

A Regular Meeting of the City Council was held Tuesday, September 25, 2007 at 8:25 PM in the Council Chamber in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

Mayor Frank J. Calandriello presided. City Clerk Andrew J. Pavlica announced that the meeting was being held in accordance with provisions of the Open Public Meetings Act and that adequate notice was provided by mail and fax to the official City newspapers and to other interested parties and by posting the meeting notice on the bulletin boards in City Hall.

Councilmembers Present: Louis G. Aloia, James Krone, Stanley J. Moskal, Joseph Delaney and Frank J. Calandriello

Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Joseph J. Rotolo and City Engineer Kevin J. Boswell

APPROVAL OF MINUTES

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

Special Meeting	–	January	2, 2007
Special Meeting	–	January	5, 2007
Work Session	–	January	9, 2007
Regular Meeting	–	January	9, 2007
Work Session	–	January	30, 2007
Regular Meeting	–	January	30, 2007
Work Session	–	February	13, 2007
Regular Meeting	–	February	13, 2007
Work Session	–	February	27, 2007
Regular Meeting	–	February	27, 2007
Work Session	–	March	13, 2007
Regular Meeting	–	March	13, 2007
Work Session	–	March	27, 2007
Regular Meeting	–	March	27, 2007
Work Session	–	April	10, 2007
Regular Meeting	–	April	10, 2007
Work Session	–	April	24, 2007
Regular Meeting	–	April	24, 2007
Work Session	–	May	8, 2007
Regular Meeting	–	May	8, 2007
Work Session	–	May	21, 2007
Regular Meeting	–	May	21, 2007
Work Session	–	June	12, 2007
Regular Meeting	–	June	12, 2007
Work Session	–	June	26, 2007
Regular Meeting	–	June	26, 2007
Work Session	–	July	10, 2007
Regular Meeting	–	July	10, 2007
Work Session	–	August	14, 2007
Regular Meeting	–	August	14, 2007
Special Meeting	–	August	28, 2007

Councilmember Krone duly seconded the motion.

On call of roll, Ayes 5

REPORTS OF OFFICERS

Councilmember Aloia moved to approve the Reports of the Cabinet as presented orally and in writing during the Work Session held earlier this evening. Councilmember Krone duly seconded the motion.

On call of roll, Ayes 5

PRESENTATION TO BABE RUTH BASEBALL TEAM

Mayor Calandriello asked City Clerk Pavlica at this time to read Resolution No. 07-325 adopted at a Regular Meeting held September 11, 2007 which congratulated the Babe Ruth Knights of Columbus #12413 Baseball Team on their 2007 undefeated season and first place finish.

At this time, certified copies of the Resolution were presented to the members and coaches of the Babe Ruth Knights of Columbus #12413 Baseball Team.

RESOLUTIONS

Resolution No. 07-347

WHEREAS, Saint Stanislaus Kostka Roman Catholic Church is celebrating their Ninetieth Anniversary this year, and

WHEREAS, a Mass of Celebration Mass will be held on Sunday, October 28, 2007, and

WHEREAS, following the Mass, a Dinner Banquet will be held at the Venetian Restaurant in Garfield, and

WHEREAS, the Mayor and Council is desirous of publicly recognizing this important occasion,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Saint Stanislaus Kostka Roman Catholic Church is hereby congratulated upon the celebration of their Ninetieth Anniversary.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 07-348

WHEREAS, Patricia Dugan, 45 Belmont Avenue, who is the holder of a Disabled Person I.D. Card No. P783534, has filed application for a handicapped parking sign to be placed at her address, and
WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for "Handicapped Parking", located on the east curb line of Wessington Avenue commencing 75 feet north of the intersection of Wessington Avenue and Belmont Avenue and run for an additional 25 feet north from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 5

(Sgd) James Krone
Louis G. Aloia

Resolution No. 07-349

RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey that Resolution No. 07-330 is hereby amended to include Health Inspector Frank Bland and Public Health Nurse Darlene Revielle as being authorized to attend the 2007 New Jersey State League of Municipalities Conference, and to be registered and have all appropriate expenses authorized to be processed through the City and paid for by the City pursuant to Resolution No. 07-330.

