

A Regular Meeting of the City Council was held Tuesday, October 23, 2007 at 9:10 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: Louis G. Aloia, James Krone, Stanley J. Moskal, Joseph Delaney and 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 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 earlier this evening. Councilmember Krone duly seconded the motion.

On call of roll, Ayes 5

RESOLUTIONS

Resolution No. 07-386

WHEREAS, Marilyn Martorano has served in the Garfield Public Schools System from 1969 until the present day in a laudatory manner, having started as a remedial school teacher, service as Administrative Assistant and Assistant to the Principal of the Middle School before assuming responsibility as the Principal of the Garfield Middle School, and

WHEREAS, Marilyn Martorano has served in an exemplary manner, always emphasizing the pursuit of academic excellence, and

WHEREAS, Marilyn Martorano has served on the Garfield Public Library Board, has volunteered as a Recreation Department and Girls Softball Coach and Girls Basketball Coach, and

WHEREAS, Marilyn Martorano received the Governor's Teacher Recognition Award in 1990, was also listed in Who's Who Among America's Teachers in 1992, and has been an active member of the Garfield Education Association and the Garfield Principal's Association, and

WHEREAS, the recent opening of the new Garfield Middle School was accomplished in a capable and efficient manner due to her leadership; such leadership including numerous innovational education initiatives, including the introduction of uniforms for the students and staff of the entire Garfield Middle School, and

WHEREAS, Marilyn Martorano is fully deserving of recognition and thanks from the Mayor and Council of the City of Garfield on behalf of all the citizens of the City.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey that congratulations and best wishes for a continued success are hereby extended to Marilyn Martorano, an exceptional educator dedicated to her students and staff, as she continues to lead our new Middle School down the pathway of excellence.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 07-387

WHEREAS, the Garfield PBA Local No. 46 will hold their Annual Awards Dinner on Friday, November 2, 2007 at The Brownstone located at 351 West Broadway, Paterson, and

WHEREAS, the P.B.A. is honoring Detective Keith Kopacz with a Gold PBA Lifetime Member Card and Charles T. Grieco and Michael D'Angelo with Silver PBA Lifetime Members Cards for their many years of dedicated service, and

WHEREAS the City Council is desirous of joining with the P.B.A. in honoring these three fine individuals,

RESOLUTIONS

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Detective Keith Kopacz, Charles T. Grieco and Michael D'Angelo are hereby publicly congratulated and acknowledged for being deservedly honored with a dinner celebration by Garfield PBA Local No. 46 for their dedicated service to our community and the Garfield Police Department.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 07-388

WHEREAS, Bluberries Advertising, located at 70 Outwater Lane in Garfield, is a full service advertising agency with print, web, digital and audio/visual capabilities; and
WHEREAS, Bluberries Advertising, was founded by Nick, Bart and Chris Sadowski in August of 2002 and has grown up fast into a full – service agency with an array of repeat clients across a variety of industries; and
WHEREAS, this year marks the fifth anniversary of its founding, and the Mayor and Council are desirous of publicly recognizing this milestone;
NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey, that Bluberries Advertising is hereby CONGRATULATED on the occasion of their FIFTH ANNIVERSARY and best wishes are also extended for continued success and prosperity.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 07-389

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 0221-33-017-004, from Hambo, Inc. (David Marlis, 77 Cedarhurst Avenue, West Paterson, NJ 07424 – who owns 100% of the shares of the corporation) t/a D P's Pub, 732 River Drive, Garfield, New Jersey, to Timlo, LLC, (Lois McAuliffe, 14 Watchung Drive, Hawthorne, NJ 07506, and Timothy Rothfritz, 98 Semel Avenue, Garfield, NJ 07026 who will each own 50% of the shares of the corporation) t/a DP's Pub, 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 October 24, 2007, the transfer of the aforesaid Plenary Retail Consumption License, to Timlo, LLC, (Lois McAuliffe, 14 Watchung Drive, Hawthorne, NJ 07506, and Timothy Rothfritz, 98 Semel Avenue, Garfield, NJ 07026, who will each own 50% of the shares of the corporation) t/a DP's Pub, 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 Timlo, LLC., October 24, 2007",
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

