

A Regular Meeting of the City Council was held on Tuesday, October 27, 2009 at 9:05 PM in the Conference Room in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

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

Councilmembers Present: Tana M. Raymond, Joseph Delaney, Louis G. Aloia, Stanley J. Moskal and Frank J. Calandriello

Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Joseph J. Rotolo, Labor Counsel Joseph Randazzo, City Engineer Kevin J. Boswell and Interim Chief Financial Officer Roy Riggitano

REPORTS OF OFFICERS

Councilmember Moskal moved to approve the Reports of the Cabinet as presented orally and in writing during the Work Session held earlier this evening. Councilmember Delaney duly seconded the motion.

On call of roll, Ayes 5

RESOLUTIONS

Resolution No. 09-355

WHEREAS, the Garfield Boys and Girls Club will be celebrating 50 years of Hope and Opportunity with a Golden Jubilee Gala on Thursday, November 19, 2009 at the Venetian Restaurant located at 546 River Drive in Garfield, and

WHEREAS, the 50th Anniversary Celebration will include great food and drink, live entertainment and an appearance by Garfield Club Alumni Wayne Chrebet, retired wide receiver of the New York Jets, and

WHEREAS, the Garfield Club is the "Positive Place for Kids", where for 50 years, outstanding youth service provided by the Club has enhanced the young lives of thousands of children, right here in Garfield, and

WHEREAS, the Mayor and City Council are desirous of publicly recognizing the outstanding contributions of the Club over its long history and for being one of the reasons Garfield is a great place to live, work and play,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that upon the occasion of their Fiftieth Anniversary Celebration, the Boys and Girls Club of Garfield, is hereby CONGRATULATED and THANKED for their five decades of outstanding service to the youth of Garfield, and

BE IT FURTHER RESOLVED that Thursday, November 19, 2009 BE AND IS HEREBY PROCLAIMED:

"BOYS AND GIRLS CLUB OF GARFIELD DAY".

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 09-356

WHEREAS, Fire Company No. 1 has advised that they have accepted the resignation of Melanie Ayala of 25 Westervelt Place as an active member, effective September 23, 2009,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 1 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No. 09-357

WHEREAS, Fire Company No. 1 has advised that they have accepted William Larkin of 26A Cambridge Avenue, as a regular active member, effective September 23, 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. 1 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 09-358

WHEREAS, Fire Company No. 1 has advised that they have accepted Carlos Ortiz of 26A Cambridge Avenue, as a regular active member, effective September 23, 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. 1 with respect to the above matter is hereby approved.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No. 09-359

WHEREAS, the City Manager, Police Chief, Superintendent of Public Works and City Council of the City of Garfield, Bergen County, New Jersey have determined that there is no longer a need for the following unclaimed property:

| Year | Vehicle & Model | VIN Number |
|------|---------------------------|--------------------|
| 1991 | Chevy Caprice | 21G1BL5371MR136847 |
| 1996 | Ford Wagon | 2FMDA5141TBA47999 |
| 1997 | Ford Ranger 2 Wheel Drive | 1FTCR10U8VTA50761 |
| 1998 | Ford Crown Victoria | 2FAFP71W8WX129248 |
| 2000 | Ford Crown Victoria | 2FAFP71W7YX179108 |

WHEREAS, the Garfield Police Department also has had for sometime, approximately thirty (30) unclaimed bicycles and miscellaneous items, which are not needed fro public purposes, and WHEREAS, surplus property no longer for public use may be sold only at a public auction, NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey that the City Manager or his designee is hereby authorized to conduct a Public Auction of the foregoing surplus property at 9:30 AM on Saturday, November 21, 2009 at the City DPW Garage, 413 Midland Avenue, Garfield, New Jersey 07026.

BE IT FURTHER RESOLVED that the rules of said auction shall be as follows:

The City makes no guarantee and all items are to be sold as is condition to the highest bidder.

All sales shall be for cash only.

Upon completion of biding on an item, the highest bid may be accepted or all bids on the item may be rejected.

Item(s) shall be released to the highest bidder(s) upon payment of the full bid price on the day of the auction.

No conditional bids accepted.

The successful bidder(s) must arrange to remove the items(s) from City storage within 5 days of purchase.

The City reserves the right to withdraw any item from the auction without notice.

FURTHER RESOLVED that the City Clerk is hereby authorized and directed to advertise the foregoing public auction in the Our Town Newspaper at least seven (7) days prior to the sale.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No, 09-360

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING RESOLUTION

RESOLUTIONS

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the City of Garfield desires to further the public interest by obtaining a loan in the amount of \$231,800.00 and/or a grant of \$ 2,068,200.00 from the State to fund the following project: Historic Dundee Dam Pedestrian Way and Preserve;

NOW, THEREFORE, the City Council of the City of Garfield resolves that City Manager Thomas J. Duch or the successor to the office of City Manager is hereby authorized to:

- (a) Make application for such a loan and/or such a grant,
- (b) Provide additional application information and furnish such documents as may be required, and
- (c) Act as the authorized correspondent or the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield:

- 1. That the City Manager of the City of Garfield is hereby authorized to execute an agreement and any amendment thereto with the State known as Historic Dundee Dam Pedestrian Way and Preserve;
- 2. That the applicant has its matching share of the project, if a match is required, in the amount of \$ 2, 300,000.00.
- 3. That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
- 4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules and regulations in its performance of the project.
- 5. That this resolution shall take effect immediately.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No. 09-361

