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

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

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

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

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

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-339

A RESOLUTION CONFIRMING ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECT

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

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

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

RESOLUTIONS

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditures of the aforesaid Community Development Funds,
NOW, Therefore be it resolved that the City Council of the City of Garfield, Bergen County, New Jersey hereby confirms endorsement of the aforesaid project, and;
BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the Aforesaid project may be expedited.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-340

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

WHEREAS, A Bergen County Community Development Grant of \$52,900.00 has been proposed by the Boys and Girls Club of Garfield, located at 490 Midland Avenue for their Teen Initiative;
WHEREAS, Pursuant to the State Interlocal Services Act, Community Development Funds may not be spent in a municipality without authorization by the Governing Body, and;
WHEREAS, the aforesaid project is in the best interest of the people of the City of Garfield, and;
WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditures of the aforesaid Community Development Funds,
NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Garfield, Bergen County, New Jersey hereby confirms endorsement of the aforesaid project, and;
BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the Aforesaid project may be expedited.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-341

A RESOLUTION TO CONFIRM ENDORCEMENT OF A COMMUNITY DEVELOPMENT PROJECT

WHEREAS, a Bergen County Community Development grant of \$63,500 has been proposed by Bergen County Community Action Partnership, Inc. for the renovation of the roof at 541 Midland Avenue (HELP Center and the BERGEN County Head Start Site,) in the City of Garfield, and
WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and
WHEREAS, the aforesaid project is in the best interest of the people of the City of Garfield, Bergen County, and;
WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditures of the aforesaid Community Development Funds,
NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Garfield, Bergen County, New Jersey hereby confirms endorsement of the aforesaid project, and;
BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-342

RESOLUTION FOR MUNICIPALITIES TO CONFIRM ENDORSEMENT OF HOME PROGRAM PROJECTS

RESOLUTIONS

WHEREAS, a Bergen County Home Program grant of \$125,000.00 has been proposed by THE HABITAT FOR HUMANITY OF BERGEN COUNTY for Zoe's Place, Inc., 58 Farnham Avenue in the City of Garfield, and

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

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

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid HOME funds,

NOW THEREFORE BE IT RESOLVED by the Governing Body of Garfield, Bergen County, New Jersey, that the aforesaid project is hereby endorsed and that the City Clerk is hereby authorized and directed to forward a CERTIFIED copy of this approved resolution to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No, 09-343

RESOLUTION AUTHORIZING AGREEMENT FOR PUBLIC SPACE RECYCLING PROGRAM

WHEREAS, Greener Corners, LLC is a company which provides public space recycling programs for various municipalities; and

WHEREAS, this company has made a proposal to the City of Garfield for the installation of a minimum of twenty five (25) recycling stations throughout the City; and

WHEREAS, these will be installed and maintained by Greener Corners, LLC but the collection of recyclables and waste will be the responsibility of the City; and

WHEREAS, there is no payment required pursuant to this agreement and the City will benefit by receiving a percentage of the net proceeds received from advertising; and

WHEREAS, the City Manager and Superintendent of the Department of Public Works have recommended this agreement and the agreement has been reviewed and approved by the City Attorney.

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 Agreement with Greener corners, LLC be and is hereby approved.
2. This Agreement shall be for a Public Space Recycling Program in accordance with the proposed Agreement dated August 6, 2009.
3. The City Manager and City Clerk be and are hereby authorized and directed to execute an Agreement in the form approved by the City Attorney, in order to facilitate and implement this program.

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 City Attorney, Greener Corners, LLC and the Department of Public Works of the City of Garfield.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-344

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING DESIGN AND CONSTRUCTION INSPECTION SERVICES IN CONNECTION WITH THE 2009 ECONOMIC RECOVERY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND FISCAL YEAR 2009 NJDOT MUNICIPAL AID GRANT FOR ROADWAY IMPROVEMENTS TO PALISADE AVENUE (SECTION 5), FROM VAN WINKLE AVENUE TO OUTWATER LANE, WITHIN THE CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY

WHEREAS, the City of Garfield has undertaken roadway improvements to Palisade Avenue under previous phases within Garfield under improvement projects; and,

