

A Regular Meeting of the City Council was held Tuesday, November 24, 2009 at 8:20 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: Joseph Delaney, Louis G. Aloia, Stanley J. Moskal and Frank J. Calandriello

Councilmembers Absent: Tana M. Raymond

Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Joseph J. Rotolo and City Engineer Representative Bernard Mirandi (for City Engineer Kevin J. Boswell)

#### REPORTS OF OFFICERS

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

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

#### COMMUNICATIONS/APPOINTMENTS

City Clerk Pavlica reported that in a letter to him dated November 24, 2009, from Mayor Calandriello, the Mayor appointed Charles Janesak, 93 Hartmann Avenue, to the Library Board of Trustees, effective December 17, 2009, as a Regular Member, to succeed himself, for a full five year term, said term to expire December 17, 2014.

#### REPORTS OF OFFICERS

City Manager Thomas J. Duch reported on the following:

1. The Supervisors and Managers EPL Training Session to be conducted by Attorney Allan Giamtempo of the Joint Insurance Fund at City Hall on Monday, December 7, 2009.
2. The Fire Company No. 5 Christmas Party to be held Saturday, December 5, 2009 at 8:00 PM at the Firehouse.
3. The City Tree Lighting Ceremony scheduled to be held Monday, November 30, 2009 at 6:30 PM in front of City Hall.
4. The Library Tree Lighting Program to be held Thursday, December 3, 2009 at 7:00 PM at the Garfield Free Public Library.
5. The Open House concerning the City Water Works facility in Elmwood Park scheduled to be held Tuesday, December 8, 2009 at 5:00 PM prior to the Work Session.
6. The Diversionary Hearing concerning the proposed park along the Passaic River scheduled to be held Tuesday, December 15, 2009.
7. The Special Meeting of the City Council scheduled to be held December 1, 2009 at 6:30 PM concerning the Plenary Retail Consumption License held by Ever-Wide, Inc., t/a Nice Food Restaurant located at 237 Palisade Avenue.
8. The estimated premium rate increase of 5.03% for the Suburban Essex Joint Insurance Fund.

RESOLUTIONS

Resolution No. 09-385

WHEREAS, Fire Company No. 3 has advised that they have accepted Jurgen Cardi of 60 Farnham Avenue, as a regular active member, effective October 5, 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. 3 with respect to the above matter, is hereby approved.

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

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 09-386

WHEREAS, Fire Company No. 3 has advised that they have accepted Christopher M. Strabone of 400 Midland Avenue, as a regular active member, effective October 5, 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. 3 with respect to the above matter, is hereby approved.

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

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 09-387

WHEREAS, Fire Company No. 3 has advised that they have accepted Erik Vitale of 222 Lincoln Place, as a regular active member, effective October 5, 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. 3 with respect to the above matter, is hereby approved.

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

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 09-388

WHEREAS, Fire Company No. 5 has advised that they have accepted Patrick F. Connolly Jr. of 46 Hartmann Avenue, as a regular active member, effective October 6, 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. 5 with respect to the above matter, is hereby approved.

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

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 09-389

A RESOLUTION CONFIRMING ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECT

WHEREAS, a Bergen County Community Development grant of \$340,000 has been proposed by Start Easy Eagle Development, Corp. for Bergen Cares I in the City of Garfield for the acquisition of property located at 20 Prospect Street, 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,

RESOLUTIONS

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 Raymond

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 09-390

WHEREAS, the City of Garfield secures various forms of insurance coverage through the Suburban Essex Joint Insurance Fund; and

WHEREAS, specifically, worker's compensation, comprehensive general and auto liability, excess liability, property and boiler and machinery, environmental liability, comprehensive crime and public officials and employment practices insurance is secured through the Suburban Essex Joint Insurance Fund; and

WHEREAS, the City Council has been advised that a policy endorsement must be incorporated into the City's insurance coverage for fund year 2010; and

WHEREAS, this policy endorsement is in the form attached to this resolution; and

WHEREAS, the Mayor and Council have reviewed this policy endorsement and have agreed that it should be incorporated into the City's coverage for 2010.

