

A Regular Meeting of the City Council was held Tuesday, March 10, 2009 at 9:15 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, and Frank J. Calandriello
Councilmembers Absent: Stanley J. Moskal
Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Joseph J. Rotolo and City Engineer Kevin J. Boswell

COMMUNICATIONS/APPOINTMENTS

City Clerk Pavlica reported that in a letter to him from Mayor Calandriello dated March 4, 2009, the Mayor made the following appointment to the Housing Authority:

Ms. Leanne Surma, 22 Steinberg Avenue, as the Mayor's Appointee, pursuant to Act 239, to succeed Jack Johannemann, who has resigned from the Authority, effective immediately, for the unexpired term, said term to expire October 19, 2010.

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 4,
Absent 1 – Councilmember Moskal

RESOLUTIONS

Resolution No. 09-105

RESOLUTION AGAINST REDUCING THE MINIMUM FUNDING LEVEL FOR NEW JERSEY MUNICIPAL PUBLIC LIBRARIES

WHEREAS, the New Jersey League of Municipalities ("League") passed a resolution, at its 2008 annual conference, to seek to reduce the minimum funding level for New Jersey municipal public libraries from 1/3 mil to 1/6 mil of equalized assessed valuation, and has forwarded that resolution to the Legislature (2008-03 Resolution Recommending Amendment Regarding Tax Levies for Free Public Libraries); and

WHEREAS, municipal public libraries have been established at the direction of its citizens through a binding referendum which specified the minimum funding level at 1/3 of a mil, and

WHEREAS, public libraries are vital community centers providing essential services to the residents of their municipalities, even more so during these difficult economic times; and

WHEREAS, the current funding formula for municipal libraries has endured for over 100 years providing a stable source of tax support for municipal library services; and

WHEREAS, the resolution proposed by the League would critically weaken the foundation of library services in New Jersey by drastically reducing the minimum funding level, which would directly impact library services; and

WHEREAS, the fiscal hardships facing many residents and businesses require access to key information resources available in New Jersey's free public libraries, such as opportunities; and increase the use of the other services of the public library, such as borrowing books and other media or attending programs for children and the entire family;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that this Council protests the action of the League in adopting Resolution 2008-03 and forwards this resolution to the League, to State Senator Paul Sarlo, and the Assemblypersons Frederick Scalera and Gary Schaer, representing District 36 in which the Garfield Library is located, and

RESOLUTIONS

BE IT FURTHER RESOLVED that the City Council recommends and urges that the elected and appointed officials of the City of Garfield take every step possible to persuade the Legislature and the Governor not to adopt the League's position.

On call of roll, Ayes 4,
Absent 1- Councilmember Moskal

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 09-106

WHEREAS, Fire Company No. 4 has advised that they have accepted Diego Nunez, 158 Harrison Avenue, as a regular active member, effective February 13, 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. 4 with respect to the above matter, is hereby approved.

On call of roll, Ayes 4,
Absent 1- Councilmember Moskal

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-107

Resolution Authorizing Professional Services Contract

WHEREAS, the law firm of Piro Zinna Cifelli Paris & Genitempo was previously retained by the City of Garfield in order to defend a Municipal Appeal entitled "State of New Jersey vs Ellen Heine"; and

WHEREAS, this Special Counsel defended the Municipal Appeal and prevailed in the Law Division of the Superior Court; and

WHEREAS, the Defendant, Ellen Heine, has now filed an Appeal to the Appellate Division; and

WHEREAS, as a result of the foregoing, the City must authorize the defense of the Appeal in this matter and has determined that the Piro Zinna Cifelli Paris & Genitempo should be retained to handle this further Appeal;

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

The firm of Piro Zinna Cifelli Paris & Genitempo is hereby retained as Special Litigation Counsel for the City of Garfield in order to defend the Appeal to the Appellate Division of the Superior Court of New Jersey in the matter entitled "State of New Jersey vs Ellen Heine".

The Special Litigation Counsel shall be compensated at the rate of \$150.00 per hour together with any out of pocket costs up to a maximum of \$5,000.00 for the defense of the Appeal.

