

A Regular Meeting of the City Council was held Tuesday, August 14, 2007 at 8:55 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, Joseph Delaney and Frank J. Calandriello

Councilmembers Absent: Stanley J. Moskal

Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, Special Labor Counsel Louis Flora, Interim Chief Financial Officer Roy Riggitano and City Engineer Kevin J. Boswell

#### 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 4,  
Absent 1 – Councilmember Moskal

#### RESOLUTIONS

Resolution No. 07-275

WHEREAS, eight year old Veronica Bravo has demonstrated admirable qualities as a role model and natural leader by planning and carrying out her own fundraiser entitled, “For the Love of Grace” at her school last year, and

WHEREAS, Veronica raised over \$500.00 for “Tomorrow’s Children”, a local organization that provides for children with terminal illness, and

WHEREAS, her project began when Veronica told her guidance counselor that her cousin was ill with cancer and wished that she could personally do something to make a difference, and

WHEREAS, Veronica wrote and presented her own proposal, “Kids Helping Kids”, at a school meeting and then was clever enough to give her project the catchy name of “For the Love of Grace” because she was doing it for the great love she feels for her cousin whose name just happens to be Grace, and

WHEREAS, Veronica’s enthusiasm spread and there was a feeling of community throughout the entire school building, and although her cousin, Grace died in October 2006, Veronica’s “For the Love of Grace” project helps the family cope with Grace’s death by focusing on the beautiful inspiration that Grace was for Veronica,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Veronica Bravo is hereby praised for being a positive role model for young girls as exhibited by her “For the Love of Grace” project and for her efforts to make a difference in the lives of others.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Frank J. Calandriello  
Joseph Delaney

At this time, a framed copy of Resolution No. 07-275 was presented to Veronica Bravo.

Resolution No. 07-276

WHEREAS, Monique Samuels, is a girl who makes us proud of young people because she values the needs of other, rather than thinking only about herself, and

WHEREAS, three years ago, Monique was dealing with the illness of her Dad, Bryan, who eventually succumbed to cancer, and

RESOLUTIONS

WHEREAS, Monique has many fond memories of her Dad which she will always cherish and Monique did some work with art which was laminated for her to keep forever, and Monique heard Veronica Bravo speak about her project “For the Love of Grace” inspired by her strong desire to help her cousin, stricken with cancer, and

WHEREAS, Monique joined Veronica in the fundraiser and the project became “their” project and they set out on a mission, and Monique took up a collection at church for the project and all the money went to the “For the Love of Grace” fundraiser,

NOW THEREFORE, BE IT RESOLVED by the city Council of the City of Garfield, Bergen County, New Jersey that Monique Samuels is hereby praised for, as City Manager Tom Duch put it “being an excellent example of what is great about Garfield” exhibited by her efforts in the “For the Love of Grace” project and for her efforts to make a difference in the lives of others.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Frank J. Calandriello  
Joseph Delaney

At this time, a framed copy of Resolution No. 07-276 was presented to Monique Samuels.

Their Guidance Counselor, Ms. Jane Lano, also was recognized by Mayor Calandriello and said a few words.

2007 BUDGET AMENDMENT

Resolution No. 07-277

RESOLUTION RE: RESOLUTION TO AMEND 2007 BUDGET

WHEREAS, the local municipal budget for the year 2007 was approved on the 13<sup>th</sup> day of March, 2007, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE BE IT RESOLVED, by the governing Body of the City of Garfield, County of Bergen, that the following amendments to the approved budget of 2007 be made:

CURRENT FUND

General Revenues	<u>From</u>	<u>To</u>
1. Surplus Anticipated	\$1,750,000	\$1,800,000
3. Miscellaneous Revenues		
Section B: State Aid Without Offsetting Appropriations		
Extraordinary Aid		350,000
Total Section B: State Aid Without Offsetting Appropriations	3,583,915	3,933,915
Section F: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and private Revenues Offset with Appropriations		
Clean Communities Program		26,623
You Drink, You Drive, You Lose	9,000	5,000
Safe Routes to Schools		18,000
Secure Our Schools		150,000
Hepatitis B Inoculation Grant		5,000

