

A Regular Meeting of the City Council was held Tuesday, April 14, 2009 at 8:20 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, 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 Kevin J. Boswell

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 4,
Absent 1 – Councilmember Raymond

RESOLUTIONS

Resolution No. 09-140

WHEREAS, the Garfield Boys & Girls Club Buddy Basketball Junior Division Bonanno's Basketball Team were 9-1 during the 2009 Season and finished the season tied for 1st Place; and WHEREAS, the team is comprised of Jack Miller, Michael Polny, Rusty Murataj, Zeiko Murataj, Zhana Murataj, Tyler Sisti, Tony Bugg, Adryan Lopez, Christian Pajaro, George Abulashvili, Xavier Diaz, Javier Diaz under the direction of their Outstanding Coaches Jim Miller and Mark Polny; and

WHEREAS, the City Council is desirous of publicly recognizing the outstanding accomplishments of Bonanno's,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that CONGRATULATIONS are hereby extended to Bonanno's Basketball Team on their 2009 season and 1st Place finish.

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

(Sgd) Frank J. Calandriello
Stanley J. Moskal

Resolution No. 09-141

WHEREAS, the Garfield Boys & Girls Club Buddy Basketball Junior Division AFA Teamsports Basketball Team were 9-1 during the 2009 Season and finished the season as the tied for 1st Place; and

WHEREAS, the team is comprised of Timothy Walsh, Jarell Evans, Isaiah Hopkinson, Jaedyn George, Danielle Rosa, Joshua Rosa, Patryk Kruczala, Matthew Alaimo, Michael Alaimo, Darren J. Tinsley, Isaiah Rivera, Jacob Quinn, Ilia Veskov under the direction of their Outstanding Coaches Terrence Hopkinson, Elizabeth Peralta and Felicia Johnson; and

WHEREAS, the City Council is desirous of publicly recognizing the outstanding accomplishments of AFA Teamsports,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that CONGRATULATIONS are hereby extended to the AFA Teamsports Basketball Team on their 2009 season and 1st Place finish.

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

(Sgd) Frank J. Calandriello
Stanley J. Moskal

At this time, CERTIFIED copies of Resolution No. 09-140 and 09-141, were presented to each player of the Bonanno's Basketball Team and the AFA Basketball Team.

RESOLUTIONS

Resolution No. 09-142

A RESOLUTION HONORING OUR TROOPS AND
“SUPPORT OUR TROOPS DAY”

WHEREAS, the people of this municipality support the New Jersey National Guard and Reserve in the strongest possible terms, are immensely proud of their accomplishments, and are extremely grateful for their services to this State and to the nation over the years;

WHEREAS, in the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession by responding to their community and their country in time of need,

WHEREAS, it is right and proper that we set aside time to honor these fine men and women for the sacrifices they make for every one of us,

WHEREAS, the New Jersey National Guard State Family Readiness Council is honoring them with a concert by the Blawenburg Band at the National Guard Armory in Lawrenceville on “Support Our Troops Day” on Sunday, April 19, 2009,

THEREFORE BE IT RESOLVED, that the governing body of the City of Garfield, County of Bergen, hereby resolves that it honors these service members and the day of appreciation set aside for them,

AND BE IT FURTHER RESOLVED, that copies of this resolution be sent to the New Jersey National Guard State Family Readiness Council, and the New Jersey League of Municipalities.

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 09-143

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fire and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Friday, April 24, 2009 is hereby PROCLAIMED ARBOR DAY in the City of Garfield, and all citizens are urged to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

BE IT FURTHER RESOLVED all citizens are urged to plant trees to gladden the heart and promote the well-being of this and future generations.

