

A Regular Meeting of the City Council was held Tuesday, May 12, 2009 at 8:15 PM in the Conference Room in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

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

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

Councilmembers Absent: Joseph Delaney

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 Raymond duly seconded the motion.

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

#### RESOLUTIONS

Resolution No. 09-171

WHEREAS, Mary Guerrero Cosmillo was born May 16, 1909, and  
WHEREAS, Mary married Anthony Guerrero in 1931, and they had three sons, Anthony, Raymond and Frank, and five grandchildren and two great grandchildren, and  
WHEREAS, she will be celebrating her One Hundredth Birthday on Saturday, May 16, 2009 at her residence at the Garfield Housing Authority Belmont Gardens Apartments at 377 Midland Avenue in Garfield, and  
WHEREAS, it is with great pleasure that the City Council join the chorus of those extending birthday greetings to her and of those acknowledging this outstanding human achievement,  
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that upon the occasion of her One Hundredth Birthday on May 16, 2009, Mary Guerrero Cosmillo is hereby honored for her exemplary and inspiring long life and offered sincere best wishes for continued good health and happiness.

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

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-172

WHEREAS, Fire Company No. 1 has advised that they have accepted the resignation of Anthony Freitas of 67 Farnham Avenue, as an active member, effective April 22, 2009,  
NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 1 with respect to the above matter, is hereby approved.

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

(Sgd) Stanley J. Moskal  
Louis G. Aloia

Resolution No. 09-173

WHEREAS, Fire Company No. 1 has advised that they have accepted Danielle Szep, 25 Westervelt Place, as a regular active member, effective April 22, 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. 1 with respect to the above matter, is hereby approved.

RESOLUTIONS

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

(Sgd) Stanley J. Moskal  
Louis G. Aloia

Resolution No. 09-174

WHEREAS, Fire Company No. 1 has advised that they have accepted Melanie Ayala, 25 Westervelt Place, as a regular active member, effective April 22, 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. 1 with respect to the above matter, is hereby approved.

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

(Sgd) Stanley J. Moskal  
Louis G. Aloia

Resolution No. 09-175

WHEREAS, Garfield Network Inc. Suds City Laundromat, 228 Palisade Avenue has filed an application for a Laundromat license for the year 2009, and

WHEREAS, the local inspectors CERTIFY that they have conformed with provisions of Ordinance No. 1288,

NOW THEREFORE BE IT RESOLVED by the Council of the City of Garfield that the City Clerk be and is hereby authorized to issue a license to, F&R Burke Enterprises LLC DBA Suds City Laundromat, for the year 2009.

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

(Sgd) Stanley J. Moskal  
Louis G. Aloia

Resolution No. 09-176

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT  
BETWEEN THE STATE OF NEW JERSEY DEPARTMENT OF  
TRANSPORTATION AND THE CITY OF GARFIELD

WHEREAS, the State of New Jersey intends to construct Train Preemption for Traffic Signals North II within the City of Garfield; and

WHEREAS, the project proposed by the State of New Jersey Department of Transportation may require the limited use of municipal police as Traffic Directors for work zone safety operations supplementing the traffic control plan established under the contract for construction of the project; and

WHEREAS, the State of New Jersey Department of Transportation has requested that the City of Garfield enter into a Police Agreement for use of City officers as Traffic Directors,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield in the County of Bergen in the State of New Jersey, that the appropriate municipal officials Mayor Frank J. Calandriello or City Manager Thomas J. Duch are hereby authorized to execute an agreement between the State of New Jersey Department of Transportation and the City of Garfield to provide Police Officers as Traffic Directors.

The costs incurred by the City of Garfield for use of its officers in connection with the State construction project shall be paid directly to the City of Garfield by the State of New Jersey Department of Transportation pursuant to the agreement attached hereto.

In addition, the City of Garfield authorizes the following individuals to submit and execute State Payment Vouchers, PV-C, on behalf of agreement signatory.

Police Lieutenant Ronald Polonkay, Traffic Division.

