

A Work Session of the City Council was held on Tuesday, September 22, 2015 at 6:20 PM in the Conference Room in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

Mayor Tana M. Raymond presided. City Clerk Andrew J. Pavlica announced that the Work Session 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, Glenn A. Mati and Tana M. Raymond
Councilmembers Absent: Joseph Delaney
Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Representative Robert Ferraro of the Law Firm of Bruno and Ferraro (for City Attorney John Bruno), Labor Counsel John Lavin and City Engineer Kevin J. Boswell

COMMUNITY DEVELOPMENT

The City Council and Cabinet met with Dr. Ajay Gandhi regarding City Council endorsement of a Community Development grant application in the amount of \$55,000.00 for an elevator and handicapped accessibility improvements to the Hindu Community Center located at 1 Gaston Avenue.

EXIT OF CITY MANAGER DUCH

At 6:35 PM, City Manager Thomas J. Duch left the Work Session and it was duly noted for the record.

ALCOHOLIC BEVERAGE CONTROL

The City Council and Cabinet discussed the Disciplinary Charges against Plenary Retail Consumption License No. 0221-33-055-005 held by Danuta Steczyk and Stanislaw Wojdat for licensed premises located at 175 Jewell Street, t/a Bania U Cygana.

Also present was Attorney Henry Walentowicz with law offices located at 1035 US 46, Clifton, New Jersey 07013, as well as the defendants Danuta Steczyk and Stanislaw Wojdat who entered a plea of Non Vult to the charges that on May 10, 2015, the Licensee sold alcoholic beverages after the legal hour in violation of NJAC 13:2-38.1-2 and Chapter 73-17AB of the City Code of the City of Garfield.

In exchange for the Plea of Non Vult to the aforementioned charges, the Licensee received a warning against future violations.

RETURN OF CITY MANAGER DUCH

At 6:50 PM, City Manager Thomas J. Duch returned to the Work Session and it was duly noted for the record.

CLOSED SESSION

Resolution No. 15-383

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 6:50 P.M. on Tuesday, September 22, 2015 to discuss the following as outlined in N.J.S.A. 10:4-12:

- * Collective bargaining agreements including the negotiation of the terms and thereof with employees or representatives of employees of the public body; (meetings with PBA Local No. 46 representatives Dennis Serritella, Everett Garnto and Sean Delahanty re: finalization of Police contract).

CLOSED SESSION

- * Tactics or techniques utilized in protecting the safety and property of the public or any investigation of violations or possible violations of the law; (consideration of placement of Police Bus on Passaic Street near barber shop on Palisade Avenue).
- * Pending or anticipated litigation or contract negotiations or matters falling within attorney-client privilege; (Police Officer Pedro Gongora vs City proposed settlement; Police Officers Christopher Strabone/William Houck proposed settlement; Police Officer Mariggi Lopez vs City alleged discrimination lawsuit; proposed Kipp Avenue lawsuit settlement; New Concepts for Living settlement resolution; settlement of Frederick Krowl vs the City; proposed retirement of Police Chief Kevin Amos; negotiations for cell tower space at 97 Outwater Lane).
- * 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 promotion or salary enhancement of DPW employees Rick Cangialosi and John Lord; Building Department response to the Public).

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 Delaney

(Sgd) Frank J. Calandriello
Louis G. Aloia

ADJOURNMENT

After the City Council came out of Closed Session at 8:25 PM, there being no further business, Councilmember Aloia moved to adjourn the Work Session, Councilmember Calandriello duly seconded the motion.

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

Andrew J. Pavlica, CITY CLERK

A Regular Meeting of the City Council was held Tuesday, September 22, 2015 at 8:40 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, Glenn A. Mati and Tana M. Raymond
Councilmembers Absent: Joseph Delaney
Also Present: City Manager Thomas J. Duch, 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

REPORTS OF OFFICERS

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

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

RESOLUTIONS

Resolution No. 15-384

RESOLUTION APPROVING AGREEMENT WITH THE POLICEMEN’S BENEVOLENT ASSOCIATION LOCAL NO. 46 OF THE CITY OF GARFIELD

WHEREAS, the City of Garfield (hereafter the “City”) and The Policemen’s Benevolent Association Local No. 46 (hereafter the “PBA”) have entered into collective negotiations pursuant to the requirements of the Public Employers and Employees Act, N.J.S.A. 34:13A-1, as required pursuant to the terms of the expiring collective bargaining agreement between the parties; and

