

A Regular Meeting of the City Council was held Wednesday, November 7, 2007 at 8:20 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, Joseph Delaney and Frank J. Calandriello  
Councilmembers Absent: James Krone and Stanley J. Moskal  
Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Joseph J. Rotolo 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 Delaney duly seconded the motion.

On call of roll, Ayes 3, Absent 2 –  
Councilmembers Krone and Moskal

### PRESENTATION

City Manager Duch read Resolution No. 07-386, adopted by the City Council at a Regular Meeting held October 23, 2007, which congratulated Middle School Principal Marilyn Martarano on a job well done. City Manager Duch and each Councilmember spoke on the fine job being performed by Ms. Martarano as Principal of the new Middle School located at 175 Lanza Avenue.

At this time, a framed copy of Resolution No. 07-386 was presented to Marilyn Martarano, who offered a few words.

### RESOLUTIONS

Resolution No. 07-414

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 0221-33-002-003, from Belmont Spirits Emporium, Inc., t/a Mack's Pool Room and Tavern, to Apple Food Service, LLC, (Edward W. Doherty, 10 Ridge Crest Road, Saddle River, NJ 0745, who will own 99.1% of the shares of the corporation and William A. Johnsen, 84 Bay Point Harbour, Point Pleasant, NJ 084742, who will own .9% of the shares of the Corporation), t/a Applebee's Neighborhood Grill & Bar.

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 November 8, 2007, the transfer of the aforesaid Plenary Retail Consumption License, to Apple Food Service, LLC, (Edward W. Doherty, 10 Ridge Crest Road, Saddle River, NJ 0745, who will own 99.1% of the shares of the corporation and William A. Johnsen, 84 Bay Point Harbour, Point Pleasant, NJ 084742, who will own .9% of the

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shares of the Corporation), t/a Applebee's Neighborhood Grill & Bar 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 Apple Food Service, LLC, effective November 8, 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 3, Absent 2 –  
Councilmembers Krone and Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-415

**RESOLUTION – AUTHORIZING DISCIPLINARY ACTION**

WHEREAS, Plenary Retail consumption Liquor License No. 0221-33-049-005 has been issued to Nice Food Kitchen; and

WHEREAS, said Licensee operates the premises located at 235 Palisade Avenue in the City of Garfield; and

WHEREAS, on or about October 8, 2007 an incident occurred at the licensed premises which resulted in police involvement and the issuance of summonses to under age individuals who allegedly purchased alcoholic beverages at the licensed premises; and

WHEREAS, as a result of the foregoing allegation and issuance of summonses, the Mayor and Council had determined that disciplinary charges should be brought against this Licensee.

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. The City Attorney is hereby authorized and directed to prepare disciplinary charges against the holder of Plenary Retail Consumption Liquor License No. 0221-33-04-005;
2. The charges to be prepared by the City Attorney shall pertain to the incidents which occurred on October 8, 2007 and as set forth in the report of the Garfield Police Department attached hereto;
3. Upon preparation of the City Attorney shall direct that a copy of said charges be served upon the Licensee at the licensed premises and that a hearing shall thereafter be scheduled.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward certified copies of the within Resolution to the City Attorney, the Garfield Police Department, the City Manager and the Licensee described in this resolution.

On call of roll, Ayes 3, Absent 2 –  
Councilmembers Krone and Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-416

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 a Pole located near 7 Market Street, Ann Street side of house,

RESOLUTIONS

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 3, Absent 2 –  
Councilmembers Krone and Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-417

WHEREAS, the City Manager, Police Chief and City Council of the City of Garfield, Bergen County, New Jersey have determined that there is no longer a need for the following unclaimed property:

Thirty (30) Bicycles and Miscellaneous Items

WHEREAS, surplus property no longer for public use may be sold only at a public auction, NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey that the City Manager or his designee is hereby authorized to conduct a Public Auction of the foregoing surplus property at 10:00 AM on Saturday, December 1, 2007 at Police Headquarters, 411 Midland Avenue, Garfield, New Jersey 07026.