Resolution No. 07-390

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 0221-33-031-004, Mulligan, Audrey (Audrey Mulligan, 44 Daniels Drive, Clifton, NJ 07013 – who is the 100% individual owner) t/a Jimmy Jim’s Grill, 399 Midland Avenue, Garfield, NJ 07026, LCJD, LLC (Luis Buron, 278 Semel Avenue, Garfield, NJ 07026 and Julio Castillo, 1-09 35th Street, Fair Lawn, NJ 07401 – who will each own 50% of the shares of the corporation) t/a Jimmy Jim’s Grill, 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 October 24, 2007, the transfer of the aforesaid Plenary Retail Consumption License, to LCJD, LLC, (Luis Buron, 278 Semel Avenue, Garfield, NJ 07026 and Julio Castillo, 1-09 35th Street, Fair Lawn, NJ 07401 – who will each own 50% of the shares of the corporation) t/a Jimmy Jim’s Grill, 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 LCJD, LLC, October 24, 2007”,

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 No. 07-391

WHEREAS, Fire Company No. 5 has advised that they have expelled Andrew Maczka of 524 Boulevard, as an active member effective September 4, 2007,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 5 with respect to the above matter, is hereby accepted.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution No. 07-392

WHEREAS, Fire Company No. 5 has advised that they have accepted the resignation of Joseph Breonte of 125 MacArthur Avenue, as an active member, effective September 4, 2007,,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 5 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

RESOLUTIONS

Resolution No.07-393

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Public Service Electric and Gas Company is hereby authorized and requested to install a “Yellow” High Pressure Sodium Lamp on Pole No. 61755G located across the street from 150 Orchard Street, BE IT FURTHER RESOLVED that City Clerk Andrew J. Pavlica is hereby authorized and directed to forward a certified and exact copy of this approved resolution to P.S.E. & G. Co. at the following address:

Mr. Tom Zotollo
P.S.E.& G. Company
325 County Avenue
Secaucus, New Jersey 07094

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution No. 07-394

RESOLUTION AUTHORIZING TEMPORARY APPOINTMENT OF ACTING DEPUTY MAYOR

WHEREAS, pursuant to Local Ordinance, Joseph Delaney, was appointed Deputy Mayor for the City of Garfield; and

WHEREAS, pursuant to the provisions of state and local law, the Deputy Mayor shall serve in the place of the Mayor and perform all functions of the Mayor in the Mayor’s absence; and

WHEREAS, on Friday, November 2, 2007, it will be necessary and appropriate to temporarily appoint Stanley J. Moskal as Deputy Mayor for the City of Garfield in order to perform the marriage ceremony of Przemyslaw Baranowski and Katazyna Zlokowska of 100 Wallington Avenue, Wallington, NJ 07057, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, County of Bergen, State of New Jersey as follows:

1. Councilman Stanley J. Moskal be and is hereby appointed Deputy Mayor for the City of Garfield to perform the marriage ceremony of Jaroslaw Maslach and Justyna Nieznanska and the marriage ceremony of Przemyslaw Baranowski and Katazyna Zlokowska.
2. This temporary appointment shall be solely for the purpose of performance of these marriage ceremonies and for no other reason. Similarly, no additional authority is granted hereby other than to perform said ceremonies and to execute any and all documents which may be necessary in order to effectuate the provision of this Resolution and to confirm the performance of the marriage ceremonies as described above.

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 Councilman Stanley J. Moskal and Katazyna Zlokowska of 100 Wallington Avenue, Wallington, NJ 07057.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution No. 07-395

RESOLUTION AUTHORIZING TEMPORARY APPOINTMENT OF ACTING DEPUTY MAYOR

WHEREAS, pursuant to Local Ordinance, Joseph Delaney, was appointed Deputy Mayor for the City of Garfield; and

WHEREAS, pursuant to the provisions of state and local law, the Deputy Mayor shall serve in the place of the Mayor and perform all functions of the Mayor in the Mayor’s absence; and

RESOLUTIONS

WHEREAS, on November 4, 2007, it will be necessary and appropriate to temporarily appoint Louis G. Aloia as Deputy Mayor for the City of Garfield in order to perform the marriage ceremony of Catherine Chen and Sean Spitz, and
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, County of Bergen, State of New Jersey as follows:

3. Councilman Louis G. Aloia be and is hereby appointed Deputy Mayor for the City of Garfield to perform the marriage ceremony of Catherine Chen and Sean Spitz.
4. This temporary appointment shall be solely for the purpose of performance of these marriage ceremonies and for no other reason. Similarly, no additional authority is granted hereby other than to perform said ceremonies and to execute any and all documents which may be necessary in order to effectuate the provision of this Resolution and to confirm the performance of the marriage ceremonies as described above.