WHEREAS, the PBA and the City have completed negotiations on economic issues and have set forth the terms of their agreement in an Agreement, a true copy of which is attached hereto as Exhibit A; and

WHEREAS, the Agreement in the form attached has been approved by the PBA and signed by the members of the PBA thereof and is now presented to the City for its formal approval; and

WHEREAS, the Agreement reflects the terms and conditions negotiated between the City and the PBA;

NOW THEREFORE BE IT RESOLVED, that the City of Garfield approves the form of the Agreement between the City of Garfield and The Policemen’s Benevolent Association Local No. 46 concerning the terms and conditions of employment of the persons covered under the Agreement for the period of time beginning January 1, 2015 and ending December 31, 2017 in the form annexed hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that the Mayor, the City Manager and the City Clerk are likewise authorized to sign and to attest such form of Collective Bargaining Agreement as annexed hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that the Agreement shall be countersigned by the Mayor of the City of Garfield and the Clerk of the City of Garfield, and the seal of the City affixed thereto as evidence of the City’s approval;

BE IT FURTHER RESOLVED, that the appropriate salary ordinance be prepares and presented for adoption to reflect the adjustments in salary and benefits as contemplated by the Collective Bargaining Agreement, and said ordinance shall reflect the traffic detail rate of \$100.00 per hour.

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

(Sgd) Tana M. Raymond
Louis G. Aloia

RESOLUTIONS

Resolution No. 15-385

WHEREAS, Richard Giacomarro will be celebrating his 85th Birthday with a party on Sunday, September 27, 2015 at the Venetian Restaurant located at 546 River Drive in Garfield, and
WHEREAS, he was born on September 4, 1930 to Mike and Rose Giacomarro, attended Passaic High School, and after he graduated, was employed by PSE&G for many years, and
WHEREAS, he was a commissioner on the Passaic Valley Sewerage Commission, a member of the Garfield Democratic County Committee, cofounder of the Garfield Babe Ruth League, a charter member and officer of the Garfield Jaycees, he was Treasurer of the City of Garfield, a Commissioner for the Garfield Housing Authority, and President of the Garfield Board of Education, and
WHEREAS, he has lived in Garfield for 63 years with his caring and devoted wife, Connie Kasica Giacomarro, is the loving father of four children, has three grandchildren, and two great grandchildren,
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, upon the occasion of the celebration of his 85th Birthday, RICHARD GIACOMARRO is hereby honored for his exemplary and inspiring long life and offered sincere best wishes for continued good health and happiness.

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

(Sgd) Tana M. Raymond
Glenn A. Mati

Resolution No. 15-386

WHEREAS, Edward J. Dabal, was last appointed to the Housing Authority of the City of Garfield pursuant to Resolution No. 10-318, adopted by the City Council at a meeting held October 19, 2010, and
WHEREAS, his term of office expires October 19, 2015,
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Edward J. Dabal of 250 Division Avenue is hereby appointed to the Housing Authority of the City of Garfield, effective October 19, 2015, to succeed himself, for a full five year term, said term to expire October 19, 2020.

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

(Sgd) Louis G. Aloia
Glenn A. Mati

Resolution No. 15-387

WHEREAS, Fire Company No. 2 has advised that they have accepted the resignation of Richard Del Favero of 14 Whitman Place, Hillsdale, New Jersey 07642, as an active member, effective August 10, 2015.
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 2 with respect to the above matter, is hereby approved.

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

(Sgd) Louis G. Aloia
Glenn A. Mati

Resolution No. 15-388

WHEREAS, Fire Company No. 2 has advised that they have accepted Nelson Castillo of 106 Sherman Street, Passaic, New Jersey 07055, as a regular member, effective September 8, 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. 2 with respect to the above matter, is hereby approved.

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

(Sgd) Louis G. Aloia
Glenn A. Mati

Resolution No. 15-389

WHEREAS, Fire Company No. 2 has advised that they have accepted Anna Walat of 93 Belmont Avenue, Garfield, as a regular member, effective September 8, 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. 2 with respect to the above matter, is hereby approved.

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

(Sgd) Louis G. Aloia
Glenn A. Mati

Resolution No. 15-390

WHEREAS, Nabil Haloom, 22 Dewitt Street, who is the holder of a Disabled Person I.D. Card No. P1225205, 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 Dewitt Street commencing 289 feet east of the intersection of Dewitt Street and River Drive and run an additional 25 feet 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 Delaney

(Sgd) Louis G. Aloia
Glenn A. Mati

Resolution No. 15-391

WHEREAS, Constance L. Melendez, 158 Harrison Avenue, who is the holder of a Disabled Person I.D. Card No. P1411982, 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 Harrison Avenue commencing 75 feet north of the intersection of Harrison Avenue and Clark Street and run an additional 25 feet north from that point.

