

A Regular Meeting of the City Council was held Tuesday, October 23, 2012 at 7:15 PM in the Council Chamber in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

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

Councilmembers Present: Louis G. Aloia, Tana M. Raymond, Glenn A. Mati and Joseph Delaney  
Councilmembers Absent: Frank J. Calandriello  
Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, Deputy City Clerk Diane Rosolen, Robert Ferraro of the Law Firm of Bruno and Ferraro (for City Attorney John Bruno), City Engineer Representative Bernard Mirandi (for City Engineer Kevin J. Boswell) and Interim Chief Financial Officer Roy Riggitano

#### REPORTS OF OFFICERS

Councilmember Raymond 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 Calandriello

#### PRESENTATION OF RESOLUTIONS NO. 12-325 AND 12-326

At this time, CERTIFIED copies of Resolution No. 12-325 were presented to the Garfield Girls Softball League Ditto Services “Killer Bees” Junior Division Team and Resolution No. 12-326 to the Garfield Girls Softball League Dabals Senior Division Team.

#### RESOLUTIONS

Resolution No. 12-340

WHEREAS, Margarita Pennisi has retired after dedicating more than forty years of her life to the Garfield School System, and

WHEREAS, she began her career in Garfield in 1960 as an elementary education teacher in School No. 5, followed by School No. 7, and after having her two children, returned to teaching at School No. 7 in 1972, and

WHEREAS, she was Acting Basic Skills Coordinator from 1979 to 1983, served as Acting Principal of Garfield High School during 1983 and was appointed District Curriculum Coordinator in 1984, and

WHEREAS, she was appointed Elementary School Principal of School No. 9 in 1991, and in September 1992, was appointed as Elementary School Principal of School No. 7 and served in that position until June 2012, and

WHEREAS, a Retirement Dinner will be held in her honor on Wednesday, November 7, 2012 at Seasons Restaurant in Washington Township, New Jersey,

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey that MARGARITA PENNISI is hereby CONGRATULATED on her successful career in education as she retires from a forty-two year tenure of service to the Garfield School District, during which she has fostered respect and devotion among her colleagues, promoted excellence in achievement, and shaped the development of thousands of children.

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

(Sgd) Joseph Delaney  
Tana M. Raymond

RESOLUTIONS

Resolution No. 12-341

WHEREAS, Richard M. Rosetti of Boy Scout Troop No. 250, sponsored by the Garfield B.P.O. Elks, Garfield, New Jersey, has advanced to the coveted rank of Eagle Scout, and

WHEREAS, since 1911, the Eagle has been the symbol of the highest achievement among the Boy Scouts of America, and

WHEREAS, the attainment of Eagle Scout rank indicates that a scout has developed leadership ability, self confidence, mature judgment, and mental and physical capabilities that will be of immense benefit throughout life, and

WHEREAS, Richard has lived on Palisade Avenue in Garfield all his life and attended Christopher Columbus No. 8 School, Thomas Jefferson and Garfield Middle School, and is a senior at Garfield High School, where he is on the golf team and received his varsity letter, and

WHEREAS, at age seven, he started training at Dragon Spirit Mixed Martial Arts and Fitness, where he earned a black belt, and now is an instructor, and

WHEREAS, he has been an altar server at Most Holy Name Roman Catholic Church in Garfield for the past seven years, has volunteered his time at the Loaves and Fishes Interfaith Food Pantry and also at the Benevolent Protective Order of Elks Lodge No. 2267, and

WHEREAS, a special celebration of his Eagle Scout achievement will be held on Sunday, November 4, 2012 at the Garfield Elks Lodge No. 2267 located at 68 Lanza Avenue,

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey, that the members of this Governing Body do hereby recognize and commend RICHARD M. ROSETTI for his diligence and dedication in pursuing the highest honor awarded by the Boy Scouts of America and congratulate him on attaining the prestigious rank of Eagle Scout and sincerely wish him continued success in his future endeavors.

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

(Sgd) Joseph Delaney  
Tana M. Raymond

Resolution No. 12-342

WHEREAS, an application has been filed for Person to Person Transfer Application of Plenary Retail Consumption License No. 0221-33-062-010, from Pazza Luna Pizzeria & Restaurant & Bar, (Lila M. Lucas, 44 Atlantic Avenue, Garfield NJ 07026 to Nuve-Quinche Corporation, (Klever Urgiles, 418 Vance Avenue, Franklin Lakes, NJ 07417 - who will own 50% of the shares of the corporation and Claudio Urgiles, 104 Elm Avenue, Hackensack, NJ 07601- who will own 50% of the shares of the corporation), for licensed premises to be located at 52 Chestnut Street, Garfield, NJ 07026.

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 October 24, 2012, the transfer of the aforesaid Plenary Retail Consumption License, Nuve-Quinche Corporation, (Klever Urgiles, 418 Vance Avenue, Franklin Lakes, NJ 07417 - who will own 50% of the shares of the corporation and Claudio Urgiles, 104 Elm Avenue, Hackensack, NJ 07601- who will own 50% of the shares of the corporation), for licensed premise located at 52 Chestnut 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 Nuve-Quinche Corporation, effective October 24, 2012.”,

RESOLUTIONS

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 person to person license transfer).

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

(Sgd) Joseph Delaney  
Tana M. Raymond

Resolution No. 12-343

RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey that the license renewal of the below listed Plenary Retail Consumption License granted by Resolution No. 12-291 is hereby rescinded for the 2012-2013 license term.