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 Councilman Louis G. Aloia and the City Attorney.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution No. 07-396

RESOLUTION – ENVIRONMENTAL TESTING AUTHORIZATION

WHEREAS, the former Kalama Chemical, Inc, facility located at 290 River Drive has been the subject of numerous environmental studies and other environmental activities;

WHEREAS, the City of Garfield previously authorized SECOR International Incorporated to conduct certain off-site activities with regard to the continued environmental remediation of the Kalama Chemical site; and

WHEREAS, the said approvals were granted pursuant to the following Resolutions::

No. 96-76	(February 22, 1996)
No. 96-427	(December 17, 1996)
No. 97-323	(September 2, 1997)
No. 99-347	(October 19, 1999)
No. 02-95	(March 12, 2002)
No. 02-312	(July 23, 2002)

WHEREAS, in addition to the resolutions, an Indemnification Agreement was signed in favor of the City of Garfield by this company as a condition of granting said approval; and

WHEREAS, Sovereign Consulting, Inc. has now requested permission to perform certain other off-site activities associated with the same project that were not originally contemplated at the time that the aforementioned resolutions were adopted; and

WHEREAS, the City Engineer has reviewed the request and has confirmed that it is acceptable and recommends its approval; and

WHEREAS, any approval granted shall be specifically contingent upon the execution of an Indemnification Agreement in favor of the City of Garfield.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Garfield, County of Bergen, and State of New Jersey as follows:

1. Sovereign Consulting, Inc., on behalf of EPC Polymers, Inc, is hereby granted approval for the following:
 - Have the location of MW-24 staked out by a licensed New Jersey professional surveyor.

RESOLUTIONS

- Have F. DiGirolamo & Son Excavate 2.0-3.0 feet to soil from between the sidewalk and the curb in the area marked by the surveyor.
 - If the well is located and is determined to be intact, it would be extended back to grade, and the wellhead would be completed with a new flush-mounted, water tight manhole and locking cap.
 - If the well is located but is determined to have been damaged, it would be properly abandoned by a licensed New Jersey well driller, and then replaced by a new well to be located adjacent to the old well.
2. The location of monitoring MW-24 as shown on the attached figure, If necessary, the replacement well (to be designated MW-24R) would be constructed similarly to MW-24 (i.e., 4.0-inch diameter Sch. 40 PVC; 14.0 feet deep; 10.0 feet of screen). The well head would be completed with a flush mounted, water tight manhole and locking cap.

BE IT FURTHER RESOLVED, that the City Attorney be and he is hereby authorized and directed to prepare any and all documents necessary in order to effectuate the provisions of this Resolution; 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 Sovereign Consulting, Inc., Kevin Boswell, the City Engineer, Joseph J. Rotolo, Esq., the City Attorney, Sam Garofalo, The Superintendent of the Department of Public Works.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution No. 07-397

RESOLUTION – GASOLINE – DIESEL FUEL BID AWARD

WHEREAS, the Governing body previously authorized the solicitation of bids for the purchase of gasoline and diesel fuel for all city vehicles; and

WHEREAS, the bids were advertised and bids were to be received on September 27, 2007 at 10:00 AM; and

WHEREAS, in response to the bid notice, one bid was received, for both gasoline and diesel fuel purchases, was as follows:

Calderone's Hilltop Service
153 Passaic Street
Garfield, New Jersey 07026

Gasoline – Two (2) cents per gallon over tank car price Texaco, Newark, New Jersey, as determined in accordance with the requirements of the bid specifications.

Diesel Fuel – Two (2) cents per gallon over tank car price Texaco, Newark, New Jersey, as determined in accordance with the requirements of the bid specifications.

WHEREAS, the Chief Financial Officer for the City of Garfield has reviewed the bids submitted and has found it to be in compliance with the requirements of the bid specifications and has recommended that a contract be awarded in accordance with that bid; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Garfield, County of Bergen, and State of New Jersey as follows:

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2. A one year contract (November 1, 2007 through October 31, 2008) be and is hereby awarded to Calderone's Hilltop Service, 153 Passaic Street, Garfield, New Jersey for the purchase of gasoline for all city owned vehicles, with a minimum octane rating of 89, at a price which is equal to two (2) cents per gallon over tank car price, Texaco, Newark, New Jersey as determined on the first day of each month per the posted price for Newark published by Coast refining and Marketing, Inc., Northeast Region.
3. A one year contract (November 1, 2007 through October 31, 2008) be and is hereby awarded to Calderone's Hilltop Service, 153 Passaic Street, Garfield, New Jersey for the purchase of diesel fuel for all city owned vehicles, with a fuel grade 40 octane, at a price which is equal to two (2) cents per gallon over tank car price, Hess, Bogota, New Jersey as determined on the first day of each month per the posted price for Bogota published by Amerada Hess Corp.
4. The contract shall be subject to all terms, conditions and requirements set forth in the bid specifications which are specifically incorporated herein and shall be incorporated into the Agreement between the City of Garfield and the successful bidder.

