

A Regular Meeting of the City Council was held Tuesday, December 16, 2008 at 8:15 PM in the Council Chamber in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

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

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

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

REPORTS OF OFFICERS

Councilmember Aloia moved to approve the Reports of the Cabinet as presented orally and in writing during the Work Session held yesterday. Councilmember Moskal duly seconded the motion.

On call of roll, Ayes 5

RESOLUTIONS

Resolution No. 08-470

RESOLUTION OPPOSING STATE SENATE BILL 2424

WHEREAS, non-residential development in the State of New Jersey is subject to a fee designed to aid Municipalities in providing affordable housing; and

WHEREAS, said fee is 2.5% of the equalized value of the land and improvements; and

WHEREAS, State Senate Bill 2424 has now been introduced which would, if enacted, exempt New Jersey Sports and Exposition Authority sponsored projects from this fee; and

WHEREAS, the Mayor and Council, at the suggestion of the City Manager, have reviewed this proposed bill and have determined that, in their opinion, this bill sends the wrong message by exempting certain projects while maintaining the fee for other projects; and

WHEREAS, the Mayor and Council have determined that the enactment of Senate Bill 2424 would be contrary to the best interests of the residents and taxpayers of the City of Garfield and the State of New Jersey.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Garfield, County of Bergen, and State of New Jersey that the City Manager is hereby authorized and directed to forward a letter to the two Senators who proposed the aforementioned legislation objecting to the waiver of these fees and expressing the opinion of the Governing Body that such a waiver is, in their opinion, contrary to the best interests of the residents and taxpayers of the City of Garfield.

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk be and he is hereby authorized and directed to forward certified copies of the within resolution to the Office of the City Manager as well as to the Offices of Senator Paul Sarlo of Wood-Ridge and Joseph Pennacchio of Morris Plains.

On call of roll, Ayes 5

(Sgd) Tana M. Raymond
Louis G. Aloia

Resolution No. 08-471

RESOLUTION AUTHORIZING TERMINATION OF BROKER OF RECORD AND INSURANCE CONSULTANT DESIGNATION

WHEREAS, Joseph Bigica, Inc. was previously designated as broker of record and insurance consultant for the City of Garfield pursuant to resolution 07-463 which was adopted by the Mayor and Council on December 11th, 2007; and

WHEREAS, said resolution provided, among other things, that the services to be provided pursuant to that resolution were for the investigation and evaluation of insurance programs and to submit

RESOLUTIONS

WHEREAS, the resolution provided for a term of three years commencing on January 1st, 2008 and ending on December 31st, 2010 and was consistent with the provisions of N.J.S.A. 40A:11-15(6); and

WHEREAS, said resolution also provided as follows:

“Notwithstanding this term, however, this agreement/
Appointment may be terminated by the Mayor and
Council upon ninety (90) days notice, with or without
Cause”; and

WHEREAS, the City Council has now met with other insurance consultants and has decided that it would be in the best interest of the residents and taxpayers of the City of Garfield to terminate the appointment as set forth in Resolution 07-463 and as permitted pursuant to the provisions of that resolution.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Garfield, County of Bergen, State of New Jersey that pursuant to the provisions of Resolution No. 07-463 the appointment of Joseph Bigica, Inc. as broker of record and insurance consultant be and is hereby terminated to be effective on March 18th, 2009; and

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk be and he is hereby authorized and directed to forward certified copies of the within resolution to Joseph Bigica, Inc., the Chief Financial Officer for the City of Garfield, the City Attorney, the City Manager, Horizon Blue Cross/Blue Shield of New Jersey and Willis HRH of Morristown, New Jersey.