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

(Sgd) Frank J. Calandriello
Stanley J. Moskal

Resolution No. 09-144

WHEREAS, every human life has matchless value, and during National Donate Life Month, we reaffirm our commitment to raising awareness about organ donation and the importance of making the decision to donate, and

WHEREAS, over 100,000 of Americans, including over 4,500 in New Jersey, are currently on the waiting list for an organ transplant and thousands more need life enhancing tissue transplants and all New Jersey residents are urged to register with the

RESOLUTIONS

state's donor registry; say yes to organ and tissue donation on their driver's license; and share their decision with family and friends, to help save lives, and WHEREAS, during National Donate Life Month, individuals are encouraged to visit www.DonateLifeNJ.org to learn more about organ and tissue donation and how they can give the gift of life,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that April 2009 is hereby proclaimed as Donate Life Month and health care professionals, volunteers, educators, government agencies, faith - based and community groups, and private organizations are hereby called upon to help raise awareness of the urgent need for organ and tissue donors throughout our state are hereby called upon.

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

(Sgd) Frank J. Calandriello
Stanley J. Moskal

Resolution No. 09-145

WHEREAS, the Polish School of Language and Culture of Saint Stanislaus in Garfield will celebrate their Fifteenth Anniversary with a Celebration on April 18, 2009, at The Royal Manor Restaurant located at 454 Midland Avenue, in Garfield, and

WHEREAS, the Polish School in Garfield has been a leading force in promoting excellence among Polish children and youth in education and cultural activity by providing instruction to young people in rich Polish traditions and has stimulated the continuing development of knowledge about the Polish country, and

WHEREAS, the School is one of the largest registered in America and not only imparts knowledge about language, history and geography to young people, but, in addition, provides dance art and other activities which help unlock the talents of the students, and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the Polish School of Language and Culture of Saint Stanislaus in Garfield is hereby publicly CONGRATULATED on their FIFTEENTH ANNIVERSARY and offered BEST WISHES for continued success educating and serving the Polish youth of the people of this great City and the surrounding area.

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

(Sgd) Frank J. Calandriello
Stanley J. Moskal

Resolution No. 09-146

WHEREAS, Fire Company No. 2 has advised that they have accepted Egest Bajrami, 10 Belmont Avenue, as a regular active member, effective April 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. 2 with respect to the above matter, is hereby approved.

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 09-147

WHEREAS, Fire Company No. 2 has advised that they have accepted Agustin DelValle, 42 Gaston Avenue, as a regular active member, effective April 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. 2 with respect to the above matter, is hereby approved.

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

RESOLUTIONS

Resolution No. 09-148

WHEREAS, Fire Company No. 1 advises that Christopher Rzucidlo of 19 Somerset Street 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. 1 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 4,
Absent 1 – Councilmember Raymond

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 09-149

A RESOLUTION IN SUPPORT OF NEW JERSEY LEGISLATIVE
BILLS S-2503 AND A-2872

WHEREAS, the Mayor and Council of the City of Garfield finds and declares that trees are an important part of New Jersey's environment, and

WHEREAS, the Mayor and Council recognizes the importance of safe and proper tree care practices for consumer protection, worker safety and the public welfare, and

WHEREAS, it is appropriate for tree care to be conducted by qualified, licensed and insured tree care experts to prevent injuries and damage to life and property, and

WHEREAS, Senate Bill No. 2503 and Assembly Bill No. 2872 are acts concerning the licensure of tree experts and tree care operators and the registration of certain employers, supplementing Title 45 of the Revised Statutes, and repealing P.L. 1940, c.100 and sections 7 and 8 of P.L. 1996, c.20 by (1) providing a new licensing scheme for tree providers, the titles of "Licensed Tree Expert" and "Licensed Tree Care Operator"; (2) re-establishing a "Board of Tree Experts" in the DEP with increased membership from 3 to 9 members; (3) establishing a minimum qualifications to take the examinations and identifying specific tree services that each title can perform; (4) requiring that tree care employers are registered and carry minimum levels of liability and workers compensation insurances; (5) requiring minimum continuing education units be earned prior to re-issuance of the license; (6) establishing penalties for violating certain portions of the act;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Garfield supports the passage of the New Jersey Legislative Bills S-2503 and A-2872.