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 Calderone's Hilltop Service, the Chief Financial Officer for the City of Garfield and the Superintendent of the Department of Public Works.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution No. 07-398

RESOLUTION – WATER PARTS

WHEREAS, the City Council, pursuant to Resolution No. 07-331, authorized the advertisement for receipt of bids for the acquisition of water parts inclusive of clamps, gate valves, etc.; and

WHEREAS, this advertisement authorization was made with the recommendation of the Department of Public Works and the Chief Financial Officer; and

WHEREAS, specifications for this project were prepared by the Chief Financial Officer in consultation with the Superintendent of the Department of Public Works and bids were to be received on September 20, 2007 at 10:00 AM; and

WHEREAS, at the time and place scheduled for the acquisition of bids, one bid was received, from Water Works Supply Company, Inc. of Pompton Plains, New Jersey; and

WHEREAS, the Chief Financial Officer and the Superintendent of the Department of Public Works reviewed the bid submitted and have confirmed that the bid was responsive and acceptable; and

WHEREAS, the Chief Financial Officer has also certified that sufficient funds are available for this purchase.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Garfield, county of Bergen, and State of New Jersey as follows:

1. A contract be and is hereby awarded to Water Works Supply Company, Inc., 660 State Highway 23, Pompton Plains, New Jersey for the purchase of various water parts inclusive of clamps, gate valves, etc.
2. The award of this contract shall be in accordance with the bids submitted by Water Works Supply Company, Inc. dated September 20, 2007.
3. The total amount of this award shall be in an amount not to exceed 475,000.00 with the actual amount to be determined based upon the total number of parts purchased.
4. The award of this contract is contingent upon certification, by the Chief Financial Officer, that sufficient funds exist for this purpose.

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5. The City Manager is hereby authorized and directed to execute any and all invoices, purchase orders and other documents which may be necessary in order to facilitate this purchase provided, however, that the same are reviewed and approved by the Chief financial Officer and Superintendent of the Department of Public Works.

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 Chief Financial Officer of the City of Garfield, the Department of Public Works and Water Works Supply Company, Inc.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution No. 07-399

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:	2007 Road Program
ENGINEER:	Boswell McClave Engineering
CONTRACTOR:	Smith-Sondy Asphalt Construction Co., Inc.
ORIGINAL CONTRACT COST:	\$ 639,686.50
COST OF CHANGE ORDER NO. 1:	<u>100,032.40</u>
NEW CONTRACT SUM:	\$ 739,718.90
CHANGE ORDER NUMBER:	#1
NATURE OF CHANGES:	“Expanded Limits and Deteriorated Condition.”

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution No. 07-400

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:	Improvements to Palisade Avenue – Sections 1-4
ENGINEER:	Boswell McClave Engineering
CONTRACTOR:	Smith-Sondy Asphalt Construction Co., Inc.
ORIGINAL CONTRACT COST:	\$ 887,971.30
COST OF CHANGE ORDER NO. 1:	<u>43,958.10</u>
NEW CONTRACT SUM:	\$ 931,929.40
CHANGE ORDER NUMBER:	#1
NATURE OF CHANGES:	“As-Built Quantities and Additional Work.”

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

RESOLUTIONS

Resolution No. 07-401

WHEREAS, the City of Garfield desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$13,750 to carry out a project to relocate tenants and businesses displaced as a result of the City of Garfield's Dundee Dam/Passaic River Park Project.

NOW THEREFORE, BE IT RESOLVED,

1. That the City of Garfield does hereby authorize the application for such a grant; and
2. recognized and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Garfield and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

(Sgd) Frank J. Calandriello
Frank J. Calandriello, MAYOR

(Sgd) Andrew J. Pavlica
Andrew J. Pavlica, CITY CLERK

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution No. 07-402

BE IT RESOLVED, that the Mayor and Council of the City of Garfield wishes to amend grant agreement #CN-UPG-GAR-SR.CTR-05 with the County of Bergen for the purpose of using \$29,282.00 in 2005 Community Development Block Grant funds in conjunction with previous grants in the amount of \$280,000.00 for a total amount of \$309,282.00.

