

A Regular Meeting of the City Council was held Tuesday, May 28, 2013 at 8:25 PM in the Council Chamber in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

Mayor Joseph Delaney 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, Tana M. Raymond, Glenn A. Mati and Joseph Delaney
Councilmembers Absent: Frank J. Calandriello
Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica and City Attorney Representative Robert Ferraro of the Law Firm of Bruno and Ferraro

REPORTS OF OFFICERS

Councilmember Aloia moved to approve the Reports of the Cabinet as presented orally and in writing during the Work Session held last night. Councilmember Raymond duly seconded the motion.

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

RESOLUTIONS

Resolution No. 13-165

WHEREAS, the Garfield Benevolent Protective Order of Elks Lodge No. 2267, located at 68 Lanza Avenue, will honor Past Exalted Ruler Kathy Andreano at the Testimonial and Awards Night Dance to be held on Saturday, June 1, 2013, and

WHEREAS, the honoree has donated much of her time and effort towards helping the community, school system and sports and recreation programs in the City to benefit the people of Garfield, and

WHEREAS, the Mayor and City Council is desirous of publicly recognizing the honoree on her much deserved award,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey ,that Kathy Andreano is hereby publicly CONGRATULATED and COMMENDED on being recognized by the Garfield Benevolent Protective Order of the Elks, Lodge No.2267, in appreciation of her dedicated service to the people of Garfield.

On call of roll, Ayes 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Tana M. Raymond

Resolution No. 13-166

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the Work Session Meeting of the Garfield City Council scheduled for Monday, June 10, 2013 and the Regular Meeting scheduled for Tuesday, June 11, 2013 has been combined to be held Tuesday, June 11, 2013 with the Work Session at 6:00 PM in the Conference Room in City Hall, 111 Outwater Lane, Garfield, New Jersey 07026 and with the Regular Meeting to commence also on Tuesday June 11, 2013 at 8:00 PM in the Council Chamber in City Hall.

On call of roll, Ayes 4,
Absent 1- Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

RESOLUTIONS

Resolution No. 13-167

RESOLVED by the City Council of the City of Garfield that the City Clerk is hereby authorized to issue the following licenses for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

CLUB LICENSES

License No. 0221-31-073-001 American Hungarian Citizens League
t/a American Hungarian Citizen League
21 New Schley Street

PLENARY RETAIL CONSUMPTION LICENSES

License No. 0221-33-002-005 Apple Food Service of Garfield LLC
t/a Applebee's Neighborhood Grill & Bar
186 Passaic Street

0221-33-006-005 Swami Yogi Inc.
t/a La Bella Pizza
300 Lanza Avenue

0221-33-007-007 Tina Liquors, LLC
t/a MVP Sports Club
402 River Drive

0221-33-008-007 Daniels Il Piacere, LLC
t/a Daniel's Il Piacere
190 Harrison Avenue

0221-33-010-005 Rojovin, Inc.
t/a Goodfella's
661 Midland Avenue

0221-33-012-005 Garfield Restaurant Corp
t/a Déjà Vu
50 River Drive

0221-33-013-005 Thirteen Hundred LLC
t/a Pips
226 MacArthur Avenue

0221-33-016-005 G and B LLC
t/a The Royal Manor
454 Midland Avenue

0221-33-017-004 Timlo LLC
t/a DP's Pub
732 River Drive

0221-33-025-001 Frank Barcelona's Restaurant & Bar Inc.
t/a Barcelona's Restaurant
38 Harrison Avenue

0221-33-030-004 Yogiji Enterprises Inc.
t/a Boggy's Bar & Liquors
142 Division Avenue

