

A Regular Meeting of the City Council was held Monday, May 21, 2007 at 8:25 PM in the Conference Room 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 Engineer Kevin J. Boswell and Special Labor Counsel Louis Flora

#### APPROVAL OF MINUTES

Councilmember Moskal moved to approve the Minutes of the following meetings:

Work Session	– September	12,	2006
Regular Meeting	– September	12,	2006
Work Session	– September	26,	2006
Regular Meeting	– September	26,	2006
Work Session	– October	10,	2006
Regular Meeting	– October	10,	2006
Work Session	– October	24,	2006
Regular Meeting	– October	24,	2006
Continued Regular Meeting	– October	25,	2006
Work Session	– November	21,	2006
Regular Meeting	– November	21,	2006
Work Session	– November	28,	2006
Regular Meeting	– November	28,	2006
Work Session	– December	12,	2006
Regular Meeting	– December	12,	2006
Work Session	– December	28,	2006
Regular Meeting	– December	28,	2006
Special Meeting	– January	2,	2007
Special Meeting	– January	5,	2007
Work Session	– January	9,	2007
Regular Meeting	– January	9,	2007

Councilmember Aloia duly seconded the motion.

On call of roll, Ayes 5

#### REPORTS OF OFFICERS

Councilmember Moskal 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. 07-199

WHEREAS, the Garfield Redevelopment Agency was established by Ordinance No. 2338 on April 23, 2002, and

RESOLUTIONS

WHEREAS, Resolution No. 06-186 adopted by the City Council at a meeting held April 25, 2006, appointed Frank J. Calandriello and James Krone for a one year term and said terms expired on May 13, 2007,

THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that

1. Frank J. Calandriello is hereby appointed as a Commissioner to the Garfield Redevelopment Agency, to succeed himself, for a full one year term, said term to commence May 14, 2007 and expire May 13, 2008.
2. James Krone is hereby appointed as a Commissioner to the Garfield Redevelopment Agency, to succeed himself, for a full one year term, said term to commence May 14, 2007 and expire May 13, 2008.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
James Krone

Resolution No. 07-200

WHEREAS, the Garfield Redevelopment Agency was established by Ordinance No. 2338 on April 23, 2002, and

WHEREAS, Resolution No. 02-197, adopted by the City Council at a meeting held May 14, 2002, made the first appointments to said board, and

WHEREAS, the initial appointments were for staggered terms, but subsequent appointments are for five year terms, and

WHEREAS, the terms of Rosemarie Aloia and Roger Hetel expired on May 13, 2007

THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Rosemarie Aloia of 169 Harrison Avenue and Roger Hetel of 405 Madeline Avenue are hereby appointed to the Garfield Redevelopment Agency, to succeed themselves, for a full five year term, said term to commence May 14, 2007 and expire May 13, 2012.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Frank J. Calandriello

Resolution No. 07-201

WHEREAS, bids were received by the City Clerk in the Conference Room in City Hall on Friday, May 18, 2007 at 10:00 AM for the Summer Food Program conducted by the Garfield Recreation Department; and

WHEREAS, present at the bid opening was the Deputy City Clerk Diane Rosolen; and

WHEREAS, only one bid was received and that bid was from Maschio's Food Services, Inc., 191 Route 206 North, Flanders, NJ 07836 in the amount of \$96,868.20, based on the unit price of \$2.10 per lunch, \$1.00 for Breakfast and \$.60 per P.M. Snack; and

WHEREAS, the Chief Financial Officer, has certified to the existence of funds for this expenditure since the program is funded in full by a Federal Grant administered through the New Jersey Bureau of Child Nutrition; and

WHEREAS, the bid has been reviewed and recommended for award by the Chief Financial Officer, and the appropriate City Officials; and

WHEREAS, this program is in the best interests of the health and welfare of the children qualifying for the program;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield, County of Bergen and State of New Jersey, that a Contract for the Summer Food Service Program be and is hereby awarded to Maschio's Food Services, Inc., 191 Route 206 North, Flanders, NJ 07836 in the total amount of their bid of \$96,868.20;

