

A Regular Meeting of the City Council was held Tuesday, August 11, 2015 at 8:50 PM in the Council Chamber in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

Mayor Tana M. Raymond 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, fax and email 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: Frank J. Calandriello, Louis G. Aloia, Joseph Delaney, Glenn A. Mati and Tana M. Raymond

Also Present: City Clerk Andrew J. Pavlica, City Attorney Representative Robert Ferraro of the Law Firm of Bruno and Ferraro (for City Attorney John J. Bruno) and City Engineer Kevin J. Boswell

PUBLIC HEARING ON PROPOSED CONTINUED IMPROVEMENTS
TO TWENTIETH CENTURY FIELD

City Engineer Kevin J. Boswell explained the Proposed Continued Improvements to Twentieth Century Field for which the City has submitted a grant application to the Bergen County Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund. Mayor Raymond declared a public hearing on same and asked if there were any questions, comments or objections. There being none, Mayor Raymond declared the public hearing closed.

REPORTS OF OFFICERS

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

On call of roll, Ayes 5

RESOLUTIONS

Resolution No. 15-334

WHEREAS, James Miller has served as the Garfield Junior Boilermaker Football Director for the last five years and his commitment and leadership is one of the reasons why the football program has been so successful serving 150 youths annually, and

WHEREAS, he has served on the Boys and Girls Club of Garfield Coaches Association for many years and has also served as President for one year, and has served on the Boys and Girls Club Board of Directors, and

WHEREAS, he has served as a Coach and an Officer of the Garfield Little League and was Chairman of the New Jersey State Little League Championship Tournament held in Garfield several years ago, and

WHEREAS, he has served on the Garfield Free Public Library Board of Trustees for several years and has served the people of Garfield in other capacities, and

WHEREAS, "Jim" Miller is reluctantly moving out of Garfield due to family considerations, but he will always bleed purple and gold,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that JAMES MILLER is hereby thanked for his years of dedication devoted to the service of others in the City of Garfield and is extended best wishes for health, happiness and continued success.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

At this time, a CERTIFIED copy of Resolution No. 15-334 was presented to Jim Miller.

RESOLUTIONS

Resolution No. 15-335

WHEREAS, an application has been filed for a Place to Place Transfer (including expansion of premises) of Plenary Retail Distribution License No. 0221-44-029-006, Ranpar, LLC, (Paresh Patel, 1431 Mountainside Drive, Orefield, Pa 18069 – who owns 100% of the shares of the Corporation), for licensed premises located at 194 Van Winkle Avenue, Garfield, NJ 07026), t/a Whoopee Discount Liquor & Wine, and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term, and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33, and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield, Bergen County, New Jersey, does hereby approve, effective August 12, 2015, the expansion of premise of the aforesaid Plenary Retail Consumption License, Ranpar, LLC, (Paresh Patel, 1431 Mountainside Drive, Orefield, Pa 18069 – who owns 100% of the shares of the Corporation), for licensed premises located at 194 Van Winkle Avenue, Garfield, NJ 07026), t/a Whoopee Discount Liquor & Wine, and

BE IT FURTHER RESOLVED that this license is transferred on the condition that no Go-Go, live entertainment or discotheque be used in connection with this license; (A fee of \$90.00 was collected for the City of Garfield and \$200.00 was collected for the State of New Jersey in connection with the place to place license transfer).

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-336

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, 2015 and ending June 30, 2016:

PLENARY RETAIL CONSUMPTION LICENSES

License No.	0221-33-010-005	Rojovin, Inc. t/a Goodfella's 661 Midland Avenue
	0221-33-013-005	Thirteen Hundred LLC t/a Pips 226 MacArthur Avenue
	0221-33-059-007	Craft Beer LLC t/a Three Wise Monks 142 Outwater Lane
	0221-33-069-014	Bergen Heritage Management LLC t/a Bar BQ Grill 517 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 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-337

WHEREAS, Community Development requires the City of Garfield to have two representatives to Bergen County Community Development, and

RESOLUTIONS

WHEREAS, one representative is to be approved by the City Manager and the other representative is to be appointed by the City Council, and
NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that City Manager Thomas J. Duch is hereby appointed as a Representative of the City of Garfield to Bergen County Community Development, effective immediately for a term to expire June 30, 2016.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-338

