

A Regular Meeting of the City Council was held Tuesday, February 10, 2009 at 9:00 PM in the Council Chamber in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

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

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

Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Joseph J. Rotolo 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 Aloia duly seconded the motion.

On call of roll, Ayes 5

#### RESOLUTIONS

Resolution No. 09-70

WHEREAS, an application has been filed for a place to place transfer (Expansion of Premises) of Plenary Retail Consumption License No. 0221-33-053-003, held by Venetian Corp., t/a The Venetian, for the purposes of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term, and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield, Bergen County, New Jersey, does hereby approve, effective February 11, 2009, the expansion of the aforesaid Plenary Retail Consumption licensed premises located at 546 River Drive, Garfield, NJ 07026 to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 09-71

WHEREAS, the Mayor and Council of the City of Garfield, Bergen County, New Jersey, has adopted Ordinance No. 2348 implementing Length of Service Awards Program (LOSAP), in 2002 pursuant to Section 457 (e)(11)(13) of the Internal Service Code of 1986 and:

WHEREAS, the Chief Financial Officer has reviewed and has forwarded a certified list(s) to the Mayor and Council; certified by the Fire Department Chief(s) and to disclose all Volunteer Fire Department recipients who have met the minimum requirements to receive such funds and;

WHEREAS, a certified list containing the names of the recipients are attached to this resolution in which the auditors have recommended in the audit that this list be available for review in the form of a resolution;

THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield that the Chief Financial Officer, has certified funds are available in the 2008 appropriation reserve, and has further audited the documents submitted by the Volunteer Fire Department and has determined that the documents meet the intent of the 2008 audit requirements.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Joseph Delaney

RESOLUTIONS

Resolution No. 09-72

WHEREAS, the Mayor and Council of the City of Garfield, Bergen County, New Jersey, has adopted Ordinance No. 2348 implementing Length of Service Awards Program (LOSAP), in 2002 pursuant to Section 457 (e)(11)(13) of the Internal Service Code of 1986 and;  
WHEREAS, Lincoln Financial Group has been approved by the Division of Local Government Services to administer such programs and;  
WHEREAS, Lincoln financial has administered the City of Garfield LOSAP Program from its inception and;  
NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield, Bergen County, New Jersey, that Lincoln Financial Group shall administer the 2008-2009 LOSAP program for the City of Garfield Volunteer Emergency Organizations.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 09-73

TONNAGE GRANT APPLICATION RESOLUTION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102 has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and  
WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and  
WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and  
WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and  
WHEREAS, A resolution authorizing this municipality to apply for such tonnage grants for the calendar year 2009 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Garfield City Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and  
WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.  
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that the City of Garfield, Bergen County, New Jersey, hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates City Recycling Coordinator Joanne Pannuto to ensure that the application is properly filed; and  
BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution 09-74

WHEREAS, the Bergen County Board of Chosen Freeholders, at its meeting on January 21, 2009, approved the City of Garfield Passaic River Park and Bikeway Acquisitions to receive a grant award from the 2008 Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund in the amount of \$664,350.00,  
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Mayor Frank J. Calandriello and City Clerk Andrew J. Pavlica or Deputy City Clerk Diane Rosolen or City Manager Thomas J. Duch are hereby authorized to execute and enter into an agreement for the above grant.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Joseph Delaney

RESOLUTIONS

Resolution No. 09-75

RESOLVED by the Mayor and Council of the City of Garfield that Change Order No. 2 be approved in accordance with the requirements of N.J.A.C. 5:34-4:

GENERAL CONTRUCTION: Garfield Water Works Phase I  
ENGINEER: Boswell Mc Clave Engineering  
CONTRACTOR: APS Contracting  
155-161 Pennsylvania Avenue  
Paterson, New Jersey 07503

ORIGINAL CONTRACT COST: \$5,567,000.00

COST OF CHANGE ORDER NO. 1 260,000.00

COST OF CHANGE ORDER NO. 2 50,000.00

NEW CONTRACT SUM: \$5,877,000.00

CHANGE ORDER NUMBER: #2

NATURE OF CHANGES "Additional Allowance for Unforeseen Contingencies

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 09-76

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE PREPARATION OF A CONSUMER CONFIDENCE REPORT FOR THE CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY AS MANDATED BY THE RULES AND REGULATIONS OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP).