This contract may be awarded without the necessity of competitive bidding since it calls for professional services and, in addition, it is not anticipated that the amount of expenditure will exceed the applicable bid threshold.

NOW THEREFORE BE IT FURTHER RESOLVED THAT THE City Clerk be and is hereby authorized and directed to forward certified copies of the within Resolution to the City Manager as well as to the firm of Piro, Zinna Cifelli Paris & Genitempo.

On call of roll, Ayes 4,
Absent 1- Councilmember Moskal

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-108

RESOLUTION AUTHORIZING AWARD OF CONTRACT

WHEREAS, the Mayor and Council previously authorized the solicitation of bids for the interior renovation of Garfield Firehouse No. 2; and

WHEREAS, bid specifications were prepared for this project by the architectural firm of Arcari & Iovino Architects, PC of Little Ferry, NJ, the City architects; and

WHEREAS, a total of sixteen prospective bidders obtained bid specifications for this project; and

RESOLUTIONS

WHEREAS, bids were due in connection with this project on February 19, 2009 at which time fifteen bids were submitted in response to the bid solicitation; and

WHEREAS, there was a substantial variation in the dollar amount of the bids submitted, ranging from \$139,000.00 to \$239,800.00; and

WHEREAS, the architectural firm of Arcari & Iovino received and reviewed all bids submitted; and

WHEREAS, based upon their review they have recommended as award of the contract to the apparent low bidder, Construction Contractors of Hackensack, NJ on their base bid of \$139,000.00; and

WHEREAS, Construction Contractors has submitted a bid which is responsive to the bid solicitation and complies, in all respects, with the requirements of the bid specifications; and

WHEREAS, the award of this contract is contingent upon certification, by the Chief Financial Officer of the City of Garfield, that sufficient funds exist for this purpose.

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 contract for the interior renovations of Garfield Firehouse No. 2 be and is hereby awarded to Construction Contractors of Hackensack, New Jersey;
2. The amount of this Contract, in accordance with the bid submitted shall be \$139,000.00
3. The award of the Contract is based upon the review and recommendation of Arcari & Iovino Architects, PC of Little Ferry, New Jersey, which firm prepared the bid specifications and reviewed the bids submitted for this project;
4. The award of the Contract is contingent upon certification, by the Chief Financial Officer, that sufficient funds exist for this purpose.

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 construction Contractors of Hackensack, New Jersey, Arcari & Iovino Architects, PC, of Little Ferry, New Jersey, Garfield Fire Company No. 2, the City Attorney and the Chief Financial Officer for the City of Garfield.

On call of roll, 4,
Absent 1- Councilmember Moskal

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-109

WHEREAS, the City has determined the need for roof repair on the Garfield Fire Company No. Three building located at 159 Gaston Avenue in the City of Garfield, Bergen County, New Jersey; and,

WHEREAS, the City Engineer, Boswell McClave Engineering, has received the following informal bids:

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| 1. Hackensack Roofing Co., Inc.
83 First Street
Hackensack, New Jersey | Total Bid | \$1,175.00 |
| 2. Paino Roofing Co., Inc.
75 Voorhis Lane
Hackensack, New Jersey | Total Bid | \$3,600.00 |

; and,

WHEREAS, City Engineer Kevin J. Boswell, P.E. has reviewed the bids and recommends award of contract for this project to Hackensack Roofing Co., 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,

RESOLUTIONS

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 Hackensack Roofing Co., Inc. in the amount of \$1,175.00 for roof repair on the Garfield Fire Company No. Three building at 159 Gaston Avenue; 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 4,
Absent 1 - Councilmember Moskal

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-110

WHEREAS, the City has determined the need for a new roof on the Garfield Recreation Center building located at 466 Midland Avenue in the City of Garfield, Bergen County, New Jersey; and,
WHEREAS, the City Engineer, Boswell McClave Engineering, has received the following informal bids:

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|--|-----------|------------|
| 1. Hackensack Roofing Co., Inc.
83 First Street
Hackensack, New Jersey | Total Bid | \$2,985.00 |
| 2. Paino Roofing Co., Inc.
75 Voorhis Lane
Hackensack, New Jersey | Total Bid | \$3,800.00 |

