

A Regular Meeting of the City Council was held Wednesday, September 20, 2016 at 8:25 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/Deputy City Manager Andrew J. Pavlica, City Attorney Representative John Ferraro of the Law Firm of Bruno and Ferraro (for City Attorney John J. Bruno) and City Engineer Kevin J. Boswell

#### REPORTS OF OFFICERS

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

On call of roll, Ayes 5

#### RESOLUTIONS

Resolution No. 16-358

WHEREAS, Gianfranco Iannotta is the conquering hero from Garfield who won a gold medal this month at the 2016 Paralympic Games in Rio de Janeiro, Brazil, and

WHEREAS, upon his return to the United States on September 16, 2016, he was provided a police escort from Newark Liberty International Airport and the procession grew as the cavalcade entered Garfield when two fire trucks joined the celebration on the Outwater Lane Bridge and as the escort passed City Hall and Garfield High School, 100 or more students started cheering as he passed on his way to his house, and

WHEREAS, Iannotta won the gold medal on September 10th with a 17.7 second finish in the T52 classification which is reserved for athletes who use their shoulder, elbow and wrist muscles to propel their wheelchairs, and Iannotta also took home the bronze medal on September 13th in the 400 meter race, and

WHEREAS, Iannotta was born with spinal bifida, a birth defect that causes improper spinal cord development, as well as scoliosis and lordosis, and

WHEREAS, Iannotta, a 2012 Garfield High School graduate, has a history of success on the track: Since 2011, he's placed in at least 16 national or international competitions, and in the 2015 US Paralympics Track and Field National Championships, he placed first in the 200-meter race, and

WHEREAS, Iannotta, plans to compete in the World Para Athletics Championships in London next summer, and regardless of his finish times in future races, the kid from Garfield will always have his gold medal and has already added to the lore of "the City of Champions",

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that GIANFRANCO IANNOTTA is hereby CONGRATULATED for his keen competitive spirit and steadfast dedication to excellence, as demonstrated by winning a Gold Medal and a Bronze Medal at the 2016 Paralympics Games in Rio de Janeiro, Brazil.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 16-359

WHEREAS, an application has been filed for a Person to Person Transfer Application of Plenary Retail Consumption License No. 0221-33-028-014, from Katz Unlimited, LLC, (Mytia Story, 237 Liberty Road, Englewood, NJ 07631 and Kasandra N. Kehoe, 10 Midway Road, Chestnut Ridge, NJ 10977 – who each owns 50% of the shares of the Corporation), for licensed premises located at 133 Monroe Street, Garfield, NJ 07026 to The Boiler Room, LLC (Anthony Dagostino 15 Northview Terrace, Cedar Grove, NJ 07009 – who will own 100% of the shares of the Corporation), t/a The Boiler Room located at 133 Monroe Street, Garfield, NJ 07026.

RESOLUTIONS

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

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business, and

WHEREAS, the Police Department has conducted a background investigation and the applicant and premises are suitable for licensing, and

WHEREAS, a "Tax Clearance - Transfer Certificate" has been issued and has been received as required pursuant to regulations promulgated by the State of New Jersey Division of Taxation,

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield, Bergen County, New Jersey, does hereby approve, effective September 21, 2016, the transfer of the aforesaid Plenary Retail Consumption License, 0221-33-028-014, from Katz Unlimited, LLC, (Mytia Story, 237 Liberty Road, Englewood, NJ 07631 and Kasandra N. Kehoe, 10 Midway Road, Chestnut Ridge, NJ 10977 – who each owns 50% of the shares of the Corporation), for licensed premises located at 133 Monroe Street, Garfield, NJ 07026 to The Boiler Room, LLC (Anthony Dagostino 15 Northview Terrace, Cedar Grove, NJ 07009 – who will own 100% of the shares of the Corporation), t/a The Boiler Room located at 133 Monroe Street, Garfield, NJ 07026 and does hereby direct the City Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to The Boiler Room LLC, effective September 21, 2016",

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 \$200.00 was collected for the State of New Jersey in connection with the person to person, and a fee of \$90.00 was collected for the City of Garfield in connection with the person to person transfer).