2007 BUDGET AMENDMENT

Total Section F: Special Items of the General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations		
	77,431	273,054
Section G: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Other Special Items		
Uniform Fire Safety Act	56,000	55,905
Utility Operating Surplus of Prior Year – Water		425,000
Sale of Property		643,503
General Capital Fund Balance		100,000
General Capital Interfund		367,908
Reserve for Water Utility Infrastructure		760,000
Total Section G: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Other Special Items		
	345,000	2,641,316
Total Miscellaneous Revenues	5,489,346	8,331,285
5. Subtotal General Revenues	8,139,346	11,031,285
6. Amount to be Raised by Taxes for Support of Municipal Budget	20,274,448	17,328,132
7. Total General Revenues	<u>\$28,413,794</u>	<u>\$28,359,417</u>
8. General Appropriations		
Operations – within “CAPS”		
Police Department		
Salaries & Wages	7,271,229	7,071,229
Reserve for Terminal Leave		600,000
Insurance		
Employee Group Health Insurance	2,720,900	2,574,900
Contribution to Redevelopment Agency		50,000
Total Operations – within “CAPS”	20,180,157	20,484,157
Total Operations including Contingent – within “CAPS”	20,180,157	20,484,157
Detail:		
Salaries & Wages	11,336,357	11,736,357
Other Expenses	8,843,800	8,747,800
Deferred Charges and Statutory Expenditures – Within – “CAPS” Deferred Charges cancelled General Capital Fund Grants		
	50,000	
(H-1) Total General Appropriations for Municipal Purposes Within “CAPS”	20,828,814	21,082,814

2007 BUDGET AMENDMENT

Operations – Excluded from “CAPS”

Other Operations Excluded from “CAPS”	
Reserve for Terminal Leave	654,000
Redevelopment Agency Contribution	50,000

Public and Private Programs Offset by Revenues

Secure Our Schools		150,000
Local Share Matching Grants		150,000
Clean Communities Program		26,623
You Drink, You Drive, You Lose	9,000	5,000
Hepatitis B Inoculation Grant		5,000
Safe Routes to Schools		18,000
Total Public and private Programs Offset by Revenues	81,806	427,429
Total Operations Excluded from “CAPS”	4,340,365	3,981,988
Detail		
Salaries and Wages	22,106	22,106
Other Expenses	4,318,259	3,959,882
Deferred Charges		
Cancelled General Capital Fund Grants		50,000
(H-2) Total General Appropriations for Municipal Purposes Excluded from “CAPS”	6,084,980	5,776,603
(O) Total General Appropriations for Municipal Purposes Excluded from “CAPS”	6,084,980	5,776,603
(L) Subtotal General Appropriations	26,913,794	26,859,417
9. Total General Appropriations	<u>\$28,413,794</u>	<u>\$28,359,417</u>

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2007 local municipal budget so amended.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) James Krone  
Joseph Delaney

Regular Meeting August 14, 2007

ADOPTION OF THE 2007 MUNICIPAL BUDGET

RESOLUTIONS

Resolution No. 07-279

RESOLUTION OF THE CITY OF GARFIELD MAKING APPLICATION TO THE LOCAL FINANCE BOARD PUSUANT TO N.J.S.A. 40A:4-45.3 ET SEQ.

WHEREAS, the City Council of the City of Garfield in the County of Bergen desires to make application to the Local Finance Board for its approval of a proposed budget cap waiver pursuant to N.J.S.A. 40:4-45.3 and,

WHEREAS, the City Council believes that:

- (a) it is in the public interest to accomplish such purpose; and
- (b) the cap waiver is for the health, wealth, convenience or betterment of the inhabitants of the City of Garfield; and
- (c) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the City of Garfield and will not create an undue financial burden to be placed upon the City of Garfield;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the City of Garfield are hereby authorized to prepare such application and to represent the City of Garfield in matters pertaining thereto.

Section 2. The Municipal Clerk of the City of Garfield is hereby directed to file a copy of the proposed cap waiver with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-280

WHEREAS, an application has been filed for the extension of Plenary Retail Consumption License No. 0221-33-048-003 to Executrix of the Estate of Anthony Graziano, sole proprietor owner of the license;

WHEREAS, the submitted application for is complete in all respects, including proof of appointment to act as Executrix;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Garfield does hereby approve,, effective July 15, 2007, the extension of the aforesaid Plenary Retail Consumption License to Dana M. Gary to conduct business under the privileges, terms, and conditions of the license as Executrix of the estate of Anthony Graziano for the benefit of the estate until such time as the will is probated and the license may be transferred in compliance therewith and directs the City Clerk to endorse the License Certificate as follows: “This license is hereby extended, subjected to all its terms and conditions to Dana M. Gary, until June 30, 2008.”