WHEREAS, Fire Company No. 1 advises that John McCutcheon of 98 Palisade Avenue, Garfield, New Jersey has served as an active member of the Garfield Fire Department for a period of seven years and recommend that he be granted an exemption, and
WHEREAS, the records in the City Clerk's Office indicate that he has served for a period of seven years,
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the recommendation of Fire Company No. 1 is hereby approved and that the proper officers are hereby authorized to issue an Exempt Firemen's Certificate to the above named individual.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 15-339

WHEREAS, Fire Company No. 4 advises that Steve Semancik of 392 Boulevard, Garfield, New Jersey 07026 has served as an active member of the Garfield Fire Department for at least twenty-one years and that he is entitled to a twenty-one year badge, and
WHEREAS, the records in the Office of the City Clerk indicate that he has served for a period of twenty-one years,
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the recommendation of Fire Company No. 4 is hereby approved and that the proper officers are hereby authorized to issue a twenty-one year badge to the above named individual.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-340

WHEREAS, Fire Company No. 4 advises that Michael Cyran of 408 Van Bussum Avenue, Garfield, New Jersey 07026 has served as an active member of the Garfield Fire Department for at least twenty-one years and that he is entitled to a twenty-one year badge, and
WHEREAS, the records in the Office of the City Clerk indicate that he has served for a period of twenty-one years,
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the recommendation of Fire Company No. 4 is hereby approved and that the proper officers are hereby authorized to issue a twenty-one year badge to the above named individual.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-341

WHEREAS, Fire Company No. 3 has advised that they have accepted Kristi Duci of 43 Spring Street, Garfield New Jersey 07026, as a regular member, effective April 5, 2015,

RESOLUTIONS

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. 3 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-342

WHEREAS, Fire Company No. 3 has advised that they have expelled Robert DeVuyst of 510 Grace Avenue, Garfield, New Jersey 07026 as an active member effective August 3, 2015,

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 accepted.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-343

WHEREAS, Fire Company No. 5 has advised that they have accepted Gary V. Giardina of 15 Steinberg Avenue, Garfield, New Jersey 07026, as a regular member, effective July 7, 2015,

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 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-344

WHEREAS, Vito Curlo, 233 Chestnut Street, who is the holder of a Disabled Person I.D. Card No. P1470492, 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 Chestnut Street commencing 76 feet north of the intersection of Chestnut Street and Dewey Street and run an additional 24 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) Joseph Delaney
Glenn A. Mati

Resolution No. 15-345

WHEREAS, Brigado Herrera, owner of Open Table Restaurant, 347 Lanza Avenue, has filed application for a fifteen (15) minute parking space to be placed at his business, 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 "Fifteen (15) Minute Parking", located on the north curb line of Lanza Avenue commencing 88 feet west of the intersection of Lanza Avenue and Shaw Street and run an additional 22 feet 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 5

(Sgd) Joseph Delaney
Glenn A. Mati

RESOLUTIONS

Resolution No. 15-346

RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE SUBURBAN ESSEX MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Suburban Essex Joint Insurance Fund (hereinafter the Fund) is duly chartered Municipal Insurance Fund as authorized by NJSA 40A:10-36 et seq., and;
WHEREAS, the City of Garfield is currently a member of said Fund, and;
WHEREAS, effective December 31, 2015 said membership will expire unless earlier renewed, and;
WHEREAS, the Governing Body of the City of Garfield has resolved to renew said membership;
NOW THEREFORE, be it resolved as follows:

1. The City of Garfield hereby renews its membership in the Suburban Essex Joint Insurance Fund for a three (3) year period, beginning January 1, 2016 and ending January 1, 2019.
2. The City of Garfield hereby ratifies and reaffirms the Indemnity and Trust Agreement, Bylaws and other organizational and operational documents of the Suburban Essex Joint Insurance Fund as from time to time amended and altered by the Department of Insurance in accordance with the Applicable Statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.
3. The City of Garfield agrees to be a participating member of the Fund for the period herein provided for and to comply with all of the rules and regulations and obligations associated with said membership.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-347