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

(Sgd) Tana M. Raymond
Louis G. Aloia

Resolution No. 08-472

RESOLUTION APPOINTING BROKER OF RECORD AND INSURANCE CONSULTANT

WHEREAS, the Mayor and Council believe that it would be in the best interest of the City of Garfield to retain the services of a Broker of Record and Insurance Consultant in connection with the administration, placement and renewal of existing health insurance coverage for employees within the City of Garfield; and

WHEREAS, several companies have presented proposals, resumes, and company descriptions to the Mayor and Council for their review and considerations; and

WHEREAS, the City Council has reviewed the credentials and background of the various companies which have presented their qualifications and have considered those credentials as well as the proposal for commission or payment for the performance of the services of the Broker of Record; and

WHEREAS, one such company was Willis HRH of Morristown, New Jersey; and

WHEREAS, the City Council, after reviewing a significant amount of information and after the presentations of various companies have determined that Willis HRH of Morristown, New Jersey possesses the qualifications, experience and background which would best serve the City of Garfield as it's Broker of Record; and

WHEREAS, in addition, Willis HRH has agreed to accept a monthly fee in the amount of \$4,000.00 for performing these services rather than payment based upon a percentage of the annual premium and the City Council has determined that a flat fee may result in cost savings to the City;

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. Willis HRH, 350 Mount Kemble Avenue, Morristown, New Jersey be and is hereby appointed as Broker of Record and Insurance Consultant for the City of Garfield in connection with its group medical coverage for employees of the City.

RESOLUTIONS

2. This appointment shall be effective as of March 18th, 2009, however from the date of the adoption of this resolution until the effective date of the appointment Willis HRH is hereby authorized to have access to any and all insurance information and renewals from Horizon Blue Cross/Blue Shield of New Jersey or any other carrier or company.
3. The term of this appointment, consistent with the provisions of New Jersey Law, shall be three years and shall, therefore, extend from March 18th, 2009 through March 17th, 2012, however, this appointment may be terminated by the City of Garfield upon thirty day written notice, with or without cause.
4. Willis HRH shall be paid a consulting fee of \$4,000.00 per month for services rendered during the term of this agreement which payment shall commence on March 18th, 2009.
5. The City Manager is hereby authorized and directed to execute any letters, notices, agreements or other documents which may be necessary in order to effectuate the provisions of this resolution and to advise all carriers and companies as to the designation set forth herein.

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk be and he is hereby authorized and directed for forward certified copies of the within resolution to Willis HRH of Morristown, New Jersey, the City Attorney, the Chief Financial Officer of the City of Garfield and Horizon Blue Cross/Blue Shield of New Jersey.

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

(Sgd) Tana M. Raymond
Louis G. Aloia

Resolution No. 08- 473

WHEREAS, Fire Company No. 3 has advised that they have accepted Joseph Pieroni of 88 Clark Street, Apt. 2, as a regular active member, effective October 6, 2008.

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) Joseph Delaney
Stanley J. Moskal

Resolution No. 08-474

WHEREAS, Robert Scarpa, residing at 7 Asa Street, Montville, NJ 07045 has requested to be appointed as a Constable, and a Class Two Officer and he has met the requirements of C.200, laws of 1971 (NJSA 40A:9-120 et. Seq.) and he has been recommended for appointment by City Manager Thomas Duch,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Robert Scarpa, residing at 7 Asa street, Montville, NJ 07045 is hereby appointed a Constable and a Class Two Officer for the year 2009.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Stanley J. Moskal

RESOLUTIONS

Resolution No. 08-475

WHEREAS, Robert Cochrane, residing at 72 Manner Avenue, has requested to be appointed as a constable, and he has met the requirements of C.200, laws of 1971 (NJSA 40A:9-120 et. Seq.) and he has been recommended for appointment by City Manager Thomas Duch,
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Robert Cochrane, residing at 72 Manner Avenue, Garfield, NJ is hereby appointed a constable for the year 2009.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Stanley J. Moskal

Resolution No. 08-476

WHEREAS, Gordon Scott Reid, residing at 225 Midland Avenue, Apartment 9C, has requested to be appointed as a constable, and he has met the requirements of C.200, laws of 1971 (NJSA 40A:9-120 et. Seq.) and he has been recommended for appointment by City Manager Thomas Duch,
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Gordon Scott Reid, residing at 225 Midland Avenue, Apartment 9C, Garfield, NJ is hereby appointed a constable for the year 2009.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Stanley J. Moskal

