

A Regular Meeting of the City Council was held Tuesday, December 8, 2009 at 8:35 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: Joseph Delaney, Louis G. Aloia and Frank J. Calandriello
Councilmembers Absent: Tana M. Raymond and Stanley J. Moskal
Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Joseph J. Rotolo, City Engineer Kevin J. Boswell and Interim Chief Financial Officer Roy Riggitano

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 Delaney duly seconded the motion.

On call of roll, Ayes 3, Absent 2 –
Councilmembers Raymond and Moskal

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Resolution No. 09-404

WHEREAS, in 1939, the Garfield High School “Boilermaker” Football Team, coached by Arthur Argauer, made history and brought fame and glory to the City of Garfield by winning a “mythical” National Championship, and

WHEREAS, during that era, President Franklin Roosevelt was honorary chairman of the “March of Dimes” fundraising campaign, with one of the projects being a football contest to determine a “National High School Champion”, with all the net proceeds being donated to fight infantile paralysis, and

WHEREAS, at the time, Garfield had just completed an undefeated season and was on a 20 game winning streak that began with the first game of 1938, and was the northern representative for the game, with Miami High School, the southern representative of the game, which was named the “Health Bowl” and played in the Orange Bowl in Miami, Florida on Christmas Night 1939, and

WHEREAS, Garfield High School defeated Miami High School 16-13 on a late field goal by Benny Babula, Garfield’s “blond thunderbolt”, and

WHEREAS, this year marks the Seventieth Anniversary of this famous and noteworthy event in the history of Garfield, which helped give the community the nickname, the “City of Champions”,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that upon the occasion of the SEVENTIETH ANNIVERSARY of Garfield’s National Football Championship Victory over Miami High School, that CONGRATULATIONS are hereby extended to the members of the Championship Team for being a part of one of the more memorable events in the history of the City of Garfield.

On call of roll, Ayes 3, Absent 2 -
Councilmembers Raymond and Moskal

(Sgd) Frank J. Calandriello
Louis G. Aloia

Resolution No. 09-405

RESOLUTION AUTHORIZING DISCIPLINARY ACTION-PLENARY RETAIL CONSUMPTION LIQUOR LICENSE NO. 0221-33-049-055

WHEREAS, the Mayor and Council of the City of Garfield, upon the recommendation and request of the Garfield Police Department, authorized the filing of disciplinary charges against Ever Wide, Inc. t/a Ever Wide, Inc. doing business as Nice Food Restaurant; and

WHEREAS, these disciplinary charges related to the operation of licensed premises located at 235 Palisade Avenue and/or in connection with the operation of plenary retail consumption liquor license No. 0221-33-049-055; and

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WHEREAS, in accordance with the authorization of the Mayor and Council, the City Attorney prepared a Statement of Charges and arranged for the service of the same upon the Licensee in October of 2009; and

WHEREAS, that Statement of Charges included a total of seven charges as follows:

Charge No. 1 July 20th, 2009 – Sale to a person under the legal age but over the age of 18 in violation of N.J.A.C.14:2-23.1(a)

Charge No. 2 July 20th, 2009 – Offer of sale or sale of alcoholic beverages after the legal hour for sale

Charge No. 3 July 20th, 2009 – Offer of delivery of alcoholic beverages off premises

Charge No. 4 January 31st, 2009 – Sale of alcoholic beverages after hours in violation of N.J.S.A.33:1-31(h)

Charge No. 5 February 28th, 2008 – Failure to have proper delivery vehicle with insignia in violation of N.J.A.C.13:2-20

Charge No. 6 Various dates prohibited delivery and sale off premises

Charge No. 7 October 8th, 2007 – Sale to underage individual, under the age of 21 but older than the age of 18 in violation of N.J.A.C.14:2-23.1(a); and

WHEREAS, a formal Statement of Charges, together with all supporting evidence was served upon the licensee who subsequently thereto retained New York counsel, Lawrence Yang, Esq. of Flushing, New York and, subsequent thereto retained New Jersey counsel, Annabelle Steinhacker of the Law Firm of Javerbaum, Wurgaft, Hicks, Kahn, Wisktrom & Sinins, Newark, New Jersey who provided advise and counsel in connection with these charges; and