WHEREAS, the City of Garfield has already received a Fiscal Year 2009 NJDOT Municipal Aid Program Grant in the amount of \$229,104.00 and just received a CDBG Economic Recovery Grant

RESOLUTIONS

in the amount of \$320,000.00 to supplement the previous NJDOT Municipal Aid Program Grant; and,
WHEREAS, CDBG funds have been awarded in the amount of \$320,000.00 and Mayor Frank J. Calandriello was authorized to be signatory for said grant agreement; and,
WHEREAS, this project is in the best interest of the people of the City of Garfield and must be shovel ready within 120 days of grant approval; and,
NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Garfield that Boswell McClave Engineering is authorized to perform Professional Engineering Design and Construction Inspection Services in the amount of \$115,000.00 (\$40,000.00 for Design and \$75,000.00 for Construction Inspection Services).

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-345

RESOLUTION AUTHORIZING SOLICITATION OF BIDS FOR LEASING OF CITY PROPERTY

WHEREAS, the City of Garfield is owner of property located at 109 Outwater Lane, on which property is currently located Firehouse No. 4; and
WHEREAS, the City has received a proposal for leasing a small area of that property (approximately 49 square feet) to a wireless telecommunications provider; and
WHEREAS, City Attorney has reviewed this proposal and has determined that, prior to entering into any agreement for the lease of this municipal property, the City must first solicit bids in accordance with N.J.S.A.40A:12-14

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

1. The City Engineer is hereby authorized and directed to prepare specifications for the leasing of approximately forty nine (49) square feet of ground at 109 Outwater Lane.
2. The City Clerk, in consultation with the City Attorney, is hereby authorized and directed to prepare the necessary advertisements in accordance with the provisions of law for the solicitation of these bids.
3. Upon receipt of bids, the City Attorney shall review the same and also review any proposed lease agreements for execution on behalf of the City.

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 City Attorney, the City Engineer and Transcend Wireless.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-346

RESOLUTION AUTHORIZING LEASE OF CITY PROPERTY TO THE BOYS AND GIRLS CLUB OF GARFIELD

WHEREAS, the City of Garfield is owner of property located at 490 Midland Avenue, Garfield, New Jersey; and
WHEREAS, the Boys and Girls Club of Garfield has operated at this address and maintained its facilities at this address for many years; and
WHEREAS, it has now become necessary to document the agreement between the City and the Boys and Girls Club.

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 Lease Agreement be and is hereby authorized between the City of Garfield and the Boys and Girls Club of Garfield.
2. This Agreement shall pertain to premises located at 490 Midland Avenue, in the City of Garfield, County of Bergen and the State of New Jersey.

RESOLUTIONS

3. The Boys and Girls Club of Garfield shall be responsible for all financial and other obligations in connection with the maintenance of this property in accordance with prior practice and the custom between parties.
4. The amount of payment to the City of Garfield shall be \$1.00 per year and the term of this Lease Agreement shall be for a period of ten years commencing on October 1, 2009 and continuing until September 30, 2019 when the Lease shall also contain a provision for automatic renewals of the Lease Agreement.

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 Frank Covelli at Professional Insurance Associates, Inc., the City Attorney and the Boys and Girls Club of the City of Garfield.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-347

WHEREAS, the rules of procedure of Ordinance No. 1856, adopted on 1/22/1985, as per the City Manager and his designee of the City of Garfield state that a Performance Guaranty shall be made, in an amount as determined by the City Engineer, to cover a Street Opening Bond for the period of one year and,

WHEREAS, a deposit has been received from Davis Marks, 19 Colonial Terrace, Pompton Plains, NJ, for BL153/L25, 736 River Drive in the City of Garfield, NJ in the amount of \$2,500.00 for said Street Opening bond on 9/29/08, said funds are being held in the Trust Other Fund, and

WHEREAS, the Building Inspector has investigated this deposit and had determined that they are due to the above individual;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield that these monies be refunded to the above named claimant.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-348

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
NJS 40a:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the in insertion of an item of revenue in the budget of the year 2009 in the sum of \$37,530.00, which is now available from State of New Jersey, Edward Byrne Grant Police Equipment in the amount of \$37,530.00.