On call of roll, Ayes 5

(Sgd) James Krone
Louis G. Aloia

Resolution No. 07-350

RESOLUTION FOR MUNICIPALITIES TO CONFIRM ENDORSEMNT OF COMMJUNITY DEVELOPMENT PROJECTS

RESOLUTIONS

WHEREAS, a Bergen County Community Development grant of \$104,379 has been proposed by the Bergen County Community Action Partnership, Inc, for site plan improvements at 535 Midland Avenue in the municipality of Garfield, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body,

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

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

NOW, THEREFORE, BE IT RESOVLED, that the City Council of the City of Garfield, Bergen County, New Jersey, hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

On call of roll, Ayes 5

(Sgd) James Krone
Louis G. Aloia

Resolution No. 07-351

RESOLUTION FOR MUNICIPALITIES TO CONFIRM ENDORSEMNT OF COMMUNITY DEVELOPMENT PROJECTS

WHEREAS, a Bergen County Community Development grant of \$124,382 has been proposed by the Bergen County Community Action Partnership, Inc, for storm water improvements at 535 Midland Avenue in the municipality of Garfield, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body,

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

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

NOW, THEREFORE, BE IT RESOVLED, that the City Council of the City of Garfield, Bergen County, New Jersey, hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

On call of roll, Ayes 5

(Sgd) James Krone
Louis G. Aloia

Resolution No. 07-352

WHEREAS, a Bergen County Community Development grant of \$107,000 has been proposed by the Garfield YMCA to replace Air Handling Unit for Natatorium in the municipality of Garfield, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body,

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

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

NOW, THEREFORE, BE IT RESOVLED, that the City Council of the City of Garfield, Bergen County, New Jersey, hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

On call of roll, Ayes 5

(Sgd) James Krone
Louis G. Aloia

RESOLUTIONS

Resolution No. 07-353

WHEREAS, the Boys and Girls Club of Garfield made application to the Bergen County Division of Community Development for a Block Grant for Fiscal year 2007, and
WHEREAS, the amount of said grant is \$61,000.00 for a new gymnasium floor at the Boys and Girls Club Building located at 490 Midland Avenue, and
WHEREAS, Community Development regulations require the endorsement of such an application by the municipality from which the application was made, and
WHEREAS, the City Council has determined that the aforesaid project is in the best interest of the people of Garfield, and
WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds,
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Garfield, Bergen County, New Jersey, hereby confirms endorsement of the aforesaid project, and
BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

On call of roll, Ayes 5

(Sgd) James Krone
Louis G. Aloia

Resolution No. 07-354

WHEREAS, the City has been requested to make an expenditure/contribution to the Pulaski Day Parade,
NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield, that the expenditure of \$6,000 be and is hereby authorized for the benefit of the Pulaski Day Parade to be held on or about October 7, 2007.

On call of roll, Ayes 5

(Sgd) James Krone
Louis G. Aloia

Resolution No. 07-355

RESOLUTION IN SUPPORT OF REMEDIAL LEGISLATION TO AUTHORIZE A LIBRARY LEVY CAP EXCEPTION

WHEREAS, on April 3, 2007, Assembly Bill 1 was signed into law and included provisions to impose a 4% cap on local tax levies for fiscal year municipalities effective July 1, 2007 and calendar year municipalities effective January 1, 2008; and
WHEREAS, Budget Resolution No. 1491 was proposed to amend the FY08 State budget to remove municipal and joint library funding from the municipal levy cap legislation and return library funding to an exemption under the expenditure cap law; and
WHEREAS, Budget Resolution No. 1491 was stalled, and no action was taken on the legislation prior to June 28, 2007, when Governor Jon Corzine signed the State of New Jersey FY2008 budget; and
WHEREAS, for over 25 years and until FY2008, library funding was exempt from the expenditure cap law; and
WHEREAS, municipal and joint libraries are established by referendum and funded by mandatory appropriations from the municipalities, unlike county libraries, which are funded by property owners through a dedicated tax; and
WHEREAS, 245 municipalities in the State of New Jersey operate municipal or joint libraries and appropriate library funding in the municipal budget, not through a dedicated tax; and
WHEREAS, absent remedial legislation, municipalities that support a local public library will be unduly affected by the cap law changes, and will likely be forced to reduce or eliminate local services in order to meet the challenges of the 4% levy cap;
NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Garfield, County of Bergen, New Jersey that it respectfully requests remedial legislation be considered to