WHEREAS, the City of Garfield is required by law to prepare a Consumer Confidence Report on an annual basis to identify the constituents of the City's water supply to the end consumer and NJDEP; and,

WHEREAS, Boswell McClave Engineering is familiar with and has prepared the same for the City of Garfield in prior years; and,

WHEREAS, the City of Garfield is required to submit the next Consumer Confidence Report to the NJDEP Bureau of Safe Drinking Water and its consumers by July 1, 2009; 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 Services in the amount of \$2,500.00 to prepare the 2008 Consumer Confidence Report all in accordance with the February 10, 2009 proposal.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 09-77

BE IT RESOLVED by the Mayor and Council of the City of Garfield that application is made to the Commissioner of Transportation for aid under the New Jersey Trust Fund Authority Act for:

(1) Passaic River Park Bikeway (Additional)

NJDOT Local Aid Infrastructure Trust

WHEREAS, the Council has determined that such application(s) should be prepared by Capital Alternatives Corporation, the grants specialists engaged by the City for assistance in such matters.

RESOLVED, that Capital Alternatives Corporation is authorized to prepare, assemble, and submit the necessary documentation on behalf of the City of Garfield for the stated project(s).

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 09-78

WHEREAS, bids were received on Thursday, January 22, 2009 at 10:00 AM in the second floor Council Chamber in City Hall for the Lanza Avenue Water Main Improvements in the City of Garfield, Bergen County, New Jersey; and,

WHEREAS, present at the bid opening were City Clerk Andrew J. Pavlica, RMC, CMC, MMC and City Engineer Representative Bernard N. Mirandi, P.E.; and,

RESOLUTIONS

Whereas, seventeen bids were received; and,  
WHEREAS, City Engineer Kevin J. Boswell, P.E. and other appropriate City Officials have reviewed the bids and recommend that the City of Garfield reject all bids and rebid the project at a later date; and,  
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that all bids associated with the above referenced project be rejected and be advertised for a rebid in the spring of 2009.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 09-79

A RESOLUTION AWAARDING A CONTRACT TO ZUCCARO, INC. IN CONNECTION WITH THE EMERGENCY REPAIR OF THE OAK STREET WATER MAIN IN THE CITY OF GARFIELD

WHEREAS, the City has determined the need for repair of the water main within Oak Street in the City of Garfield, Bergen County, New Jersey; and,  
WHEREAS, the City Engineer, Boswell McClave Engineering, has received the following informal bids for the necessary water main repair:

- |  |           |            |
|--|-----------|------------|
| 1. Zuccaro, Inc.<br>64 Commerce Street<br>Garfield, New Jersey                   | Total Bid | \$4,170.00 |
| 2. Colonnelli Brothers, Inc.<br>409 South River Street<br>Hackensack, New Jersey | Total Bid | \$4,500.00 |
| 3. J.R. Haftek Co., Inc.<br>170 Ryerson Avenue<br>Paterson, New Jersey           | Total Bid | \$4,835.00 |
| 4. Montana Construction Corp., Inc.<br>80 Contant Avenue<br>Lodi, New Jersey     | Total Bid | \$5,000.00 |

; and,

WHEREAS, City Engineer Representative Kevin J. Boswell, P.E., has reviewed the bids and recommends award of contract for this property to Zuccaro, Inc.; and,  
WHEREAS, this work can be awarded without public bidding; and,  
WHEREAS, Chief Financial Officer, Roy Riggitano, has certified to the existence of sufficient funds in the appropriate accounts for this expenditure; and,  
WHEREAS, this project is in the best interest of the health, safety and welfare of the general public in the City of Garfield; and,  
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that a contract is hereby awarded to Zuccaro, Inc. in the amount of \$4,170.00 for the emergency water main repair within Oak Street; and,  
BE IT FURTHER RESOLVED that City Attorney, Joseph J. Rotolo, Esq. is hereby authorized and directed to prepare the appropriate contract for execution by the Mayor and City Clerk.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Joseph Delaney

RESOLUTIONS

Resolution No. 09-80

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 over payment 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
134	3	Christopher & Genevieve Anastos	O/P	\$454.80

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Joseph Delaney

See

The

Following

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

For

Resolution No. 09-81

BILLS AND CLAIMS

Resolution No. 09-82

RESOLVED by the City Council of the City of Garfield that the following bills No. 1286 to 1287 covering Trust Other and Dog Trust totaling \$11,851.35 and Current Fund Reserve totaling \$33,065.29 and Current Fund totaling \$3,232,371.84 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 nineteen (19) items prior to the meeting being ratified.