Resolution No. 08-477

WHEREAS, RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that the provisions of Chapter 82-17 of the Code of the City of Garfield concerning the hours of service and sales, specifically the portion regulating the hours an establishment holding a Plenary Retail Consumption License may stay open for business, is hereby suspended strictly for the 2009 New Years Day Holiday and that permission is hereby granted to said establishments to remain open an additional 3 hours until 5:00 AM on January 1, 2009,
BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to forward a CERTIFIED and exact copy of this approved Resolution to the Garfield Police Chief.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Stanley J. Moskal

Resolution No. 08-478

RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS FOR CONTRACTING UNITS PURSUANT TO N.J.S.A 40A:11-12a
WHEREAS, the City of Garfield, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may be resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and
WHEREAS, the City of Garfield has the need on a timely basis to purchase goods or services utilizing State contracts; and
WHEREAS, the City of Garfield intends to enter into contracts with the attached Referenced State Contract Vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;
NOW, THEREFORE, BE IT RESOLVED, that the City of Garfield authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and
BE IT FURTHER RESOLVED, that the governing body of the City of Garfield pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be

RESOLUTIONS

chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED, that the duration of the contracts between the City of Garfield and the Referenced State Contract Vendors shall be from January 1, 2008 to December 31, 2008.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Stanley J. Moskal

Resolution No. 08-479

A RESOLUTION AUTHORIZING ADVERTISEMENT OF BIDS FOR LANZA AVENUE WATER MAIN IMPROVEMENTS

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 Lanza Avenue Water Main Improvements on Thursday, January 22, 2009 at 10:00 AM, in the 2nd Floor Conference Room in City Hall.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Stanley J. Moskal

Resolution No. 08-480

A RESOLUTION AUTHORIZING ADVERTISEMENT OF BIDS FOR REDEVELOPMENT AND REHABILITATION OF WELLS 1, 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 Thursday, January 22, 2009 at 10:30 AM, in the 2nd Floor Conference Room in City Hall.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Stanley J. Moskal

Resolution No. 08-481

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 2008.

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

BLOCK	LOT	OWNER	REASON	AMOUNT
20.02	29	Chase	O/P	\$1,541.15

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Stanley J. Moskal

Resolution No. 08-482

RESOLVED by the Mayor and Council of the City of Garfield that the Chief Financial Officer shall and is hereby authorized to make the following transfers as per instructions from the Chief Financial Officer as follows:

<hr/>	Appropriation	Appropriation
	<u>From:</u>	<u>To:</u>
UCC Enforcement S&W	\$5,000.00	
UCC O & E		\$5,000.00

RESOLUTIONS

Police S & W	\$50,500.00	
Purchase of Police Vehicles		\$50,000.00
Passaic Valley Sewage Commission		\$500.00
DPW O/E	\$4,000.00	
Snow Removal		\$4,000.00
Recreation Salary and Wages	\$10,000.00	
Recreation Other Expenses		\$10,000.00
Fire Safety O & E	\$13,000.00	
Fire Safety S & W		\$13,000.00
	<hr/>	<hr/>
	\$82,500.00	\$82,500.00

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Stanley J. Moskal

Resolution No. 08-483

Resolution Re: Emergency Appropriation in Accordance with N.J.S.A. 40A:4-48 – Water Utility – Other Expenses

WHEREAS, an emergency has arisen with respect to the City Water Utility for payment of water purchases, in the City of Garfield, and

WHEREAS, no adequate provision was made in the 2008 water utility budget for the unforeseen aforesaid purpose, and N.J.S.A. 40A:4-48 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution in \$300,000.00 ,

and, three percent (3%) of the total operating appropriations in the Budget for the year 2008 is \$964,123.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Garfield, County of Bergen (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for:

Water Utility

Other Expenses – Water Purchases \$300,000

2. Said emergency appropriation shall be provided for in the 2009 Budget.
3. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.
4. That the statements required by the Local Finance Board have been filed with the Clerk and a copy thereof will be transmitted to the Director of the Division of Local Government Services.