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address this critical issue so that library funding can be restored to exempt status under the expenditure cap law so all municipalities – regardless of whether they fund a local public library through municipal budget appropriations or through a dedicated library tax – can face the challenges of meeting a 4% levy cap equally, and without disadvantage.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor Jon Corzine, Senator Paul A. Sarlo, Assemblyman Frederick Scalera, Assemblyman Gary S. Schaer, the New Jersey Library Association and the New Jersey State League of Municipalities.

On call of roll, Ayes 5

(Sgd) James Krone
Louis G. Aloia

Resolution No. 07-356

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:	Belmont Oval Improvement Project
ENGINEER:	Boswell McClave Engineering
CONTRACTOR:	The LandTek Group, Inc. 235 County Line Road, Amityville, NY 11701
ORIGINAL CONTRACT COST:	\$1,861,094.50
COST OF CHANGE ORDER NO. 1:	177,300.29
COST OF CHANGE ORDER NO. 2:	31,967.26
COST OF CHANGE ORDER NO. 3:	25,067.70
NEW CONTRACT SUM:	<u>\$2,095,429.75</u>
CHANGE ORDER NUMBER:	#3
NATURE OF CHANGES:	“Various”

On call of roll, Ayes 5

(Sgd) James Krone
Louis G. Aloia

Resolution No. 07-357

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 over payment 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
174	12	Joseph & Clomy Charlot	O.P.	\$164.96
189	50	Pasquale & Grace LaGreca	O.P.	\$379.57
55	32.C0101	Maria Orilla	O.P.	\$241.80

On call of roll, Ayes 5

(Sgd) James Krone
Louis G. Aloia

RESOLUTIONS

Resolution No. 07-358

A RESOLUTION AWARDDING A CONTRACT TO MAITLAND AIR CONDITIONING AND HEATING IN CONNECTION WITH THE REPAIR OF THE HVAC SYSTEM AT THE GARFIELD POLICE DEPARTMENT

WHEREAS, the heating and cooling system for the emergency communications building on Schley Street has become inoperable, and;

WHEREAS, a quotation was solicited and received from Maitland Air Conditioning and Heating, Inc. in the amount of \$7,246.00, and;

WHEREAS, this work can be awarded without public bidding,

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Garfield that Maitland Air Conditioning and Heating, Inc. is hereby awarded a contract in the amount of \$7,246.00 for the repair of the emergency communications building on Schley Street.

On call of roll, Ayes 4,
Abstain 1 – Councilmember Krone

(Sgd) Louis G. Aloia
Stanley J. Moskal

BILLS AND CLAIMS

Resolution No. 07-359

RESOLVED by the City Council of the City of Garfield that the following bill No. 1214 covering Developers Escrow Trust and Dog Trust Acct totaling \$868.00 and Current Fund Current Year totaling \$1,448,080.77 and Water Fund Current Year totaling \$101,070.32 and General Capital totaling \$7,705.90 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 eleven (11) items prior to the meeting be ratified.

See

the

following

pages numbered _____

for

Bills

and

Claims

ORDINANCES

Ordinance No. 2510

The following entitled ordinance was introduced at a Regular Meeting held September 11, 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 APPROPRIATE AN ADDITIONAL SUM OF \$120,000 FOR THE 2007 ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND 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.

Mr. Marc Hynes, 104 DeWitt Street, asked questions concerning roadway paving.