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

(Sgd) Stanley J. Moskal  
Louis G. Aloia

RESOLUTIONS

Resolution No. 09-177

RESOLUTION AUTHORIZING THE CITY OF GARFIELD TO APPLY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES

WHEREAS, City of Garfield wishes to file a grant application with the United States Department of Justice, Division of Community Oriented Policing Services for its 2009 Secure our Schools grant program, which will provide funding to law enforcement agencies to improve security at schools and on school grounds, in an amount not to exceed \$150,000.00; and

WHEREAS, the City of Garfield PSAP meets the eligibility requirements for a United States Department of Justice, Division of Community Oriented Policing Services for its 2009 Secure Our Schools Grant, which also requires a dollar for dollar local match, for a total project cost not to exceed \$300,000.00; and

WHEREAS, authorization of this application is in the best interest of the City of Garfield;

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF GARFIELD that it hereby authorizes the submission of an application for a United States Department of Justice, Division of Community Oriented Policing Services 2009 Secure Our Schools Grant not to exceed \$150,000.00;

BE IT FURTHER RESOLVED that upon receipt of the grant agreement from the United States Department of Justice, the signature of the Mayor and/or any other municipal official and Chief of Police, or their successors in said titles, which is required on the agreement and any other documents necessary in connection therewith, is hereby approved.

BE IT FURTHER RESOLVED that upon receipt of the fully executed grant agreement from the United States Department of Justice, the expenditure of funds is hereby authorized pursuant to the terms of the agreement between the City of Garfield and the United States Department of Justice.

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

(Sgd) Stanley J. Moskal  
Louis G. Aloia

Resolution No. 09-178

WHEREAS, the Chief Financial Officer of the City of Garfield has identified the following escrow/trust balances held in escrow within the Trust Accounting, and are considered as un redeemable and;

WHEREAS, the Chief Financial Officer has deemed to cancel of record the following balances which are dated prior to December 31, 2006 and

Dante, Vito	\$250.00
YMCA/Rite Aid	\$2,383.34
Sieminokowicz	\$467.25
US Environmental	\$1,399.00
Bravero	\$1,250.00
Buzzetti	\$3,500.00
Lago Inc.	\$1,119.75
Milevski	(\$748.23)
JVP Enterprise	\$193.75
Clifton Savings	\$175.00
Grabowsky, R&M	\$500.00
Twelve & Under	\$728.50
Domino	<u>\$1,551.50</u>
Total:	\$12,768.86

WHEREAS, all balances shall be forwarded to the current fund and treated as Miscellaneous Revenue Not Anticipated as per attached computer run, and;

THEREFORE BE IT RESOLVED that the Treasurer is hereby authorized to transfer funds in the amount of \$12,768.86 from the Escrow Trust Fund, and deposit said funds into the Current Account and credit Miscellaneous Revenue Not Anticipated.

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

(Sgd) Stanley J. Moskal  
Louis G. Aloia

RESOLUTIONS

Resolution No. 09-179

RESOLUTION AUTHORIZING THE FILING OF THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY OF GARFIELD IN CONNECTION WITH THE NJEIT CLEAN WATER GRANT/LOAN APPLICATION

WHEREAS, the City of Garfield has submitted an application for funding from the New Jersey Environmental Infrastructure Trust Fund; and

WHEREAS, additional financial information must be submitted on behalf of the City in order to remain eligible to participate in this program; and

NOW THEREFORE BE IT RESOLVED, the City Auditor, Bond Counsel and Chief financial Officer are hereby directed to submit the requisite documents to meet the requirements of the NJEIT "Shovel Ready" Program.

BE IT FURTHER RESOLVED the Mayor and City Manager are hereby authorized to sign and submit the necessary forms.

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

(Sgd) Tana M. Raymond  
Frank J. Calandriello

Resolution No. 09-180

RESOLUTION AUTHORIZING THE FILING OF THE NECESSARY DOCUMENTS IN CONNECTION WITH THE NJEIT WATER SUPPLY FUNDING PROGRAM

WHEREAS, the City of Garfield has submitted an application for funding from the New Jersey Environmental Infrastructure Trust Fund; and

BE IT RESOLVED that the City Auditor, Bond Counsel and Chief Finance Officer are hereby authorized to prepare and submit the requisite documents in connection with the NJEIT Water Supply Funding Program.

BE IT FURTHER RESOLVED the Mayor and City Manager are hereby authorized to sign the required forms in connection with this program.