BE IT FURTHER RESOLVED that the rules of said auction shall be as follows:

1. The City makes no guarantee and all items are to be sold as is condition to the highest bidder.
2. All sales shall be for cash only.
3. Upon completion of bidding on an item, the highest bid may be accepted or all bids on the item may be rejected.
4. Item(s) shall be released to the highest bidder(s) upon payment of the full bid price on the day of the auction.
5. No conditional bids accepted.
6. The City reserves the right to withdraw any item from the auction without notice.

FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to advertise the foregoing public auction in the Garfield Messenger at least seven (7) days prior to the sale.

On call of roll, Ayes 3, Absent 2 –  
Councilmembers Krone and Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-418

WHEREAS, the New Jersey State League of Municipalities Convention is scheduled to take place during the week of November 13, 2007; and

WHEREAS, this convention takes place annually in Atlantic City and provides educational opportunities for municipal officials and also provide the opportunities for municipal officials and also provides the opportunity for municipal officials to attend seminars and courses which result in savings to the various municipalities which they represent; and

WHEREAS, each year, the City of Garfield authorizes certain individuals to attend this convention and reimburses these individuals for expenses incurred in connection with that attendance; and

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WHEREAS, the City Manager, in consultation with the City Council, has determined that certain individuals should be authorized to attend this convention this year.

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. The following individuals are hereby authorized to attend the New Jersey State League of Municipalities Convention for 2007:

Councilmember Stanley J. Moskal	Superintendent of Public Works Sam Garofalo
Tax Collector Rosemarie Cokinos	Tax Assessor Kurt Hielle
Councilmember Joseph Delaney	Deputy City Clerk Diane Rosolen
City Manager Thomas J. Duch	City Clerk/Deputy City Manager Andrew J. Pavlica
Recreation Director Anthony Furfaro	Public Health Nurse Darlene Revielle
Health Inspector Frank Bland	Court Administrator Rose Ann Merendino

2. The aforementioned individuals shall be entitled to reimbursement for expenses incurred in connection with this attendance as follows:

- B. \$60.00 allowance per day as food expense.
- C. Room charge and registration to be paid by City direct.

BE IT FURTHER RESOLVED that this Resolution is contingent upon certification by the Chief Financial Officer that sufficient funds exist for this purpose; and

BE IT FURTHER RESOLVED that the city Clerk be and he is thereby authorized and directed to forward certified copies of the within Resolution to the City Attorney as well as to each of the individuals listed above.

On call of roll, Ayes 3, Absent 2 –  
Councilmembers Krone and Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-419

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

GENERAL CONSTRUCTION:	Improvements to Monroe Street, Section 2 and 2006 Road Program
ENGINEER:	Boswell McClave Engineering
CONTRACTOR:	Smith-Sondy Asphalt Construction Co., Inc. 150 Anderson Avenue, Wallington, NJ 07057
ORIGINAL CONTRACT COST:	\$ 725,028.00
COST OF CHANGE ORDER NO. 1:	<u>17,465.31</u>
NEW CONTRACT SUM:	\$ 742,493.31
CHANGE ORDER NUMBER:	#1 and Final
NATURE OF CHANGES:	“To Reflect As-Build Quantities.”

On call of roll, Ayes 3, Absent 2 –  
Councilmembers Krone and Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Regular Meeting November 7, 2007, Continued

RESOLUTIONS

Resolution No. 07-420

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

GENERAL CONSTRUCTION: Improvements to Palisade Avenue (Section 1-4)  
NJDOT

ENGINEER: Boswell McClave Engineering

CONTRACTOR: Smith-Sondy Asphalt Construction Co., Inc.