RESOLUTION AUTHORIZING THE CITY OF GARFIELD TO ENTER INTO A PAYROLL SERVICE AGREEMENT AND AN ENHANCED AFFORDABLE HEALTHCARE ACT AGREEMENT WITH PAYCOM PAYROLL, LLC

WHEREAS, the Mayor and Council of the City of Garfield believe it is in the best interest of the City to enter into Payroll Service Agreement and an Enhanced Affordable Healthcare Act Agreement with Paycom Payroll, LLC (“Paycom”); and
WHEREAS, under the Payroll Service Agreement, Paycom will provide payroll services to the City and file appropriate state and federal payroll taxes; and
WHEREAS under the Enhanced Affordable Healthcare Act Agreement, Paycom shall provide the City with assistance with regard to the Affordable Healthcare Act’s reporting requirements; and
NOW, THEREFORE, BE IT RESOLVED that on the 11th day of August 2015, the Mayor and Council of City of Garfield authorize City Manager, Thomas J. Duch, to enter into a Payroll Service Agreement and an Enhanced Affordable Healthcare Act Agreement With Paycom Payroll, LLC
PASSED, APPROVED, AND EFFECTIVE on this 11th day of August 2015.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Glenn A. Mati

Resolution No. 15-348

RESOLUTION AUTHORIZING THE CITY OF GARFIELD TO ENTER INTO SHARED SERVICES AGREEMENT WITH THE PASSAIC VALLEY WATER COMMISSION

WHEREAS, Passaic Valley Water Commission (“PVWC”) and the City of Garfield are desirous of entering into a shared services agreement for meter replacement, meter reading, and customer billing and collection services, and other miscellaneous services; and
WHEREAS, N.J.S.A. 40A:11-5(2) provides an exception under the Local Public Contracts Law for contracts entered into with the United States of America, the State of New Jersey, County, or municipality, or any board, body, office, agency, or authority thereof; and
WHEREAS, PVWC and the City of Garfield are such entities; and
WHEREAS, a copy of the proposed agreement between PVWC and the City of Garfield (the “Agreement”) is attached hereto and made a part hereof as Exhibit A; and

RESOLUTIONS

WHEREAS, the term of the Agreement shall be for a period of five (5) years from the said date the Agreement is fully executed, with an option to automatically extend the Agreement for an additional period for a total contract duration of ten (10) years; and

WHEREAS, it is in the best interests of the City of Garfield and its residents to enter into the Agreement;

NOW THEREFORE BE IT RESOLVED, that on the 11th Day of August 2015, the Mayor and Council for the City of Garfield:

1. That the Mayor and City Council hereby authorizes and approves the Agreement between PVWC and the City of Garfield.
2. That appropriate officials of the City of Garfield are hereby authorized and directed to perform such acts and execute such documents as are necessary to implement the terms and intentions of this Resolution and the submissions provided in connection therewith, all as set forth hereinabove.

PASSED, APPROVED, AND EFFECTIVE on this 11th day of August 2015.

On call of roll, Ayes 4,
Abstain 1 – Mayor Raymond

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 15-349

TRUST FUND APPLICATION MUNICIPAL ENDORSING RESOLUTION

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“County Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

WHEREAS, the City of Garfield desires to further the public interest by obtaining a matching grant of \$350,000.00 from the County Trust Fund to fund the following project: 20th Century Field Park Improvements; and,

WHEREAS, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the governing body/board received public comments on the proposed park improvements in the application on August 11, 2015; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

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

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of September 3, 2015, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, City Council of the City of Garfield has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That City Council of the City of Garfield is committed to providing a dollar for dollar cash match for the project; and,
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That City Council of the City of Garfield agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

RESOLUTIONS

Resolution No. 15-350

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“County Trust Fund”), provides grants to municipal governments for assistance in the acquisition of lands for open space conservation parkland purposes and outdoor recreation facilities; and,

WHEREAS, the City of Garfield desires to further the public interest by obtaining a grant of \$ 100,000.00 from the County Trust Fund to fund the following project: Acquisition of Land for Hobart Place Dog Park; and,

WHEREAS, the governing body has reviewed the County Trust Fund Program Statement, the County Program Open Space Policy and Procedures Manual, and the open space application and instructions and desires to make an application for such a grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the governing body will hold a public hearing on September 1, 2015 at 12 Noon to receive comments prior to the submission of said application(s); and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project(s); and

WHEREAS, if the applicant is successful in acquiring said project through the use of a County Trust Fund grant, then the applicant will permanently preserve said project for open space conservation and/or outdoor recreation purposes through a recorded deed of easement.