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

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

(Sgd) Louis G. Aloia
Glenn A. Mati

Resolution No. 15-392

WHEREAS, Hector Rivera, 119 Jewell Street, who is the holder of a Disabled Person I.D. Card No. P1245028, 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 120 feet south of the intersection of Jewell Street and Banta Avenue and run an additional 21 feet 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 Delaney

(Sgd) Louis G. Aloia
Glenn A. Mati

Resolution No. 15-393

WHEREAS, Nabil Haloom, 22 Dewitt Street, who is the holder of a Disabled Person I.D. Card No. P1225205, has filed application for a handicapped parking sign to be placed at his 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 south curb line of Dewitt Street commencing 289 feet east of the intersection of Dewitt Street and River Drive and run an additional 25 feet 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 Delaney

(Sgd) Louis G. Aloia
Glenn A. Mati

Resolution No. 15-394

WHEREAS, Felix A. Polonia, 93 Prospect Street, who is the holder of a Disabled Person I.D. Card No. P1295593, 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 Prospect Street commencing 120 feet south of the intersection of Prospect Street and Semel Avenue and run an additional 25 feet 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 Delaney

(Sgd) Louis G. Aloia
Glenn A. Mati

Resolution No. 15-395

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the Traffic Division of the Police Department of the City of Garfield and/or the Department of Public Works or other appropriate City employees are hereby authorized and directed to post signs designating no access from Columbus Avenue to the Price Rite site located at 59 Outwater Lane.

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

(Sgd) Louis G. Aloia
Glenn A. Mati

Resolution No. 15-396

WHEREAS, N.J.S.A. 40A:65-1 et seq., the Uniform Shared Services and Consolidation Act authorizes contracts between municipalities and other local units for the joint provision of services within their respective jurisdictions; and

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“County Trust Fund”), provides grants to municipal governments for Technical Assistance involving Floodplain Protection planning; and

WHEREAS, these grants are made available to develop a Floodplain Acquisition Plan (“FAP”) for a municipality to document and map past flooding events, flooding impact, and identify areas of greatest need of assistance for the removal of existing structures and homes and develop conceptual design plans to restore and/or conserve the natural functions of floodplains once structures are removed; and

WHEREAS, services are made available through The Land Conservancy of New Jersey and The Rutgers Cooperative Extension Water Resources Program on a shared service contact basis at no cost to the municipality; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, pursuant to the provisions of N.J.S.A. 40A:65-1 et seq. that the Mayor is hereby authorized to execute, and the City Clerk to attest, a Shared Services Agreement between the City of Garfield and County of Bergen, for the development of floodplain protection plans, a copy of which Agreement is annexed hereto and is on file in the office of the City Clerk, and available for public inspection; and

RESOLUTIONS

BE IT FURTHER RESOLVED that a copy of the aforesaid Agreement shall be filed with the Division of Local Government Services in the Department of Community Affairs.

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

(Sgd) Louis G. Aloia
Glenn A. Mati

Resolution No. 15-397

GRANT AGREEMENT BETWEEN CITY OF GARFIELD AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT IDENTIFIER FS16-108 GOVERNING BODY RESOLUTION

The governing body of City of Garfield desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund the following project: Green Communities grant Community Forestry Management Plan

Therefore, the governing body resolves that Thomas J. Duch or the successor to the office of the City Manager is authorized to make application for such a grant, (b) if awarded to execute a grant agreement with the State for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

The Mayor and Council authorizes and hereby agrees to match 50% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 50% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

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

(Sgd) Tana M. Raymond
Frank J. Calandriello

Resolution No. 15-398

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Lincoln Place Improvements project

NOW THEREFORE BE IT RESOLVE, that the Council of Garfield formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Lincoln Place-00203 to the New Jersey Department of Transportation on behalf of the City of Garfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Garfield, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No. 15-399

BE IT RESOLVED, that the Mayor and Council of the City of Garfield wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$384,775.00 in 2015 Community Development Block for Road Resurfacing; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorizes the City Manager Thomas J. Duch to be a signatory to the aforesaid grant agreements;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize City Manager Thomas J. Duch to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the City of Garfield is liable for any funds not spent in accordance with the Grant Agreement; and that the liability of the Mayor and Council is in accordance with HUD requirements.