ORIGINAL CONTRACT COST: \$ 887,971.30

COST OF CHANGE ORDER NO. 1: 43,958.10

COST OF CHANGER ORDER NO. 2: 39,852.80

NEW CONTRACT SUM: \$ 971,782.20

CHANGE ORDER NUMBER: #2

NATURE OF CHANGES: "Field Condition encountered and As-Built  
Quantities."

On call of roll, Ayes 3, Absent 2 –  
Councilmembers Krone and Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-421

RESOLVED by the Mayor and Council of the City of Garfield that Change Order No. 2 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: 100,032.40

COST OF CHANGER ORDER NO. 2: 16,359.10

NEW CONTRACT SUM: \$ 756,077.95

CHANGE ORDER NUMBER: #2

NATURE OF CHANGES: "Additional Work and Field Conditions  
Encountered."

On call of roll, Ayes 3, Absent 2 –  
Councilmembers Krone and Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

RESOLUTIONS

Resolution No. 07-422

WHEREAS, the Receiver of Taxes reports that she has received a request from the following Lien Holder for a refund due to Tax Court Judgment for the year 2006.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, that the proper offices are hereby authorized to issued 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
24.02	27	Jeffrey C. Mason Esq. for 106 Somerset, LLC	TCJ	\$1785.00

On call of roll, Ayes 3, Absent 2 –  
Councilmembers Krone and Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-423

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

	<u>Appropriation From:</u>	<u>Appropriation To:</u>
Tax Assessor Salary and Wages	\$ 4,000.00	
Tax Collector Salary and Wages		\$ 4,000.00
Recreation Salary and Wages	\$ 25,000.00	
Board of Health Salary and Wages		\$ 25,000.00
Municipal Court Salary and Wages	\$ 10,000.00	
Building Department Salary and Wages	\$ 40,000.00	
DPW Salaries and Wages	\$ 40,000.00	
Police Salaries and Wages		\$ 90,000.00
Building Department Salary and Wages	\$ 20,000.00	
Tax Assessor Salary and Wages	\$ 10,000.00	
Police Other Expenses		\$ 30,000.00
Clerk Other Expenses	\$ 7,000.00	
City Manager Other Expenses		\$ 7,000.00
Building Department Salary and Wages	\$ 10,000.00	
Building Department Other Expenses		\$ 10,000.00
Municipal Court Salary and Wages	\$ 10,000.00	
Municipal Court Other Expenses		\$ 10,000.00
Clerk Other Expenses	\$ 10,000.00	
Board of Health Other Expenses		\$ 10,000.00
Clerk Other Expenses	\$ 30,000.00	
Fire Other Expenses	\$ 10,000.00	
Building and Grounds Other Expenses		<u>\$ 40,000.00</u>
	<u>\$226,000.00</u>	<u>\$226,000.00</u>

On call of roll, Ayes 3, Absent 2 –  
Councilmembers Krone and Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

BILLS AND CLAIMS

Resolution No. 07-424

RESOLVED by the City Council of the City of Garfield that the following bill No. 1218 covering Trust Other Account totaling \$7,380.80 and Current Fund Current Year totaling \$1,034,114.57 and Water Fund Current Year totaling \$210,664.06 and General Capital totaling \$1,999,957.86 and Water Capital totaling \$235,985.85 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 seven (7) items prior to the meeting be ratified.

See

the

following

pages numbered \_\_\_\_\_

for

Bills

and

Claims

ORDINANCES

Ordinance No. 2514

The following entitled ordinance was introduced at a Regular Meeting held October 23, 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 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.

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

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

Councilmember 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 3, Absent 2 –  
Councilmembers Krone and Moskal

Ordinance No. 2515

The following entitled ordinance was introduced at a Regular Meeting held October 23, 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 THE CODE OF THE CITY  
OF GARFIELD TO ADD A CHAPTER ENTITLED “CURFEW””

City Clerk Pavlica read the ordinance by title.

