

A Regular Meeting of the City Council was held Tuesday, May 26, 2009 at 8:30 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, Frank J. Calandriello

Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Joseph J. Rotolo, City Engineer Kevin J. Boswell, Interim Chief Financial Officer Roy Riggitano and Police Chief Kevin Amos

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 Moskal duly seconded the motion.

On call of roll, Ayes 5

RESOLUTIONS

Resolution No. 09-183

WHEREAS, one of Garfield's finest organizations, the Twentieth Century Athletic Association was founded on April 21, 1919, when a group of young Garfield men conceived the idea of forming an athletic organization surrounding their neighborhood while attending an athletic event in New York, and

WHEREAS, after much deliberation as to its naming, they finally decided, after riding a 20th Century Cab in New York, that they would honor the century they were living in thereby naming the organization, the 20th Century Athletic Association, and

WHEREAS, in each passing year, the organization continued to grow by accepting great athletes in the area into its membership, but the mainstay and solidarity of togetherness was displayed by the old franchised members, by their continuity of membership with their sons and grandsons for generations of succession, and

WHEREAS, the organization competed in wrestling, weight lifting, hardball, bicycle riding, boxing, bowling, and other competitive sports and their social calendar was filled with picnics, dances, revues, boat rides, hay rides, mystery rides, bus rides, great minstrel shows and other activities, and

WHEREAS, as some older members aged, a recreation room was constructed at the Twentieth Century Club House where members participated in ping-pong, pocket pool, card playing, and a sauna bath and showers were added as a source of relaxation, and

WHEREAS, the Twentieth Century Athletic Association sponsored many youth recreation teams in Garfield, including many Little League Teams, softball teams, Boys Club teams, and others, and

WHEREAS, 47 members of the Twentieth Century Athletic Association were called to serve in the Armed Forces, with one making the supreme sacrifice in France, and

WHEREAS, the City of Garfield and its Governing Body acknowledged this great organization by naming one of its recreation areas as the 20th Century Field, and

WHEREAS, sadly, the Twentieth Century Athletic Association, is disbanding in 2009,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that the 20th Century Athletic Association is hereby publicly praised and honored for their decades of outstanding operation in the City of Garfield, instilling the finest qualities in men as they developed through social engagement and athletics, and this brotherhood of men will be forever remembered as one of the finest and long lasting institutions in the annals of the history of the City of Garfield.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

RESOLUTIONS

At this time CERTIFIED copies of Resolution No. 09-183, were presented to members of the Twentieth Century Club.

Resolution No. 09-184

WHEREAS, Ms. Eugenia Pielko is the proud owner of the Garfield Bakery located at 800 River Drive, which makes quality baked goods for sale to its customers, and

WHEREAS, Ms. Pielko is an exceptional member of the Garfield Business Community and is a generous contributor to the causes of the people of Garfield, and

WHEREAS, she has been duly recognized for her public-spiritedness by being bestowed with the honor of being designated as Grand Marshall of the 2009 Wallington Pulaski Day Parade, and

WHEREAS, the sashing of Ms. Eugenia Pielko will be performed during a ceremony at the Cracovia Manor located at 195 Main Avenue in Wallington, New Jersey on Saturday May 30, 2009

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey that MS. EUGENIA PIELKO is hereby CONGRATULATED on being named GRAND MARSHALL of the 2009 Wallington Pulaski Day Parade and for being a worthwhile proponent of the causes of her Polish Heritage and the Garfield Business and Civic Community.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 09-185

WHEREAS, Fire Company No. 3 has advised that they have accepted Armend Oshafi, 191 Malcolm Avenue, as a regular active member, effective May 4, 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. 3 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 09-186

WHEREAS, bids were received by the City Clerk in the Conference Room in City Hall on Tuesday, May 19, 2009 at 10:01 AM for the Summer Food Program conducted by the Garfield Recreation Department; and

WHEREAS, present at the bid opening was the Recreation Director Anthony Furfaro and myself Deputy City Clerk, Diane Rosolen; and

WHEREAS, only one bid was received and that bid was from Maschio's Food Services, Inc., 20 Park Avenue Suite 2B, Lyndhurst, NJ 07071 in the amount of \$109,356.00, based on the unit price of \$2.35 per lunch, \$1.20 for Breakfast and \$.80 per P.M. Snack; and

WHEREAS, the Chief Financial Officer, has certified to the existence of funds for this expenditure since the program is funded in full by a Federal Grant administered through the New Jersey Bureau of Child Nutrition; and

WHEREAS, the bid has been reviewed and recommended for award by the Chief Financial Officer, and the appropriate City Officials; and

WHEREAS, this program is in the best interests of the health and welfare of the children qualifying for the program;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield, County of Bergen and State of New Jersey, that a Contract for the Summer Food Service Program be and is hereby awarded to Maschio's Food Services, Inc., 20 Park Avenue Suite 2B, Lyndhurst, NJ 07071 in the total amount of their bid of \$109,356.00;

BE IT FURTHER RESOLVED, that the City Attorney be and he is hereby authorized and directed to prepare and/or review the appropriate Contract documents for execution by the Mayor and City Clerk; and

BE IT FURTHER RESOLVED, that the City Clerk be and he is hereby authorized and directed to forward certified copies of this approved Resolution to the Interim Chief Financial Officer, Roy Riggitano, the Director of the Recreation Department, Anthony Furfaro, the City Attorney and Maschio's Food Services, Inc.