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

(Sgd) Tana M. Raymond  
Frank J. Calandriello

Resolution No. 09-181

RESOLUTION – PURSUANT TO N.J.S.A. 18A:22-37

WHEREAS, pursuant to the provisions of New Jersey Law, the proposed budget for the continued operation of the Garfield school district was submitted to the voters of the City of Garfield at the regulation school election on April 21, 2009; and

WHEREAS, in accordance with the provisions of law, the budget submitted to the voters proposed a District Tax Levy, current expense portion, in the amount of \$22,598,567.00; and

WHEREAS, at the regular school board election on April 21, 2009, the voters of the City of Garfield rejected said proposed current expense Tax Levy; and

WHEREAS, pursuant to N.J.S.A. 18A:22-37, the municipal Governing Body received, within two (2) days after the annual school election, a copy of the proposed school budget which was defeated; and

WHEREAS, in accordance with the requirements of the aforementioned Statute, meetings were held between the Governing Body and the Board of Education as well as between representatives of these two Bodies, in order to determine the amount which, in the judgment of the Bodies, is necessary to be appropriated for each item appearing in the budget; and

WHEREAS, the Chief Financial Officer of the City of Garfield has reviewed the school board budget, in detail, and has made recommendations to the Governing Body as to recommended reductions in the said budget which, in his opinion, could be made without compromising the efforts of the school system and while allowing the Board of Education the necessary funds in order to provide a thorough and efficient education for the students in the Garfield school district; and

RESOLUTIONS

WHEREAS, the Board of Education has provided extensive documentation to the Governing Body and did, in fact, meet with members of the Governing Body and Administration at which time the Governing Body recommended certain actions which result in a reduction in the Tax Levy; and

WHEREAS, the Garfield school district has a minimum Tax Levy in the amount of \$22,506,019.00 which has been designated, the Department of Education, as the minimum Tax Levy in order to implement the requirements of the State of New Jersey, Department of Education pursuant to the ruling in the matter of Abbott vs. Burke ; and

WHEREAS, pursuant to provisions of law, the Governing Body may not reduce the amount of the school board current Tax Levy unless it can be determined that any reductions will not adversely affect the district's ability to provide a thorough and efficient education and maintain stability given the need for long term planning and budgeting; and

WHEREAS, the reduction set forth in this Resolution are based upon such a determination; and

WHEREAS, the Mayor and Council determined that more significant reductions in the budget were warranted and could be accomplished without detriment to the district's ability to provide a thorough and efficient education, however, they were limited by the provisions of law to the amount of reduction set forth in this Resolution.

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 original Tax Levy on the ballot for current expense portion of the Board of Education budget was \$22,598,567.00.

2. The amount of reductions to the current expense of the Tax Levy shall be \$92,548.00.

3. The amount of Tax Levy being certified by the City Council for the base, current expense budget shall, therefore, be \$22,506,019.00.

4. Debt service in the amount requested is also approved by the Governing Body.

5. The specific line item reductions which are recommended by the Mayor and Council are as follows:

Page E5 Electricity - The budget provided for an increase of 25% over last year's budget. A requested reduction in the amount of \$22,500.00 is suggested to reflect actual anticipated cost increase for electrical service. The amount proposed exceeds a reasonable amount of anticipated increase.

Page E5 Custodial Services - The proposed increase in the budget was 10% over last year's actual expenditure. This appears, based upon a budget review, to be excessive and a reduction to that line item in the amount of \$17,650.00 is proposed.

Page E6 Retirement Contributions - A requested reduction in the amount of \$52,398.00 is proposed in order to reflect the amount necessary to meet the actual needs of the district in this regard.

NOW THEREFORE BE IT FURTHER RESOLVED that the school budget, as reviewed and revised, presents sufficient funds to provide a thorough and efficient education within the district as required by law and the reductions set forth herein will not adversely affect the district's ability to provide such a thorough and efficient education and maintain stability given the need for long term planning and budgeting;

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 no later than Tuesday, May 19, 2009, to the Garfield Board of Education, the Bergen County Superintendent of Schools, and the Bergen County Board of Taxation as well as to the City of Garfield Tax Assessor;

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk is hereby directed to prepare, based upon the contents of this Resolution, the necessary forms for submission to the County of Bergen, including Form A-4F or other forms reasonably required in order to effectuate the provisions of this Resolution.

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

(Sgd) Tana M. Raymond  
Frank J. Calandriello

BILLS AND CLAIMS

Resolution No. 09-182

RESOLVED by the City Council of the City of Garfield that the following bill No. 1311 to 1313 covering Trust Other and Dog Trust totaling \$39,193.00 and Current Fund Reserve totaling \$2,281,993.77 and Water Capital totaling \$12,705.00 and General Capital totaling \$20,194.75 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 (15) items prior to the meeting be ratified.