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

Mr. Joseph Dorman, 174 Palisade Avenue; and Ms. Jessica Newbie, 211 MacArthur Avenue, both spoke and 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 3, Absent 2 –  
Councilmembers Krone and Moskal

Ordinance No. 2516

The following entitled ordinance was introduced at a Regular Meeting held October 23, 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:

City Clerk Pavlica read the ordinance by title.

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

ORDINANCES

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

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

Councilmember 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 3, Absent 2 –  
Councilmembers Krone and Moskal

Ordinance No.

The following entitled ordinance was introduced at a Regular Meeting held October 23, 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:

City Clerk Pavlica read the ordinance by title.

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

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

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

Councilmember 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, Nays 3, Absent 2 –  
Councilmembers Krone and Moskal

ORDINANCE DEFEATED

Councilmember Aloia introduced in writing the following ordinance entitled:

“AN ORDINANCE PROVIDING FOR REAL ESTATE TAX  
EXEMPTIONS FOR IMPROVEMENTS TO RESIDENTIAL DWELLINGS,  
MULTIPLE FAMILY DWELLINGS AND RESIDENTIAL AND  
INDUSTRIAL PROPERTIES MORE THAN TWENTY  
(20) YEARS OLD IN THE CITY OF GARFIELD AND  
READOPTING AND EXTENDING THE PROVISIONS OF  
ORDINANCES 2227, 2228 AND 2229

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia 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 27, 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 Delaney, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 3, Absent 2 – Councilmembers Krone and Moskal

CITIZENS AND TAXPAYERS

Dr. Dawn Sova, 126 Banta Avenue, thanked the Mayor and Council and everyone who supported the Fish and Chips Dinner Fundraiser for the Garfield Rotary Club, on Friday, November 2<sup>nd</sup>.

Mr. William Whren, 33 Westminster Place, spoke in favor of the Curfew Ordinance introduced this evening and he complained about graffiti in town. He spoke on the Dahnert's Lake County Park improvement and the gorgeous job done, but he complained that Canadian geese were in the park.

Mr. Joseph Dorman, 174 Palisade Avenue, spoke and asked questions concerning illegal apartments. He spoke and asked questions concerning the proposed new Police Station and the redevelopment of the old Garden State Paper site located at 950 River Drive.

COUNCILMEMBER COMMENTS

Councilmember Aloia spoke on the Rotary Fish and Chip Dinner that he attended on November 2<sup>nd</sup> at the Frank B. Calandriello Senior Citizen Center. He spoke on the Canadian geese in Dahnert's Lake County Park and the improvements made to the park. He said that it is a beautiful park and a beautiful addition to the City and he is grateful to the County for making the renovations. He said that the City Website should have a place for anonymous tips about illegal apartments. He said that he loves the ripples and striping that were laid down on Elizabeth Street for traffic calming purposes.

Deputy Mayor Delaney spoke on the proposed new Police Station. He said that several high school Interact Club kids helped out with the Rotary Club Fish and Chips Dinner, but over one hundred high school kids helped out with the Passaic Riverfront cleanup that occurred this past Saturday and he is very proud that these Garfield kids would turn out in the rain for such a good cause. He said that the Curfew Ordinance is for bad kids.

Mayor Calandriello said that there have been sixty-seven convictions for illegal apartments this year. He commented that the Garfield Junior Boilermakers Football Team is 8-1 and will be in a playoff game this coming Sunday against Nutley. He commented that there will be a Veterans Day Service at the eleventh hour of the eleventh day of the eleventh month at the Veterans Monument at Marsellus Place and Midland Avenue. He said so many men and women have fought for this country and served, so he encouraged everyone to please come out to the services on Sunday.

ADJOURNMENT

At 9:25 PM, there being no further business, Councilmember Aloia moved to adjourn the meeting. Councilmember Delaney duly seconded the motion.

On call of roll, Ayes 3, Absent 2 –  
Councilmembers Krone and Moskal