Senior Center Rehabilitation Project; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Mayor Frank J. Calandriello, to be the signator to the aforesaid amended grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Mayor Frank J. Calandriello to sign all county vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the City of Garfield is liable for any funds not spent in accordance with the aforesaid grant agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution No. 07-403

WHEREAS, a Bergen County Community Development Block grant of \$300,000.00 has been proposed by Calvary Community Development Center, Inc. for Property Rehabilitation, Demolition and Development 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 City Council, and the Calvary Community Development Center, Inc.

WHEREAS, the aforesaid project is in the best interest of the people of Bergen County, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that the aforesaid project is hereby endorsed and that the City Clerk is hereby authorized and directed to forward a CERTIFIED copy of this approved resolution to the Director

RESOLUTIONS

of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution No. 07-404

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING DESIGN SERVICES IN CONNECTION WITH THE FINAL DESIGN OF RIVER DRIVE ROADWAY IMPROVEMENTS AND THE RIVER DRIVE BIKEWAY IN THE CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY

WHEREAS, the City of Garfield is desirous in undertaking improvements to River Drive; and WHEREAS, the Bergen County Planning Department has requested the design of a 46 foot wide River Drive roadway width; and

WHEREAS, the city of Garfield desires to construct an eight (8) foot wide bikeway between River Drive and the Passaic River that shall extend from Outwater Lane north to the Elmwood Park border; and

WHEREAS, the City of Garfield has received multiple grants to improve this section of the Garfield Riverfront; and

WHEREAS, the New Jersey Department of Transportation (NJDOT) has awarded funding in connection with the construction cost for roadway Improvements to River Drive; and

WHEREAS, it is anticipated that the cost of planning and design for this project will be fully funded from the NJDOT grant and therefore, will be no cost to the City; and

WHEREAS, the City Engineer, Boswell McClave Engineering, shall prepare contract documents for the River Drive Roadway Improvements; 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 the amount of \$390,000.00 for Planning and Design, and \$90,000.00 for Landscape Architectural Services in conjunction with ETM Associates, LLC., for a total fee not to exceed \$480,000.00 to perform and complete the above described services.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution No. 07-405

WHEREAS, the City Engineer, Boswell McClave Engineering, has received three (3) verbal bids for the City of Garfield Municipal Building's Roof Drains and Leaders Video Inspection; and

WHEREAS, the following bid was the lowest received:

- | | | | |
|----|--|-----------|----------|
| 1. | Drainbusters, Inc.
Garfield, New Jersey | Total Bid | \$950.00 |
|----|--|-----------|----------|

; and

WHEREAS, Chief Financial Officer, Roy Riggitano, has certified to the existence of sufficient funds in the appropriate accounts for this expenditure; and

WHEREAS, City Engineer Representative Bernard N. Mirandi, P.E., has reviewed the bids and recommends award of contract for this project to Drainbusters Inc. ;and

WHEREAS, this work can be awarded without public bidding; and

WHEREAS, this project is in the best interest of the health, safety and welfare of the general public in the City of Garfield; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that a contract is hereby awarded to Drainbusters Inc., Garfield New Jersey to videotape, clean and trace the Garfield municipal building's roof drains and leaders; and

BE IT FURTHER RESOLVED that the City Attorney, Joseph J. Rotolo, Esq. is hereby authorized and directed to prepare the appropriate contract for execution by the Mayor and City Clerk.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

RESOLUTIONS

Resolution No. 07-406

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE PREPARATION OF BID SPECIFICATIONS TO ENABLE THE CITY OF GARFIELD TO RECEIVE BIDS FOR ROOF IMPROVEMENTS OF THE CITY OF GARFIELD'S MUNICIPAL BUILDING AND ROOF REPLACEMENT OF THE CITY OF GARFIELD'S HEALTH CENTER, IN THE CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY

WHEREAS, the City of Garfield has determined the need for undertaking roof improvements to the Municipal Building and the Health Center; and

WHEREAS, Chief Financial Officer, Roy Riggitano, has certified to the existence of sufficient funds in the appropriate accounts for this expenditure; and

WHEREAS, the City Engineer, Boswell McClave Engineering, shall prepare contract documents for roof improvements; 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 Design Services in the amount of \$3,000.00 to perform and complete the above described services.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution No. 07-407

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that he Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$4,000.00, which is now available from Division of Highway Traffic Safety, Click it of Ticket Grant in the amount of \$4,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$4,000.00 is hereby appropriated under the caption Click It or Ticket; and

BE IT FURTHER RESOLVED that the above is the result of funds from the Division of Highway Traffic Safety, Click It or Ticket Grant in the amount of \$4,000.00.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution No. 07-408

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

RESOLUTIONS

NOW, THEREFORE, BE IT RESOLVED, that he Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$3,550.00, which is now available from Division of Alcohol Bev Control Grant in the amount of \$3,550.00.