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-281

RESOLVED by the City Council of the City of Garfield that the City Clerk is hereby authorized to issue the following license for the fiscal year beginning July 1, 2007 and ending June 30, 2008:

RESOLUTIONS

PLENARY RETAIL CONSUMPTION LICENSES

0221-33-048-003 PJG Corporation  
t/a The Gregory Club  
50 River Drive

BE IT FURTHER RESOLVED that the foregoing renewals are granted on the condition that said renewal shall not constitute approval of anything at variance with the records of the city Council or any person-to-person transfer, place-to-place transfer or change of corporate structure approved prior to the passage of this resolution.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-282

RESOLVED by the City Council of the City of Garfield that the City Clerk is hereby authorized to issue the following license for the fiscal year beginning July 1, 2007 and ending June 30, 2008:

PLENARY RETAIL CONSUMPTION LICENSES

0221-33-005-009 B & R Inc.  
361 Midland Avenue

BE IT FURTHER RESOLVED that the foregoing renewals are granted on the condition that said renewal shall not constitute approval of anything at variance with the records of the city Council or any person-to-person transfer, place-to-place transfer or change of corporate structure approved prior to the passage of this resolution.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-283

WHEREAS, James Krone was appointed to the Housing Authority of the City of Garfield pursuant to Resolution No. 06-323, adopted by the City Council at a meeting held August 8, 2006, and WHEREAS, his term of office expires October 19, 2007, NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield, Bergen County, New Jersey, that Councilmember James Krone of 20 Morrell Place, Garfield, New Jersey, is hereby appointed to the Housing Authority of the City of Garfield effective October 19, 2007, to succeed himself, for a full five year term, said term to expire October 19, 2012.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-284

WHEREAS, Fire Company No. 3 has advised that they have accepted the resignation of Jan Sotak of 611 Midland Avenue, as an active member, effective August 6, 2007, NOW THEREFORE, BE IT RESOLVED by the city Council of the City of Garfield that the action taken by Fire Company No. 3 with respect to the above matter, is hereby approved.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-285

WHEREAS, Fire Company No. 5 has advised that they have accepted the resignation of Ana Verdad of 16 Commerce Street, as an active member, effective July 10, 2007,

RESOLUTIONS

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 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-286

WHEREAS, Fire Company No. 5 has advised that they have accepted Patrick F. Connolly of 46 Hartman Avenue as a regular active member, effective June 6, 2007.

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

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution 07-287

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, October 6, 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 a single act, to wit, the marriage ceremony of Amber Lea Simpson and Peter Michael Sidler, 260 Main Street, Suite 312, Little Falls, New Jersey.

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

1. Councilman Louis G. Aloia be and is hereby appointed Deputy Mayor for the City of Garfield for October 6, 2007 to perform the marriage ceremony of Amber Lea Simpson and Peter Michael Sidler.
2. This temporary appointment shall be solely for the purpose of performance of this marriage ceremony and for no other reason. Similarly, no additional authority is granted hereby other than to perform said ceremony 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 ceremony 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 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-288

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. 60959G located across the street from 18 Prospect 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:

RESOLUTIONS

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

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-289

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. 60763G located across the street from 38 Willard Street near the area of Willard 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 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-290

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2006 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all the members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

and,

WHEREAS, The members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the governing body, and

WHEREAS, Such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, All members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

RESOLUTIONS

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE BE IT RESOLVED, That the governing body of the City of Garfield, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-291

A RESOLUTION AUTHORIZING THE CITY ENGINEER TO PREPARE AND UPDATE THE CITY'S TAX MAPS

WHEREAS, the New Jersey Bureau of Taxation requires regular updates of the City Tax Maps, and;

WHEREAS, the Garfield City Tax Maps were last revised in 2000, and;

WHEREAS, additional subdivisions and changes in the boundaries of real properties have occurred over the past seven year period,

NOW THEREFORE BE IT RESOLVED the City Engineer is hereby authorized to prepare and revise the Tax Maps in accordance with documents forwarded to him from the Tax Assessor for a fee not to exceed \$5,000.00.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-292

