

A Regular Meeting of the City Council was held Tuesday, January 9, 2007 at 8:10 PM in the Council Chamber, 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: Louis G. Aloia, James Krone, Stanley J. Moskal, Joseph Delaney and Frank J. Calandriello

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

COMMUNICATIONS/APPOINTMENTS

City Clerk Pavlica reported that in a letter dated January 4, 2007, Mayor Calandriello appointed Michael Marsh, 142 Plauderville Avenue, to the position of Emergency Management Coordinator, to succeed himself for a three year term, said term to expire December 31, 2009.

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. 07-7

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 0221-33-051-002, from CP Sunrise, LLC (Gracinda Pereira, 430 Sylvan Street, Saddle Brook, NJ, Jose Caneja, 138 MacArthur Avenue, Garfield, NJ 07026 - who each own 50% of the shares of the corporation;), t/a The Midnight Sun, 323 Semel Avenue, Garfield, New Jersey, to C.P. Sunrise, LLC, (Jose Caneja, 138 MacArthur Avenue, Garfield, NJ 07026 who will own 100% of the shares of the corporation) t/a The Midnight Sun, and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term, and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33, and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business, and

WHEREAS, the Police Department has conducted a background investigation and the applicant and premises are suitable for licensing, and

WHEREAS, a "Tax Clearance - Transfer Certificate" has been issued and has been received as required pursuant to regulations promulgated by the State of New Jersey Division of Taxation,

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield, Bergen County, New Jersey, does hereby approve, effective January 10, 2007, the transfer of the aforesaid Plenary Retail Consumption License, to C.P. Sunrise, LLC, (Jose Caneja, 138 MacArthur Avenue, Garfield, NJ 07026 who will own 100% of the shares of the corporation) t/a The Midnight Sun, and does hereby direct the City Clerk to endorse the license certificate to the new ownership as follows:

"This license, subject to all its terms and conditions, is hereby transferred to The Midnight Sun, effective January 10, 2007."

RESOLUTIONS

BE IT FURTHER RESOLVED that this license is transferred on the condition that no Go-Go, live entertainment or discotheque be used in connection with this license; (A fee of \$75.00 was collected for the City of Garfield and \$200.00 was collected for the State of New Jersey in connection with the license transfer).

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution 07-8

RESOLVED by the Council of the City of Garfield that Bingo License No. BL:1030 for Boys and Girls Club of Garfield Women’s Auxiliary is hereby amended to change games for the above Bingo License as per attached application.

BL:1030 – boys and Girls Club Women’s Auxiliary
To change game as follows: Change Friday Dates beginning in February
As per attached application for the above Bingo Game

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
James Krone

Resolution No. 07-9

RESOLVED by the Council of the City of Garfield that the following Raffle License be granted:

RL:4161 – Oak View HSA
On Premise 50/50 Raffle
2/23/07 6-11PM

\$20.00

RL:4162 – Oak View HSA
Off Premise 50/50 Raffle
2/23/07 6-11PM

\$20.00

RL:4163 – Oak View HSA
Casino Night
2/23/07 6-11PM

\$20.00

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
James Krone

Resolution No. 07-10

RESOLVED by the City Council of the City of Garfield that Andrew J. Pavlica, City Clerk, is hereby authorized to issue the following licenses for Games of Skill for the year 2007 described in application, duly filed:

Drazek Inc.	1 Pool Table	\$	75.00
126 Ray Street	1 Pin Ball		50.00
Garfield NJ 07026			
			<hr/>
		\$	125.00

RESOLUTIONS

Off Duty Tavern	1 Pool Table	\$ 75.00
133 Monroe Street	1 Juke Box	50.00
Garfield, NJ 07026	1 Video Game	<u>50.00</u>
		\$ 175.00
J & S Fregata	1 Pin Ball	\$ 75.00
45 Shaw Street	1 Fooseball	50.00
Garfield, NJ 07026	1 Mega Touch	50.00
	1 Pool Table	50.00
	1 Juke Box	<u>50.00</u>
		\$ 275.00

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
James Krone

Resolution No. 07-11

WHEREAS, Fire Company No. 2 has advised that they have accepted the resignation of Kenneth Robertson of 345 MacArthur, as an active member, effective January 2, 2007,
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 2 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
James Krone