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Glenn A. Mati

Resolution No. 16-360

WHEREAS, Sara Antes, 124 Grand Street, who is the holder of a Disabled Person I.D. Card No. P1346690, 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 Grand Street commencing 133 feet west of the intersection of Grand Street and Pierre Avenue and run an additional 24 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

Resolution No. 16-361

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Public Service Electric and Gas Company is hereby authorized and requested to install an Induction Lamp on Pole Number 60393G located near 151 Midland Avenue.

BE IT FURTHER RESOLVED that City Clerk Andrew J. Pavlica is hereby authorized and directed to forward a certified and exact copy of this approved resolution to P.S.E.& G. Co. at the following address.

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

RESOLUTIONS

On call of roll, Ayes 5

(Sgd) Glenn A. Mati  
Louis G. Aloia

Resolution No. 16-362

**A RESOLUTION CONFIRMING ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECTS**

WHEREAS, a Bergen County Community Development grant of \$30,000.00 has been proposed by Children's Aid and Family Services for the Eldercare Expansion Services at the Americas Unidas Multicultural Senior Center and the Garfield Senior Center in the municipalities of Hackensack and Garfield, and

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

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditures of the aforesaid Community Development Funds,

NOW, THEREFORE BE IT RESOLVED that the Governing Bodies of Hackensack and Garfield hereby confirm 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) Joseph Delaney  
Glenn A. Mati

Resolution No. 16-363

**RESOLUTION FOR MUNICIPALITIES TO CONFIRM ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECTS**

WHEREAS, a Bergen County Community Development grant of \$ 68,600 has been proposed by Greater Bergen Community Action, Inc. to provide repairing and paving the parking lot at 535 Midland Avenue in Garfield 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, and

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 RESOLVED that the Governing Body of Garfield 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) Joseph Delaney  
Glenn A. Mati

Resolution No. 16-364

**RESOLUTION FOR MUNICIPALITIES TO CONFIRM ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECTS**

WHEREAS, a Bergen County Community Development grant of \$ 46,500 has been proposed by Greater Bergen Community Action, Inc. to provide a playground for Early Head Start students 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, and

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 RESOLVED that the Governing Body of Garfield hereby confirms endorsement of the aforesaid project, and

RESOLUTIONS

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) Joseph Delaney  
Glenn A. Mati

Resolution No. 16-365

WHEREAS, Gioacchino Mazzola is the owner of real property known on the Tax Map of the City of Garfield as Block 47, Lot 1, commonly known as 193 Midland Avenue, in the City of Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the year(s) 2011, 2012, 2013, 2014, 2015, 2016, bearing Docket Nos. 018297-2011, 018062-2012, 017578-2013, 015290-2014, 012610-2015 and 011691-2016; and

WHEREAS, Robert McNerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Lavin & Associates, P.C., have recommended that the appeal be settled; and

WHEREAS, said properties were assessed for the year(s) as follows:

Block 47, Lot 1 (Street Address- 193 Midland Avenue):

Year	Land	Improvements	Total
2011 Original Assessment	\$123,800	\$462,800	\$586,600
2012 Original Assessment	\$123,800	\$462,800	\$586,600
2013 Original Assessment	\$123,800	\$462,800	\$586,600
2014 Original Assessment	\$123,800	\$462,800	\$586,600
2015 Original Assessment	\$123,800	\$462,800	\$586,600
2016 Original Assessment	\$123,800	\$462,800	\$586,600

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Garfield, Bergen County, New Jersey, that the Special Litigation Counsel is hereby authorized to enter into a settlement of the real property tax by reducing the assessments as follows:

Block 47, Lot 1 (Street Address- 193 Midland Avenue):

Year	Land	Improvements	Total
2011 Settlement	\$123,800	\$426,200	\$550,000
2012 Settlement	\$123,800	\$426,200	\$550,000
2013 Settlement	\$123,800	\$376,200	\$500,000
2014 Settlement	\$123,800	\$376,200	\$500,000
2015 Settlement	\$123,800	\$376,200	\$500,000
2016 Settlement	\$123,800	\$376,200	\$500,000

BE IT FURTHER RESOLVED, that no interest be paid on any refund or credit due the taxpayer provided it is paid within the statutory time period; and

BE IT FURTHER RESOLVED, that the City Special Litigation Counsel is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Glenn A. Mati

RESOLUTIONS

Resolution No. 16-366

WHEREAS, Gioacchino Mazzola is the owner of real property known on the Tax Map of the City of Garfield as Block 80, Lot 20, commonly known as 429 River Drive, in the City of Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the year(s) 2011, 2012, 2013, 2014, 2015, 2016, bearing Docket Nos. 018297-2011, 018062-2012, 017578-2013, 015290-2014, 012610-2015 and 011691-2016; and