RESOLUTION AUTHORIZING AGREEMENT WITH CROSS MATCH TECHNOLOGIES, INC. FOR POLICE DEPARTMENT DIGITAL FINGERPRINTING SYSTEM

WHEREAS, the City of Garfield Police Department has a need to install, implement and develop a digital fingerprinting system directly connected to the State Police and FBI files; and

WHEREAS, the Garfield Police Department will be utilizing forfeiture funds from the County of Bergen in the amount of \$28,000.00 for this purpose; and

WHEREAS, Cross Match Technologies, Inc. of Palm Beach Gardens, Florida has a Bergen County Contract for the aforementioned systems and, therefore, competitive bidding is not required; and

WHEREAS, Deputy Chief, Kevin Amos and City Manager, Thomas J. Duch, Esq. have recommended that the City of Garfield enter into an agreement with Cross Match Technologies, Inc. for the provision of the aforesaid services; and

WHEREAS, the services to be provided by Cross Match Technologies, Inc. are as set forth in the Request for Quotation directed to Detective Michael Latona dated May 15, 2007.

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. An Agreement with Cross Match Technologies, Inc. , 3960 RCA Boulevard, Suite 6001, Palm Beach Gardens, Florida, 33410 be and is hereby authorized;

RESOLUTIONS

2. The aforesaid contract shall be for the purchase, installation and implementation of the digital fingerprinting system for the City of Garfield Police Department;
3. This contract shall be in the form and pursuant to the proposal received from Cross Match Technologies, Inc. dated May 15, 2007;
4. The cost of said contract including hardware, software, network set-up and installation and training, including printer maintenance support shall be \$34,182.50;
5. The award of this contract is contingent upon certification, by the chief Financial Officer, that sufficient funds exist for this purpose.

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 of Garfield Police Department, Cross Match Technologies, Inc., and the Chief Financial Officer for the City of Garfield.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-293

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

GENERAL CONSTRUCTION: Midland Avenue Sewer Repair between Lanza Avenue and Banta Avenue

ENGINEER: Boswell McClave Engineering

CONTRACTOR: Montana Construction Corp., 80 Contant Avenue, Lodi, NJ 07644

ORIGINAL CONTRACT COST: \$ 96,000.00

COST OF CHANGE ORDER NO. 1: \$ 5,388.00

NEW CONTRACT SUM: \$101,388.00

CHANGE ORDER NUMBEER: #1

NATURE OF CHANGES: “To Reflect Additional Work Completed”

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-294

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

GENERAL CONSTRUCTION: Palisade Avenue Water Main Replacement

ENGINEER: Boswell McClave Engineering

RESOLUTIONS

CONTRACTOR: CRJ Contracting Corp. 1340 South Avenue,  
Plainfield, NJ 07062

ORIGINAL CONTRACT COST: \$ 745,715.00

COST OF CHANGE ORDER NO. 1: \$ 20,890.00

NEW CONTRACT SUM: \$766,605.00

CHANGE ORDER NUMBER: #1 and Final

NATURE OF CHANGES: "To Reflect As-Built Quantities."

On call of roll, Ayes 4, (Sgd) Louis G. Aloia  
Absent 1 – Councilmember Moskal Joseph Delaney

Resolution No. 07-295

WHEREAS, the City Council of the City of Garfield, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the City Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the City Council has applied for funding to the governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW THEREFORE,, BE IT RESOLVED by the City Council of the City of Garfield, county of Bergen, State of New Jersey hereby recognizes the following:

1. The City Council of the City of Garfield does hereby authorize submission of an application for the Garfield Municipal Alliance grant for the calendar year 2007 in the amount of \$17,500.00.
2. The City Council of the City of Garfield acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance an audit requirements.