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

1. That it is hereby authorized to submit the above completed project application to the County by this year’s deadline established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the applicant has, or will secure, the balance of funding necessary to complete the project; and,
3. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
4. That this resolution shall take effect immediately.

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

(Sgd) Glenn A. Mati
Louis G. Aloia

Resolution No. 15-351

A RESOLUTION AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE CITY OF GARFIELD, COUNTY OF BERGEN, STATE OF NEW JERSEY TO EXAMINE WHETHER THE PROPERTIES KNOWN AS BLOCK 24.01, ALL LOTS; BLOCK 24.02, ALL LOTS; BLOCK 31.01, LOTS 9.01 AND 10; BLOCK 31.02, ALL LOTS; BLOCK 34.01, LOT 10; AND ALL OF BLOCK 34.02 AND ALL OF BLOCK 48.02 AND THE VACATED PORTION OF HEPWORTH PLACE, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF GARFIELD SHOULD BE DETERMINED TO BE AN AREA IN NEED OF REDEVELOPMENT, SPECIFICALLY A CONDEMNATION REDEVELOPMENT AREA, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, the City Council of the City of Garfield (the “City”) has identified certain properties, consisting of properties located on Block 24.01, all Lots; Block 24.02; all Lots; Block 31.01, Lots 9.01 and 10; Block 31.02, all Lots; and Block 34.01, Lot 10; all of Block 34.02 and all of Block 48.02 and the vacated portion of Hepworth Place, as delineated on the tax map attached hereto and made part of this resolution (the “Properties”), to be considered for designation as an area “in need of redevelopment”, pursuant to the Local Redevelopment and Housing Law, N.J.S.A., 40A:12A-1 et seq; and

RESOLUTIONS

WHEREAS, before an area may be declared in need of redevelopment, it is legally necessary for the adoption of a resolution authorizing the Planning Board of a given municipality to undertake a preliminary study to determine whether the proposed area meets the criteria for designation as a redevelopment area pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the City desires that the Planning Board undertake an examination as to whether the Properties, may be deemed “an area in need of redevelopment”; and

WHEREAS, the City hereby states that any redevelopment area determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for the use in a redevelopment area, including the use of eminent domain (hereinafter referred to as a (“Condemnation Redevelopment Area”); and

WHEREAS, the notice of any hearing to be conducted by the Planning Board with regards to this Resolution shall specifically state that a Condemnation Redevelopment Area determination shall authorize the municipality to exercise the power of eminent domain to acquire the Properties.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield being the governing body thereof, that the City Planning Board is hereby directed and authorized to examine whether the lands comprising Block 24.01, all Lots; Block 24.02, all Lots; Block 31.01, Lots 9.01 and 10; Block 31.02, all Lots; and Block 34.01, Lot 10; and all of Block 34.02 and all of Block 48.02; and the vacated portion of Hepworth Place, as shown on the official tax map of the City of Garfield, should be determined “an area in need of redevelopment” pursuant to N.J.S.A. 40A:12A-5 and 6.

BE IT FURTHER RESOLVED THAT the City hereby states that any Condemnation Redevelopment Area Determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for the use in a redevelopment area, including the use of eminent domain.

BE IT FURTHER RESOLVED THAT the notice of any hearing to be conducted by the Planning Board with regards to this Resolution shall specifically state that a Condemnation Redevelopment Area determination shall authorize the municipality to exercise the power of eminent domain to acquire any property in the delineated area.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

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

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-352

A Resolution Authorizing Tyree Environmental Corp. (Tyree), to Install and Sample Seven Soil Borings in the City’s Right-of-Way Within The City of Garfield, Bergen County, New Jersey.