BE IT FURTHER RESOLVED, that the like sum of \$3,550.00 is hereby appropriated under the caption Beverage Control Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the Division of Alcohol Bev Control Grant in the amount of \$3,550.00.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution No. 07-409

A RESOLUTION AUTHORIZING THE CITY ENGINEER TO PERFORM ADDITIONAL TAX MAP REVISIONS IN CONNECTION WITH A 2004 RE-EVALUATION PERFORMED IN THE CITY OF GARFIELD

WHEREAS, the City of Garfield received comments from the New Jersey State Department of Taxation in 2004; and

WHEREAS, tax map revisions are required in connection with this re-evaluation; and

NOW THEREFORE BE IT RESOLVED, the City Engineer is hereby authorized to perform the additional Tax Map re-evaluation revisions for a fee not to exceed \$7,700.00.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution No. 07-410

A RESOLUTION AUTHORIZING SETTLEMENT OF REAL PROPERTY TAX APPEAL

Address: 130 Monroe Street, Garfield, New Jersey

Taxpayer: Kenneth Focarino

Tax Block 47

Tax Lot: 15

WHEREAS, Kenneth Focarino is the owner of the property described above; and

WHEREAS, that property was assessed for the tax years 2006 and 2007 as follows:

	<u>Original</u>
2006:	<u>Assessment</u>
Land:	\$ 653,100.00
Improvements:	<u>1,046,900.00</u>
Total:	\$1,700,000.00

	<u>Original</u>
2007:	<u>Assessment</u>
Land:	\$ 653,100.00
Improvements:	<u>1,046,900.00</u>
Total:	\$1,700,000.00

WHEREAS, the Real Property Tax Appeals were filed in connection with this property for the years 2006 and 2007; and

WHEREAS, as a result of the foregoing, and based upon the recommendation of the Tax Assessor and the City Attorney, the Real Property Tax Appeal filed in connection with this matter shall be settled for a total assessments of \$1,600,000.00 for 2006 and \$1,550,000.00 for 2007; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Garfield, County of Bergen, State of New Jersey as follows:

RESOLUTIONS

1. The Real Property Tax Assessment for the property described above is amended for the 2006 tax year as follows:

Land:	\$ 653,100.00
Improvements:	<u>946,000.00</u>
Total:	\$1,600,000.00

The Real Property Tax Assessment for the property described above is amended for the 2007 tax year as follows

Land:	\$ 653,100.00
Improvements:	<u>896,900.00</u>
Total:	\$1,550,000.00

2. Prejudgment interest on any refund is waived provided that refund is paid within sixty days of entry of judgment.
3. Any tax refunds shall be made payable to Schneck Holtzman, LLC, as attorney for Kenneth Focarino and forwarded to counsel for the taxpayer, Schneck Holtzman, LLC at the following Address:

Schneck Holtzman, LLC
33 Clinton Road
Suite 108
West Caldwell, New Jersey 07006

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 Tax Assessor for the City of Garfield, the Tax Collector, the City Attorney and Schneck Holtzman, LLC.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

Resolution No. 07-411

A RESOLUTION AUTHORIZING SETTLEMENT OF REAL PROPERTY TAX APPEAL

Address: 71 Outwater Lane, Garfield, New Jersey

Taxpayer: The Great Atlantic & Pacific Tea Company, Inc.

Tax Block 141

Tax Lot: 21.01

WHEREAS, The Great Atlantic & Pacific Tea Company, Inc. the owner of the property described above; and

WHEREAS, that property was assessed for the tax years 2006 and 2007 as follows:

	Original
2005:	<u>Assessment</u>
Land:	\$ 1,049,600.00
Improvements:	<u>4,400,400.00</u>
Total:	\$5,450,000.00

	Original
2006:	<u>Assessment</u>
Land:	\$1,049,600.00
Improvements:	<u>4,400,400.00</u>
Total:	\$5,450,000.00

RESOLUTIONS

2007:	Original
Land:	<u>Assessment</u>
Improvements:	\$ 1,049,600.00
Total:	<u>4,400,400.00</u>
	\$5,450,000.00

WHEREAS, the Real Property Tax Appeals were filed in connection with this property for the years 2005, 2006 and 2007; and