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

(Sgd) Joseph Delaney
Stanley J. Moskal

RESOLUTIONS

Resolution No. 08-484

A Resolution authorizing Payment #22 to APS Construction in the amount of \$60,000 in connection with the Water System Master Plan – Phase I

BE IT RESOLVED, by the City Council of the City of Garfield, Payment #22 is hereby approved in the amount of \$60,000.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello
Stanley J. Moskal

BILLS AND CLAIMS

Resolution No. 08-485

RESOLVED by the City Council of the City of Garfield that the following bill No. 1278 covering Trust Other totaling \$11,749.79 and Current Fund totaling \$193,404.88 and Water Fund Current totaling \$29,017.42 and General Capital totaling \$107,261.97 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 eight (8) items prior to the meeting, be ratified.

See

The

Following

Pages Numbered _____

For

Bills

And

Claims

ORDINANCES

Ordinance No. 2543

The following entitled ordinance was introduced at a Regular Meeting held November 25, 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 and the City Council can now proceed with the public hearing and final passage:

“AN ORDINANCE TO AMEND CHAPTER 256 OF THE CODE OF THE CITY OF GARFIELD ENTITLED “RETAIL BUSINESS HOURS”

City Clerk Pavlica read the ordinance by title.

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

Mr. Richard Derrig, 71 Herman Street; and Mr. Joseph Dorman, 174 Palisade Avenue both spoke in opposition to the ordinance.

There being no further objections, 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,
Abstain 1- Councilmember Raymond

CITIZENS AND TAXPAYERS

Ms. Laura Danis, 33 Spring Street, asked questions about the resolution which permitted liquor license establishments to remain open until 5:00 AM for New Year’s Day. She asked about proposed amendments to the Noise Ordinance. She said that the Wisla Center at the corner of Plauderville Avenue and Main Street is a problem. She spoke about the Mayor addressing her concerns about Library Funding. She said that she wants a “No Trespassing” sign placed at Belmont Oval Park located off Spring Street. She said that the people using the ball fields in that park are a nuisance. She wished everyone a very Merry Christmas and a Happy New Year.

Mr. Richard Derrig, 71 Herman Street, questioned whether the size of the new building being constructed on Lanza Avenue by Fleischer’s Brook has exceeded what was approved by the Zoning Board of Adjustment. He questioned whether this project will adversely affect the storm water drainage in that area. He spoke on photographs that he provided of graffiti on a building on Atlantic Street and on buildings along the railroad tracks from Somerset Street to Chestnut Street.

COUNCILMEMBER COMMENTS

Councilmember Raymond spoke on issues involving the Wisla Center. She said that the City needs ratables, but if businesses want to come, they will come. She thanked Mr. Derrig for bringing the pictures of graffiti to the Council’s attention. She wished everyone and their families a blessed holiday.

Councilmember Delaney remarked on the five hour Work Session held last night and he wished Happy Holidays to everyone.

Councilmember Aloia wished everyone a Merry Christmas, Happy Holiday and a Happy New Year. He said that the police need to catch kids committing graffiti. He said that in regard to parks, a

COUNCILMEMBER COMMENTS

bunch of bad kids make it unbearable for everyone else. He asked if the City should close all the parks and make them all homes. He said that there is always a percentage in society that does not care about anyone else. He questioned why the City would have to put a sign on a park fence that says "Do Not Trespass". He said that it is so difficult to live with bad people.

Deputy Mayor Moskal commented that copies of pictures of graffiti vandalism will be handed over to the DPW and the Police Department. He said that it is a deterrent if parents have to pay for the graffiti damage done by their children. He wished everyone "Happy Holidays" and said "God Bless".

Mayor Calandriello said that it has been a good year in many ways and that he is looking forward to January. He said that 2009 will be a challenging year. He wished everyone "Happy Holidays, Merry Christmas, and a Happy and Healthy New Year."

ADJOURMENT

At 8:55 PM there being no further business, Councilmember Raymond moved to adjourn the meeting. Councilmember Aloia duly seconded the motion.

On call of roll, Ayes 5

Andrew J. Pavlica, City Clerk