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

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

On call of roll, Ayes 5

Ordinance No. 2511

The following entitled ordinance was introduced at a Regular Meeting held September 11, 2007; it was duly published; a copy was posted on the bulletin board in City Hall; copies were made available to the general public and having complied with the law, this ordinance was not read in full and the City Council can now proceed with the public hearing and final passage:

“AN ORDINANCE TO AMEND CHAPTER 229 OF THE CODE OF THE CITY OF GARFIELD ENTITLED “TOW TRUCKS”

City Clerk Pavlica read the ordinance by title.

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

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

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

On call of roll, Ayes 5

Councilmember Krone introduced in writing the following ordinance entitled:

“AN ORDINANCE TO AMEND CHAPTER 229 OF THE CODE OF THE CITY OF GARFIELD ENTITLED “TOW TRUCKS”

City Clerk Pavlica read the ordinance by title.

ORDINANCES

Councilmember Krone moved that this ordinance entitled, "AN ORDINANCE TO AMEND CHAPTER 229 OF THE CODE OF THE CITY OF GARFIELD WNTITLED "TOW TRUCKS" , 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 October 9, 2007 at 8:00 PM in the City Hall in Garfield and that the City Clerk shall be directed to publish said ordinance in full together with the notice of such hearing in the Garfield Messenger.

The motion, duly seconded by Councilmember Aloia, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 5

CITIZENS AND TAXPAYERS

Mr. John Betley, 139 Division Avenue, spoke on the recent resolution by the Garfield City Council supporting the Borough of Elmwood Park's efforts to secure funding for floodwater relief concerning Fleischer's Brook. He said that stormwater from Garfield into Fleischer's Brook is from six acres of land, while stormwater from Elmwood Park into Fleischer's Brook is from five hundred acres of land, and stormwater from the Borough of Fair Lawn is even more. He spoke on the history of the floodwater relief project and the diversionary tunnel from Fleischer's Brook under Lanza Avenue and Ann Street to the Passaic River which was constructed in the late 1970's and early 1980's. He remarked that Elmwood Park did not contribute funding to this flood relief project all those years ago and he questioned why the City of Garfield should extend itself for Elmwood Park now. He said that if Elmwood Park is dumping so much water into Fleischer's Brook, he would like a total investigation into any proposed floodwater relief project before the City became involved.

Ms. Tana Raymond, 93 Spring Street, complained about Macedonian flags and American flags being displayed side by side throughout the City allegedly in violation of the US Flag Code. She said that even though this was done for the Macedonian Festival, it should not have been done during September 11th. She said that illegal apartments are running rampant in Garfield and she complained about an alleged illegal apartment at 178 Chestnut Street. She said that she wants to form a citizen's task force and that the City needs more inspectors. She complained about the cost to her for the reproduction of records from a recent records request she made. She questioned how much taxes were going up and she questioned why the City almost lost State Aid.

Mr. Marc Hynes, 104 DeWitt Street, complained about an alleged illegal apartment at 204 Wessington Avenue.

Mr. Gerald Walis, 77 Hartman Avenue, spoke on the procedure to provide information on suspected illegal apartments.

Mr. Joseph Dorman, 174 Palisade Avenue, publicly thanked Police Captain Raymond Kovach and Police Sergeant John Lesica for their professional conduct, expertise and explanations when hearing complaints from residents of the Allesandra Condominiums. He suggested that Mayor and Council meetings be televised on cable television. He said that he is concerned with pit bull dogs in the area. He suggested that an ordinance be considered to muzzle jaw locking dogs when they are off their owner's property. He objected to a \$6,000 allocation for the Pulaski Day Parade Committee.

Ms. Joyce Uram, 37 Schley Street, thanked the City Council and Administration for including curbs on the Schley Street paving project. She said that the September 11th recognition at the Council meeting two weeks ago, was nice.

