

A Regular Meeting of the City Council was held Tuesday, October 28, 2008 at 8:35 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 Rotolo and City Engineer Kevin J. Boswell

#### 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 Raymond duly seconded the motion.

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

#### RESOLUTIONS

Resolution No. 08-414

WHEREAS, The Rascals brought fame and glory to the City of Garfield starting around 1965 and were inducted into the Rock and Roll Hall of Fame in May 1997, and the Vocal Group Hall of Fame in 2005, and

WHEREAS, Felix Cavaliere, Gene Cornish, Dino Danelli and Eddie Brigati started The Rascals in Brigati and Donelli's native State of New Jersey; and Eddie's brother David Brigati, helped arrange the vocal harmonies and sang backgrounds on many of the group's recordings and was informally called the Fifth Rascal, and

WHEREAS, Felix Cavaliere, Gene Cornish and Eddie and David Brigati had previous music and film success, prior to The Rascals, as members of Joey Dee and the Starlighters, and

WHEREAS, The Rascals made their debut in Eddie and David's hometown of Garfield at "the Choo Choo Club" on Passaic Street, and later moved to "the Barge" on Long Island, New York, and on October 28, 1965 they performed at "the Phone Booth" on Manhattan's East Side where Atlantic Records discovered and signed them, and

WHEREAS, within a month, The Rascals released their debut single "I Ain't Gonna Eat Out My Heart Anymore" with Eddie singing lead, and on April 30, 1966, the single "Good Lovin" was released and became a #1 hit by June of 1966, and

WHEREAS, David Brigati joined The Young Rascals, as they were known at the time, in the recording studio to sing background on the song "I've Been Lonely Too Long", "Groovin' on A Sunday Afternoon", "A Girl Like You" and "How Can I Be Sure", and The Young Rascals band name became just "The Rascals" again, and they recorded "It's a Beautiful Morning" and "People Got To Be Free", and all of the aforementioned hit songs were co-written by Eddie Brigati, and

WHEREAS, the Rascals made television appearances on The Ed Sullivan Show, Shindig, Hullabaloo, American Bandstand, dozens of other nationally televised specials and performed at both the old and new Madison Square Garden, many Universities, Shea Stadium and other Stadiums throughout the Country, as well as many benefits and charity shows throughout the United States and Europe, and earned seven Gold and Platinum Records and The Rascals continue to sell and airplay everyday,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Edward Brigati, Jr. and David Brigati are hereby publicly extended grateful appreciation of the Worldwide Recognition they have brought upon their hometown, the City of Garfield, through their passion for music and entertainment.

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

(Sgd) Frank J. Calandriello  
Louis G. Aloia

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At this time, framed copies of Resolution No. 08-414 were presented to Eddie Brigati and David Brigati, as well as City of Garfield Lifetime Achievement Award plaques and street signs reading "Brigati Corner" which will be placed at the intersection of Monroe Street and Midland Avenue near where the Brigati family lived years ago. Both Eddie Brigati and David Brigati offered a few words at this time.

Resolution No. 08-415

A RESOLUTION AUTHORIZING ADVERTISEMENT OF BIDS FOR REDEVELOPMENT FOR AND REHABILITATION OF WELLS 8 AND 14.

BE IT RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is hereby authorized and directed to advertise for receipt of bids for the Redevelopment and Rehabilitation of Wells 8 and 14 on Friday, November 21, 2008 at 1:00 PM, in the 2<sup>nd</sup> Floor Conference Room in City Hall.

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

(Sgd) Louis G. Aloia  
Tana M. Raymond

Resolution No. 08-416

RESOLUTION – AUTHORIZING DECLARATION OF DEFAULT

WHEREAS, pursuant to Resolution No. 06-95 adopted by the City Council on February 28, 2006 a Contract was awarded to APS Contracting, Inc. for the upgrade, renovation and improvement of the Boulevard Pumping Station in Elmwood Park, New Jersey; and

WHEREAS, the Contract awarded was in an amount not to exceed \$5,567,000.00 and

WHEREAS, an Agreement was executed between the City of Garfield and APS Contracting, Inc. on or about March 28, 2006 pursuant to the aforementioned Resolution; and

WHEREAS, that Contract, as well as a subsequent Amendment to the Contract, provide, *inter alia*, for the completion of all construction in connection with this project by a date certain; and

WHEREAS, in consultation with the City Engineer, the completion date for this project was ultimately established at January 9, 2008; and

WHEREAS, various meetings were held between the contractor and representatives of the City thereafter and it was determined that, due to change orders and other matters, the completion date should be revised and, thereafter, an amended completion date was established at July 31, 2008; and WHEREAS, in addition to the foregoing discussions, the City Attorney, at the direction of the Mayor and Council, notified Fidelity and Deposit Company of Maryland, the contractor's bonding company, of the possibility that a default had occurred in connection with this Contract and, thereafter, meetings were held with the contractor and the bonding company in order to rectify all issues and encourage the expeditious completion of this project; and

WHEREAS, although the contractor has made progress in connection with this project, its progress has not been satisfactory and, as a result, it has once again become necessary to consider the declaration of a default of the Contract which provides certain legal options to the City of Garfield in connection with the same; and

WHEREAS among those options is the assessment of liquidated damages due to the delays in completion and / or the formal request that the bonding company assist in the completion of this project; and

WHEREAS the City Manager, in consultation with the City Attorney and City Engineer has recommended that the default be declared in order to secure the completion of this project by APS Contracting, Inc. or some other contractor;

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 Manager, in consultation with the City Engineer and City Attorney be and is hereby granted authorization to declare a default on behalf of the Mayor and Council, in connection with the aforementioned Contract.
2. This determination may be made at any time within the sole discretion of the City Manager without necessity of further formal action by the Governing Body.
3. At such time as the City Manager makes such determination, the City Engineer, City Attorney and Litigation Counsel are hereby authorized and directed to take any and all action which they deem to be necessary and appropriate for the protection of the rights and interests of the City of

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Garfield, which actions may include, without being limited to, requesting that the bonding company hire alternate contractors to complete the project, assessment of liquidated damages, commencement of litigation or arbitration or any action that they may deem necessary and appropriate.