; and,

WHEREAS, City Engineer Kevin J. Boswell, P.E. has reviewed the bids and recommends award of contract for this project to Hackensack Roofing Co., 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 Hackensack Roofing Co., Inc. in the amount of \$2,985.00 for a new roof on the Garfield Recreation Center building at 466 Midland Avenue; 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 4,
Absent 1 - Councilmember Moskal

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 09-111

A Resolution Authorizing a Scoping Hearing at Garfield City Hall in Connection with a Green Acres Diversion Request for the River Drive Park and Roadway Improvement Project within the City of Garfield

WHEREAS, The City of Garfield, Bergen County, New Jersey, has prepared detailed plans and specifications for the improvement of River Drive and a riverfront park between Outwater Lane and the Elmwood Park Borough line, and;

WHEREAS, This improvement will result in a need to initiate a diversion application at the New Jersey Department of Environmental Protection, Department of Green Acres, and;

WHEREAS, A Scoping Hearing is required pursuant to the diversion procedures of Green Acres,

NOW THEREFORE BE IT RESOLVED, A Scoping Hearing is hereby authorized pursuant to the requisite statutes of NJDEP for April 14, 2009.

On call of roll, Ayes 4,
Absent 1 - Councilmember Moskal

(Sgd) Louis G. Aloia
Tana M. Raymond

RESOLUTIONS

Resolution No. 09-112

RESOLUTION AUTHORIZING STREET CLOSURES FOR MOUNT VIRGIN FESTA ITALIANA

WHEREAS, Our Lady of Mount Virgin Parish, located at 188 MacArthur Avenue, Garfield, New Jersey has, for several years, sponsored its Festa Italiana in honor of Our Lady of Mount Virgin; and WHEREAS, the Governing Body has, in the past, granted approval to Our Lady of Mount Virgin Parish to close certain streets during the time period within which the feast was going to take place; and

WHEREAS, the Festa Italiana has been conducted, in the past, with great success but the experience of the past several years has resulted in careful consideration of certain conditions which shall be imposed upon the approval for this year; and

WHEREAS, the Parish has now requested permission to conduct its annual Festa Italiana from Thursday, September 10, 2009 through Sunday, September 13, 2009; and

WHEREAS, the Code of the City of Garfield provides charitable organizations with the authority to conduct such activities with whatever reasonable conditions and approvals are required; and

WHEREAS, the Governing Body has reviewed the requests received from Our Lady of Mount Virgin Parish and has heard a presentation of representatives of the Parish and subsequent meetings with the members of the Parish and City Officials and has determined that it would be in the best interests of the City to once again grants such approval with certain conditions.

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

1. Our Lady of Mount Virgin parish is hereby granted approval to conduct its annual Festa Italiana commencing Thursday, September 10, 2009 through Sunday, September 13, 2009; and
2. The following street closures shall be permitted:
Frederick Street from Harrison Avenue to MacArthur Avenue;
MacArthur Avenue from Frederick Street to Charles Street;
Charles Street from Harrison Avenue to MacArthur Avenue
3. The street closures shall commence on Wednesday, September 9, 2009 at 8:00 AM and shall end no later than 11:59 PM on Sunday, September 13, 2009, however, there shall be no parking on said streets commencing on Wednesday, September 9, 2009 at 8:00 AM.
4. Our Lady of Mount Virgin Parish and the Feast Committee shall take any reasonable steps and precautions necessary to protect the health, safety and welfare of the residents of the city of Garfield and shall, additionally, take any reasonable precautions which are available to them in order to minimize any adverse effects on parking and traffic congestion in the area.
5. The Parish shall provide, to the City Manager, prior to commencement of the Feast, a Certificate of Insurance which shall name the City of Garfield as well as its agencies, departments and officials as additional insured for liability purposes.
6. The Police and Ambulance Corps will be assigned an area where a mobile command center will be located.
7. Beer and wine sales will be relocated to a segregated area in the interior church parking lot. (The area will only be accessible to persons of legal drinking age). No beer, wine or alcoholic beverages of any nature shall be carried out of this segregated area except that purchased alcoholic beverages may be carried to the food sale and service area. No beer or wine sales or sales of any alcohol will be permitted on the street outside of this segregated area.
8. Some of the food stands will also be moved to the interior of the church parking lot.
9. The Police Department shall assign a police officer to "proof", underage individuals and restrict their access to the segregated area within which beer and wine sales will take place.
10. In the area where the streets are closed, regulated access will be instituted with a checkpoint to gain entrance to the Festival area.
11. A 16 foot emergency lane will be maintained on the westerly side of MacArthur Avenue.
12. There shall be no rap or hip hop bands or rap/hip hop DJs permitted.
13. Sale of alcoholic beverages will stop one (1) hour before the Festival closes for the night.
14. A representative of the Parish shall contact resident homeowners n MacArthur Avenue in order to attempt to address any other concerns that they may have.