WHEREAS, hearings took place in connection with this matter on November 10th, 2009 and December 1st, 2009 at which the Mayor and Council heard and considered documentary evidence and testimony by various witnesses including Officer Nicolas Santillo and Lieutenant Darrin Sucorowski; and

WHEREAS, in addition to the aforesaid officers, Officer Robert Meehan and Sergeant Joseph Marsh were also present and prepared to offer testimony; and

WHEREAS, after consultation between the attorneys for the licensee and the City Attorney, the Licensee determined to enter guilty pleas to most of the charges and an agreement was reached with regard to a penalty;

WHEREAS, upon the recommendation of the City Attorney, Charge No. 1 was dismissed for lack of sufficient evidence; and

WHEREAS, the licensee entered a pleas of guilty to Charges 2 through 7 of the Statement of Charges and, on December 1st, 2009, the Licensee, under oath and with the advice of Counsel, entered into a Stipulation with the Mayor and Council regarding the aforesaid charges.

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. Charge No. 1 of the Statement of Charges served in October of 2009 be and is hereby dismissed
2. The Mayor and Council hereby find that Charges No. 2, 3, 4, 5, 6 and 7 have been sustained based upon the documentary and testimonial evidence presented and the licensee is hereby found GUILTY of the same. Furthermore, the licensee has admitted these offenses and was entered pleas of guilty to the same.
3. As a result of the foregoing stipulation and finding, the Mayor and Council impose the following penalties and enter into the following agreements with the Licensee:
 - a. The total authorized penalties for the six charges to which the Licensee has entered a plea of guilty would be a sixty six (66) day suspension of its license, however, the Mayor and Council impose, with the agreement of the Licensee, a sixty (60) day suspension of the aforesaid license.
 - b. Notwithstanding the sixty (60) day suspension described above, the Licensee shall only be required to actually close and serve a twenty (2) day suspension of its license. Said twenty (20) day period of suspension shall commence on January 2nd, 2010 at 12:00 Noon and end on January 22nd, 2010 at 12:00 Noon.
 - c. The remaining forty (40) days of the suspension period shall not be served provided, however, that the Licensee complies with the terms, conditions and obligations set forth in this resolution and so long as there are no further violations of any local or state regulations regarding liquor licensed premises.

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- d. The Licensee shall be on a period of probation for six (6) months from December 1st, 2009 until May 31st, 2010.
 - e. In the event that the Defendant violates any local or state regulation regarding the operation of licensed premises, then, and in that event, the Licensee shall be required to serve the full sixty (60) day period of suspension with credit being given for those days during which Licensee has been closed pursuant to the penalties set forth herein. In the event of such violation, and confirmation of same from the Garfield Police Department, the Garfield Police Department shall immediately transmit copies of all reports pertaining to this violation to the City Manager and the Mayor and Council. The City Manager shall, in accordance with the agreement reached with the Licensee, thereafter authorize the Garfield Police Department to immediately seize the license and the licensed premises shall be closed for the sixty (60) day period described herein.
 - f. No later than December 31st, 2009 the Licensee shall pay to the City of Garfield the sum of \$1,850.00 representing reimbursement for expenses incurred in connection with this disciplinary matter.
 - g. The Licensee shall have prepared and post inside and outside of the licensed premises signs prohibiting loitering and drinking of alcohol in any areas that are not authorized pursuant to their license. This shall include prohibiting of consumption of alcohol on the street, sidewalk and yard of the licensed premises. These signs will be prepared based upon consultations with the Chief of Police.
 - h. The Licensee shall install flood lights in front of, on the sides and in the rear of the licensed premises which will have to be lit from dusk until 2:00 AM, seven days per week. The location and type of lights will be determined by the licensee in consultation with the Chief of Police.
 - i. The Licensee shall be required to pick up all trash, litter and glass around the entire licensed premises and sweep all sidewalks on a daily basis.
4. The Licensee has been made aware that there have been other incidents which resulted in police involvement and reports in 2009 and the Licensee has been advised that these other charges are not affected by the agreement reached with regard to October 2009 Statement of Charges. The Mayor and Council shall, in their sole and absolute discretion, make a decision as to whether additional charges will be filed for these other incidents.
 5. The agreement reached and the decision set forth in this resolution are final with regard to the seven charges set forth in the October 2009 Statement of Charges. This decision may not be appealed and the Licensees waiver of any appeal was taken into consideration in entering into this agreement between the Mayor and Council and the Licensee.
 6. All future renewals of the license which is the subject of this action shall include the term and conditions set forth herein as additional conditions of each renewal.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward certified copies of the Annabelle Steinhacker, Esq., The Law Firm of Javerbaum Wugaft Hicks Kahn Wikstrom & Sinins, 201 Washington Street, Newark, New Jersey 07102, Lawrence Yang, Esq., 38021 Main Street, Suite 3D, Flushing, New York 11354, the Garfield Police Department, the City Attorney, the Office of the City Manager and the Division of Alcoholic Beverage Control of the State of New Jersey.