BE IT FURTHER RESOLVED, that the City Attorney be and he is hereby authorized and directed to prepare and/or review the appropriate Contract documents for execution by the Mayor and City Clerk; and

RESOLUTIONS

BE IT FURTHER RESOLVED, that the City Clerk be and he is hereby authorized and directed to forward certified copies of this approved Resolution to the Interim Chief Financial Officer, Roy Riggitano, the Director of the Recreation Department, Anthony Furfaro, the City Attorney and Maschio's Food Services, Inc.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
James Krone

Resolution No. 07-202

A RESOLUTION APPOINTING THE CITY'S CO-SAFETY COORDINATOR IN ACCORDANCE WITH THE TRQUIREMENTS PROMULGATED BY THE SUBURBAN ESSEX JOINT INSURANCE FUND

WHEREAS, in accordance with the requirements of membership in the Suburban Essex Joint Insurance Fund (hereinafter the FUND), the City must appoint a Safety Coordinator to spearhead the City's Safety Program and represent the City in all safety related issues pertinent to the Fund, and

WHEREAS, Captain Brian Dowd of the Garfield Police Department and Sam Garofalo, Superintendent of Public Works, have served effectively as Co-Safety Coordinators for the City, and,

WHEREAS, Captain Brian Dowd has announced his retirement, effective March 31, 2007, necessitating the need to appoint a successor, and

WHEREAS, Police Investigator Edward Mucha has been recommended by City Manager Thomas J. Duch and has agreed to serve in this important position.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Garfield, Bergen County, New Jersey that Police Investigator Edward Mucha is hereby appointed to serve as Safety Coordinator with Mr. Garofalo, effective upon adoption of this Resolution, and

BE IT FURTHER RESOLVED, the City Clerk is hereby authorized and directed to forward a certified copy of this approved Resolution to the Suburban Essex Joint Insurance Fund through the City's Risk Management Consultant, Professional Insurance Associates, Inc.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Frank J. Calandriello

Resolution No. 07-203

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the City of Garfield desires to further the public interest by obtaining a loan in the amount of \$1,400,000.00 and/or a grant of \$1,400,000.00 from the State to fund the following project: Garfield City Multi-Parks;

NOW, THEREFORE, the City Council of the City of Garfield RESOLVES that City Manager Thomas J. Duch, Esq. or the successor to the office of City Manager is hereby authorized to:

- (a) Make application for such a loan and/or such a grant,
- (b) Provide additional application information and furnish such documents as may be required, and
- (c) Act as the authorized correspondent or the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

RESOLUTIONS

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield:

1. That the City Manager of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Garfield City Multi-Parks;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$1,400,00.00.
3. That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Frank J. Calandriello

Resolution No. 07-204

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: Garfield Firehouse #2 Stairway Reconstruction

ARCHITECT: Arcari & Iovino Architects, P.C.

CONTRACTOR: Innovational Construction & Design, Inc., 188 E. Bergen Place, Red Bank, NJ 07701

ORIGINAL CONTRACT COST: \$ 32,672.00

COST OF CHANGE ORDER NO. 1 \$ 1,900.00

NEW CONTRACT SUM: \$ 34,572.00

CHANGE ORDER NUMBER #1

NATURE OF CHANGES: “To Reflect As-Built Quantities”

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Frank J. Calandriello

Resolution No. 07-205

A RESOLUTION AUTHORIZING PAYMENT OF \$20,200.00 TO SAMUEL STOTHOFF, INC., IN CONNECTION WITH THE INSPECTION AND CLEANING OF WELL 1A

WHEREAS, Samuel Stothoff, Inc., has inspected and cleaned Well 1A for the purpose of conducting a safe yield test, and;

WHEREAS, this work has been successfully completed, and;