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 City Engineer, the City Manager, and APS Contracting Inc. and Fidelity and Deposit Company of Maryland, 3910 Keswick Road, Baltimore, Maryland 21203.

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

(Sgd) Joseph Delaney  
Tana M. Raymond

Resolution No. 08-417

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH IMPROVEMENTS TO 20<sup>TH</sup> CENTURY FIELD, CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY.

WHEREAS, the City of Garfield desires to maintain, preserve and renovate the City's recreational facilities and services; and

WHEREAS, the City of Garfield has received multiple grants including Green Acres Funding and Bergen County Open Space Funding in order to improve the City parks; particularly 20<sup>th</sup> Century Field; and

WHEREAS, the proposed rehabilitation to the above referenced City parks will create additional and enhanced recreation for the residents of the City of Garfield; and

WHEREAS, the City Engineer, Boswell McClave Engineering, shall prepare a Topographic Survey, Lighting/Electrical Plans, Construction Plans and Specifications, and;

WHEREAS, this project is in the best interest of the people of the City of Garfield, and;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Garfield that Boswell McClave Engineering is authorized to perform Professional Engineering Services in an amount not to exceed \$65,000 to perform and complete the above described services.

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

(Sgd) Tana M. Raymond  
Louis G. Aloia

BILLS AND CLAIMS

Resolution No. 08-418

RESOLVED by the City Council of the City of Garfield that the following bills No. 1272 to 1274 covering Trust Other totaling \$11,005.65 and Current Fund Reserve totaling \$1,574.90 and Current Fund totaling \$1,023,143.86 and Water Fund Current totaling \$126,130.85 and General Capital totaling \$92,020.43 and Water Capital totaling \$79,977.00 per attached Computer Lists, be ordered paid and the proper officers are hereby authorized to issue checks for same provide 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 twenty one (21) items prior to the meeting being ratified.

See

the

following

pages numbered 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 157

for Bills and Claims

ORDINANCES

Ordinance No. 2541

The following entitled ordinance was introduced at a Regular Meeting held October 14, 2008; 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, a public hearing on this ordinance was held on October 28, 2008 at which meeting the ordinance was tabled, and the City Council can now proceed with the public hearing and final passage:

A BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVEMENTS TO PUBLIC BUILDINGS AND FACILITIES IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$310,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

City Clerk Pavlica read the ordinance by title.

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

There being none, further Mayor Calandriello declared the public hearing closed.

Councilmember Aloia 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 Raymond duly seconded the motion.

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

CITIZENS AND TAXPAYERS

Mr. Roger Hetel, 405 Madeline Avenue, complained about on-street parking in his neighborhood and that ERK Limousine Service was operating a business out of a house at 400 Madeline.

Mr. Thomas Adamo, 116 Market Street, said that it has been a pleasure living in Garfield for 68 years, but he and his family are moving to West Paterson, no reflection on Garfield. He thanked the Mayor and City Council for allowing him the honor to serve on the Zoning Board of Adjustment for the past eleven years.

COUNCILMEMBER COMMENTS

Councilmember Raymond extended a thank you to City Manager Duch, the Fire Department, the Police Department, Superintendent of Public Works Garofalo and the DPW because part of a tree came down in front of her house on Saturday and she had no electric power. She said that the responders were really good and she really appreciates all their efforts. She said that there were live wires all over her property but they kept the area safe and she really appreciates it. She wished Councilmember Aloia a “Happy Birthday”. She said that it was very nice tonight with the Brigati Brothers being here. She said that it is so nice when somebody from Garfield comes back to visit and they are successful musicians. She said that it is so nice to have Garfield people come back and recognize where they came from. She said that there was a healthy discussion tonight about water billing services from the Passaic Valley Water Commission and with further meetings and discussion an amicable solution can be arrived at. She said that she is not happy with the fact that the cost to the taxpayers is so high.

Councilmember Delaney said that he is sorry to see Tom Adamo leave Garfield because he and his whole family are such a big part of Garfield. He spoke on the Garfield High School Project

COUNCILMEMBER COMMENTS

Graduation Beefsteak Fundraiser scheduled to be held Saturday, November 15<sup>th</sup> and he reminded everyone to vote in the Presidential Election to be held Tuesday, November 4<sup>th</sup>.

Councilmember Aloia wished Tom Adamo the best of luck in his new home in West Paterson and he said that it was nice to have the Brigati Boys here tonight.

Mayor Calandriello said that in the Work Session, the City Council had some great discussions about the City Water Department. He said that Water Superintendent Michael Sferruzzo said that at one time, the City has up to four hundred water meters that were “stop meters”, but the City is now down to ten “stop meters” and Passaic Valley has changed some eight hundred some odd meters. He said that eventually this will project more positive fiscal numbers for the City and the City anticipates improved productivity after completion of the Belmont Hill Water Tanks and improvements to the Elmwood Park Well Fields. He said that the City is not showing the big numbers at the moment and he looks forward to when the project is completed. He said that the City has one of the best Water Works in the region, has its own water wells, and will see some numbers that will help the taxpayers and water users.

ADJOURNMENT

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

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

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Andrew J. Pavlica, CITY CLERK