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 policy endorsement attached to this resolution be and is hereby approved.

2. The City Manager is hereby authorized to execute any documents which may be necessary in order to effectuate the provisions of this resolution and to confirm the policy endorsement attached hereto which shall have an effective date of January 1, 2010.

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 Suburban Essex Joint Insurance Fund, Park 80 West Plaza 1, Saddle Brook, New Jersey 07663, Professional Insurance Associates, and the office of the Chief Financial Officer and the Office of the City Manager.

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

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 09-391

WHEREAS, the rules of procedure of the Planning and Zoning Boards of Adjustment of the City of Garfield state that a deposit shall be made to cover Engineering and Attorney fees, and

WHEREAS, deposits have been received from KBC Properties, 6-02 Fair Lawn Avenue, Fair Lawn, New Jersey 07410, for 485 River Drive, Garfield, New Jersey 07026 in the amount of \$596.79 for Engineering fees and \$433.55 for Attorney fees on 07/27/07, for a total of \$1,030.34 said funds are being held in the Developer's Escrow Fund, and

WHEREAS, the Chief Financial Officer has investigated these deposits 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, Bergen County, New Jersey that these monies be refunded to the above named claimant.

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

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 09-392

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to an overpayment of taxes for the year 2009.

RESOLUTIONS

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 Receive of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
11	9	First American Real Estate Tax Service	O/P	\$1,424.37
19.01	3	Cupo, domenico V & Rosa & Et Als	O/P	\$ 152.00
22	11	Serino, Matthew	O/P	\$1,041.01
23	25	First American Real Estate Tax Service	O/P	\$1,773.34
38.06	1	D'Moore, Priti K	O/P	\$ 601.96
53	8	Cenlar	O/P	\$ 554.01
60	15	First American Real Estate Tax Service	O/P	\$1,730.40
81	45	First American Real Estate Tax Service	O/P	\$ 924.67
93	23	First American Real Estate Tax Service	O/P	\$1,669.93
97	39	BAC Tax Services Corporation	O/P	\$ 877.26

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

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 09-393

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to an overpayment of taxes 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 Receive of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
13	43	BAC Tax Services Corporation	O/P	\$1,413.41
55	24	BAC Tax Services Corporation	O/P	\$ 958.74
82	4	Muhana, Mahmoud	O/P	\$ 510.90
119.03	83	First American Real Estate Tax Service	O/P	\$2,104.77
127	67	Iwinski, Mariusz & Katarzyna	O/P	\$1,038.15
129.02	62	Ennis, Vivienne & Claude	O/P	\$1,258.06
141	21.11	First American Real Estate Tax Service	O/P	\$ 832.22
177.03	15	Castro, Carlos	O/P	\$ 571.11
203.05	29	First American Real Estate Tax Service	O/P	\$1,526.44

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

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 09-394

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to an overpayment of taxes due to Veteran Deduction 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 Receive of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
216.03	40	Espinoza, Xavier	O/P	\$250.00

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

(Sgd) Louis G. Aloia  
Joseph Delaney

RESOLUTIONS

Resolution No. 09-395

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to an overpayment of taxes due to Widow 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 Receive of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
206.02	57	Hlat, Maria	O/P	\$250.00

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

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 09-396

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

	Acct#	From:	To:
Solid Waste Collection	9-01-26-305-305-000	\$10,000.00	
Police S & W	9-01-25-240-240-000	77,500.00	
Dept of Public Works O/E	9-01-26-290-290-020	20,000.00	
Finance Adm O/E	9-01-20-130-130-020		\$ 9,500.00
Audit Services	9-01-20-135-135-000		17,500.00
Legal Other Exp	9-01-20-155-155-020		3,500.00
Employee Group Insurance	9-01-23-225-225-000		3,500.00
Vol Amb Corp O/E	9-01-25-260-260-020		5,500.00
Dept of Public Works S/W	9-01-26-290-290-010		20,000.00
Public Health Srvs O/E	9-01-27-330-330-020		15,000.00
Bond Interest	9-01-45-930-000-000		33,000.00
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		\$107,500.00	\$107,500.00