COUNCILMEMBER COMMENTS

Councilmember Aloia said that the information provided during Citizens and Taxpayers on Fleischer's Brook was excellent information. He said that Garfield is at the end of the line and if Garfield does not support the flood control efforts of Elmwood Park and Fair Lawn, their problem could become Garfield's problem. He commended the Macedonian community for running a feast or festival that was a lot of joy for themselves and without any problems. He said that the dog muzzle issue was something for the City Council to consider. He said that posting convicted or illegal apartments on the City website may be a consideration. He said that Middle School Principal Marilyn Martorano should be publicly recognized by the City. He said that the newspaper created something that was not there, the Columbus Day Parade Committee said that they were just not doing a parade this year. He said that it was not a Pulaski Day Parade over Columbus Day Parade issue. He commented on the last Council meeting and how so many good things were done concerning the police promotions, and then the next day, the only thing in the newspaper was an article about a coach having a problem with the Girls Softball League. He said that there was not one mention about the police promotions or the September 11th Ceremony. He said that the newspaper was trying to generate division.

Councilmember Krone said that City Manager Duch has been asked to write a letter to the Editor concerning the newspaper article about the two parades. He said that the headline was "Garfield and Lodi Cancel Columbus Day Parade". He said that it City is not the City's parade or Lodi's parade and to say that Garfield and Lodi took away the parade is ridiculous. He said that if the Lodi-Garfield Christopher Columbus Parade Committee does not want to have that parade, then it does not happen. He said that the Macedonian Festival Committee was asked to do a lot of things to make it work right. He said that the City was anxious about security and a lot of things and they complied with everything and did everything they were asked to do and they had a great event. He said that he commends the Macedonian Leadership because everything worked out wonderfully and they did a good job and it was a job well done.

Councilmember Moskal said that he had the pleasure of going Saturday Night to the Macedonian Festival and he wants to say that the whole committee did a fantastic job. He commented on the folk dancing and the food and the committee did a great job of putting things together and he looks forward to the years to come. He said that the proposed illegal housing ordinance is such a serious topic and it needs additional discussion. He said that it should not be done in haste, it should be gone over, line by line. He said that he is the Vice President of the Pulaski Day Parade Committee and he is very disappointed that something like this was printed in the newspaper. He said that it was reckless and careless journalism to pit two organizations against each other. He said that a lot of work goes into the Columbus Day Parade and a lot of planning and time commitments on behalf of the Pulaski Day Parade and it is so completely unfair to both of those Committees to put something out like what was in the newspaper and create such a stir. He said that the Associated Press picked up this story nationally, as did others, and had fun with the headlines and more spin. He spoke on the heritages of the people of Garfield. He said that Polish people go to the Columbus Day Parade and Italian people go to the Pulaski Day Parade. He said that a lot of what Garfield is about is celebrating people's heritages. He said that we remember that we are Americans but we also have a little bit of our past that we keep inside our heart. He said that the Pulaski Day Parade Committee had been working with City Manager Duch trying to make the Pulaski Day Parade earlier to accommodate the Columbus Day Parade. He said that things went a different course, but by no means did the City take sides.

Deputy Mayor Delaney said that he appreciated all the knowledge given tonight concerning the history of flood relief and Fleischer's Brook, but there will be no expense to City taxpayers concerning Elmwood Park flood relief. He said that City Manager Duch did a great job with the September 11th Ceremony at the last meeting but the newspapers chose to write about a softball coach instead. He said that City Manager Duch went above and beyond and gave out trophies to the kids who were not at the Softball League dinner.

COUNCILMEMBER COMMENTS

Mayor Calandriello said that he was at the Macedonian Festival on Sunday and it was a very good and well run event. He said that the organizers were most cooperative and it is what makes Garfield great – the City has different backgrounds and heritages and we are able to share in all of this. He said that the City made whatever arrangements that could be made to make both parades happen and it was the first time he could remember both parades being scheduled on the same day. He said that the newspapers twisted it into what it was not, and that, it is sad what happens.

ADJOURNMENT

At 9:55 PM, there being no further business, Councilmember Krone moved to adjourn the meeting. Councilmember Moskal duly seconded the motion.

On call of roll, Ayes 5

Andrew J. Pavlica CITY CLERK