On call of roll, Ayes 3, Absent 2 -
Councilmembers Raymond and Moskal

(Sgd) Frank J. Calandriello
Louis G. Aloia

Resolution No. 09-406

WHEREAS, Fire Company No. 3 advises that John Keating Jr. of 159 Chestnut Street, has served as an active member of the Garfield Fire Department for at least twenty-one years and that he is entitled to a twenty-one year badge, and

WHEREAS, the records in the Office of the City Clerk indicate that he has served for a period on twenty-one years,

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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. 3 is hereby approved and that the proper officers are hereby authorized to issue a twenty-one year badge to the above named individual.

On call of roll, Ayes 3, Absent 2 -
Councilmembers Raymond and Moskal

(Sgd) Frank J. Calandriello
Louis G. Aloia

Resolution No. 09-407

WHEREAS, Fire Company No. 3 advises that Edward J. Morano of 18 Dahnerts Park Lane 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. 3 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 3, Absent 2 -
Councilmembers Raymond and Moskal

(Sgd) Frank J. Calandriello
Louis G. Aloia

Resolution No. 09-408

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the proper officers are hereby authorized to issue monthly pension checks in the sum of \$100.00 for a period of one year commencing January 1, 2010 and terminating December 31, 2010 to Mrs. Jennie Ciuppa, wife of deceased Ignatius Ciuppa, who resides at 52 Tall Oaks Drive, Wayne, NJ, pursuant to the provisions of Ordinance No. 1177 entitled: "AN ORDINANCE CONCERNING THE PAYMENT OF PENSIONS UPON THE DEATH OF ANY MEMBERS OF THE POLICE DEPARTMENT OF THE CITY OF GARFIELD FROM INJURIES IN THE PERFORMANCE OF DUTY", adopted by the City Council at a meeting held on May 25, 1955.

On call of roll, Ayes 3, Absent 2 -
Councilmembers Raymond and Moskal

(Sgd) Frank J. Calandriello
Louis G. Aloia

Resolution No. 09-409

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the proper officers are hereby authorized to issue monthly pension checks in the sum of \$100.00 for a period of one year commencing January 1, 2010 and terminating December 31, 2010 to Mrs. Rose Ann Merindino, wife of deceased Joseph Merendino, who resides at 66 Davison Street, Garfield NJ, pursuant to the provisions of Ordinance No. 1716 entitled: "AN ORDINANCE CONCERNING THE PAYMENT OF A PENSION TO THE WIDOW AND DEPENDENT OF JOSEPH MERENDINO, IN THE CITY OF GARFIELD IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY", adopted by the City Council at a meeting held on February 19, 1980.