WHEREAS, Tyree Environmental Corp. (Tyree), on behalf of Getty Properties Corp. (GPC) is performing an environmental investigation under the direction of the New Jersey Department of Environmental Protection (NJDEP) at Former Getty Service Station #56924, located at 606 Midland Avenue and Outwater Lane in Garfield, Bergen County, New Jersey. Specifically, Tyree is requesting access to install soil borings within the sidewalk along Midland Avenue and Outwater Lane to the west and east of the above referenced property, and;

WHEREAS, Tyree, on behalf of GPC, is requesting access to the property to install seven (7) direct push soil borings for the purpose of collecting confirmatory soil samples from historic soil sample locations, as well as conduct soil delineation activities. Tyree will obtain all necessary subsurface utility mark-outs. A track-mounted probe will be utilized to advance the soil borings in predetermined locations (refer to Attachment A for proposed boring locations) via direct push. The soil borings will be advanced to a maximum depth of 15 feet below ground surface. Soil samples will be collected from each of the borings to assess soil quality at varying depths. Upon completion of the sampling activities, all soil boring locations will be returned to pre-existing conditions to the greatest extent possible (i.e. – filled to grade and area restored with concrete).

WHEREAS, GES is desirous to install seven (7) direct push soil borings within the City of Garfield right-of-way (City property); and,

WHEREAS, the proposed locations of the seven (7) direct push monitoring wells are as indicated on Tyree plan dated March 20, 2015:

- Two (2) soil borings on the southeast side of Midland Avenue sidewalk within the vicinity of the intersection of Outwater Lane.

RESOLUTIONS

- Five (5) soil borings on the southeast side of Outwater Lane sidewalk within the vicinity of the intersection of Midland Avenue.

WHEREAS, all the approximate locations will be per the attached plan and it is noted that both the 2 story frame buildings have been demolished; and,
NOW THEREFORE BE IT RESOLVED, that Tyree Environmental Corp. and its installing contractor is hereby authorized to install the above referenced seven (7) soil borings within the City's property subject to the following conditions:

1. Tyree 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. Tyree shall be responsible for the maintenance of these well points and monitoring wells until they are properly sealed and abandoned pursuant to NJDEP criteria.
5. The Access Agreement (refer to Attachment B for the Applicant proposed Access Agreement) shall be reviewed and in a form acceptable to the City Attorney prior to the issuance of permits.
6. Tyree and its subcontractors will take extra care to minimize any potential disturbances during soil boring installation activities and will restore the sidewalk to the satisfaction of the DPW Superintendent.
7. Tyree will coordinate traffic control through the Garfield Police Department and the Garfield DPW.

All proposed work will be conducted at no cost to the City of Garfield.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-353

A Resolution Authorizing Brockerhoff Environmental Services LLC (BES), to Install and Sample up to Five Soil Borings in the City's Right-of-Way Within The City of Garfield, Bergen County, New Jersey.

WHEREAS, Brockerhoff Environmental Services LLC (BES), on behalf of Mr. David Cherkez, the property owner, is performing an environmental investigation under the direction of the New Jersey Department of Environmental Protection (NJDEP) at 80 Grand Street (Block 54, Lot 1) in Garfield, Bergen County, New Jersey. Specifically, BES is requesting access to install soil borings within the sidewalk along Grand Street, and;

WHEREAS, BES, on behalf of Mr. David Cherkez, is requesting access to the property to install up to five (5) direct push soil borings for the purpose of collecting soil samples in order to confirm that soil impacts at the former 1,000 gallon unleaded gasoline underground storage tank (UST) location are not present and to achieve the single point delineation requirement established by the NJDEP. BES will obtain all necessary subsurface utility mark-outs. A track-mounted probe will be utilized to advance the soil borings in predetermined locations (refer to Attachment for proposed boring locations) via direct push. The soil borings will be advanced to a maximum depth of 15 feet below ground surface. Soil samples will be collected from each of the borings to assess soil quality at varying depths. Upon completion of the sampling activities, all soil boring locations will be returned to pre-existing conditions to the greatest extent possible (i.e. – filled to grade and area restored with concrete).