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

(Sgd) Louis G. Aloia  
Joseph Delaney

BILLS AND CLAIMS

Resolution No. 09-397

RESOLVED by the City Council of the City of Garfield that the following bill No. 1345 covering Escrow Developers Trust totaling \$16,849.95, be ordered paid and the proper officers are hereby authorized to issue a check for same provided there are funds in the respective appropriations, and BE IT FURTHER RESOLVED that the action of the Mayor, Clerk and City Treasurer in issuing checks in payment on the Ratification List, which includes thirty two (32) items prior to the meeting, be ratified.

See

The  
Following

ORDINANCES

Councilmember Aloia introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND, THE CODE  
OF THE CITY OF GARFIELD AND, SPECIFICALLY,  
TO RESCIND, VACATE AND REPEAL ORDINANCE #2556

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this entitled ordinance entitled: “AN ORDINANCE TO AMEND, THE CODE OF THE CITY OF GARFIELD AND SPECIFICALLY, TO RESCIND, VACATE AND REPEAL ORDINANCE #2556”, 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 December 22, 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 Delaney, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 4, Absent 1 – Councilmember Raymond

CITIZENS AND TAXPAYERS

Mr. Jose Bermudez, 303 Gaston Avenue, spoke on playing pickup soccer games for about fourteen years in Belmont Oval park located off Spring Street between Belmont Avenue and Botany Street. He said that he and his friends accidentally left large soccer goals on the field this past Saturday and on Sunday they went to pick up the goals, but City employees told them the goals were thrown away. He said that he feels that this was disrespectful and he and his friends are sad about it. He said that they have played there for years and they are hurt that the Department of Public Works would do that. He said that he feels this was disrespectful and he is disappointed that the City did this to them.

Mr. Pasqual Pacheco, 153 Outwater Lane, said that he feels that the Spanish community is disrespected and dismissed by City employees.

Mr. Andres Navarrete, 19 Monroe Street, said that he has been here for nine years, played for Garfield High School, and every time he tries to play his sport, he is taken by the cops, and it hurts him a lot that he cannot play on the new field. He said that he has been playing at the park for eight to nine years and he has something inside him and it should not be like that. He suggested one hour of playing time to play. He said that his cousin does not do drugs and he does not do drugs. He said that they both could have played professional soccer, but there are limited opportunities.

COUNCILMEMBER COMMENTS

Councilmember Delaney wished everyone a Happy Thanksgiving.

Councilmember Aloia wished everyone a Happy Thanksgiving and said that if the City discarded their goals, perhaps the City should consider replacing the goals.

Deputy Mayor Moskal wished everyone a Happy Thanksgiving and said that he looks forward to seeing everyone at the Christmas Tree Lighting Celebration.

Mayor Calandriello said that this is a good time of year, however, it will be a challenging upcoming year for the City. He said that New Jersey has a new Governor and a Governor who is dealing with an \$8 billion State deficit. He said that if anyone thinks the City is not going to be affected by that \$8 billion deficit then shame on us because we are just not understanding the whole situation. He

COUNCILMEMBER COMMENTS

said that it is going to be a very difficult year and he thinks the City is going to have to make some difficult decisions. He said that he is not looking forward to it, but the tasks are ours and we are going to have to accept it. He wished everyone a very Happy Thanksgiving.

ADJOURNMENT

At 9:00 PM, there being no further business, Councilmember Moskal moved to adjourn the meeting. Councilmember Aloia duly seconded the motion.

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

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Andrew J. Pavlica, CITY CLERK