On call of roll, Ayes 5

(Sgd) Stanley Moskal
Louis G. Aloia

RESOLUTIONS

Resolution No. 09-187

WHEREAS, Local Units of the State of New Jersey are authorized to enter into a point contract to provide for the formation of a joint meeting for the joint procurement of natural gas, electricity and other forms of energy as permitted by N.J.S.A. 40A:65-14 et seq; and

WHEREAS, the statutes regulating the creation and establishment of a Joint Meeting contain a mechanism for local units to aggregate their collective energy consumption in order to negotiate and contract for energy in a cost-effective, environmentally sensitive manner furthering the public interest entrusted to such a Joint Meeting; and

WHEREAS, the governing body of the City of Garfield has determined that membership in the Joint Meeting is in the best interest of the City of Garfield.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Garfield, County of Bergen and State of New Jersey, does hereby resolve and agree to become a member in the New Jersey Sustainable Energy Joint Meeting (NJSEM) for the purpose of joining with other Local Units in the State to aggregate purchasing power of energy so as to achieve financial savings and to encourage Local Units to cooperate in seeking ways to jointly implement sustainable energy alternatives;

BE IT FURTHER RESOLVED, that the Mayor or the City Manager is authorized to execute the Joint Contract Joinder Agreement, attached hereto, and that the City Manager is hereby designated to represent the Local Unit as a member of the State Management Committee of the NJSEM; and

BE IT FURTHER RESOLVED, that the Mayor is authorized and directed to execute such other documents signifying their membership in the NJSEM, and make payment of the Initial Membership Fee of \$600.00 as required by the NJSEM's Bylaws and to deliver same to the Executive Director of the NJSEM.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 09-188

A RESOLUTION CONFIRMING ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECT

WHEREAS, a Bergen County Community Development grant of \$49,471 has been proposed by Children's Aid and Family Services, Inc. for the Eldercare Expansion 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 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 09-189

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE PALISADE AVENUE SECTION 6 PROJECT

WHEREAS, the City of Garfield is desirous of continuing the improvements on Palisade Avenue and filing a grant application for a 2010 NJDOT Local Aid Grant for Palisade Avenue, Section 6; and,

WHEREAS, the NJDOT has funded previous sections of improvements to Palisade Avenue (Sections 1 to 5) River Drive to Botany Street; and,

RESOLUTIONS

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Garfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2010 - Garfield City – 00324 to the New Jersey Department of Transportation on behalf of the City of Garfield.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Garfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 09-190

RESOLVED by the Mayor and Council of the City of Garfield that Change Order No's. 1 & 2 be approved in accordance with the requirements of N.J.A.C. 5:34-4.:

GENERAL CONSTRUCTION:	Garfield Firehouse #2 Kitchen Improvements
ARCHITECT:	Arcari + Iovino Architects, P.C.
CONTRACTOR:	Construction Contractors
ORIGINAL CONTRACT COST:	\$139,000.00
COST OF CHANGE ORDER NO. 1:	\$ 1,267.70
COST OF CHANGE ORDER NO. 2:	<u>\$ 12,311.75</u>
NEW CONTRACT SUM:	\$152,579.45
CHANGE ORDER NUMBER:	1 AND 2
NATURE OF CHANGES:	
PROPOSED CHANGE ORDER #1:	
a) Kitchen equipment modifications	
PROPOSED CHANGE ORDER #2:	
a) Rebuild wood stair railing that is not currently code compliant including demolition, stained oak newel posts, rails, balusters	
b)	

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 09-191

RESOLVED by the Mayor and Council of the City of Garfield that Change Order No. 1 be approved in accordance with the requirements of N.J.A.C. 5:34-4.