WHEREAS, Robert McNerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Lavin & Associates, P.C., have recommended that the appeal be settled; and

WHEREAS, said properties were assessed for the year(s) as follows:

Block 80, Lot 20 (Street Address- 429 River Drive):

Year	Land	Improvements	Total
2011 Original Assessment	\$167,600	\$564,000	\$731,600
2012 Original Assessment	\$167,600	\$564,000	\$731,600
2013 Original Assessment	\$167,600	\$564,000	\$731,600
2014 Original Assessment	\$167,600	\$564,000	\$731,600
2015 Original Assessment	\$167,600	\$564,000	\$731,600
2016 Original Assessment	\$167,600	\$564,000	\$731,600

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Garfield, Bergen County, New Jersey, that the Special Litigation Counsel is hereby authorized to enter into a settlement of the real property tax by reducing the assessments as follows:

Block 80, Lot 20 (Street Address- 429 River Drive):

Year	Land	Improvements	Total
2011 Settlement	\$167,600	\$457,400	\$625,000
2012 Settlement	\$167,600	\$457,400	\$625,000
2013 Settlement	\$167,600	\$457,400	\$625,000
2014 Settlement	\$167,600	\$432,400	\$600,000
2015 Settlement	\$167,600	\$432,400	\$600,000
2016 Settlement	\$167,600	\$432,400	\$600,000

BE IT FURTHER RESOLVED, that no interest be paid on any refund or credit due the taxpayer provided it is paid within the statutory time period; and

BE IT FURTHER RESOLVED, that the City Special Litigation Counsel is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Glenn A. Mati

Resolution No. 16-367

A RESOLUTION AUTHORIZING PAYMENTS TO JOHN GARCIA CONSTRUCTION COMPANY IN CONNECTION WITH EMERGENCY REPAIR WORK IN THE CITY OF GARFIELD.

RESOLUTIONS

WHEREAS, John Garcia Construction Company was authorized to provide labor and materials necessary to perform emergency work at various locations as follows:

River Drive and Prescott	\$14,832.95
River Drive & Dewitt – Test Pits	2,460.00
Police Traffic Control	8,937.50
Ann Street Sewer Repair	7,354.00
Ann Street Sewer Replacement	39,200.00
Seifert Street – Sewer Repair	6,306.80

NOW THEREFORE BE IT RESOLVED, the City hereby approves payment to Garcia Construction Company for emergency sewer repair work as listed above.

On call of roll, Ayes 5

(Sgd) Glenn A. Mati  
Louis G. Aloia

Resolution No. 16-368

A RESOLUTION APPROVING CHANGE ORDER NO. 1 IN CONNECTION WITH THE SAFE ROUTES TO SCHOOLS PROJECT PHASE 1 AT THE WASHINGTON IRVING SCHOOL #4 AND THE JAMES MADISON SCHOOL #10

WHEREAS, the City awarded a contract to D&L Paving Contractors on May 17, 2016 per Resolution #16-199, and;

WHEREAS, the City wishes to include additional curb and sidewalk work within the scope of this project.

NOW THEREFORE BE IT RESOLVED, Change Order #1 is hereby authorized for additional curb and sidewalk work in the amount of \$54,000.00.

On call of roll, Ayes 5

(Sgd) Glenn A. Mati  
Joseph Delaney

BILLS AND CLAIMS

Resolution No. 16-369

RESOLVED by the City Council of the City of Garfield that the following bills No. 1986 to 1987 covering Community Policing Trust Fund and Dog Trust \$6,172.33 and the Current Fund Reserve totaling \$1,250.00 and the Current Fund totaling \$246,593.76 and the Current Water Fund totaling \$30,757.12 and the General Capital Fund totaling \$27,223.86 and Water Capital totaling \$10,000.00 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 ten (10) items prior to the meeting be ratified.

See

the

Following Pages Numbered \_\_\_\_\_

For

Bills

And

Claims

ORDINANCES

Ordinance No.

The following entitled ordinance was introduced at a Regular Meeting held Wednesday, September 7, 2016; 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 23 "FIRE DEPARTMENT" OF THE CODE OF THE CITY OF GARFIELD SPECIFICALLY 23-5 THEREIN ENTITLED "REQUIREMENTS OF MEMBERSHIP"

City Clerk Pavlica read the ordinance by title.