RESOLUTIONS

PLENARY RETAIL CONSUMPTION LICENSES

License No.	0221-33-033-010	Firehouse Grill, LLC t/a The Firehouse 42 Plauderville Avenue
	0221-33-036-009	Rosa Italiana, LLC t/a Rosa Italiana 791 Midland Avenue
	0221-33-037-005	Smoke House LLC t/a Piast Meats & Provisions 1 Passaic Street
	0221-33-040-002	Drazek Inc. t/a BJ's Polonia 126 Ray Street
	0221-33-043-004	Michele's Catering Inc. t/a Michele's 32 Passaic Street
	0221-33-049-006	Everwide, Inc. t/a Everwide, Inc. 237 Palisade Avenue
	0221-33-051-006	CP Sunrise LLC t/a The Midnight Sun 323 Semel Avenue
	0221-33-053-004	Venetian Corp t/a The Venetian 546 River Drive
	0221-33-055-005	Stecyk Danuta and Wojdat Stanislaw t/a Bania U Cygana 175 Jewell Street
	0221-33-057-004	Detour, Inc. t/a Detour Bar 437 Lanza Avenue
	0221-33-058-001	Russian Orthodox Greek Catholic Church of the Three Saints t/a Russian Orthodox Greek Catholic Church of the Three Saints 464 Outwater Lane
	0221-33-062-010	Nuve-Quinche Corporation t/a Pazza Luna Pizzeria, Restaurant & Bar 52 Chestnut Street
	0221-33-066-009	G F Mazzola Inc. Filippos & Jocks Kicks Ristorante & Sports Bar 250-252 Midland Avenue

RESOLUTIONS

0221-33-068-006 Benda Roehrich Post#2867 Veterans of Foreign Wars t/a Benda Roehrich Post#2867 Veterans of Foreign Wars
340 Outwater Lane

PLENARY RETAIL CONSUMPTION LICENSES

License No 0221-33-070-002 Wisla, Inc.
t/a Wisla Inc.
73 Main Street

0221-33-078-005 Pranav Enterprise Inc.
t/a River Drive Bar & Liquor
85 River Drive

PLENARY RETAIL DISTRIBUTION LICENSES

License No. 0221-44-003-006 Viki Siddhi and Vicky LLC
t/a Belmont Liquors
79 Belmont Avenue

0221-44-020-009 Lilly's House Corporation
t/a All Nation's Liquor
80 Passaic Street

0221-44-034-008 Worldwide Liquors LLC
t/a Worldwide Liquors
68 Van Winkle Avenue

0221-44-063-003 Pelikan Ronald & Pelikan Theresa
t/a Hy Spirit Wine & Liquor
76 Jewell Street

0221-44-064-003 Mahant Liquors, Inc.
t/a Joe's Liquors
114 Outwater Lane

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 Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-168
WHEREAS, Yomaris Alcantara, 167 Cambridge Avenue, who is the holder of a Disabled Person I.D. Card No. P1083413, has filed application for a handicapped parking sign to be placed at her address, and

RESOLUTIONS

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 west curb line of Cambridge Avenue commencing 136 feet north of the intersection of Cambridge Avenue & Elizabeth Street, and run an additional 25 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 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-169

WHEREAS, Toni-Ann Barrett, 111 Wessington Avenue, who is the holder of a Disabled Person I.D. Card No. P1085559, 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 west curb line of Wessington Avenue commencing 108 feet south of the intersection of Wessington Avenue & Botany Street, and run an additional 25 south 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 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-170

WHEREAS, Marilyn Davis, 139 Jewell Street, who is the holder of a Disabled Person I.D. Card No. P452062, 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 west curb line of Jewell Street commencing 51 feet south of the intersection of Jewell Street & Division Avenue, and run an additional 25 south 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 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-171

WHEREAS, Billy Kelly, 201 Malcolm Avenue, who is the holder of a Disabled Person I.D. Card No. P932567, has filed application for a handicapped parking sign to be placed at his 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 west curb line of Malcolm Avenue commencing 67 feet south of the intersection of Malcolm Avenue & Elizabeth Street, and run an additional 25 south 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 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

RESOLUTIONS

Resolution No. 13-172

WHEREAS, Hayward Manuel, 116 Pierre Avenue, who is the holder of a Disabled Person I.D. Card No. P1129547, has filed application for a handicapped parking sign to be placed at his 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 Pierre Avenue commencing 80 feet south of the intersection of Pierre Avenue & Maple Street, and run an additional 25 south 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 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-173