See

the

following

pages numbered \_\_\_\_\_

for

Bills

and

Claims

ORDINANCES

Ordinance No. 2544

The following entitled ordinance was introduced at a Regular Meeting held January 27, 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:

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

City Clerk Pavlica read the ordinance by title.

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

There being no objections, Mayor Calandriello declared the public hearing closed.

Councilmember Moskal 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 5

Ordinance No. 2545

The following entitled ordinance was introduced at a Regular Meeting held January 27, 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 CHAPTER 333 OF THE CODE OF THE CITY OF GARFIELD ENTITLED “WATER” AND, SPECIFICALLY, TO IMPLEMENT AN INCREASE IN EXISTING WATER RATES”

City Clerk Pavlica read the ordinance by title.

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

There being no objections, Mayor Calandriello declared the public hearing closed.

Councilmember Delaney 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,  
Nays 1 – Councilmember Raymond

Councilmember Aloia introduced in writing the following ordinance entitled:

“BOND ORDINANCE TO AUTHORIZE THE REHABILITATION OF WATER LINES AT VARIOUS LOCATIONS IN, BY AND FOR THE WATER UTILITY OF THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$150,000.00 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND

ORDINANCES

TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS”

City Clerk Pavlica read the ordinance by the title.

Councilmember Aloia moved that this ordinance entitled, “BOND ORDINANCE TO AUTHORIZE THE REHABILITATION OF WATER LINES AT VARIOUS LOCATIONS IN, BY AND FOR THE WATER UTILITY OF THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$150,000.00 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” 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 February 24, 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 at least seven days prior to the hearing , in the Garfield Messenger.

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 5

Councilmember Moskal introduced in writing the following ordinance entitled:

“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.

Councilmember Moskal moved that this ordinance entitled, “AN ORDINANCE TO FIX THE SALARY, WAGES AND COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY” 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 February 24, 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 at least seven days prior to the hearing , in the Garfield Messenger.

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 5

CITIZENS AND TAXPAYERS

Mr. Richard Derrig, 71 Herman Street spoke on the construction of a building at 160-168 Lanza Avenue. He spoke on the blasting zone at the Vornado Redevelopment off Passaic Street and said that neighbors should have been warned prior to the blasting and he was concerned about damage to property. He said that he was concerned that there is no digital site sign indicating the speed of passing vehicles in the area of School No. Ten, located near the intersection of Passaic Street and Marsellus Place.

Mr. Raphael Herriera, 190 Lanza Avenue spoke on complaints of trash accumulating at a property located at 37 Spring Street and how it was being alleviated.

Mr. William Whren, 33 Westminister Place, spoke on the blasting at the Vornado Redevelopment site located off Passaic Street.

COUNCILMEMBER COMMENTS

Councilmember Raymond spoke about March being Women's History Month. She spoke on the construction at the Vornando Redevelopment site located off Passaic Street. She spoke on the Special Budget Meeting held last night and how the City Council is working very hard on the 2009 Municipal Budget.

Councilmember Delaney said that the City Council is working very hard on the 2009 Budget and doing everything possible to save the taxpayers money. He wished everyone a Happy Valentine's Day and presented Councilwoman Raymond with a box of chocolates for Valentine's Day and for her birthday.

Councilmember Aloia said that the City Council is working hard on the Budget and is trying to avoid any lay offs. He said that the property at 37 Spring Street, is managed by Raphael Herriera, and it was a mess, but people have to be responsible for their property. He wished everyone a Happy Valentine's Day.

Councilmember Moskal wished everyone a Happy Valentine's Day. He spoke about the Budget and said that the discussions were very good and refreshing. He spoke on the Water Improvement Bond and said that the bids came in low and with these tough economic times, this is good for the taxpayers and it should help. He thanked those who supported the Pulaski Beefsteak last Saturday. He said that the Garfield YMCA Comedy night fundraiser will be held on Thursday, March 5, 2009.

Mayor Calandriello spoke about the Budget and said that there are 18 foreclosures of properties in Garfield as compared to 28 foreclosures of properties in Franklin Lakes. He wished everyone a Happy Valentine's Day.

ADJOURNMENT

At 9:30 PM there being no further business, Councilmember Aloia moved to adjourn the meeting. Councilmember Delaney duly seconded the motion.

On call of roll, Ayes 5