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 09-150

RESOLUTION APPLICATION FEE FOR PARADES AND OTHER SPECIAL EVENTS

WHEREAS, pursuant to Ordinance No. 2532 the City Council established a requirement for a permit for a parade or other special event; and

WHEREAS, the Ordinance provided, in Section 178-4 for a non-refundable permit application fee in an amount to be determined by the City Clerk authorized by Resolution of the City Council; and

WHEREAS, the City Clerk has recommended a fee in the amount of \$20.00 for such permit.

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 fee in the amount of \$20.00 is hereby authorized and established which shall be the permit application fee required by Section 178 of the Code of the City of Garfield entitled "Parades and Other Special Events";
2. The City Clerk is hereby authorized to advise the Police Department and other necessary Department of the amount of this fee which shall be collected, in advance, upon the submission of an application for the same.

RESOLUTIONS

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 City Attorney, the Garfield Police Department and the Office of the City Manager.

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 09-151

RESOLUTION AUTHORIZING DISCIPLINARY ACTION

WHEREAS, Plenary Retain Consumption Liquor License No. 0221-33-049-005 has been issued to Yue Xiang Chen (Tai Yee Lam) trading as Sun Food Kitchen; and

WHEREAS, said Licensee operates the premises located at 237 Palisade Avenue in the City of Garfield; and

WHEREAS, various incidents have occurred involving the subject premises as reported by the Garfield Police Department which have resulted in criminal charges against this Licensee; and

WHEREAS, these charges pertain to the following:

- After hours sale of liquor;
- Delivery and off-premises sale;
- Sale to underage individuals
- Failure to have proper delivery vehicle with insignia; and

WHEREAS, each of the aforementioned incidents violate applicable ABC regulations.

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 Attorney is hereby authorized and directed to prepare disciplinary charges against the holder of Plenary Retain Consumption Liquor License No. 0221-33-049-005;
2. The charges to be prepares by the City Attorney shall pertain to the incidents described above as set forth in the various reports of the Garfield Police Department;
3. The City Attorney shall direct that a copy of said charges be served upon the Licensee at the licensed premises and a hearing shall thereafter be scheduled.

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 City Attorney, Garfield Police Department and the Licensee described in this Resolution.

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 09-152

WHEREAS, the Borough of Paramus applied for a FY 2009 Edward Byrne Memorial Justice Assistance Grant for the purpose of acquiring equipment, supplies, information systems for criminal justice, and criminal justice related research and evaluation activities that will improve or enhance law enforcement programs, prevention and education programs, planning, evaluation and technology improvement programs; and

WHEREAS, the Borough of Paramus received notice of the Grant Award, in the amount of \$424,818 on April 7, 2009; and

WHEREAS, the terms of the grant require that the grant be shared by disparate jurisdictions including City of Garfield; and

WHEREAS, the Borough of Paramus notified the City of Garfield and said Grant Award in April 2009; and

WHEREAS, the City of Garfield's funding shall be \$37,530 said amount determined by the Borough of Paramus; and

WHEREAS, the Borough of Paramus has agreed to provide for all reporting requirements which may be required by the grant; and

WHEREAS, the City Attorney has reviewed all related documents to said Grant Award and advised they are acceptable and the City Manager recommends participation in the Grant.

RESOLUTIONS

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Garfield, Bergen County, New Jersey, are hereby authorized to execute an inter local division of grant funds agreement with the Borough of Paramus, New Jersey.