WHEREAS, Loretta Marshall, 258 Malcolm Avenue, who is the holder of a Disabled Person I.D. Card No. P907133, 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 Malcolm Avenue commencing 56 feet south of the intersection of Malcolm Avenue & Leonard Street, and run an additional 25 south 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 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-174

WHEREAS, Manuel Nieves, 69 Gaston Avenue, who is the holder of a Disabled Person I.D. Card No. P1136423, has filed application for a handicapped parking sign to be placed at his 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 west curb line of Gaston Avenue commencing 235 feet south of the intersection of Gaston Avenue & Charles Street, and run an additional 25 south 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 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-175

WHEREAS, Robert Ochab, 36 Lizette Street, who is the holder of a Disabled Person I.D. Card No. P620227, has filed application for a handicapped parking sign to be placed at his 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 south curb line of Lizette Street commencing 390 feet east of the intersection of Lizette Street & River Drive, and run an additional 25 east from that point.

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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 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-176

WHEREAS, Joseph Petrie, 103 Farnham Avenue, who is the holder of a Disabled Person I.D. Card No. P1123859, has filed application for a handicapped parking sign to be placed at his 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 west curb line of Farnham Avenue commencing 87 feet south of the intersection of Farnham Avenue & Clark Street, and run an additional 25 south 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 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-177

WHEREAS, Ronald Richards, 26 Scudder Street, who is the holder of a Disabled Person I.D. Card No. P1100775, has filed application for a handicapped parking sign to be placed at his 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 Scudder Street commencing 155 feet south of the intersection of Scudder Street & Banta Avenue, and run an additional 25 south 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 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-178

WHEREAS, Evonne Shoemaker, 139 Frederick Street, who is the holder of a Disabled Person I.D. Card No. P1116388, 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 south curb line of Frederick Street commencing 113 feet west of the intersection of Frederick Street & Gaston Avenue, and run an additional 25 west 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 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-179

WHEREAS, Dawn Tommasi, 115 Wessington Avenue, who is the holder of a Disabled Person I.D. Card No. P1126796, 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,

RESOLUTIONS

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 west curb line of Wessington Avenue commencing 65 feet south of the intersection of Wessington Avenue & Botany Street, and run an additional 25 south 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 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-180

WHEREAS, Jonathan Vargas, 255 Harrison Avenue, who is the holder of a Disabled Person I.D. Card No. P1114603, has filed application for a handicapped parking sign to be placed at his 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 west curb line of Harrison Avenue commencing 160 feet north of the intersection of Harrison Avenue & Charles Street, and run an additional 25 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 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-181

WHEREAS, Henryk Waloski, 105 Willard Street, who is the holder of a Disabled Person I.D. Card No. P1093661, has filed application for a handicapped parking sign to be placed at his 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 north curb line of Willard Street commencing 255 feet west of the intersection of Willard Street & Pierre Avenue, and run an additional 25 west 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 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-182

WHEREAS, Stansialawa Wrobel, 13 Grand Street, who is the holder of a Disabled Person I.D. Card No. P1123804, 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 north curb line of Grand Street commencing 155 feet east of the intersection of Grand Street & River Drive, and run an additional 25 east 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 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

RESOLUTIONS

Resolution No. 13-183

WHEREAS, Robert Zellmann, 79 Jewell Street, who is the holder of a Disabled Person I.D. Card No. P1126737, has filed application for a handicapped parking sign to be placed at his 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 west curb line of Jewell Street commencing 30 feet north of the intersection of Jewell Street & Pacific Avenue, and run an additional 25 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 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-184

WHEREAS, the City of Garfield Police Department desires to provide Police Services on May 30, 31, June 1, and 2, 2013 for the Cole Brother Circus, and

WHEREAS, the Police contingent on the above dates will use compensated time,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that it acknowledges the use of compensation time, and therefore working on duty for the above event.