On call of roll, Ayes 4, (Sgd) Louis G. Aloia  
Absent 1 – Councilmember Moskal Joseph Delaney

Resolution No. 07-296

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 \$ 600,000 and/or a grant of \$ 600,000 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

RESOLUTIONS

- (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

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 \$ 600,000.
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 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-297

BE IT RESOLVED, that the Mayor and Council of the City of Garfield wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$48,451.00 in 2007 Community Development Block Grant funds for Roadway Improvements to Palisade Avenue Phase II in the City of Garfield; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Mayor Frank J. Calandriello to be a signatory to the aforesaid grant agreements;

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 Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-298

BE IT RESOLVED, that the Mayor and Council of the City of Garfield wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$50,000.00 in 2007 Community Development Block Grant funds for the Purchase of an Ambulance in the City of Garfield; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Mayor Frank J. Calandriello to be a signatory to the aforesaid grant agreements;

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

RESOLUTIONS

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 Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

On call of roll, Ayes 4, (Sgd) Louis G. Aloia  
Absent 1 – Councilmember Moskal Joseph Delaney

Resolution No. 07-299

BE IT RESOLVED, that the Mayor and Council of the City of Garfield wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$150,000 in 2006 Open Space Trust funds for LaFaso Memorial Field – Phase II in the City of Garfield; and  
BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Mayor Frank J. Calandriello to be a signatory to the aforesaid grant agreement;  
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 a dollar for dollar match for any funds awarded in accordance with the Trust requirements.

On call of roll, Ayes 4, (Sgd) Louis G. Aloia  
Absent 1 – Councilmember Moskal Joseph Delaney

Resolution No. 07-300

WHEREAS, the rules of procedure concerning Road Opening Permits require a Performance Guaranty in an amount to be determined by the city Engineer for a period of one year, pursuant to Ordinance No.1856, codified as Chapter 219-18 of the City Code, and  
WHEREAS, a deposit has been received from Andrze & Zofia Karcz, 118 Banta Avenue, Garfield, NJ 07026 for: B191/L38; in the city of Garfield; in the amount of \$2,500.00 for said Street Opening Bond on 06/30/06, said funds currently held in the Trust Other Fund, and  
WHEREAS, the Building Inspector has reviewed the terms of this deposit and has determined that they are due to the above named individual;  
NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield that these monies are refunded to the above named claimant.

On call of roll, Ayes 4, (Sgd) Louis G. Aloia  
Absent 1 – Councilmember Moskal Joseph Delaney

Resolution No. 07-301

WHEREAS, the Receiver of Taxes reports that she has received a request from the following property owners for a refund due to Tax Court Judgment for the year 2004.  
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that the proper officers are hereby authorized to issue a check refunding this overpayment and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
2.01	1.01	75 River Road LLC	T.C.J.	\$25,813.00

On call of roll, Ayes 4, (Sgd) Louis G. Aloia  
Absent 1 – Councilmember Moskal Joseph Delaney

Resolution No. 07-302

WHEREAS, the Receiver of Taxes reports that she has received a request from the following property owners for a refund due to Tax Court Judgment for the year 2005.

RESOLUTIONS

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, that the proper offices are hereby authorized to issue a check refunding this overpayment and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
2.01	1.01	75 River Road LLC	T.C.J.	\$27,556.00

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-303

WHEREAS, the Receiver of Taxes reports that she has received a request from the following property owners 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 issue a check refunding this overpayment and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
2.01	1.01	75 River Road LLC	T.C.J.	\$29,631.00

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-304

WHEREAS, the Receiver of Taxes reports that she has received a request from the following property owners for a refund due to over paid taxes for the year 2007.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, that the proper offices are hereby authorized to issue a check refunding this overpayment and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
80	5	First American Real Estate Tax Serv.O.P		\$865.00

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-305

WHEREAS, the Receiver of Taxes reports that she has received a request from the following property owners for a refund due to over paid taxes for the year 2007.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, that the proper offices are hereby authorized to issue a check refunding this overpayment and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

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LOCK LOT	OWNER	REASON	AMOUNT
101.1	54.01C0019 Celentano, Stadtmauer & Walentowicz	O.P	\$706.00

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-306

WHEREAS, the City Treasurer reports that she has received a request from the following property owners for a refund due to overpaid fire prevention annual registration fee for the year 2007.  
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, that the proper officers are hereby authorized to issue a check refunding this overpayment and forward same to the Treasurer for the purpose of noting her records and for mailing to the business owner.