RESOLUTIONS

15. The parish will offer residents on MacArthur Avenue the right to park in a lot used by the church and owned by Dr. LaBarbera in order to minimize any inconvenience that may be caused.

16. The site plan shall be in the form attached hereto.

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 Our Lady of Mount Virgin parish, the Chief of Police of the City of Garfield, the Department of Public Works for the City of Garfield, the Garfield Ambulance Corps, the Fire Official for the City of Garfield, Fire Chief Michael Marsh and the City Attorney.

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

(Sgd) Louis G. Aloia
Joseph Delaney

BILLS AND CLAIMS

Resolution No. 09-113

RESOLVED by the City Council of the City of Garfield that the following bills No. 1291 to 1293 covering Trust Other and Dog Trust totaling \$10,293.55 and Current Fund Reserve totaling \$23,342.58 and Current Fund totaling \$1,982,956.93 and Water Capital totaling \$2,165.71 and 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

CITIZENS AND TAXPAYERS

Ms. Laura Danis, 33 Spring Street, said that the current City Noise Ordinance is not adequate, is too long, and is too confusing. She thanked City Manager Duch for sending an inspector from the Health Department to 37 Spring Street where she alleges that her neighbor is not properly storing their garbage on their property, and where she alleges are other property maintenance violations.

COUNCILMEMBER COMMENTS

Councilmember Raymond said that she personally stopped and checked how the garbage was stored at 37 Spring Street. She commented that the new Health Department Sanitarian, Mary Giresi, will be on top of this issue, and that she is very personable and efficient. She spoke on an incident where a dog named "Candy" was lost and missing, but the Police Department found the dog near the high school and returned "Candy" to its owners. She said that the City is very fortunate to have a wonderful Public Health Nurse in Darlene Revielle who is really putting Garfield on the map. She said that Garfield is now a model for a national program along with a town in North Carolina, and a town in Arizona. She said that Garfield is being looked at in a good way and is being recognized nationally which is a good thing. She said that in cooperation with the YMCA, kids were being walked to school. She said that the children had been weighed and statistics were looked at and some lunch snacks were changed. She said that Public Health Nurse Revielle had secured a grant for the City of Garfield and that she will be speaking at the Congressional Cities Conference in Washington, DC, on Monday, March 16, 2009, concerning the City of Garfield's experience with the implementation of Safe Routes to Schools initiatives in connection with childhood obesity prevention efforts. She commented that the Mayor and Council are working very hard on the 2009 Municipal Budget.

Councilmember Delaney commented on the efforts of City Manager Duch concerning the issue at 37 Spring Street. He spoke on the return of "Candy" the dog. He spoke on how productive tonight's Work Session and Regular Meeting was. He said that the Garfield YMCA Comedy Night fundraiser held last Thursday, March 5th, was a great night. He spoke on the Project Graduation Fashion Show to be held Wednesday, March 25th at the Royal Manor Restaurant. He wished everyone a Happy Saint Patrick's Day and commented on the "Read Across America" program which was observed in the Garfield School System last week, which was the 105th Birthday of Theodor Geisel, better known as "Dr. Seuss".

Councilmember Aloia wished everyone a "Happy Saint Patrick's Day" and a "Happy Saint Joseph's Day".

ADJOURNMENT

At 9:40 PM, there being no further business, Councilmember Raymond moved to adjourn the meeting. Councilmember Delaney duly seconded the motion.

On call of roll, Ayes 4,
Absent 1 - Councilmember Moskal