BE IT FURTHER RESOLVED, that the like sum of \$37,530.00 is hereby appropriated under the caption Edward Byrne Grant Police Equipment Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from State of New Jersey, Edward Byrne Grant, Police Equipment in the amount of \$37,530.00.

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

(Sgd) Louis G. Aloia
Tana M. Raymond

BILLS AND CLAIMS

Resolution No. 09-349

RESOLVED by the City Council of the City of Garfield that the following bills No. 1336 to 1339 covering Escrow Developers Trust and Trust Other totaling \$48,246.90 and Current Fund totaling \$2,614,753.53 and Water Fund Current totaling \$4,468.05 and Water Capital totaling \$2,800.00 and General Capital totaling \$14,049.00 per attached Computer Lists, be ordered paid and the proper officers are hereby authorized to issue checks for same provided there are funds in the respective appropriations, and

BE IT FURTHER RESOLVED that the action of the Mayor, City Clerk and City Treasurer in issuing checks in payment on the Ratification List, which includes twenty two (22) items prior to the meeting, be ratified.

See

the

following

Pages Numbered _____

for

Bills and Claims

ORDINANCES

Ordinance No. 2565

The following entitled ordinance was introduced at a Regular Meeting held September 11, 2009; it was duly published; a copy was posted on the bulletin board in City Hall; copies were made available to the general public and having complied with the law, this ordinance was not read in full and the City Council can now proceed with the public hearing and final passage:

AN ORDINANCE TO FIX THE SALARY, WAGES AND COMPENSATION
OF CERTAIN OFFICERS AND EMPLOYEES OF THE
CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY

City Clerk Pavlica read the ordinance by title.

Mayor Calandriello declared a public hearing on same and asked if there were any objections.

There being none, Mayor Calandriello declared the public hearing closed.

Councilmember Raymond moved that said ordinance do now pass on final passage and that the City Clerk be directed to publish said ordinance in full together with the statement or notice required by law. Councilmember Aloia duly seconded the motion.

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

Ordinance No. 2566

The following entitled ordinance was introduced at a Regular Meeting held September 22, 2009; it was duly published; a copy was posted on the bulletin board in City Hall; copies were made available to the general public and having complied with the law, this ordinance was not read in full and the City Council can now proceed with the public hearing and final passage:

AN ORDINANCE TO AMEND THE CODE OF
THE CITY OF GARFIELD AND SPECIFICALLY, TO AMEND
THE PROVISIONS OF ORDINANCE #2560

City Clerk Pavlica read the ordinance by title.

Mayor Calandriello declared a public hearing on same and asked if there were any objections.

There being none, Mayor Calandriello declared the public hearing closed.

Councilmember Aloia moved that said ordinance do now pass on final passage and that the City Clerk be directed to publish said ordinance in full together with the statement or notice required by law. Councilmember Moskal duly seconded the motion.

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

Ordinance No. 2567

The following entitled ordinance was introduced at a Regular Meeting held September 22, 2009; it was duly published; a copy was posted on the bulletin board in City Hall; copies were made available to the general public and having complied with the law, this ordinance was not read in full and the City Council can now proceed with the public hearing and final passage:

ORDINANCES

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVEMENTS TO 20TH CENTURY FIELD IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,300,000.00 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

City Clerk Pavlica read the ordinance by title.

Mayor Calandriello declared a public hearing on same and asked if there were any objections.

There being none, Mayor Calandriello declared the public hearing closed.

Councilmember Aloia moved that said ordinance do now pass on final passage and that the City Clerk be directed to publish said ordinance in full together with the statement or notice required by law. Councilmember Moskal duly seconded the motion.

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

Councilmember Moskal introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE CITY OF GARFIELD, LAND USE, CHAPTER 341 ENTITLED “ZONING”

City Clerk Pavlica read the ordinance by title.

Councilmember Moskal moved that this entitled ordinance entitled: “AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE CITY OF GARFIELD, LAND USE, CHAPTER 341 ENTITLED “ZONING”, do now pass on first reading and remain on file with the City Clerk for public inspection until public hearing thereon and further consideration thereof which shall be held on October 27, 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 Our Town, at least seven days prior to the hearing.