<u>Owner</u>	<u>Reason</u>	<u>Amount</u>
G.B. Care, Inc. d/b/a Albatros Agency, Inc.	O/P	\$360.00

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 07-307

RESOLUTION TO AUTHORIZE ADJUSTEMENT OF TAXES, BLOCK 19.01, LOT 22

WHEREAS, the City of Garfield (the “City”) is required to recognize tax exemptions for property used for religious purposes in accordance with N.J.S.A. 54:4-3.6; and  
WHEREAS, the Calvary Baptist, located at 217-245 Passaic Street and consisting of Lot 22 and other consolidated lots in Block 19.01 is a religious institution eligible for religious property tax exemption; and  
WHEREAS, the City is also permitted, pursuant to N.J.S.A. 54:4-4.6(c) to refund all property taxes paid by a religious institution upon a showing of good cause for failure to file for an exemption in accordance with the requirements of the statute; and  
WHEREAS, City has determined that there existed a good faith dispute with respect to the filing and effective of the application for exemption filed by Calvary Baptist Church between the Church and the City concerning property taxes levied by the City for calendar year 2006; and  
WHEREAS, the City notes that tax exemption pursuant to statute has been granted to Calvary Baptist Church for 2007, and prior thereto Calvary Baptist Church paid a sum of less than \$10,000.00 for the subject properties in annual taxes; and  
WHEREAS, the City believes it is appropriate to recognize additional monies expended by the Calvary Baptist Church for additional streetscape work required by the City Manager, which streetscape work, amount to an expenditure of \$67,272.00 for street lighting, wiring and special pavement, was provided by Calvary Baptist Church at the City’s request and verified by the City Manager, which work would otherwise result in costs incurred, in part, by the City of Garfield; and  
WHEREAS, the total taxes due for 2006 equal \$65,369.93, with a penalty of \$4,057.71 plus interest for the Calvary Baptist Church property; and  
WHEREAS, the City has determined that in this case and for these reasons an adjustment of taxes if appropriate,  
NOW, THEREFORE, BE IT RESOLVED, that the recitals contained above are deemed a substantive part of this Resolution; and  
BE IT FURTHER RESOLVED, that the City hereby determines to adjust the amount of taxes, penalty and interest due for Block 19.01, Lot 22, including all consolidated lots, for the tax period ending December 31, 2006, to the lump sum amount of \$10,000.00 to be appropriately credited to the account for 2006 as to tax, penalty and/or interest; and  
BE IT FURTHER RESOLVED, that the said \$100,000.00 shall be paid by Calvary Baptist Church within 30 days of the date of this Resolution be adopted.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

RESOLUTIONS

Resolution No. 07-308

A RESOLUTION ENDORSING A GRANT APPLICATION TO NJDOT FOR THE IMPROVEMENT OF PALISADE AVENUE PHASE V

WHEREAS, the City of Garfield is desirous of filing an NJDOT State Aid Grant Application Phase (Section) V in the amount of 4750,000, and;

WHEREAS, the City is desirous of submitting this application prior to the deadline of 8/24/07,

NOW THEREFORE, BE IT RESOLVED, the Mayor and Council of the City of Garfield, Bergen County, New Jersey does hereby endorse the filing of said application.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

(Sgd) Louis G. Aloia  
Joseph Delaney

BILLS AND CLAIMS

Resolution No. 07-309

RESOLVED by the City Council of the City of Garfield that the following bill No. 1204 covering Dog Trust Acct totaling \$21,296.00 and Current Fund Current Year totaling \$4,287,988.79 and Current Fund Reserve totaling \$27,200.40 and Water Fund Current Year totaling \$211,740.75 and General Capital totaling \$205,531.15 and Water Capital totaling \$81,252.63 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 fifty nine (59) items prior to the meeting be ratified.

See

the

following

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

for

Bills

and

Claims

ORDINANCES

Ordinance No. 2504

The following entitled ordinance was introduced at a Regular Meeting held July 10, 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:

“BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW AMBULANCE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$145,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BONT ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.”

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, spoke in favor of the ordinance.

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

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

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

Councilmember Aloia introduced in writing the following ordinance entitled:

“AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARFIELD, SPECIFICALLY SECTION 188-12 TO PROVIDE FOR FOUR (4) ALTERNATE MEMBERS OF THE ZONING BOARD OF ADJUSTMENT”

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled, “AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARFIELD, SPECIFICALLY SECTION 188-12 TO PROVIDE FOR FOUR (4) ALTERNATE MEMBERS OF THE ZONING BOARD OF ADJUSTMENT”, 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 September 11, 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 Delaney, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 4, Absent 1 – Councilmember Moskal