GENERAL CONSTRUCTION:	Garfield Recreation Center Roof Improvement
ENGINEER:	Boswell McClave Engineering
CONTRACTOR:	Hackensack Roofing
ORIGINAL CONTRACT COST:	\$2,985.00
COST OF CHANGE ORDER NO. 1	240.00
NEW CONTRACT SUM:	\$3,225.00
CHANGE ORDER NUMBER:	#1
NATURE OF CHANGES:	“To Reflect As-Built Quantities” Replace portion of deteriorated deck

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution 09-192

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

RESOLUTIONS

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

BLOCK	LOT	OWNER	REASON	AMOUNT
44	6	U.S. Bank-Cust/Sass Muni V dtr	O/P	\$1,407.09

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

BILLS AND CLAIMS

Resolution No. 09-193

RESOLVED by the City Council of the City of Garfield that the following bill No. 1314 to 1317 covering Trust Other and Escrow Developers Trust totaling \$28,647.72 and Current Fund Reserve totaling \$810.52 and Current Fund totaling \$1,474,513.24 and Water Fund Reserve totaling \$134.16 and Water Fund Current totaling \$198,232.94 and Water Capital totaling \$42,193.75 and General Capital totaling \$84,050.60 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. 2552

The following entitled ordinance was introduced at a Regular Meeting held May 7, 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 242 OF THE
CODE OF THE CITY OF GARFIELD ENTITLED
“PROPERTY MAINTENANCE”

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 5

Ordinance No. 2553

The following entitled ordinance was introduced at a Regular Meeting held May 7, 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 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.

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 5

Ordinance No. 2554

The following entitled ordinance was introduced at a Regular Meeting held May 12, 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:

REGULATION OF POLITICAL AND ELECTION SIGNS

City Clerk Pavlica read the ordinance by title.

ORDINANCES

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 5

COUNCILMEMBER COMMENTS

Councilmember Raymond spoke on yesterday's Memorial Day services in memory of deceased veterans and the ceremony held yesterday for Garfield's deceased firefighters. She said that it was a week of reflection.

Councilmember Delaney apologized for not being at the Memorial Day services because he was with his family. He spoke on the Boilermaker 5K Race to be held Sunday, May 31, 2009, in and around Twentieth Century Field to benefit Project Graduation and the Garfield YMCA.

Councilmember Aloia spoke on the Cole Brothers Circus which will be coming to town and the Relay for Life Cancer Prevention fundraiser which will be held in June. He said that nice things are coming to town and that he hopes that the public enjoys them. He told everyone to have a good summer and he hoped everyone had a respectful and safe Memorial Day. He said that it was an honor and a privilege to represent the City at the Memorial Day services.

Deputy Mayor Moskal asked that if anyone comes out to the Memorial Day services next year, to bring someone with them. He said that it was a day of reflection for all those who gave their lives for our freedom. He spoke on Resolution No. 09-184, which congratulated Ms. Eugenia Pielko of the Garfield Bakery located at 800 River Drive in Garfield, on being named Grand Marshall of the 2009 Wallington Pulaski Day Parade. He spoke on the Boilermaker 5K Race to be held May 31, 2009.

Mayor Calandriello said that summer is approaching but the City Council has a lot of work to do and are looking at Budget cuts.

CLOSED SESSION

Resolution No. 09-195

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 9:00 PM on Tuesday, May 26, 2009, to discuss the following as outlined in N.J.S.A. 10:4-12:

- * Matters involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds; (proposed appeal of the El Margo Decision involving condemnation of land at 909 River Drive; alleged rescinding of reversionary clause of American Legion Post No.255 property located at 163 Cedar Street).
- * Tactics or techniques utilized in protecting the safety and property of the public or any investigation of violations or possible violations of the law: (complaints about police calls answered at 127 Harrison Avenue and 33 Sampson Street; complaints that tickets were issued to officials planting trees in Dahnerts Lake County Park;

CLOSED SESSION

Indictment of Board of Education member Anthony Damato for fourth degree theft; suspension of firefighter Barry Homyack for theft).

- * Pending or anticipated litigation or contract negotiations or matters falling within attorney-client privilege; (settlement of lawsuit involving a woman allegedly handcuffed in the nude by the Garfield Police Department; performance of prior Health Insurance Broker Joseph Bigica, Inc.; proposed engineering fees for the Palisade Avenue improvement).
- * 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; (Mariggi Lopez appeal of dismissal from Police Department and hearing set for Friday, July 17, 2009 at 9:00 AM; proposed Police Chief contract; overtime in Municipal Court; salary of City Manager).

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 or roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

SHORT RECESS, CHANGE OF VENUE AND
RETURN TO ORDER

Immediately after the City Council voted to go into Closed Session, a short recess was called to move the meeting down the hall to the second floor Conference Room. At 9:05 PM, Mayor Calandriello again called the meeting to order in Closed Session in the Conference Room and all City Officials were present as before the recess. It was duly noted for the record.

EXIT OF CITY MANAGER DUCH, CITY ENGINEER BOSWELL
AND INTERIM CHIEF FINANCIAL OFFICER RIGGITANO

At 10:45 PM, City Manager Thomas J. Duch, City Engineer Kevin J. Boswell and Interim Chief Financial Officer Roy Riggitano left the meeting during the Closed Session and it was duly noted for the record.

ADJOURNMENT

After the City Council came out of Closed Session at 11:00 PM, there being no further business, Councilmember Delaney moved to adjourn the meeting. Councilmember Raymond duly seconded the motion.

On call of roll, Ayes 5