RESOLUTIONS

WHEREAS, BES is desirous to install five (5) direct push soil borings within the City of Garfield right-of-way (City property); and,
WHEREAS, the proposed locations of the five (5) direct push monitoring wells are as indicated on BES plan dated July 9, 2015; and,
WHEREAS, all the approximate locations will be per the attached plan; and,
NOW THEREFORE BE IT RESOLVED, that Brockerhoff Environmental Services LLC. and its installing contractor is hereby authorized to install the above referenced five (5) soil borings within the City's property subject to the following conditions:

1. BES 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. BES shall be responsible for the maintenance of these soil boring locations until they are properly sealed and abandoned pursuant to NJDEP criteria.
5. BES and its subcontractors will take extra care to minimize any potential disturbances during soil boring installation activities and will restore the sidewalk to the satisfaction of the DPW Superintendent.
6. BES will coordinate traffic control through the Garfield Police Department and the Garfield DPW.
7. All proposed work will be conducted at no cost to the City of Garfield.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-354

A Resolution Authorizing the Preparation of Exhibits in Connection With the Abandonment of Shafto Street, Victor Street and a Portion of Emanuel Street.

WHEREAS, the development of 20th Century Field in the City of Garfield included the merging of several parcels and the abandonment of Right-of-Ways to create extensive recreational opportunities for the citizens of Garfield, and;

WHEREAS, the City of Garfield utilized funding from NJDEP Office of Green Acres to consistently improve and maintain this asset, and;

WHEREAS, the Master Plan for the park included the abandonment of Shafto Street, Victor Street and a portion of Emanuel Street as part of multiple improvements undertaken by the City, and;

WHEREAS, an exhibit outlining the areas to be formally vacated needs to be prepared in order to allow for an Ordinance to be introduced and passed by the Governing Body, and;

WHEREAS, the formal vacation is a requirement from NJDEP Office of Green Acres.

NOW THEREFORE BE IT RESOLVED, the City Engineer is hereby authorized to prepare the requisite exhibits to vacate these Right-of-Ways in order to allow for the continued reimbursement of Green Acres funds to the City for a fee not to exceed \$2,500.00.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-355

WHEREAS, the rules of procedure of the Planning and Zoning Boards of Adjustment of the City of Garfield state that a deposit shall be made to cover Engineering and Attorney fees, and

RESOLUTIONS

WHEREAS, funds have been received from Super Quality Oil, 627 River Drive, Garfield, New Jersey 07026 Block 110.01/Lot 56 in the amount of \$1,170.00 for Engineering Fees and \$458.75 for Attorney fees for a total amount of \$1628.75 and said funds are being held in the Developer's Escrow Fund, and

WHEREAS, the Chief Financial Officer has investigated these deposits and had determined that they are due to the above individual;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey that these monies be refunded to the above named claimant.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-356

WHEREAS, The Chief Financial Officer of the City Of Garfield has identified the following escrow/trust balances held in escrow within the Trust Accounting, and are considered as unredeemable and:

WHEREAS, The Chief Financial Officer has deemed to cancel of record the following balances which are dated prior to December 31,2014 and

Getty Service Station	147.75
Darius Pokoj	750.00
Charles Taormina	239.99
TNT Estates, LLC	524.00
Thomas Ennis and Timothy Miller	118.93
Appolina Social Club	408.50
Anthony and Charles Messina	330.00
Anjudonuts of Garfield, LLC	637.50

WHEREAS, All balances shall be forwarded to the current fund and treated as Miscellaneous Revenue Not Anticipated as Computer run, and:

Therefore, be it resolved that the Treasurer is hereby authorized to transfer funds in the amount of \$3,156.67 from the Escrow Trust Fund, and deposit said funds into the Current Account and credit Miscellaneous Revenue Not Anticipated.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-357

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to Tax Court Judgment for the half year 2011.

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
147.01	5	"Carlet, Garrison, Klein & Zaretsky, L.L.P., attorneys for Pan Graphics, Inc."	TCJ	\$12,667.90
158	5	"4W Real Estate Holdings LLC"	TCJ	505.36

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

RESOLUTIONS

Resolution No. 15-358

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to Tax Court Judgment for the half year 2012.