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

Mr. Gerald Walis, 77 Hartmann Avenue, a member of Fire Company No. Four, said that his Fire Company reviewed the ordinance and all are adamantly against the adoption of the ordinance.

There being no further 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, Nays 5

ORDINANCE DEFEATED

Ordinance No. 2752

The following entitled ordinance was introduced at a Regular Meeting held Wednesday, September 20, 2016; it was duly published; a copy was posted on the bulletin board in City Hall; copies were made available to the general public and having complied with the law, this ordinance was not read in full and the City Council can now proceed with the public hearing and final passage:

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A FRONT END LOADER AND TWO DUMP TRUCKS, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, FOR THE USE OF THE DEPARTMENT OF PUBLIC WORKS IN, BY AND FOR THE CITY OF GARIFLED, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$515,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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 none, 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 Aloia duly seconded the motion.

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

Councilmember Mati introduced in writing the following ordinance entitled:

ORDINANCES

AN ORDINANCE TO REPEAL CHAPTER 73-5.C OF THE CITY CODE OF THE CITY OF GARFIELD

City Clerk Pavlica read the ordinance by title.

Councilmember Mati moved that this ordinance entitled: “AN ORDINANCE TO REPEAL CHAPTER 73-5.C OF THE CITY CODE OF THE CITY OF GARFIELD” 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 October 11, 2016 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 Delaney, 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 8:40 PM, Councilman Joseph Delaney left the Regular Meeting. It was duly noted for the record.

CITIZENS AND TAXPAYERS

Mr. Robert Ridarick, 91 Belmont Avenue, asked questions and spoke on the paving program of the Public Service Electric and Gas Company in regard to their Energy Strong Program, especially in regard to Belmont Avenue.

Mr. Angel Quiles, 95 Willard Street, also asked questions about the paving program of the Public Service Electric and Gas Company in regard to their Energy Strong Program. He said that he is also happy that old Fire House No. Three located at 58 Willard Street is being knocked down. He spoke on American Legion Post No. 255 located at 163 Cedar Street being knocked down and their settlement offer of \$15,000 to VFW Post No. 2867 for damages they allegedly caused to their building located at 340 Outwater Lane.

Mr. John Easom, 103 Gaston Avenue, spoke on abandoned houses that banks have foreclosed over in his neighborhood. He spoke on a foreclosed house having the backyard being full of aluminum products. He spoke on the need for better monitoring of the property. He said that there is a brick house that has been empty in his neighborhood for five years.

COUNCILMEMBER COMMENTS

Councilmember Calandriello said that it is good to hear that old Fire House No. Three is being taken down and he gives credit to City Engineer Kevin Boswell and Superintendent of Public Works Sam Garofalo. He said that he is glad to be getting somewhere with that. He said that there were kids fighting at the Garfield Junior Boilermakers football game the other night and the police are looking into it. He said on a good note, the Junior Boilermakers are doing very well. He said that Garfield has one of the best fields in Bergen County and the turf is the same one used by the New York Football Giants.

Councilmember Aloia spoke about the resolution for Gold Medal Winner Gianfranco Iannotta and the pep rally scheduled to be held at Garfield High School this coming Friday, September 23<sup>rd</sup>, at which he will be honored and presented with a copy of the Resolution.

Councilmember Mati thanked Angel Quiles for all he did for the Veterans and to push for the demolition of old Fire House No. Three located at 58 Willard Street. He said that Gianfranco Iannotta is a great motivation for disabled kids as well as healthy kids. He said that this is something special for the City of Garfield. He spoke on running a clean City Council campaign.

Regular Meeting September 20, 2016, Continued

COUNCILMEMBER COMMENTS

Mayor Raymond spoke about public shredding day scheduled to be held on September 29, 2016. She said that Gianfranco Iannotta is a special kid and that he has spirit and insisted to participate in gym class when he was growing up in the Garfield School System. She said that he was always a very positive child and he never let his disability hold him back. She said that she is very proud of him. She said that Garfield High School will be honoring him at the pep rally at the High School at 2:00 PM on Friday, September 23rd as our first Gold Medal Winner.

ADJOURNMENT

At 9:25 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

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Andrew J. Pavlica, CITY CLERK