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

(Sgd) Louis G. Aloia
Glenn A. Mati

RESOLUTIONS

Resolution No. 15-400

A RESOLUTION AUTHORIZING THE AWARD OF THE 2015 ROAD IMPROVEMENT PROGRAM TO SMITH-SONDY ASPHALT CONSTRUCTION CO.

WHEREAS, the City of Garfield prepared bid documents and received public bids on August 6, 2015 at 11:00 am, and;

WHEREAS, a single bid was submitted by Smith-Sondy Asphalt Construction Co. in the amounts listed below:

Base Bid	\$951,435.83
Alternate Bid A	\$48,239.50
Alternate Bid B	\$15,191.00
Alternate Bid C	\$26,702.00
Alternate Bid C	\$70,514.25
Alternate Bid E	\$13,350.00
Alternate Bid F	\$21,999.25
Alternate Bid G	\$91,256.50

WHEREAS, the City wishes to award the base bid amount, as well as Alternate Bid A and Alternate Bid B, for a contract amount of \$1,014,866.33, and;

WHEREAS, the City Engineer and City Attorney have reviewed the bids and find them to be acceptable, and;

WHEREAS, the Chief Financial Officer has certified to the existence of funds in the appropriate accounts.

NOW, THEREFORE, BE IT RESOLVED, Smith-Sondy Asphalt Construction Co. is hereby awarded the 2015 Road Improvement Program in the contract amount of \$1,014,866.33.

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

(Sgd) Louis G. Aloia
Glenn A. Mati

Resolution No. 15-401

A Resolution authorizing the City Engineer to perform the engineering design for the Safe Routes to School Improvements Phase 2 in the City of Garfield, Bergen County, New Jersey.

WHEREAS, the City of Garfield received a grant in the amount of \$455,000 from the New Jersey Department of Transportation (NJDOT) Safe Routes to Schools Program, and;

WHEREAS, Safe Routes to Schools grants represent federally funded grants administered through NJDOT that require additional coordination and design efforts to secure funding allocation, and;

WHEREAS, engineering design charges in the amount of \$60,000 are necessary.

NOW THEREFORE BE IT RESOLVED, the City Engineer is hereby authorized to perform the requisite design services for a total fee not to exceed \$60,000.

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

(Sgd) Louis G. Aloia
Glenn A. Mati

Resolution No. 15-402

A Resolution authorizing the City Engineer to perform the engineering design for the Neighborhood Revitalization Streetscape and Pedestrian Safety Improvements Phase 1 in the City of Garfield, Bergen County, New Jersey.

WHEREAS, the City of Garfield received a grant in the amount of \$800,000 from the New Jersey Department of Transportation (NJDOT) Transportation Alternatives Program (TAP), and;

WHEREAS, TAP grants represent federally funded grants administered through NJDOT that require additional coordination and design efforts to secure funding allocation, and;

WHEREAS, engineering design charges in the amount of \$82,000 are necessary.

NOW THEREFORE BE IT RESOLVED, the City Engineer is hereby authorized to perform the requisite design services for a total fee not to exceed \$82,000.

RESOLUTIONS

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

(Sgd) Louis G. Aloia
Glenn A. Mati

Resolution No. 15-403

A Resolution authorizing the City Manager and City Clerk to execute the Cost Reimbursement Agreement #: 2015-DT-BLA-206 with the New Jersey Department of Transportation (NJDOT) for the Washington Irving School #4 & James Madison School #10 – Federal Project #: STP-C00S(733)CON – also known as the 2013 and 2014 Safe Routes to School Program.

WHEREAS, the City of Garfield (City) received a grant in the amount of \$280,000 from the NJDOT Safe Routes to Schools Program, and;

WHEREAS, the City has received final approval from NJDOT for the Washington Irving School #4 & James Madison School #10, and;

WHEREAS, the City would like to enter into an agreement with NJDOT to proceed with this project;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Garfield that the City Manager and City Clerk are authorized to execute the Cost Reimbursement Agreement No. 2015-DT-BLA-206, which is attached hereto, for the Washington Irving School #4 & James Madison School #10, Federal project No: STP-C00S(733)CON. The signatures of both the City Manager and City Clerk constitute acceptance of the terms and conditions of the said agreement.