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
147.01	5	"Carlet, Garrison, Klein & Zaretsky, L.L.P., attorneys for Pan Graphics, Inc."	TCJ	\$12,893.18
158	5	"4W Real Estate Holdings LLC"	TCJ	514.35

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-359

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to Tax Court Judgment for the half 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 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
193	4	"Spiotti & Esposito, P.C.-Attorney Trust Account"	TCJ	\$ 211.85
216.08	170	"Spiotti & Esposito, P.C.-Attorney Trust Account"	TCJ	471.61

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-360

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to Tax Court Judgment for the half 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 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
158	5	"4W Real Estate Holdings LLC"	TCJ	\$ 905.40

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-361

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to Tax Court Judgment Freeze Act for the half 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 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
147.01	5	"Carlet, Garrison, Klein & Zaretsky, L.L.P., attorneys for Pan Graphics, Inc."	Freeze Act	\$13,212.76

RESOLUTIONS

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-362

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to Tax Court Judgment for the half year 2014.

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
158	5	"4W Real Estate Holdings LLC"	TCJ	\$ 514.20

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Glenn A. Mati

Resolution No. 15-363

See

the

following pages numbered _____

for

Capital

Budget

Amendment

BILLS AND CLAIMS

Resolution No. 15-364

RESOLVED by the City Council of the City of Garfield that the following bills No. 1826 to 1839 covering, Escrow Developers Trust, Trust Account Contributions to Unemployment, Dog Trust Fund, Trust Other, Community Policing Trust totaling \$81,340.84 and the Current Fund totaling \$3,829,511.23, and the Current Fund Reserve \$2,500.00 and the Current Water Fund totaling \$400,916.08, and the General Capital Fund totaling \$106,254.00 and the Water Capital Fund totaling \$225.00 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 thirty two (32) items prior to the meeting be ratified.

See

the

Following Pages Numbered _____

for

Bills

And

Claims

ORDINANCES

Ordinance No. 2715

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, July 14, 2015; 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 ORDINANCE #2221 OF THE CITY CODE OF THE CITY OF GARFIELD ENTITLED "ALTERNATE SIDE OF THE STREET PARKING"

City Clerk Pavlica read the ordinance by title.

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

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

Councilmember Mati 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 5

Ordinance No. 2716

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, July 14, 2015; 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 ADD ARTICLE IX TO CHAPTER 226 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED "STREET PARKING ON LINCOLN PLACE"

City Clerk Pavlica read the ordinance by title.

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

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

Councilmember Mati 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 5

Councilmember Mati introduced in writing the following ordinance entitled:

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$170,000 FOR THE 2015 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.

Councilmember Mati moved that this ordinance entitled: "BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$170,000 FOR THE 2015 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

ORDINANCES

SUCH BONDS.” do now pass on first reading and remain on file with the City Clerk for public inspection until public hearing thereon and further consideration thereof which shall be held September 8, 2015 at 8:00 PM in the City Hall in Garfield and that the City Clerk be directed to publish said ordinance in full together with the notice of such hearing in The Record, at least seven days prior to the hearing.

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.

Councilmember Mati introduced in writing the following ordinance entitled:

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVMENTS TO 20TH CENTURY FIELD IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,400,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH 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.

Councilmember Mati moved that this ordinance entitled: “BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVMENTS TO 20TH CENTURY FIELD IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,400,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.” do now pass on first reading and remain on file with the City Clerk for public inspection until public hearing thereon and further consideration thereof which shall be held September 8, 2015 at 8:00 PM in the City Hall in Garfield and that the City Clerk be directed to publish said ordinance in full together with the notice of such hearing in The Record, at least seven days prior to the hearing.

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.

EXIT OF COUNCILMEMBER DELANEY

At 9:30 PM, Councilmember Joseph Delaney left the Regular Meeting and it was duly noted for the record.

CITIZENS AND TAXPAYERS

Mr. Mario Norcia, 508 Outwater Lane, complained about high taxes. He complained that PSE&G did work between the curb and the sidewalk on the Mac Donald Street side of his property and did not adequately restore the area to its original condition. He complained that he was given a warning for not cutting the grass in that area.