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 3, Abstain 1 – Councilmember Raymond, Absent 1 – Councilmember Delaney

CITIZENS AND TAXPAYERS

Ms. Lois McAuliffe, the owner of DP’s Pub, located at 732 River Drive, said that she has a fear of unintended consequences concerning the proposed ordinance introduced tonight for “Restaurant Row” on River Drive. She said that a bunch of studies should be conducted before that kind of proposal should be considered. She said that studies should be conducted by the Fire Department and the Police Department and a study concerning other liquor licenses which may be relocated to River Drive from Belmont Avenue north to the Elmwood Park border. She said that River Drive is a main thoroughfare and she asked about the type of people that ordinance is going to bring. She questioned what the City was looking to accomplish and she said that she is concerned that studies are really conducted before that great of a change takes place. She said that the City is investing a lot in Redevelopment and that studies were conducted to make sure that this is what the City and residents want. She said that River Drive is a main thoroughfare and she said that the side streets are all residential and she questioned how all those people are going to park near that thoroughfare.

CITIZENS AND TAXPAYERS

She said that there are a lot of different concerns that can affect the potential change all at once. She spoke in favor of enforcing the ordinance requiring 1,000 feet between liquor licenses.

Mr. William Whren, 33 Westminster Place, spoke on the need to improve the condition of the Council Chamber. He asked about displaying written profiles of Garfield men who passed away during World War I, World War II and the Korean War in the Council Chamber. He complained about his water bill. He spoke on the resolution endorsing a Community Development grant application filed by the Habitat for Humanity.

COUNCILMEMBER COMMENTS

Councilmember Raymond said that she agrees that the proposed "Restaurant Row" concept needs more time before enactment because she wants to know what the people and businesses in the affected area are thinking. She said that Redevelopment is good, but the right kind of Redevelopment should be done. She said that she does not know if "Restaurant Row" is the answer and maybe there is some idea that could be looked at, but she needs to take into consideration the businesses that are already there. She said that she wants to know what the existing business and property owners think. She said that she is never in favor of rushing into a neighborhood and doing something and making changes because people who have to live there or do business there, have to be comfortable with what is around them. She said that she would prefer to have a meeting with all the people in that area to hear what their thoughts are before the City moves forward.

Deputy Mayor Moskal congratulated Ex-Fire Chief Ernie Rosolen who will be honored with a dinner this Friday, October 16, 2009 at the Royal Manor Restaurant located at 454 Midland Avenue for fifty years of dedicated and active service in the Garfield Fire Department. He said the Riverfront Project has been discussed since the 1980's and it is great that the concept is coming to fruition and the groundbreaking will occur in the spring. He said that it is great that it is finally happening. He publicly recognized the Police, DPW and the Mayor and City Council for all their assistance for making it a wonderful Pulaski Day Parade on Sunday, October 4, 2009. He said that it does not happen without all the coordination and all the assistance in making it a good parade.

Mayor Calandriello commented that NFL Wide Receiver Miles Austin put Garfield back on the map, with him being from the City of Garfield, and he just set a Dallas Cowboy's record for the most receiving yards – 250 yards – in a single game, this past Sunday. Mayor Calandriello offered congratulations to him and his family. He announced that even though the City Council is voting to go into Executive Session, formal action will be taken after the Executive Session is finished.

CLOSED SESSION

Resolution No. 09-350

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 9:30 PM on Tuesday, October 13, 2009, to discuss the following as outlined in N.J.S.A. 10:4-12:

- * Tactics or techniques utilized in protecting the safety and property of the public or any investigation of violations or possible violations of the law; (Traffic concerns regarding the Vornado/South Garfield redevelopment near the intersection of Passaic Street and Lincoln Place; emergency services vehicle obtained through negotiations with the Port Authority of New York and New Jersey).