On call of roll, Ayes 3, Absent 2 -
Councilmembers Raymond and Moskal

(Sgd) Frank J. Calandriello
Louis G. Aloia

Resolution No. 09-410

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the proper officers are hereby authorized to issue monthly pension checks in the sum of \$100.00 for a period of one year commencing January 1, 2010 and terminating December 31, 2010 to Mrs. Arlin Sabat, wife of deceased Edward Sabat, who resides at 111 Falmouth Avenue, Elmwood Park, NJ, pursuant to the provisions of Ordinance No. 1177 entitled: "AN ORDINANCE CONCERNING

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THE PAYMENT OF PENSIONS UPON THE DEATH OF ANY MEMBERS OF THE POLICE DEPARTMENT OF THE CITY OF GARFIELD FROM INJURIES IN THE PERFORMANCE OF DUTY”, adopted by the City Council at a meeting held on May 25, 1955.

On call of roll, Ayes 3, Absent 2 -
Councilmembers Raymond and Moskal

(Sgd) Frank J. Calandriello
Louis G. Aloia

Resolution No. 09-411

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the proper officers are hereby authorized to issue monthly pension checks in the sum of \$100.00 for a period of one year commencing January 1, 2010 and terminating December 31, 2010, to Mrs. Linda Yondolino, wife of deceased Nicholas A. Yondolino, who resides at 71 Heritage Court, Towaco, NJ, pursuant to the provisions of Ordinance No. 1839 entitled: “AN ORDINANCE CONCERNING THE PAYMENT OF A PENSION TO THE WIDOW AND DEPENDENT OF NICHOLAS YONDOLINO, IN THE CITY OF GARFIELD IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY”, adopted by the City Council at a meeting held on October 2, 1984.

On call of roll, Ayes 3, Absent 2 -
Councilmembers Raymond and Moskal

(Sgd) Frank J. Calandriello
Louis G. Aloia

Resolution No. 09-412

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that the following is the list of regularly scheduled meetings of the City Council for the year 2010, with Work Sessions commencing at 5:30PM and Regular Meetings commencing at 8:00PM, except when a Legal Holiday or Special Occasion is involved as listed:

Tuesday,	January	5,	2010	Special Meeting
Friday,	January	8,	2010	Fire Chief and Firematic Officers Installation at 7:00PM
Tuesday,	January	12,	2010	
Tuesday,	January	26,	2010	
Tuesday,	February	9,	2010	
Tuesday,	February	23,	2010	
Tuesday,	March	9,	2010	
Tuesday,	March	23,	2010	
Tuesday,	April	13,	2010	
Tuesday,	April	27,	2010	
Tuesday,	May	11,	2010	
Tuesday,	May	25,	2010	
Wednesday,	June	9,	2010	(Change due to NJ State Primary)
Tuesday,	June	22,	2010	
Tuesday,	July	13,	2010	
Tuesday,	July	27,	2010	
Tuesday,	August	10,	2010	
Tuesday,	August	24,	2010	
Tuesday,	September	14,	2010	
Tuesday,	September	28,	2010	
Tuesday,	October	12,	2010	
Tuesday,	October	26,	2010	
Tuesday,	November	9,	2010	
Tuesday,	November	23,	2010	
Tuesday,	December	14,	2010	
Tuesday,	December	21,	2010	

FURTHER RESOLVED that the City Clerk is hereby authorized and directed to forward a CERTIFIED and exact copy of this approved resolution to all the official City newspapers and to

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cause to have copies posted on the bulletin boards in City Hall and at the Garfield Free Public Library.

On call of roll, Ayes 3, Absent 2 -
Councilmembers Raymond and Moskal

(Sgd) Frank J. Calandriello
Louis G. Aloia

Resolution No. 09-413

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that the provisions of Chapter 82-17 of the code of the City of Garfield concerning the hours of service and sales, specifically the portion regulating the hours of an establishment holding a Plenary Retail Consumption License may stay open for business, is hereby suspended strictly for the 2010 New Years Day Holiday and that permission is hereby granted to said establishments to remain open an additional 3 hours until 5:00 AM on January 1, 2010,

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to forward a CERTIFIED and exact copy of this approved Resolution to the Garfield Police Chief.