Resolution No. 07-12

WHEREAS, there exists in the City of Garfield, a need for the services of a firm special in the investigation, research, planning, preparation and pursuit of programs submitted to various County, State and Federal authorities and foundations for obtaining vital financial and other aid for municipal programs; and

WHEREAS, such services involve professional knowledge and services as financial advisors and public relations consultants as well as specialized knowledge of available County State and Federal aid programs and the numerous applications, submissions and actions necessary to obtain and successfully pursue such programs and involve such qualified services and knowledge that specifications cannot reasonable be formulated and public bidding is not feasible; and

WHEREAS, the need for such services is great and immediate and necessary funds are available.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield, new Jersey, as follows:

1. For the reasons above stated, it is hereby determined that such services and programs involve such qualitative and professional services that drawing of specifications is not practical and public bidding is not appropriate, feasible or required.
2. The contract for the performance of all necessary professional consultation and work involved in the study of County, State and Federal aid funds needs of the City of Garfield, New Jersey, and the related research, planning, preparation, submission and proceeding with applications and programs for such fundfinding and related aid programs is hereby awarded to Bruno Associates, Inc., 1373 Broad Street, Clifton, New Jersey, 07013, without competitive or public bidding.
3. Bruno Associates, Inc. shall be paid for such services the sum of \$60,000 per year, commencing January 1, 2007, and terminating December 31, 2007, payable monthly, at the rate of \$5,000.00 per month.
4. Bruno Associates, Inc. agrees that if at the end of our contract year we do not obtain grant funding in excess of or equal to the amount of our annual fee, we will continue our services on behalf of the City of Garfield, without compensation, until such time as the awarded funding reaches amount of fee paid.

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- 5. This contract may be terminated by either party after a six (6) month period by giving at least ten (10) days advance notice in writing via certified mail specifying the effective date of such termination.
- 6. A copy of this Resolution shall be published in the Messenger of Garfield within ten (10) days, according to law.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
James Krone

Resolution No. 07-13

RESOLUTION AUTHORIZING PROFESSIONAL ENVIRONMENTAL SERVICES FOR A SITE INVESTIGATION PLAN OF THE FIRE HOUSE NO. 3 SITE IN ORDER TO DETERMINE THE NEED FOR REDEVELOPMENT.

WHEREAS, pursuant to NJSA 40A:12A-6, the Governing Body has authorized the Planning Board to undertake a preliminary investigation to determine whether a portion of the Fire House No. 3 including Block 69, Lot 11.02, 58 Willard Street and Block 69, Lot 11.01, rear of fire house owned by Garfield Waterworks, 55 Grand Street are areas in need of Redevelopment according to the criteria set forth in NJSA 40A:12A-5; and

WHEREAS, the Governing Body has determined that there has been, or it suspects that there has been, a discharge of hazardous substances or a hazardous waste on the Property; and

WHEREAS, the City of Garfield is applying from the Hazardous Discharge Site fund for funding for the assessment and investigation of the Fire House No. 3 site in order to determine the extent of the existence of any hazardous substance or hazardous waste; and

WHEREAS, the City of Garfield is committed to the redevelopment of Fire House No. 3 for the purpose of an environmental cleanup suitable for Redevelopment and finds that a realistic opportunity exists for the redevelopment of the Fire House No. 3 site within a three year period after the completion of the remediation of this site either through the planned redevelopment project, or through the planned redevelopment project, or through alternate redevelopment; 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, Bergen County, New Jersey that Pennoni Associates, Inc. Is authorized to perform Professional Environmental Services for a Site Investigation Work Plan in an amount of \$42,855.00 to perform and complete the above described services all in accordance with the proposal submitted.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Louis G. Aloia

BILLS AND CLAIMS

Resolution No. 07-14

RESOLVED by the City Council of the City of Garfield that Current Fund Reserve totaling \$378,869.83 and Current Fund totaling \$1,095,519.14 and Water Fund Reserve totaling \$69,922.12 and Water Fund Current totaling \$14,475.75 and General Capital totaling \$392,144.01 and Water Capital totaling \$149,458.90 and State and Federal Grant Fund totaling \$3,476.20 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 ten (10) items prior to the meeting be ratified.