On call of roll, Ayes 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-185

Supporting the Click It or Ticket Mobilization of May 20 – June 2, 2013

Whereas, there were 591 motor vehicle fatalities in New Jersey in 2012; and

Whereas, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

Whereas, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

Whereas, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

Whereas, the State of New Jersey will participate in the nationwide Click It or Ticket seat belt mobilization from May 20 – June 2, 2013 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

Whereas, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 88.29% to 90%; and

Whereas, a further increase in seat belt usage in New Jersey will save lives on our roadways;

Therefore, be is resolved that the City of Garfield declares it’s support for the Click It or Ticket seat belt mobilization both locally and nationally from May 20 – June 2, 2013 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

On call of roll, Ayes 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-186

RESOLUTION AUTHORIZING ENVIROTACTIS, INC. (ENVIROTACTICS) TO INSTALL AND SAMPLE EIGHT TEMPORARY WELL POINTS IN THE CITY’S RIGHT-OF-WAY WITHIN THE CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY.

WHEREAS, ENVIROTACTICS is undertaking this program on behalf of Central Bergen Properties within the vicinity of 141 Lanza Avenue, Garfield, Bergen County, New Jersey; and,

WHEREAS, groundwater contamination has been identified at the southern boundary of the Property and appears to be migrating offsite in a southerly direction. Delineation of offsite

RESOLUTIONS

groundwater is required by the New Jersey Department of Environmental Protection (NJDEP) and the Property's Licensed Site Remediation Profession (LSRP). The results of the proposed temporary well point investigation will determine the need and location for installation and periodic sampling of permanent monitoring wells in the future. One or more of the proposed temporary well point locations may be converted to permanent wells in the future; and, WHEREAS, ENVIROTACTICS is desirous to install eight (8) temporary well points within the City of Garfield right-of-way (City property); and, WHEREAS, the proposed locations of the eight (8) temporary well points are as indicated on ENVIROTACTICS plan dated May 21, 2013:

- Two (2) on the north side of Lanza Avenue within the vicinity of 141 Lanza Avenue; and,
- Two (2) on the west side of Ann Street between Lanza Avenue and Division Avenue; and,
- One (1) on the west side of Ann Street between Division Avenue and Banta Avenue; and,
- One (1) on the north side of Division Avenue between River Drive and Ann Street; and,
- Two (2) on the north side of Division Avenue between Ann Street and Madonna Place.

WHEREAS, all the approximate locations will be per the attached photographic plan; and, NOW THEREFORE BE IT RESOLVED, that ENVIROTACTICS and its installing contractor is hereby authorized to install the above referenced eight (8) temporary well points within the City's property subject to the following conditions:

1. ENVIROTACTICS shall hold the City harmless from any actions concerning their operation and all appropriate permits are secured.
2. Copies of all test results shall be forwarded to the City Clerk at the time this information is also transmitted to the NJDEP.
3. At the conclusion of this operation and upon approval of the NJDEP to close this well, all appropriate closure operations shall occur.
4. ENVIROTACTICS shall be responsible for the maintenance of these well points and monitoring wells until they are properly sealed and abandoned pursuant to NJDEP criteria.

On call of roll, Ayes 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 13-187

A Resolution Authorizing Langan Engineering to Conduct a Single Soil Boring Within the Clark Street Right of Way Adjacent to 143 Clark Street, Garfield, New Jersey.

WHEREAS, Langan Engineering is undertaking an environmental investigation at 143 Clark Street, Garfield, Bergen County, N.J., and;

WHEREAS, a soil boring and groundwater grab sample is necessary pursuant to the NJDEP environmental regulations, and;

WHEREAS, Langan serves as an LSRP for the above referenced property.

NOW THEREFORE BE IT RESOLVED, Langan Engineering is hereby authorized to conduct a soil boring and sampling of both soil and groundwater within the Right-of-Way of Clark Street adjacent to 143 Clark Street subject to the following conditions:

1. Langan shall hold the City harmless from any actions concerning their operation and all appropriate permits are secured.

RESOLUTIONS

- 2. Copies of all test results shall be forwarded to the City Clerk at the time this information is transmitted to the NJDEP.
- 3. At the conclusion of this operation, the location shall be fully restored with either asphalt or concrete depending on location and subject to the approval of the City Engineer.
- 4. Langan shall be responsible for the maintenance of this location until proper closure is completed.