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

(Sgd) Louis G. Aloia
Glenn A. Mati

Resolution No. 15-404

RESOLUTION RATIFYING SETTLEMENT AGREEMENT FOR THE KIPP AVENUE PUMPING STATION PROJECT

WHEREAS, the City of Garfield (“Garfield”) put out for a bid a project located in Elmwood Park known as the Kipp Avenue Pumping Station (the “Project”) in cooperation with the County of Bergen and as required by the New Jersey Local Public Contracts Law; and

WHEREAS, All County Pipeline and Site Excavation, Inc. (“All County”) was the lowest responsible bidder and therefore was awarded the contract for the Project; and

WHEREAS, Garfield and All County have been engaged in a business relationship with All County performing work as the prime contractor on the Project pursuant to a certain written agreement dated April 10, 2013; and

WHEREAS, All County has defaulted under the Contract for, among other things, failure to perform and abandonment; and

WHEREAS, The City has terminated All County as of September 25, 2014; and

WHEREAS, Avicorp, LLC (“Avicorp”) entered into an agreement with All County where it agreed to indemnify All County and provide same with a performance and payment bond for the Project issued by First Fidelity Lending Corporation (“First Fidelity”); and

WHEREAS, PCS Pump and Process, Inc. (“PCS”) as supplier to All County alleges that All County failed to properly pay \$31,600.00 for services, work and/or materials furnished to the Project; and

WHEREAS, on September 16, 2014, PCS asserted a Municipal Mechanics Lien in the amount of \$31,600.00 for said service, work and/or materials furnished to the Project; and

WHEREAS, Stewart & Stevenson Power Products, LLC (“Stewart & Stevenson”) as supplier to All County alleges that All County failed to properly pay \$31,000.00 for services work and/or materials furnished to the Project; and

WHEREAS, on November 1, 2014, Stewart & Stevenson asserted a Municipal Mechanics Lien in the amount of \$31,000.00 for said service, work and/or materials furnished to the Project; and

WHEREAS, Weldon Materials, Inc. (“Weldon”) as supplier to All County alleges that All County failed to properly pay \$5,084.64 for services, work and/or materials furnished to the Project; and

WHEREAS, on May 13, 2014, Weldon asserted a Municipal Mechanics Lien in the amount of \$5,084.64 for said service, work and/or materials furnished to the Project; and

WHEREAS, Garfield, in conjunction with Avicorp, has agreed to settle the outstanding claims and pay the above-referenced suppliers and/or subcontractors a negotiated amount to resolve the Municipal Mechanics Liens in place, and it is in the best interest of the City of Garfield to avoid the additional costs and uncertainties of litigation, and the claims paid by Garfield will be resolved solely from the funds appropriated by Garfield for the Project; and

RESOLUTIONS

WHEREAS, PCS will be paid the sum of \$25,000.00 in full and final settlement of its claims against Garfield, \$20,429.04 of which is to be paid by Garfield and \$4,570.96 of which is to be paid by Avicorp; and

WHEREAS, Stewart & Stevenson will be paid the sum of \$27,000.00 in full and final settlement of its claims against Garfield, \$22,429.04 of which is to be paid by Garfield and \$4,570.96 of which is to be paid by Avicorp; and

WHEREAS, Weldon will be paid the sum of \$4,038.00 in full and final settlement of its claims against Garfield, \$3,287.83 of which is to be paid by Garfield and \$750.17 of which is to be paid by Avicorp.

NOW, THEREFORE, BE IT RESOLVED, that the City of Garfield does hereby approve that the dispute between Garfield and PCS, Stewart & Stevenson, Avicorp, First Fidelity and Weldon be fully and finally resolved in accordance with Settlement and Release Agreement in the form annexed hereto as Exhibit A;

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to execute the Settlement and Release Agreement annexed hereto as Exhibit A on behalf of the City of Garfield and such other and further amendments or agreements as shall be authorized and approved by Council to the City of Garfield to settle the claims outlined herein; and be it further

BE IT FURTHER RESOLVED, that the Chief Financial Officer of the City of Garfield is hereby authorized and directed to release the settlement funds of \$20,429.04 to PCS, \$22,429.04 to Stewart & Stevenson and \$3,287.83 to Weldon pursuant to the Settlement Agreement upon its execution by all parties thereto and receipt of release of liens in the form approved by counsel to the City of Garfield.