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 09-153

A RESOLUTION CONFIRMING ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECT

WHEREAS, a Bergen County Community Development grant of \$85,000 has been proposed by Boys & Girls Club of Garfield for an Interior Renovation Project in the Municipality of Garfield; 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,

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
Stanley J. Moskal

Resolution No. 09-154

A RESOLUTION CONFIRMING ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECT

WHEREAS, a Bergen County Community Development grant of \$116,000 has been proposed by Zoe's Place, Inc. for the rehabilitation of property located at 58 Farnham Avenue in the Municipality of Garfield; 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,

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
Stanley J. Moskal

Resolution No. 09-155

WHEREAS, the rules of procedure of Ordinance No. 1856, adopted on 1/22/1985, as per the City Manager and his designee of the City of Garfield state that a Performance Guaranty shall be made, in an amount as determined by the City Engineer, to cover a Street Opening Bond for the period of one year and,

RESOLUTIONS

WHEREAS, a deposit has been received from Mr. Nikola Stojkoski, 332 Malcolm Avenue, Garfield, New Jersey for Block 216.08, Lot 188 in the City of Garfield, in the amount of \$2,500.00 for said Street Opening Bond on 9/17/2007, said funds are being held in the Trust Other Fund, and WHEREAS, the Building Inspector has investigated this deposit 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 that these monies be refunded to the above named claimant.

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 09-156

WHEREAS, the rules of procedure of Ordinance No. 1856, adopted on 1/22/1985, as per the City Manager and his designee of the City of Garfield state that a Performance Guaranty shall be made, in an amount as determined by the City Engineer, to cover a Street Opening Bond for the period of one year and,
WHEREAS, a deposit has been received from John Calandriello, 47 Maitland Place, Garfield, New Jersey for Block 205, Lot 53 in the City of Garfield, in the amount of \$2,500.00 for said Street Opening Bond on 4/26/2006, said funds are being held in the Trust Other Fund, and WHEREAS, the Building Inspector has investigated this deposit 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 that these monies be refunded to the above named claimant.

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 09-157

A Resolution endorsing the filing of a CDBG-R Application in connection with the Palisade Avenue Phase 5 Roadway Improvement Program.
WHEREAS, the City of Garfield is desirous of undertaking the improvement of Palisade Avenue between Van Winkle Avenue and Outwater Lane; and
WHEREAS, the City has previously secured \$229,000 in NJDOT Grant funding for this Project identified as Phase 5.
NOW, THEREFORE BE IT RESOLVED that the Mayor and Council hereby endorse the filing of a CDBG-R application for “Shovel Ready” Projects in connection with the Federal Economic Stimulus Initiative.

On call of roll, Ayes 3,
Abstain 1 – Mayor Calandriello,
Absent 1 – Councilmember Raymond

(Sgd) Louis G. Aloia
Stanley J. Moskal

BILLS AND CLAIMS

Resolution No. 09-158

RESOLVED by the City Council of the City of Garfield that the following bill No. 1295 to 1300 covering Escrow Developers Trust, Trust Other and Dog Trust totaling \$58,375.09 and Current Fund Reserve totaling \$41,447.53 and Current Fund totaling \$1,697,567.56 and Water Capital totaling \$119,770.72 and General Capital totaling \$29,356.22 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 fourteen (14) items prior to the meeting be ratified.

See the following
pages numbered 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445, 447, 449, 451, 453 For Bills and Claims

ORDINANCES

Ordinance No. 2548

The following entitled ordinance was introduced at a Regular Meeting held March 24, 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:

CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
CALENDAR YEAR 2009 ORDINANCE TO EXCEED
THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A-4-45.14)

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 none, 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,
Absent 1 – Councilmember Raymond

Ordinance No. 2549

The following entitled ordinance was introduced at a Regular Meeting held March 24, 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 272 OF
THE CODE OF THE CITY OF GARFIELD
ENTITLED “SIGNS”

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 none, 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 4,
Absent 1 – Councilmember Raymond

Councilmember Moskal introduced in writing the following ordinance entitled:

ORDINANCE TO AMEND THE CODE OF
THE CITY OF GARFIELD TO ADD A CHAPTER ENTITLED
“SMOKING ON CITY PROPERTY AND IN PUBLIC BUILDINGS”

City Clerk Pavlica read the ordinance by title.