On call of roll, Ayes 3, Absent 2 -
Councilmembers Raymond and Moskal

(Sgd) Frank J. Calandriello
Louis G. Aloia

Resolution No. 09-414

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

BLOCK	LOT	OWNER	REASON	AMOUNT
195	11	Kida, Krystyna	Senior Deduction	\$250.00

On call of roll, Ayes 3, Absent 2 -
Councilmembers Raymond and Moskal

(Sgd) Frank J. Calandriello
Louis G. Aloia

BILLS AND CLAIMS

Resolution No. 09-415

RESOLVED by the City Council of the City of Garfield that the following bills No. 1346 to 1347 covering Dog Trust Fund totaling \$2,538.40 and Current Fund totaling \$2,887,786.01 and Water Fund Current totaling \$2,847.01 and Water Capital totaling \$99,740.82 and General Capital totaling \$324,168.76 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 with the exception of those bills that the City Manager has asked be held which will be paid only on the recommendation of the City Manager, and

BE IT FURTHER RESOLVED that the action of the Mayor, City Clerk and City Treasurer in issuing checks in payment on the Ratification List, which includes thirty two (32) items prior to the meeting, be ratified.

See the following

Pages Numbered _____

CITIZENS AND TAXPAYERS

Monsignor William Reilly, Pastor of Most of Holy Name Roman Catholic Church, 99 Marsellus Place, spoke on the difficulties being encountered by the Church with the demolition of the old Holy Name Grammar School which later became the old School No. Ten Grammar School at the corner of Passaic Street and Marsellus Place, and the proposed construction of a new school there through the New Jersey Schools Construction Corp. He said that there was an easement provided for parking for the Parish on the property about which the State is giving the Church difficulty. He said that without the easement there is no adequate parking for the Parish. He spoke on the State making purchases and arrangements for parking for the Parish on other surrounding properties, but he said that so far, not enough parking is being provided and that approximately eighty cars are parked for the 12:00 noon mass. He said that Church members are very upset with the situation, and legal fees have cost the Church more than \$100,000.00. He said that the Church signed papers about five years ago with the Garfield School System to work out an easement and the Church was threatened with another lawsuit unless there are concessions to the State. He said that it is a safety problem and a moral issue and there is not enough parking for the Church. He asked that the Council have a concern for this whole issue that the people of this Parish be protected.

Ms. Laura Danis, 33 Spring Street, spoke on a newspaper article that said that the City was going to expend \$100,000.00 to upgrade Twentieth Century Field. She complained that in Belmont Oval, the new park on Spring Street, which is closed for the season, there is a problem of people jumping the fence and playing soccer. She complained about the lighting in Belmont Oval.

COUNCILMEMBER COMMENTS

Councilmember Delaney commented on an upcoming NFL football game between the San Diego Chargers and the Dallas Cowboys, in which two Garfield products, Luis Castillo of the Chargers and Miles Austin of the Cowboys will be playing against each other. He said that it is great seeing two Garfield kids playing each other. He said that the Christmas Tree Lighting event in front of City Hall yesterday was a great event.

Councilmember Aloia told everyone to have a Merry Christmas and to have a great New Year and a Happy Holiday.

Mayor Calandriello spoke on the groundbreaking ceremony held today for the new Walmart store on Passaic Street. He said that three hundred jobs are expected to come with this enterprise and they hope to be open by next November. He commented that at the old Garden State Paper Recycling Mill site at 950 River Drive, that a trailer is going to be placed on the site and the demolition of the mill will be finished and construction will be started. He wished everyone a Merry Christmas and a Happy Holiday.

ADJOURNMENT

At 9:15 PM, there being no further business, Councilmember Delaney moved to adjourn the meeting. Councilmember Aloia duly seconded the motion.

On call of roll, Ayes 3, Absent 2 –
Councilmember Raymond and Moskal

Andrew J. Pavlica, CITY CLERK