On call of roll, Ayes 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution 13-188

Resolution Authorizing the Refund of Overpaid Property Taxes to Venture One Associates LLC Due to a Delay in the Issuance of A Certificate of Occupancy

WHEREAS, Venture One Associates LLC, hereinafter "Venture", was the owner of the property located at 108 Mac Arthur Avenue, Garfield, New Jersey.

WHEREAS, Venture claims the overpayment of taxes for the year of 2011 in the sum of \$3,342.28, and

WHEREAS, Venture's claim of overpayment was not due to the actions of Venture in attempting to delay the issuance of a certificate of occupancy, and

WHEREAS, Venture's claim is equitable and repayment is warranted,

NOW THEREFORE BE IT RESOLVED that the City of Garfield will issue Venture a refund for overpaid property taxes in the amount of \$3,342.28.

On call of roll, Ayes 3,
Nays 1 – Councilmember Aloia
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Tana M. Raymond

Resolution No. 13-189

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 2013.

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
94	22	Chestnut Title Agency, LLC	O/P	\$1,812.00

On call of roll, Ayes 4,
Absent 1 - Councilmember Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

BILLS AND CLAIMS

Resolution No. 13-190

RESOLVED by the City Council of the City of Garfield that the following bill No. 1581 to 1585 covering Trust Other Fund and Dog Trust Fund totaling \$185,808.17 and the Current Fund totaling \$543,792.24 and the Current Water Fund totaling \$72,055.34 and the General Capital Fund totaling \$3,578.99 and Water Capital Fund totaling \$2,100.00 per attached Computer Lists, be ordered paid

BILLS AND CLAIMS

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 fourteen (14) items prior to the meeting be ratified.

See

the

Following Pages _____

for

Bills

And

Claims

CITIZENS AND TAXPAYERS

Mr. Paul Urgavitch, 52 Elizabeth Street spoke on receiving a notice from the Building Department to repair the sidewalk in front of his property. He complained that the shade tree the City had planted is lifting his sidewalk.

Ms. Marilyn Davis, 139 Jewell Street, spoke on the resolution approving her handicapped parking space.

Mr. Joseph Paz, owner of the Catherine Arms Apartments, 860 River Drive at the intersection of Division Avenue, complained about the noise of the water turbines of American Hydro Power on the Clifton side by the Dundee Dam. He does not want the water falls to be diverted and dried up at the Dundee Dam. He said the last time that happened there was a smell of stagnant water and there were vermin and rats on the Garfield side of the Passaic River. He said that he did not want to see the scenic waterfalls by the new riverfront park ruined.

CLOSED SESSION

Resolution No. 13-191

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to exclude the public from a meeting in certain circumstances, and

WHEREAS, the City Council is of the opinion that such circumstances now exist,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that a "Closed Session" is hereby called at 8:55 P.M. on Tuesday, May 28, 2013, to discuss the following as outlined in N.J.S.A. 10:4-12:

- * Pending or anticipated litigation or contract negotiations or matters falling within attorney-client privilege; (Police Lieutenant Anthony Blackfeld vs. the City of Garfield).
- * Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplinary action of personnel unless the individual in the right request a public meeting in writing; (proposed hiring of additional employees for the Department of Public Works).

BE IT FURTHER RESOLVED that the matters so discussed will be disclosed to the public as soon as and to the extent that such disclosure can be made without adversely affecting the public interest or without violation of the confidentiality of personnel.

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

(Sgd) Glenn A. Mati
Tana M. Raymond

SHORT RECESS, CHANGE OF VENUE AND
RETURN TO ORDER

Immediately after the City Council voted to go into Closed Session, a short recess was called to move the meeting down the hall to the second floor Conference Room. At 9:00 PM, the meeting was called to order in Closed Session by Mayor Delaney and all City Officials were present as before the recess. It was duly noted for the record.

Regular Meeting May 28, 2013, Continued

ADJOURNMENT

After the City Council came out of Closed Session at 9:20 PM, there being no further business, the meeting was adjourned.

Andrew J. Pavlica, CITY CLERK