ORDINANCES

Councilmember Moskal moved that this entitled ordinance: “ORDINANCE TO AMEND THE CODE OF THE CITY OF GARFIELD TO ADD A CHAPTER ENTITLED “SMOKING ON CITY PROPERTY AND IN PUBLIC BUILDINGS” 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 April 28, 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 the Garfield Messenger, 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 - Raymond

CITIZENS AND TAXPAYERS

Mr. Marc Hynes, 104 DeWitt Street, spoke on property maintenance issues and trucks blocking traffic while making deliveries in his neighborhood.

Mr. Richard Derrig, 71 Herman Street, spoke on the Garfield Graffiti Volunteer Task Force efforts in removing graffiti throughout town. He proposed that the City make application to the 2009 Graffiti Hurts National Grant Program.

Mr. John Caravella, 4 Center Court, questioned who was going to enforce smoking prohibitions in public places.

Mr. Ignatius Tripodi, 155 Malcolm Avenue, spoke on the ordinance that was introduced tonight which prohibits smoking in public places.

COUNCILMEMBER COMMENTS

Councilmember Delaney complimented Richard Derrig on his anti-graffiti organization efforts. He spoke on prohibiting smoking in public places and how City Ball Fields were vandalized and damaged by smokers. He spoke on the National Donate Life Month resolution. He spoke on the Boilermaker 5K Race sponsored by Project Graduation and the Garfield YMCA scheduled to be held in and around Twentieth Century Field on May 31st.

Councilmember Aloia spoke on adults smoking on City Fields and vandalizing the artificial turf fields in Belmont Oval.

Deputy Mayor Moskal spoke on the newly painted Council Chamber and the good job done by employees in the DPW. He spoke on the Smoking Ban Ordinance. He said that the City made a financial commitment to the artificial turf in Belmont Oval and he asked everyone to be respectful. He commented on the grants which were secured for that sports facility from the US Soccer Federation and others. He commented on how vandals had poured accelerant on the artificial field and then lit it on fire. He spoke on the Boilermaker 5K Race to be held Sunday, May 31st to benefit Project Graduation and the Garfield YMCA.

Mayor Calandriello spoke on the number of “for rent” signs in town and empty store fronts, especially on Passaic Street. He spoke on businesses opening soon on Passaic Street in connection with the “South Garfield Redevelopment”. He said that these are historical and tough economic times.

SHORT RECESS, CHANGE OF VENUE AND RETURN TO ORDER

At 9:20 PM, a short recess was called to move the meeting down the hall to the second floor Conference Room. At 9:30 PM, the meeting was again called to order by Mayor Calandriello and all City Officials were present as before the recess. It was duly noted for the record.

REPORTS OF OFFICERS

City Manager Thomas J. Duch reported on the following:

1. Even though the City eliminated the Summer Youth Work Program as a cost-cutting move, the Bergen One Stop Career Center has a grant available for a summer work program for teenagers and the City will make application.
2. The fully executed agreement from the State Department of Transportation for the \$300,000.00 grant for the Passaic River Bikeway at Dundee Dam.
3. The notice received from the State Department of Environmental Protection and the Garden State Preservation Trust advising of approval of the City of Garfield's application for a Green Acres loan of \$150,000.00 and matching grant of \$850,000.00 for the Historic Dundee Dam Pedestrian Way and Preserve.
4. The Scoping Hearings to be held on Monday, April 17, 2009 at City Hall at 6:00 PM concerning the transfer of riverfront property from the Passaic River Coalition to the City of Garfield, and at 8:00 PM concerning the County of Bergen condemning a portion of park land to widen River Road.
5. His registration at the Municipal Manager's Conference to be held in Atlantic City from May 19 – 21st.
6. City Engineer Boswell has been in contact with Community Development representatives who have advised that the entire County will be receiving \$2.9 million as part of President Obama's Stimulus Package and the City has applied for more than \$1 million in that money for the Palisade Avenue Improvement.
7. The allocation of \$2,500.00 subsidies to non-profit City organizations for 2009 and the requirement that the organizations provide copies of Financial Reports in order to receive the subsidies.
8. The roof repair of Fire House No. One located at 97 Midland Avenue.
9. New Jersey Transit Railroad has committed \$15 million for the train station to be constructed between Outwater Lane and Midland Avenue.
10. In connection with the Cool Cities Initiative/New Jersey Forestry Program, the City has received 270 trees which will be planted throughout the City in May 2009.
11. Mr. Michael Durante, as an officer of Garfield Amvets Post No. 13 located at 326 Outwater Lane, has been advised to immediately quit, cease and desist from using the premises in any manner except for Veteran related activities.
12. An analysis of charges to the City by the Passaic Valley Water Commission and whether the charge for service should be lower than billed.
13. The Boot Allowance for members of the Department of Public Works and the requirement for employees to submit proof of purchase to secure reimbursement.

REPORTS OF OFFICERS

14. Design plans have been scaled down for Garfield Library barrier-free and elevator and other improvements utilizing American Recovery and Reinvestment Act funds for library construction, renovation and refurbishment.
15. The anticipation that there will be Federal Stimulus funding for the construction of new fire houses and the proposed construction of a new firehouse to merge two existing Fire Companies together.
16. The New Jersey State Little League Playoffs scheduled to be held in Garfield during July and August.
17. CMX is currently working with the New Jersey Schools Development Authority (NJSDA) on the development of the new James Madison School in Garfield at the intersection of Marsellus Place, Passaic Street and Lincoln Place.
18. The need to occasionally have a police officer present while Court is in session to assist the Constable because the Judge's car was vandalized recently during Court.
19. The appointment and certification of Superintendent of Public Works Sam Garofalo as a Recycling Coordinator.
20. City Attorney Rotolo has a complete copy of the Title Binder for the property located at 783 River Drive which will be transferred to the City from the Passaic River Coalition and the City Attorney will represent the City at the closing.
21. The noise complaints which have been investigated by the City Health Department concerning The Royal Manor Restaurant located at 454 Midland Avenue.

CLOSED SESSION

Resolution No. 09-159

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to exclude the public from a meeting in certain circumstances, and

WHEREAS, the City Council is of the opinion that such circumstances now exist,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that a "Closed Session" is hereby called at 10:00PM on Tuesday, April 14, 2009, to discuss the following as outlined in N.J.S.A. 10:4-12:

- * Tactics or techniques utilized in protecting the safety and property of the public or any investigation of violations or possible violations of the law; (Filing for RDS Insurance Funds and responsibility of Joseph Bigica, Inc.).
- * Pending or anticipated litigation or contract negotiations or matters falling within attorney-client privilege; (Proposed employment contract with Police Chief Kevin Amos).
- * Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplinary action of personnel unless the individual in the right request a public meeting in writing; (proposed salary enhancement for DPW Superintendent Sam Garofalo, Recreation Director Anthony Furfaro, Water Superintendent Michael Sferruzzo; Payroll Clerk Shannon Tarzia; City Manager Thomas Duch; proposed engagement of the service of water consultant Willard F. Bierwas).

Regular Meeting April 14, 2009, Continued

CLOSED SESSION

BE IT FURTHER RESOLVED that the matters so discussed will be disclosed to the public as soon as and to the extent that such disclosure can be made without adversely affecting the public interest or without violation of the confidentiality of personnel.

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

(Sgd) Joseph Delaney
Louis G. Aloia

ADJOURMENT

After the City Council came out of Closed Session at 10:15 PM, there being no further business, Councilmember Moskal moved to adjourn the meeting. Councilmember Delaney duly seconded the motion.

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

Andrew J. Pavlica, CITY CLERK