Mr. Everett Garnto, 51 Jewell Street, complained about the new WaWa Store/Gas Station at the corner of Columbus Avenue and Jewell Street. He complained that men were sitting in lawn chairs on the side of the WaWa and that people were hanging out in the WaWa parking lot. He said that people were emptying their car garbage onto the parking lot. He complained about people waxing their cars in the WaWa parking lot. He suggested that a fence be installed down Columbus Avenue from Jewell Street to River Road to block the lights and noise. He said that a fence will eliminate head lights and create a sense of privacy, stop the garbage blowing across the street into his yard and it will act as a sound barrier and eliminate mostly children running into the parking lot from Jewell Street and Columbus Avenue. He said that WaWa is not a good neighbor to him and does

CITIZENS AND TAXPAYERS

not increase his property value. He said that it has become a speed way too and that they should think about making Columbus Avenue a one way. He said that there are so many accidents at Columbus Avenue and River Drive.

Mr. Louis Wolf, 47 Jewell Street, said that he attended the Planning Board meeting when this Redevelopment Project was approved and he testified that there has to be a fence here along Columbus Avenue. He said that the Coremark Attorney, Mr. Del Veccio, said, "Oh no, we are retail, we will not fence ourselves in" and lo and behold, what he said, happened, with the kids running around in the parking lot. He said that car lights shine on his house and fencing would stop that and garbage dumping. He said that at least a 6' high fence is necessary to prevent loitering. He said that he feels he has lost a sense of privacy with a group of people frequently sitting on the street curb watching everyone. He feels that an 8' fence is necessary but at least a 6' fence.

Mr. Edward Simin, 23 Columbus Avenue, said his wife is 73 years old. He said that when she backs out of her driveway, she is afraid for her life. He claimed that garbage was blowing across the street to his property. He said that patrons are blasting their radio and the car lights shine into his home. He said that he has a seepage pit on his property, and a 10,000 gallon fuel tanker truck drove up on his property to make a 3 point turn, and he was afraid the pit would not hold up.

Ms. Joelle O'Biour, 512 Mac Arthur Avenue; and Ms. Pam Piero; 498 Mac Arthur Avenue: spoke on a cat colony near the Library at 500 Midland Avenue. They also requested speed bumps on their street near Krakow Street.

Mr. Jerry Hill, said that he is the owner of 40 Beech Street and he complained about the removal of the fence and shrubs along his property line by the old Recycling yard where the salt shed was put up. He said that he would like the fence and shrubbery returned. He complained that vehicles are using the driveway at 40 Beech Street to load and unload cinder blocks and other material. He complained about the sewer line and said that when it rains the town has to come out and snake the line. He said that he has to call the DPW once a month. He said that backups are causing issues in his apartment building.

Mr. John Easom, 103 Gaston Avenue, said that he wants Council Meeting dates posted on NIXLE. He spoke on issues concerning Dog Parks. He complained about the tax bills going out late. He spoke on property maintenance enforcement.

COUNCILMEMBER COMMENTS

Councilmember Calandriello said that running water is needed in the dog park and that bags are needed for dog waste in the park and owners need to be responsible. He said that this past weekend, there was a 3 on 3 Basketball Tournament which was a really nice event at the Garfield High School courts. He said that there was a prize at the end of the tournament. He said that there will be an auction of the old Wind Tite Property at 100 Pierre Avenue on August 14th and that the minimum bid is \$200,000 for the property. He said that this was a long term business and this is something that concerns him.

Councilmember Aloia said that making Columbus Avenue a one way is a good idea and that the traffic department needs to do the review.

Councilmember Mati said that he spent the last two weeks on a motorcycle trip through Nova Scotia. He said that the attitude is so different in Canada than in the United States. He said that he hopes that everyone enjoys the summer. He said that the City negotiated with the PBA and he is glad they did not have to go into arbitration. He said that he hopes it will be a decent end result. He said that he appreciated the PBA working with the City.

Mayor Raymond said that the Feast of Our Lady of Mt. Virgin will be held this week. She said that the dog park is a good thing for the City.

Regular Meeting August 11, 2015, Continued

ADJOURNMENT

At 11:00 PM, there being no further business, Councilmember Calandriello moved to adjourn the meeting. Councilmember Aloia duly seconded the motion.

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

Andrew J. Pavlica, CITY CLERK