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE AND MAINTENANCE BONDS

WHEREAS, Wawel Savings Bank developed property located at 935 River Drive in the City of Garfield; and

WHEREAS, as a condition of that development and in accordance with the requirements of local and state law, performance and maintenance bonds were posted by the developer; and

WHEREAS, the amount, term and other conditions of these maintenance bonds were determined by the City Engineer and appropriate Board which hears, considered and approved this development application; and

WHEREAS, all construction and other requirements of this development have now been completed to the satisfaction of the City Engineer and the City Manager has, therefore, authorized and recommended that all bonds be released and discharged

RESOLUTIONS

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 hereby authorizes the discharge of the Performance Surety Bond and Maintenance Surety Bond posted by Wawel Savings Bank in connection with the development of 935 River Drive.
2. The City Manager is hereby authorized and directed to communicate this authorization to Wawel Savings Bank or its agents or representatives in order to confirm that these bonds may be discharged forthwith.
3. The City Manager is also authorized and directed to take any and all action which may be necessary and appropriate to facilitate the terms, conditions and direction of this resolution.

NOW THEREFORE BE IT FURTHER RESOLVED THAT THE City Clerk be and he is hereby authorized and directed to forward copies of the within Resolution to the Office of the City Manager, the office of the City Attorney, the office of the City Engineer and the Law Offices of Dennis A. Maycher, PA

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No. 09-362

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to overpaid taxes due to Tax Court Judgment Allowed for the year 2007.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, that the proper offices are hereby authorized to issue a check refunding this overpayment and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

| BLOCK | LOT | OWNER | REASON | AMOUNT |
|--------|-----|--|--------|------------|
| 170.01 | 71 | “Stern & Kilcullen, LLC And J.S.D. Enterprises” | TCJ | \$1,898.10 |

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No. 09-363

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owners for a refund due to overpaid taxes due to Tax Court Judgment Allowed for the year 2009.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, that the proper offices are hereby authorized to issue a check refunding this overpayment and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

| BLOCK | LOT | OWNER | REASON | AMOUNT |
|--------|-----|-------------------------------------|--------|-----------|
| 39.02 | 34 | Sinagra, Santa | O/P | \$1200.00 |
| 93 | 13 | Battista, Carmela & Et Als | O/P | \$1250.00 |
| 102 | 33 | Drapala, Jan & Barbara | O/P | \$2050.00 |
| 130 | 20 | Kramer, Robert M. & Maria | O/P | \$1280.00 |
| 177.04 | 9 | Lyko, Kazimierz & Wladyslawa | O/P | \$2054.00 |
| 189 | 39 | First American Real Estate Tax Serv | O/P | \$1126.00 |
| 199 | 22 | Dicristina, Vincent A & Ninfa A | O/P | \$2094.00 |
| 203.06 | 16 | Washington Mutual | O/P | \$2191.00 |

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Frank J. Calandriello

BILLS AND CLAIMS

Resolution No. 09-364

RESOLVED by the City Council of the City of Garfield that the following bills No. 1340 covering totaling \$2,500.00 and Current Fund totaling \$352,065.30 and Water Fund Current totaling \$129,497.83 and Water Capital totaling \$2,110.00 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 fifteen (15) items prior to the meeting, be ratified.

See

the

following

Pages Numbered _____

For

Bills

and

Claims

ORDINANCES

Ordinance No.

The following entitled ordinance was introduced at a Regular Meeting held October 13, 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, 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 said ordinance do now pass on final passage and the City Clerk de 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, Nays 5

ORDINANCE DEFEATED

COUNCILMEMBER COMMENTS

Councilmember Raymond spoke on the ordinance which was defeated this evening concerning a proposed “Restaurant Row” along River Drive from Belmont Avenue north to the Elmwood Park border. She said that she does not want the ordinance considered again until she hears from other businesses and people in the affected area. She said that she would like to know other towns that have such ordinances and how well it works there. She spoke on the YMCA of Greater Bergen County honoring Garfield Principal Peter De Franco on November 24, 2009 with a Special Achievement Award for Professional Excellence in Sports Officiating. She said that the PBA Local No. 46 Dinner was a big success on Thursday, October 22, 2009 at the Venetian Restaurant.

Councilmember Delaney said that the PBA Dinner was great. He explained that during the last Mayor and City Council meeting, he had to leave to attend an appearance by President Barack Obama and Governor Jon Corzine. He spoke on how well Garfield is represented by Assemblyman Frederick Scalera and Gary S. Schaer. He reminded people to vote on Tuesday, November 3, 2009. He spoke on the excellent turnout of approximately 185 Garfield High School students at the riverfront clean up of the Passaic River on Saturday, October 24, 2009.

Councilmember Aloia wished everyone a Happy Halloween.

Deputy Mayor Moskal said that it was a good meeting tonight with great discussions. He said that the PBA Dinner was a nice affair and he wished everyone a Happy Halloween.

Mayor Calandriello spoke on the proposed “Restaurant Row” ordinance and what type of land use would be permitted in the ordinance. He spoke in favor of having a City Christmas Tree Lighting Ceremony in front of City Hall this year.

ADJOURNMENT

At 9:35 PM, there being no further business, Councilmember Aloia moved to adjourn the meeting. Councilmember Raymond duly seconded the motion.

On call of roll, Ayes 5