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

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

(Sgd) Frank J. Calandriello
Louis G. Aloia

Resolution No. 15-405

WHEREAS, JAN Investments, LLC, is the owners of real property known on the Tax Map of the City of Garfield as Block 89, Lot 5, commonly known as 374 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) 2014 and 2015, bearing Docket Nos. 014124-2014 and 010748-2015; 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, Blount & Lavin, P.C., have recommended that the appeal be settled; and

WHEREAS, said property was assessed for the year(s) 2014 and 2015 as follows:

Year	Land	Improvements	Total
2014 Original Assessment	\$194,100	\$123,500	\$317,600
2015 Original Assessment	\$194,100	\$123,500	\$317,600

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:

Year	Land	Improvements	Total
2014 Settlement	\$194,100	\$105,900	\$300,000
2015 Settlement	\$194,100	\$105,900	\$300,000

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 Attorney is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

RESOLUTIONS

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

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No. 15-406

WHEREAS, 177-179 Ray Street, LLC, are the owners of real property known on the Tax Map of the City of Garfield as Block 193, Lot 2, commonly known as 179 Ray Street, 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 and 2014, bearing Docket Nos. 017429-2011, 018203-2012, 019133-2013 and 014022-2014; 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, Blount & Lavin, P.C., have recommended that the appeal be settled; and

WHEREAS, said property was assessed for the year(s) 2011, 2012, 2013 and 2014 as follows:

Year	Land	Improvements	Total
2011 Original Assessment	\$125,000	\$442,400	\$567,400
2012 Original Assessment	\$125,000	\$442,400	\$567,400
2013 Original Assessment	\$125,000	\$442,400	\$567,400
2014 Original Assessment	\$125,000	\$442,400	\$567,400

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:

Year	Land	Improvements	Total
2011 Settlement	\$125,000	\$385,000	\$510,000
2012 Settlement	\$125,000	\$385,000	\$510,000
2013 Settlement	\$125,000	\$385,000	\$510,000
2014 Settlement	\$125,000	\$385,000	\$510,000

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 Attorney is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

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

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No. 14-407

RESOLUTION AUTHORIZING TEMPORARY APPOINTMENT OF ACTING DEPUTY MAYOR

WHEREAS, pursuant to Local Ordinance, Glenn A. Mati was appointed Deputy Mayor for the City of Garfield; and

WHEREAS, pursuant to the provisions of state and local law, the Deputy Mayor shall serve in the place of the Mayor and perform all functions of the Mayor in the Mayor's absence; and

RESOLUTIONS

WHEREAS, on Saturday, September 26, 2015, it will be necessary and appropriate to temporarily appoint Joseph Delaney as Deputy Mayor for the City of Garfield in order to perform the marriage ceremony of Rafal Zbigniew Moscicki and Joanna Wrobel, and
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, County of Bergen, State of New Jersey as follows:

1. Councilman Joseph Delaney be and is hereby appointed Deputy Mayor for the City of Garfield to perform the marriage ceremony of Rafal Zbigniew Moscicki and Joanna Wrobel, and
2. This temporary appointment shall be solely for the purpose of performance of this marriage ceremony and for no other reason. Similarly, no additional authority is granted hereby other than to perform said ceremony and to execute any and all documents which may be necessary in order to effectuate the provision of this Resolution and to confirm the performance of the marriage ceremony as described above.

BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward certified copies of the within Resolution to Councilman Joseph Delaney.

On call of roll, Ayes 3,
Nay 1 – Councilmember Calandriello,
Absent 1 – Councilmember Delaney

(Sgd) Louis G. Aloia
Tana M. Raymond

Resolution No. 15-408

RESOLUTION AUTHORIZING TEMPORARY APPOINTMENT OF ACTING DEPUTY MAYOR

WHEREAS, pursuant to Local Ordinance, Glenn A. Mati was appointed Deputy Mayor for the City of Garfield; and

WHEREAS, pursuant to the provisions of state and local law, the Deputy Mayor shall serve in the place of the Mayor and perform all functions of the Mayor in the Mayor's absence; and

WHEREAS, on Saturday, September 26, 2015, it will be necessary and appropriate to temporarily appoint Joseph Delaney as Deputy Mayor for the City of Garfield in order to perform the marriage ceremony of Rafal Zbigniew Moscicki and Joanna Wrobel, and

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

3. Councilman Joseph Delaney be and is hereby appointed Deputy Mayor for the City of Garfield to perform the marriage ceremony of Rafal Zbigniew Moscicki and Joanna Wrobel, and
4. This temporary appointment shall be solely for the purpose of performance of this marriage ceremony and for no other reason. Similarly, no additional authority is granted hereby other than to perform said ceremony and to execute any and all documents which may be necessary in order to effectuate the provision of this Resolution and to confirm the performance of the marriage ceremony as described above.

BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward certified copies of the within Resolution to Councilman Joseph Delaney.

On call of roll, Ayes 3,
Nay 1 – Councilmember Calandriello,
Absent 1 – Councilmember Delaney

(Sgd) Louis G. Aloia
Tana M. Raymond

RESOLUTIONS

Resolution No. 15-409

A Resolution supporting a Bergen County Office of Community Development Block Grant for the Garfield Hindu Center.

WHEREAS, the Garfield Hindu Community Center has a need to undertake ADA improvements to provide barrier free access, and

WHEREAS, an elevator and related improvements are estimated to be \$55,000 (excluding architectural fees).

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Garfield that the City hereby supports said application.

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

(Sgd) Tana M. Raymond
Glenn A. Mati

Resolution No. 15-410

A Resolution Supporting an Application to the Bergen County Office of Community Development for Streetscape Improvements to Outwater Lane between Chestnut Street and the NJ Transit Train Station

WHEREAS, the City of Garfield supports improvements to advance Pedestrian safety and provide a safe means for schoolchildren and commuters to access both elementary and the High School, and;

WHEREAS, there exists a recently renovated train station and parking facility, and;

WHEREAS, the City is responsible for curb, sidewalks and related improvements while the County is responsible for paving this County Roadway.

NOW THEREFORE BE IT RESOLVED the Mayor and Council hereby support the submittal of an application to CDBG for the estimated construction cost of \$410,000.

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

(Sgd) Tana M. Raymond
Glenn A. Mati

Resolution No. 15-411

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the Traffic Division of the Garfield Police Department or other appropriate employees are hereby authorized to install an appropriate sign near the intersection of Outwater Lane and Shaw Street indicating to the public to travel north on Shaw Street for the Firehouse Family Restaurant.

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

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No. 15-412

Resolution Authorizing Disciplinary Action Against Danita Stecyk and Stanislaw Wojdat D/B/A Bania U Cygana

WHEREAS, the Mayor and Council of the City of Garfield, upon the recommendation and request of the Garfield Police Department, filed disciplinary charges against Danita Stecyk and Stanislaw Wojdat d/b/a Bania U Cygana, Plenary Retail Consumption Liquor License No. 0221-33-055-005; and

WHEREAS, said Licensee operates the premises located at 175 Jewell Street in the City of Garfield; and

WHEREAS, said Licensee has entered a plea of Non Vult to the charge that on May 10, 2015, the Licensee sold alcoholic beverages after the legal hour in violation of a in violation of N.J.A.C. 13:2-38.1-2 and Chapter 73-17.A-B of the City Code of the City of Garfield.

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

1. In exchange for the Pleas of Non Vult to the aforementioned charges, the Licensee shall receive a warning against future violations.
2. The City Clerk shall, and is hereby authorized and directed to forward certified copies of the within Resolution to the City Attorney, the Garfield Police Department, the Licensee and the State Division of Alcohol Beverage Control.

RESOLUTIONS

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

(Sgd) Glenn A. Mati
Frank J. Calandriello

BILLS AND CLAIMS

Resolution No. 15-413

RESOLVED by the City Council of the City of Garfield that the following bill No. 1847 covering, Dog Trust Fund totaling \$2,500.00 and the Current Fund totaling \$221,960.33, and the Current Fund Reserve \$271.23 and the Current Water Fund totaling \$29,034.98, and the General Capital Fund totaling \$45,106.50 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 twelve (12) items prior to the meeting be ratified.

See

the

Following Pages Numbered _____

for

Bills

And

Claims

ORDINANCES

Ordinance No. 2719

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, September 8, 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:

BOND ORDINANCE TO AUTHORIZE THE REPAIR AND REPLACEMENT OF WATER METERS AND THE ACQUISITION OF FIRE HYDRANTS IN, BY AND FOR THE WATER UTILITY OF THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$160,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR 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 no objections, Mayor Raymond declared the public hearing closed.

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

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

CITIZENS AND TAXPAYERS

Mr. Richard Rigogolsi, 13 Summit Avenue spoke against the City creating a dog park on Hobart Place and Marsellus Place. He said that he thought that gangs could bring their pit bulls to the dog park. He spoke on “the Pally Boys” who he said are a gang tearing the town apart.