CLOSED SESSION

- * Pending or anticipated litigation or contract negotiations or matters falling within attorney-client privilege; (Settlement of Police Officer Mariggi Lopez appeal of her dismissal; Allison Schenk-Obiyo vs. City Lawsuit concerning a handicapped parking space and legal fees; Police Detective Robert Ridarick Workers Compensation claim that he was injured on September 29, 2009 at the PBA convention in Puerto Rico when he was hit by a wave while swimming in the ocean; need to return \$75,000.00 to the Borough of Park Ridge in connection with COAH agreement; New Prince Construction vs. City and Smith Sondey Asphalt Construction Company).
- * 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; (need for secretarial help for the Superintendent of Public Works; need to hire a new Police Dispatcher).

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 4,
Absent 1 – Councilmember Delaney

(Sgd) Stanley J. Moskal
Louis G. Aloia

RECESS, CHANGE OF VENUE AND RETURN TO ORDER

Immediately after the City Council voted to go into Closed Session, a short recess was called to move the meeting down the hall to the second floor Conference Room. At 9:40 PM, Mayor Calandriello called the meeting to order in Closed Session and all City Officials were present as before the recess. It was duly noted for the record.

ARRIVAL AND EXIT OF VARIOUS CITY OFFICIALS

At 9:45 PM, Councilmember Joseph Delaney joined the meeting during Closed Session. At 10:15 PM, Superintendent of Public Works Sam Garofalo left the meeting during Closed Session. At 10:45 PM, Police Chief Kevin Amos left the meeting during Closed Session. It was duly noted for the record.

RESOLUTIONS

After the City Council came out of Closed Session at 11:05 PM, they acted on the following Resolutions:

Resolution No. 09-351

A RESOLUTION CONFIRMING THE ENDORCEMENT OF A COMMUNITY DEVELOPMENT PROJECT FOR CURB RELACEMENT AND NEW PAVING AT VARIOUS LOCATIONS WITHIN THE CITY OF GARFIELD

WHEREAS, A Bergen County Community Development grant of \$995,000.00 has been proposed by the Mayor and Council for curb replacement and new paving at various locations within the municipality of the City of Garfield, and

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

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

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the City of Garfield hereby confirms endorsement of the aforesaid project, and

RESOLUTIONS

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

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 09-352

A RESOLUTION CONFIRMING THE ENDORCEMENT OF A COMMUNITY DEVELOPMENT PROJECT FOR THE REPLACEMENT OF ACCESS STAIRS BETWEEN SCHLEY STREET AND PALISDAE AVENUE AND BETWEEN SCHLEY STREET AND CEDAR STREET WITHIN THE CITY OF GARFIELD

WHEREAS, a Bergen County Community Development grant of \$320,000.00 has been proposed by the Mayor and Council for the replacement of access stairs between Schley Street and Palisade Avenue and between Schley Street and Cedar Street within the municipality of the City of Garfield, and

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

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

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the City of Garfield hereby confirms endorsement of the aforesaid project, and

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

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 09-353

WHEREAS, bids were received on September 18, 2009 at 11:00 AM for various improvements to 20th Century Field; and

WHEREAS, funding for these improvements has been provided through Green Acres funding programs; and

WHEREAS, a total of nine (9) bids were received in response to this bid solicitation; and

WHEREAS, J.A. Alexander, Inc. of Bloomfield, New Jersey submitted the lowest responsible and responsive bid; and

WHEREAS, the bid submitted complies with the requirements of the bid documents.

NOW THEREFORE BE IT RESOLVED that a contract be and is hereby authorized with J.A. Alexander, Inc. of Bloomfield, New Jersey on their bid as follows:

Base Bid	859,368.75
Alternate "A"	199,000.00
Alternate "B"	<u>43,800.00</u>
Total	\$1,102,168.75

BE IT FURTHER RESOLVED that this award is contingent upon certification by the Chief Financial Officer that sufficient funds exist for this purpose.

BE IT FURTHER RESOLVED that the City Clerk shall forward certified copies of this resolution to the City Engineer J.A, Alexander, Inc. and the office of the Chief Financial Officer.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Regular Meeting October 13, 2009, Continued

ADJOURNMENT

At 11:10 PM, there being no further business, Councilmember Aloia moved to adjourn the meeting. Councilmember Moskal duly seconded the motion.

On call of roll, Ayes 5

Andrew J. Pavlica, CITY CLERK