RESOLUTIONS

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Garfield hereby authorize payment in the amount of \$22,200.00 to Samuel Stothoff, Inc., in connection with this work based upon the City Engineer's recommendation.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Frank J. Calandriello

Resolution No. 07-206

WHEREAS, an emergency repair exists at pumping station well #12 and;  
WHEREAS, a need exists to replace the pumping equipment in Well #12 and;  
THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield that Wm. Stothoff Company, Inc, 110 River Road, Flemington, NJ 08822 is hereby authorized to repair said equipment not to exceed \$15,500.00.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Frank J. Calandriello

Resolution No. 07-207

A RESOLUTION AUTHORIZING THE CITY ENGINEER TO COORDINATE THE 2007 ROAD IMPROVEMENT PROGRAM AND PROVIDE FIELD INSPECTION SERVICES

WHEREAS, the City of Garfield has participated in the cooperative bidding process administered through the Borough of Fair Lawn, and;

WHEREAS, Bids were received for the 2007 Road Improvement Program for the City of Garfield in the low bid amount of \$639,686.45 from the low bidder, Smith Soudy Asphalt Construction co., and;

WHEREAS, Engineering Administration and Inspection Services are required to proceed with this improvement, and;

NOW THEREFORE, BE IT RESOLVED the City Engineer is hereby authorized to perform the necessity coordination and construction observation services for a fee not to exceed \$70,000.00.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Frank J. Calandriello

Resolution No. 07-208

RESOLUTION TO AUTHORIZE APPROPRIATION OF FUNDS FROM BOND ORDINANCE NO. 2477 FOR ACQUISITION OF PROPERTIES FOR THE PASSAIC RIVER HISTORIC PARK PROJECT

WHEREAS, the City of Garfield has obtained grants and low interest loans from the New Jersey Department of Environmental Protection/Green Acres for Project No. 0221-97-141 with the total of such grants being in the amount of \$1,267,500.00 and a low interest loan of \$422,500.00 for total project funding of \$1,690,000.00 for the Passaic River Historic Park Project; and

WHEREAS, the City of Garfield did also adopt Bond Ordinance 2273 on September 23, 1999, for the express purpose of funding the acquisition of properties constituting the Passaic River Historic Park Project, and authorized the issuance of \$1,235,000.00 in bonds or notes of the City to finance a portion of the cost thereof, it being further provided that such grant monies received by the City from NJDEP/Green Acres under Project No. 0221-97-141 as above referenced would be used to repay sums issued under the bond by the City for the purpose of the acquisition of said properties, and/or supplement the acquisition costs of the properties if needed; and

WHEREAS, Bond Ordinance 2273 was amended by Bond Ordinance 2477, in December of 2006, thereby increasing the funds available to a total of approximately \$2,500,000.00; and

WHEREAS, the City of Garfield has made application to NJDEP/Green Acres for the properties involved for funding, and has been assured that the properties constituting the Passaic River Historic Park Project that are the subject of this Resolution are eligible for such funding; and

WHEREAS, the City has previously authorized by Ordinance the acquisition of the parcels constituting the Passaic River Historic Park Project; and

RESOLUTIONS

WHEREAS, the utilization of funds from the City will ensure the acquisition of the subject properties in accordance with the time requirements of the grant funding, and the monies available from the NJDEP/Green Acres Grant and Loan for Project No. 02197-141, and Bond Ordinance 2273 and 2477 are more than sufficient to fund the acquisition of the properties that are the subject of this Resolution,

NOW, THEREFORE, BE IT RESOLVED, that the City arrange for the sale of such necessary negotiable bond anticipation notes in an amount currently estimated to not exceed \$1,000,000.00 as can be made available from Bond Ordinance 2477 for the purpose of acquiring properties necessary for the completion of the Passaic River Historic Park being Block 140, Lot 91.02, 909 River Drive, for an acquisition price of \$390,000.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to issue checks of the City of Garfield to the Superior Court of New Jersey as payee for the purpose of paying the costs of acquisition. All of such funds to be deposited with the Superior Court of New Jersey as and for the funds required to permit the filing of a Declaration of Taking under the Eminent Domain Act N.J.S.A. 20:3-1, et. seq., to enable the City of Garfield to acquire the two properties identified in this Resolution.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Frank J. Calandriello