RESOLUTIONS

Resolution No. 15-414

BE IT RESOLVED by the Mayor and Council of the City of Garfield, Bergen County, New Jersey that the mobile command unit be deployed by the police department on Palisade Avenue (locations to move at discretion of City Manager) in the vicinity of Passaic Street on a daily basis.

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

(Sgd) Tana M. Raymond
Glenn A. Mati

Resolution No. 15-415

BE IT RESOLVED by the Mayor and Council of the City of Garfield, Bergen County, New Jersey that the Chief of Police of the City of Garfield seek the assistance of the County Prosecutor and County Sheriff to assist the City of Garfield to combat Gang Violence.

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

(Sgd) Tana M. Raymond
Glenn A. Mati

CITIZENS AND TAXPAYERS

Mr. Mo Kinds, 104 Dewitt Street, spoke on graffiti and spray painting throughout his neighborhood and how there is a need to address this issue.

He said that trees need to be cut down near the pedestrian bridge over Fleisher's Brook at the end of DeWitt Street. He complained about couples in cars in the back parking lot of the Venetian located at 546 River Drive.

Mr. Stephen Lawson, 205 Wessington Avenue, said that he witnessed a brawl between two kids, then a white Honda Civic emptied out on Outwater Lane near Wessington Avenue. He said that more surveillance cameras should be installed in the neighborhood. He spoke on graffiti in town. He spoke on protecting his four year daughter. He spoke on gangs.

Pastor Arthur Bryant, Friendship Baptist Church, 154 Gaston Avenue, spoke on gang activity in Garfield and the surrounding towns. He spoke on children being neglected. He spoke on the need for organized activities for children, especially if they do not feel accepted at home. He spoke on developing plans for children and he said that the first priority is young people.

Ms. Judy Fraser, 88 Prospect Street, spoke on reaching out outside of Garfield to County and State agencies for assistance with City Gang activities.

COUNCILMEMBER COMMENTS

Councilmember Calandriello said that he understands that there was a State Office of Civil Rights team from Washington who did some interviews in our school system to see if there were any neglect or complaints. He asked if a copy of their report can be obtained. He said the problem of gangs needs to be addressed by the City, School Board, Housing Authority and Houses of Worship. He said that we have situations that are changing as we speak. He said that this is a community problem and that is how we have to address it. He said "we start with the safety of our citizens, we start with the safety of our children". He spoke on the proposed demolition of old Fire House No. Three located on Willard Street. He spoke on the growth surrounding the property. He spoke on Vornado granting land to the City and the search for any records indicating that. He said that he attended the Girls Softball Dinner and he said that the Garfield Junior Boilermakers Football season has started.

Councilmember Aloia said that there are some great things going on in Garfield. He said that his grandson goes to karate at the YMCA. He said that when you make a commitment, you have to live up to the commitment you make. He said that a man had his handicapped ramp stolen from the front of his home in Garfield. He complimented Fire Company No. 3, who he said arranged to have Allied Medical Supply set up a new ramp, but they were too slow, and the boy scouts went and built a ramp last week. He said that it was an unfortunate situation, but it is a small percentage of kids who cause havoc. He said that good things sometimes happen after a bad situation.

Councilmember Mati said that there is an obligation to protect people's life and property. He said that high Police visibility and additional Police Protection is what is needed. He said that there is a small percentage of bad kids and he spoke on gang officers in the Garfield Police Department. He said that Congressman Bill Pascrell was at Garfield High School focusing on concussion prevention regarding kids and our servicemen. He said that it was a good thing for kids to learn about. He said that there are positive things going on in town.

City Manager Thomas J. Duch spoke about the Calvary Baptist Church Cancer Walk scheduled to be held on October 11th, which requires a Special Events Permit. A motion was made by Councilmember Aloia and Seconded by Deputy Mayor Mati to authorize City Manager Duch to proceed with approval of the permit. On call of roll, Ayes 4, Absent 1 – Councilmember Delaney

Mayor Raymond spoke on concussion protocol in the School System. She spoke about the Garfield Animal Rescue Car Wash held last Saturday, at which the EPIC students helped. She said that there

CITIZENS AND TAXPAYERS

are a lot of good kids out there and such a small percentage cause trouble. She said that there is a need for strict laws and people have to know that if you come into Garfield to cause trouble, that it will not be accepted.

ADJOURNMENT

At 10:15 PM, there being no further business, Councilmember Mati 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