See

the

following

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

For

Bills

and

Claims

ORDINANCES

Ordinance No. 2551

The following entitled ordinance was introduced at a Regular Meeting held April 28, 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:

CAPITAL ORDINANCE OF THE CITY OF GARFIELD,  
IN THE COUNTY OF BERGEN, NEW JERSEY  
AUTHORIZING THE UNDERTAKING OF THE HISTORIC DUNDEE DAM  
PARK AND BIKEWAY IMPROVEMENT PROJECT (PHASE II) IN, BY AND FOR THE CITY,  
APPROPRIATING THEREFOR THE SUM OF \$1,000,000 AND PROVIDING THAT SUCH  
SUM SO APPROPRIATED SHALL BE RAISED FROM VARIOUS GRANTS

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 Calandriello duly seconded the motion.

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

Councilmember Moskal introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND THE CODE OF THE  
CITY OF GARFIELD AND TO ADD A CHAPTER ENTITLED  
'SOLICITATION OF EMPLOYMENT: HIRING IN PUBLIC PLACES'

City Clerk Pavlica read the ordinance by title.

Councilmember Moskal moved that this entitled ordinance: "AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARFIELD AND TO ADD A CHAPTER ENTITLED "SOLICITATION OF EMPLOYMENT: HIRING IN PUBLIC PLACES"" 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 May 26, 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 Aloia, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 4, Absent 1 – Councilmember Delaney

Councilmember Moskal introduced in writing the following ordinance entitled:

REGULATION OF POLITICAL AND ELECTION SIGNS

City Clerk Pavlica read the ordinance by title.

Councilmember Moskal moved that this entitled ordinance: "REGULATION OF POLITICAL AND ELECTION SIGNS" 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

ORDINANCES

on May 26, 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 Aloia, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 4, Absent 1 – Councilmember Delaney

CITIZENS AND TAXPAYERS

Mr. William Whren, 33 Westminister Place, asked questions concerning the resolution which cut the defeated 2009-2010 School Budget.

Mr. Ignatius Tripodi, 155 Malcolm Avenue, asked questions concerning water meters installed throughout the City.

COUNCILMEMBER COMMENTS

Councilmember Raymond said that last night was the Grand Opening of the new Ball Room at the Venetian Restaurant located at 546 River Drive. She said that the new Ball Room is absolutely breath taking. She said that the addition is nice and beautiful and a big plus for this City. She said that Memorial Day is coming and that we should keep Veterans in our minds and prayers.

Councilmember Aloia advised those in attendance that there will be an 11:00 AM service at the Veterans Monument on Marsellus Place on Memorial Day. He said that he hopes all Moms had a good Mother's Day. He said that a lot of phenomenal things are happening in Garfield including Redevelopment on River Drive, the improvement to the Venetian and the Passaic Street Redevelopment.

Deputy Mayor Moskal commented on upcoming events in town, including this Friday when the YMCA is having a Tricky Tray; this Sunday being the Police Memorial Mass at Our Lady of Mount Virgin Roman Catholic Church; Sunday, May 31<sup>st</sup> being the Boilermaker 5K Race in and around Twentieth Century Field; June 13<sup>th</sup> & 14<sup>th</sup> being the Relay For Life Cancer Fundraiser event; and June 11th, 12th, 13th and 14th being the PBA Local No. 46 Circus Fundraiser. He said that these things make Garfield Special.

Mayor Calandriello said that with all the things that were talked about tonight, the one thing the City will not have this year is the Fourth of July Fireworks. He said that it was a painful decision to cancel them this year. He said that in these tough economic times, the City is considering Employee Furloughs and ways to cut costs and the Fireworks have cost the City in the past about \$20,000.00 to \$25,000.00 including Police and DPW overtime, etc. He said that he hopes that next year, Applebee's or Home Depot or Wal-Mart will be operating on Passaic Street and would be willing to sponsor the Fourth of July Fireworks. He commented on the resolution recognizing Mary Cosmillo on her 100<sup>th</sup> Birthday.

ADJOURNMENT

At 8:45 PM, there being no further business, Councilmember Raymond moved to adjourn the meeting. Councilmember Aloia duly seconded the motion.

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