See the following

pages numbered _____

for Bills and Claims

ORDINANCES

Councilmember Aloia introduced in writing the following ordinance entitled:

“AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARFIELD AND, SPECIFICALLY, TO AMEND THE PROVISIONS OF ORDINANCE NO. 2473 TO AUTHORIZE CRIMINAL HISTORY RECORD BACKGROUND CHECKS FOR EMPLOYEES INVOLVED WITH CITY PROGRAMS OR SERVICES FOR MINORS”

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled, “AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARFIELD AND, SPECIFICALLY, TO AMEND THE PROVISIONS OF ORDINANCE NO. 2473 TO AUTHORIZE CRIMINAL HISTORY RECORD BACKGROUND CHECKS FOR EMPLOYEES INVOLVED WITH CITY PROGRAMS OR SERVICES FOR MINORS” , 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 January 23, 2007 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 Krone, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 5

CITIZENS AND TAXPAYERS

Ms. Tana Raymond, 93 Spring Street, complimented Police Officers Martin Gray and Jeff Camiscoli who responded to a complaint of a loud party that one of her tenants was throwing on New Years Eve. She questioned if there were only three police officers total on duty to cover the entire City on New Years Eve. She complained about the proposed redevelopment of the Garden State Paper Recycling Mill site located at 950 River Drive. She complained that the proposal went from 287 apartments to 292 apartments, and of that number, the proposal went from 118 senior apartments to 100 senior apartments. She said the developer could do better than give the City a new police station at 411 Midland Avenue. She said the developer is making “mega-bucks” on this project and the taxpayers are not getting that much tax relief if any from this project. She said that it will bring children into the school system. She questioned why the old Police Station would need to be torn down. She said that a Police Annex in the First Ward where the crime rate is higher would be a better proposal. She said that a better deal could have been worked out with the developer. She said that the taxpayers of this town need relief. She said that the new police station will cost the developer \$2 million and she wants to know what he is making on the project. She said that this is a very lucrative project for this developer and she thinks the City rushed into this thing and the City needs to go back to the table with the developer. She said that she received a gift in the mail that has gotten the Police and DPW involved. She said that the US Attorneys Office has been in Garfield and is asking questions. She said that someone spent more than \$100 to send her a car transmission which weighed about 111 pounds. She questioned the commission that the broker is making on City Health Insurance. She said that she would like to know DWI arrests before and after bar closing times changed. She complained that the HELP Clinic at 535 Midland Avenue is not a “free” clinic and that the property is now tax-exempt, when the City used to receive \$26,000 a year in property taxes from that land.

Mr. Joseph Dorman, 174 Palisade Avenue, said that on December 14, 2006, he sent a letter to City Manager Duch concerning the use of loudspeakers on the mosque of the Albanian-American Islamic Center at 43 Monroe Street calling people to prayer three times a year. He questioned if this was going to be allowed.

CITIZENS AND TAXPAYERS

Mr. Mike Ramadani, 167 Malcolm Avenue, said that as a member of the Albanian-American Islamic Center, and as a Muslim in the community, he has never heard Muslim people come here to complain about church bells. He said that he respects the Christian religion and other religions and appreciates if people respect the Muslim religion. He said that in regard to the Redevelopment of the Garden State Paper site, if we try to milk these developers too much, we chase big people out of town.

COUNCILMEMBER COMMENTS

Councilmember Aloia said that the State is proposing to impose a 4% cap on municipal budget increases, but the State does not impose the same restriction on themselves. He said that the State can raise State Health Insurance by 17%, but then tell the municipalities that things cannot be raised more than 4% and there is an inconsistency there. He said that in regard to the development of the Garden State Paper tract, the City should not give up what it already has in an existing, viable building which is the current police station. It may not be an adequate police station building, but it would be nice to also have a precinct somewhere else that protects the quality of the community and helps another part of the City. He said that Acting Construction Code Official Gerald Walis has plans which could result in the Building Department growing tremendously and he can see the need for the old Police Station being used for that. He said that he does not want to see the City get rid of an old building if it can be used for other purposes. He wished everyone a Happy New Year.

Councilmember Krone said that the idea of a precinct means a minimum of at least six more employees. He said that he is also okay with the idea of putting a new police station someplace else other than 411 Midland Avenue. He said that the new police station would need about an acre of land and be centrally located. He does not see how there can be two buildings at 411 Midland Avenue including a 14,000 square foot building and parking spaces. He said that if the City spends \$1 million to buy a viable piece of land, then we are right where we started. He wished everyone a Happy New Year.