WHEREAS, as a result of the foregoing, and based upon the recommendation of the Tax Assessor and the City Attorney, the Real Property Tax Appeal filed in connection with this matter shall be settled for a total assessments of \$5,000,000.00 for 2005, \$4,400.00 for 2006 and \$3,900,000.00 for 2007; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Garfield, County of Bergen, State of New Jersey as follows:

- 4. The Real Property Tax Assessment for the property described above is amended for the 2005 tax year as follows:

Land:	\$1,049,600.00
Improvements:	<u>3,950,400.00</u>
Total:	\$5,000,000.00

The Real Property Tax Assessment for the property described above is amended for the 2006 tax year as follows:

Land:	\$1,049,600.00
Improvements:	<u>3,350,400.00</u>
Total:	\$4,400,000.00

The Real Property Tax Assessment for the property described above is amended for the 2007 tax year as follows

Land:	\$1,049,600.00
Improvements:	<u>3,350,400.00</u>
Total:	\$3,900,000.00

- 5. Prejudgment interest on any refund is waived provided that refund is paid within sixty days of entry of judgment.
- 6. Any tax refunds shall be made payable to Lasser Hochman, LLC as attorney for The Great Atlantic & Pacific Tea Company, Inc., and forwarded to counsel for the taxpayer, Lasser Hochman LLC at the following Address:

Lasser Hochman, LLC
75 Eisenhower Parkway
Roseland, New Jersey 07068

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 Tax Assessor for the City of Garfield, the Tax Collector, the City Attorney and Lasser Hochman, LLC.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
James Krone

BILLS AND CLAIMS

Resolution No. 07-412

RESOLVED by the City Council of the City of Garfield that the following bill No. 1217 covering Trust Other Account totaling \$20,090.30 and Current Fund Reserve Year totaling \$762.70 and Current Fund Current Year totaling \$1,172,940.78 and Water Fund Current Year totaling \$37,073.61 and General Capital totaling \$21,627.03 and Water Capital totaling \$628.23 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 thirteen (13) items prior to the meeting be ratified.

See

the

following

pages numbered _____

for

Bills

and

Claims

ORDINANCES

Ordinance No. 2513

The following entitled ordinance was introduced at a Regular Meeting held October 9, 2007; 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 229 OF THE CODE
OF THE CITY OF GARFIELD ENTITLED “TOW TRUCKS”

City Clerk Pavlica read the ordinance by title.

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

Ms. Tana Raymond, 93 Spring Street asked questions concerning the ordinance

There being no further objections, Mayor Calandriello declared the public hearing closed.

Councilmember Delaney 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 Delaney introduced in writing the following ordinance entitled:

“AN ORDINANCE TO AMEND CHAPTERS 147
(HOUSING STANDARD) AND CHAPTER 247 (ZONING) OF THE
CODE OF THE CITY OF GARFIELD TO ADD OR
AMEND CERTAIN DEFINITIONS”

City Clerk Pavlica read the ordinance by title.

Councilmember Delaney moved that this ordinance entitled, “AN ORDINANCE TO AMEND CHAPTERS 147 (HOUSING STANDARD) AND CHAPTER 247 (ZONING) OF THE CODE OF THE CITY OF GARFIELD TO ADD OR AMEND CERTAIN DEFINITIONS”, does now pass on first reading and remain on file with the City Clerk for inspection until public hearing thereon and further consideration thereof which shall be held on November 7, 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.

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, Nay 1 – Councilmember Krone

Councilmember Delaney introduced in writing the following ordinance entitled:

“AN ORDINANCE TO AMEND THE CODE OF THE CITY
OF GARFIELD TO ADD A CHAPTER ENTITLED “CURFEW””

City Clerk Pavlica read the ordinance by title.

Councilmember Delaney moved that this ordinance entitled, “AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARFIELD TO ADD A CHAPTER ENTITLED “CURFEW””, does now pass on first reading and remain on file with the City Clerk for inspection until public hearing thereon and further consideration thereof which shall be held on November 7, 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.

ORDINANCES

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 5

Councilmember Delaney introduced in writing the following ordinance entitled:

“AN ORDINANCE AMENDING THE CODE OF THE CITY OF
GARFIELD TO PROVIDE FOR A “GENERAL PENALTY”
FOR ALL ORDINANCE VIOLATIONS”

City Clerk Pavlica read the ordinance by title.

Councilmember Delaney moved that this ordinance entitled, “AN ORDINANCE AMENDING THE CODE OF THE CITY OF GARFIELD TO PROVIDE FOR A “GENERAL PENALTY” FOR ALL ORDINANCE VIOLATIONS”, does now pass on first reading and remain on file with the City Clerk for inspection until public hearing thereon and further consideration thereof which shall be held on November 7, 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.