BILLS AND CLAIMS

Resolution No. 07-209

RESOLVED by the City Council of the City of Garfield that Current Fund Reserve totaling \$777.07 and Current Fund totaling \$1,165,913.15 and Water Fund Current totaling \$69,370.53 and General Capital totaling \$162,741.79 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 nine (9) items prior to the meeting be ratified.

See

the

following

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

for

Bills

and

Claims

ORDINANCES

Ordinance No. 2493

The following entitled ordinance was introduced at a Regular Meeting held May 8, 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 AMENDING CHAPTER 236 OF THE CODE OF THE CITY OF GARFIELD ENTITLED “VEHICLES & TRAFFIC. AND FURTHER ESTABLISHING A TWO (2) HOUR PARKING ZONE ON MADONNA PLACE IN THE CITY OF GARFIELD”

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 no objections, Mayor Calandriello declared the public hearing closed.

Councilmember Aloia moved that said ordinance do now pass on final passage and that the City Clerk be directed to publish said ordinance in full together with the statement or notice required by law. Councilmember Moskal duly seconded the motion.

On call of roll, Ayes 5

Councilmember Aloia introduced in writing the following ordinance entitled:

“AN ORDINANCE TO AMEND CHAPTER 82 OF THE CODE OF THE CITY OF GARFIELD ENTITLED “ALCOHOLIC BEVERAGES” AND PROHIBITING “TEEN NIGHTS”

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled, “AN ORDINANCE TO AMEND CHAPTER 82 OF THE CODE OF THE CITY OF GARFIELD ENTITLED “ALCOHOLIC BEVERAGES” AND PROHIBITING “TEEN NIGHTS” do 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 June 12, 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 Aloia introduced in writing the following ordinance entitled:

“FERTILIZER APPLICATION ORDINANCE”

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled, “FERTILIZER APPLICATION ORDINANCE”, do 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 June 12, 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

Ms. Carol Nutall, 89 Plauderville Avenue, said that she was representing the Marina Estates Condominium Association and she requested City re-imbusement of snow removal, electric illumination and trash removal costs required pursuant to law.

Ms. Joyce Uram, 37 Schley Street, said that new curbs and sidewalks are being installed across the street from her home as part of the Water Tank Improvement and she asked for new curbs and sidewalks on her side of the street.

COUNCILMEMBER COMMENTS

Councilmember Aloia urged everyone to come to the Memorial Day Ceremonies at the Veterans Monument at 10:45 AM on Monday, May 28, 2007 at the intersection of Marsellus Place, Midland Avenue and Harrison Avenue.

Councilmember Krone spoke on the Relay for Life cancer prevention fundraiser scheduled to be held June 9-10, 2007 in Twentieth Century Field off Elizabeth Street.

Councilmember Moskal spoke on Father Edward Szpiech of Saint Stanislaus Kostka Roman Catholic Church who is celebrating his Fortieth Anniversary of his Ordination to the Priesthood on Sunday, May 27, 2007. He spoke on "Saint Stan's" Church celebrating their 90<sup>th</sup> Anniversary in September 2007.

Deputy Mayor Delaney spoke on the Safe Routes to Schools Community Forum scheduled to be held Thursday, May 31, 2007 from 6:30 PM to 9:00 PM at the Garfield Nutrition Center, 480 Midland Avenue to discuss ways to build a healthy community.

Mayor Calandriello spoke on the City Health Department taking their job to a higher level. He encouraged all Fire Department and Ambulance Corps personnel to attend the ceremony at the Veterans Monument on Monday so as many people as possible would be in attendance. He wished everybody a great Memorial Day.

ADJOURNMENT

At 8:45 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