CITIZENS AND TAXPAYERS

Mr. Joseph Dorman, 174 Palisade Avenue, complained about noise issues near the intersection of Monroe Street and Palisade Avenue. He said that Police Sergeant John Lesica called him and discussed the matter with him. He said Acting Construction Official Jerry Walis told him that the

CITIZENS AND TAXPAYERS

plans for the minaret submitted by the Albanian American Islamic Center located at 43 Monroe Street included loudspeakers. He said this raised questions why the City of Garfield would approve plans for loudspeakers which were at the time of approval of the plan prohibited by City Ordinance. He said that Police Chief Robert Andrezzi and Deputy Chief Kevin Amos both told him that an investigation of a broadcast from the Mosque took place, but Police Lieutenant Jack VanWycke said that no written report was completed.

Ms. Tana Raymond, 93 Spring Street, made property maintenance complaints of 278 Malcolm Avenue and 768 River Drive. She said that she received her water bill from Passaic Valley early last month. She said that she came to City Hall to pay it on July 16<sup>th</sup> but City computers were down so she could not pay it. She said that last week she received another bill and a delinquent notice and the bill was higher. She said she called Passaic Valley and spoke to a woman but did not get her name who told her that Passaic Valley voided out the first bill and she was notified. Ms. Raymond said that this is not true and when she questioned her she was told "Have a nice day lady" and then hung up on her. She said that the City is paying Passaic Valley thirteen thousand five hundred dollars a month and they should not treat people this way. She complained that her water bill from her one family house is more than her two family house on Sampson Street. She said that something is not right and she thinks the City made a wrong decision. She questioned the specifics of the contract between the City and the Passaic Valley Water Commission. She said that this is not working and the City needs to look at this further, investigate this situation and come up with a solution. She said that she does not think this was a positive move for the City. She complimented the City Council on the 2007 Municipal Budget. She questioned if the City is going to have a reassessment next year. She said that the Mayor and Council should cut their salary and benefits. She said that illegal housing is out of control and that North Bergen, Westwood and the City of Clifton are cracking down on illegal apartments. She said that the City needs more people and illegal housing inspectors working on this problem. She said that the accused murderer from Gaston Avenue was from an illegal apartment. She spoke on the analysis of Health Benefits for City Employees provided to her by Interim Chief Financial Officer Roy Riggitano. She questioned if Mr. Riggitano was punching in and out on the City time clock.

COUNCILMEMBER COMMENTS

Councilmember Aloia praised City Manager Duch and said that Michael Sferruzzo is a good Superintendent of Water. He said that he had only one person to read the water meters and the system had a lot of problems. He said that years ago, water used to be cheap and when there is a leak it is expensive, when you pay for the water coming in and the water going into the sewer system. He said that the new Scada System is a three hundred thousand dollar water improvement which is expected to have a one year payback. He spoke on the wisdom of privatizing the City street sweeper service. He spoke on improvements being made to water pressure on Passaic Street. He said that he would never take away Councilmember salary and benefits because anybody who runs for this office should get paid something to spend the time because it is most costly. He said he does not want the City Council to become a "Rich Mans Club" with only people who can afford to serve.

Councilmember Krone said that when you look around, everybody on this Council spends more than \$7,500 dollars during the course of the year. He said that it is an honor to be a Councilman and Councilmember salaries have been frozen here in Garfield for about ten years. He said that money is given back to the community many times over. He said that the School Board could save 1.5 million dollars if they adopted the health benefits plan like the City Council did for its employees. He said that most of the City Budget is fixed Budgetary Items.

Councilmember Delaney said that he agrees with a lot of what was said about water billing tonight and he is not too happy with the results of the change over yet, but he has a wait and see attitude. He said that the City is considering proposed Ordinances to address the illegal housing issue. He said that just as National Defense is the most important responsibility of the Federal Government, the Municipal Budget is the most important responsibility of a Municipality.

COUNCILMEMBER COMMENTS

Mayor Calandriello said that he and City Manager Duch met with a company that is part of the Vornado Redevelopment Plan on Passaic Street and with the company, comes between 300 to 350 jobs.

ADJOURNMENT

At 10:30 PM, there being no further business, Councilmember Krone moved to adjourn the meeting. Councilmember Aloia duly seconded the motion.

On call of roll, Ayes 4,  
Absent 1 – Councilmember Moskal

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Andrew J. Pavlica CITY CLERK