Councilmember Moskal wished everyone a Happy New Year. He said that he unfortunately was not able to attend the Fire Department Installation on January 5th, but he had to be at work for month end and year end book closings. He wished Fire Chief Edward Ortyl and the Department all the best in 2007. He said that in regard to the Garden State Paper Redevelopment and "haste", this project has been talked about for over a year, if not more, in newspaper articles, gone through various committees, the Redevelopment Agency, the Planning Board, City Council, hearings have been held and this has not been an idea that "just came up" that was approved. He said that as far as the benefit the City would get, from a few vehicles, it became something bigger and grander which was a bigger benefit. He said, collectively, the City said that the Police Station is in need of an update. He said Police Departments today vs. Police Departments of fifty years ago are drastically different as far as the things they do. He said structurally and from a technologically perspective the Police Station at 411 Midland Avenue does not meet the needs of a current police force. He said that it is critical that the City get a new police station and it will not cost the City a dime. He said that it is a great benefit structurally and from a technologically perspective and it is something the Police Department has needed for a very long time. He again wished all a very good New Year.

Councilmember Delaney said that the City did not move hastily. He said that Garfield was lucky to get a new Middle School from the State and a new Pre-School from the State. He said that there is a need for a new police station and that is being addressed. He said that this weekend he had the pleasure to watch a Garfield guy run back a kickoff for a touchdown on national television in the NFL playoffs. He said, to see Miles Austin of the Dallas Cowboys on TV with a huge smile on his face, was Garfield to the max, and was a great feeling. He said that Garfield's Luis Castillo of the San Diego Chargers will be playing this weekend and it is an exciting time for Garfield in regard to football. He wished everyone a Happy New Year.

COUNCILMEMBER COMMENTS

Mayor Calandriello said that the City did not act too quickly or without doing our home work. He said that the Garden State Paper site was designated as an area in need of Redevelopment. He explained the entire Redevelopment process from City Council to Planning board to hearings and notices to area residents, passages of resolutions and ordinances by the City Council, Planning Board and Redevelopment Agency. Mayor Calandriello said that the City Tax Assessor estimates that this redevelopment will provide \$1.5 million to \$2 million in tax revenue per year to the City. He said that the City has lost ratables year after year and the City is looking for ways to make up these ratables. He said that the Garden State Paper property sat there for five years after Enron took it over and went bankrupt. He said they dumped it in a bankruptcy sale for \$6.1 million. He said that the new company twice promised they would reopen but they never did. He said that the City could not look at this property for the next ten years and see minimal taxes, so something had to happen to move this forward. He said that if the City did not have a Redevelopment Agency, the property owner could have just gone to the Zoning Board of Adjustment for a use variance. He said that the City could not negotiate without the Redevelopment Agency to negotiate for something. He said that the City is getting a new Police Station that would cost \$2 million to \$2.5 million. He said that every police station that he knows that has been built costs between \$3 million to \$4 million. He said that the City could not otherwise afford this new building. He said that the City has a developer who owns the property, who wants to develop the property, who wants to work with the municipality and wants to build the City a Police Station valued in the millions. He said that the City can talk about this for the next ten years or take advantage of an opportunity. He said that at this point, it is the best option that the City has. He said that his first option was to have the Garden State Paper Recycling Mill up and running and to have those 250 jobs back and have industry where it is, but that is not an option. He said that the City has done its homework, has done everything possible to make something happen there and our second choice is not so bad. He said that it will be good for the town and give a nice face lift on River Road. He wished everybody a Happy New Year. He said that he was fortunate enough to coach Miles Austin and Luis Castillo. He said that when you saw Miles Austin smiling on TV as he was running with the ball, you remembered Miles always smiled. He said that as a kid, the coaches used to tease Miles and tell him that he was a football player and he is supposed to look mean, but he kept that smile. He said that when we saw Miles running for a touchdown with that big grin, it was so much him. Mayor Calandriello concluded by saying, "Congratulations to him".

ADJOURNMENT

At 9:05 PM, there being no further business, Councilmember Moskal moved to adjourn the meeting. Councilmember Krone duly seconded the motion.

On call of roll, Ayes 5

Andrew J. Pavlica, CITY CLERK