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

Councilmember Delaney introduced in writing the following ordinance entitled:

“AN ORDINANCE AMENDING ORDINANCE 2509 OF THE CITY OF GARFIELD”

City Clerk Pavlica read the ordinance by title.

Councilmember Delaney moved that this ordinance entitled, “AN ORDINANCE AMENDING ORDINANCE 2509 OF THE CITY OF GARFIELD”, does now pass on first reading and remain on file with the City Clerk for inspection until public hearing thereon and further consideration thereof which shall be held on November 7, 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.

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

Dr. Dawn Sova, 126 Banta Avenue, spoke on the Garfield Rotary Club Fish and Chips fundraiser dinner scheduled to be held on Friday, November 2, 2007 at the Frank B. Calandriello Senior Citizen Center located at 480 Midland Avenue.

Ms. Jessica Newby, 211 MacArthur Avenue and Ms. Kelly Sente, 205 MacArthur Avenue complained about parking at and around the Bergen County Charter School located at 188 MacArthur Avenue.

Mr. Peter Dowlas and Ms. Doreen Dowlas, 100 Schley Street, complained about an alleged illegal body shop at 106 Schley Street.

CITIZENS AND TAXPAYERS

Mr. William Whren, 33 Westminster Place, questioned the resolution adopted at this meeting which endorsed a Bergen County Community Development Grant application by Calvary Baptist Church of North Jersey at Garfield in the amount of \$300,000 to rehabilitate property located at 58 Farnham Avenue to use the building to house the Food Pantry, Thrift Shop and Neighborhood Advice Center with the top floor remaining as a residential apartment for low/moderate income family.

Ms. Jo Rienzi, 116 Prospect Street, asked about the status of her request of a loading zone for the Loaves and Fishes Interfaith Food Pantry currently located at on Palisade Avenue.

Ms. Tana Raymond, 93 Spring Street, questioned several resolutions adopted at this Council meeting. She spoke on ordinances which included an increase in towing fees and storage fees. She spoke on inspections of alleged illegal apartments and over-crowding in the City. She spoke on and complained about the contract for water billing services with the Passaic Valley Water Commission. She questioned the final tax numbers of the 2007 Municipal Budget. She questioned if the City would have a City-wide Revaluation next year.

COUNCILMEMBER COMMENTS

Councilmember Aloia encouraged people who might be interested in getting involved with the 2010 Federal Census to contact City Manager Duch and he commented that the higher the population numbers for Garfield, the greater the likelihood of more money in grants for the City. He said that he agrees that the City needs more Illegal Housing Inspectors. He said that the City used to have only one Water Meter Reader but now there are several Meter Readers since the contract with Passaic Valley.

Councilmember Krone commented on the dedication of the Frank B. Calandriello Senior Center on Thursday, October 18th, the groundbreaking ceremony of the new Police Station on Sunday, October 21st and the ribbon-cutting ceremony at Dahnert's Lake County Park scheduled to be held on Monday, October 29th. He remarked that Election Day is coming up and people should go out and vote.

Councilmember Moskal commented that City Manager Duch did a fantastic job as master of ceremonies at the dedication of the Frank B. Calandriello Senior Center and during the new Police Station ground breaking ceremony. He commented that Halloween Safe Night is scheduled to be held Saturday Night, October 27th, at Twentieth Century Field.

Deputy Mayor Delaney said that a meeting will be held tomorrow between Police Lieutenant Ronald Polonkay and the Principal of the Bergen County Charter School concerning parking issues. He said that the City needs more Illegal Housing and Property Maintenance Inspectors.

Mayor Calandriello thanked the City Council for the dedication of the Frank B. Calandriello Senior Center. He said that he hopes that the Lord gave his Dad the opportunity to look down at that ceremony to hear the words that were spoken and see the amount of people who were there, including the seniors, and a lot of the residents of Garfield. He said that it was overwhelming and on behalf of his Family and his Dad's memory, he thanks everyone. He commented that the Dahnert's Lake County Park renovation was a huge undertaking and finally the County has done it. He said that the County put the money out there and it cost them \$2.9 million and every one of these Councilmembers lobbied for Dahnert's Lake to be revitalized and to be done. He said that City Officials worked so many years and paused and they got back on it and lobbied heavily. He said that this is a great thing; it is a fantastic park and the City deserves it, instead of the money going to a different part of the County.

Regular Meeting October 23, 2007, Continued

ADJOURNMENT

At 10:35 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