PLENARY RETAIL CONSUMPTION LICENSE

License No.	0221-33-031-005	LCJD, LLC t/a Jimmy Jim's Grill 399 Midland Avenue
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On call of roll, Ayes 4,  
Absent 1 – Councilmember Calandriello

(Sgd) Tana M. Raymond  
Louis G. Aloia

Resolution No. 12-344

WHEREAS, Fire Company No. 1 has advised that they have accepted the resignation of Shannon Wolfson of 38 Morrell Place, Garfield, NJ as an active member, effective September 26, 2012,

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 3,  
Abstain 1 – Councilmember Mati,  
Absent 1 – Councilmember Calandriello

(Sgd) Louis G. Aloia  
Joseph Delaney

Resolution No. 12-345

WHEREAS, Fire Company No. 2 has advised that they have accepted Alina Guina. of 32 Orchard Street, Garfield, New Jersey 07026, as a regular active member, effective October 1, 2012,  
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 Calandriello

(Sgd) Tana M. Raymond  
Louis G. Aloia

Resolution No. 12-346

WHEREAS, Fire Company No. 2 has advised that they have accepted Henri Wejnert Jr. of 234 Lincoln Place, Garfield, New Jersey 07026, as a regular active member, effective October 1, 2012,  
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 Calandriello

(Sgd) Tana M. Raymond  
Louis G. Aloia

RESOLUTIONS

Resolution No. 12-347

WHEREAS, Jodi Lonati, 154 Farnham Ave, who is the holder of a Disabled Person I.D. Card No. P842820, 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 Clark Street side of the residence along the south curb line of Clark Street commencing 25 feet east of the intersection of Clark Street & Farnham Avenue and run an additional 25 east from that point.

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

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

(Sgd) Louis G. Aloia  
Glenn A. Mati

Resolution No. 12-348

WHEREAS, Sarah Mastropole, 524 MacArthur Avenue, who is the holder of a Disabled Person I.D. Card No. P1060021, 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 Joanne Terrace side of the residence along the north curb line of Joanne Terrace commencing 50 feet east of the intersection of Joanne Terrace & MacArthur Avenue and run an additional 25 east from that point.

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

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

(Sgd) Louis G. Aloia  
Glenn A. Mati

Resolution No. 12-349

WHEREAS, Sandra Silvera, 80 Sampson Street, who is the holder of a Disabled Person I.D. Card No. P965097, 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 Cedar Street side of the residence along the west curb line of Cedar Street commencing 25 feet south of the intersection of Cedar Street & Sampson Street. and run an additional 25 south from that point.

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

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

(Sgd) Louis G. Aloia  
Glenn A. Mati

Resolution No. 12-350

WHEREAS, Arlene Wargo, 491 MacArthur Avenue, who is the holder of a Disabled Person I.D. Card No. P1082410, 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 along the west curb line of MacArthur Avenue commencing 25 feet south of the intersection of High Street & MacArthur Avenue and run an additional 25 south from that point.

RESOLUTIONS

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

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

(Sgd) Louis G. Aloia  
Glenn A. Mati

Resolution No. 12-351

RESOLUTION AUTHORIZING TEMPORARY APPOINTMENT OF ACTING DEPUTY MAYOR

WHEREAS, pursuant to Local Ordinance, TANA RAYMOND, 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 December 1, 2012, it will be necessary and appropriate to temporarily appoint LOUIS G. ALOIA as Deputy Mayor for the City of Garfield in order to perform a single act, to wit, the marriage ceremony of LAUREN PETERSON and PIOTR CABAJ.

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

1. Councilman LOUIS G. ALOIA be and is hereby appointed Deputy Mayor for the City of Garfield for December 1, 2012 to perform the marriage ceremony of LAUREN PETERSON and PIOTR CABAJ.
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 LOUIS G. ALOIA, and the City Attorney.

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

(Sgd) Joseph Delaney  
Louis G. Aloia

Resolution No. 12-352

RESOLUTION – AUTHORIZING APPOINTING BROKER OF RECORD AND INSURANCE CONSULTANT

WHEREAS, the Mayor and Council believe that it would be in the best interests of the City of Garfield to retain the services of a Broker of Record and Insurance Consultant in connection with the administration, placement and renewal of existing health insurance coverage and related coverage for employees within the City of Garfield; and

WHEREAS, the Mayor and Council have received a proposal and presentation from Connor, Strong, Buckelew with offices located in Parsippany, New Jersey; and

WHEREAS, this company possesses the qualifications, experience and background which would best serve the City of Garfield as its Broker of Record;

WHEREAS, this company has agreed to accept an annual fee in the amount of \$111,000.00 which is embedded in the carriers rates for performing these services which results in a cost savings as compared to previous insurance consultants; and

WHEREAS, this company has further agreed that the annual fee of \$111,000.00 shall be fixed for the first two years should the City opt to renew contract for the second year; and

WHEREAS, this Contract may be awarded without the necessity of public bidding in accordance with the provisions of N.J.S.A. 40A:11-5(m); and

WHEREAS, the award of this Contract is contingent upon certification by the Chief Financial Officer that sufficient funds exist for this purpose.

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

1. That the City Manager be hereby authorized to execute a contract with Connor, Strong, Buckelew, Parsippany, New Jersey, as Broker of Record and Insurance Consultant for the City of Garfield in connection with its group medical coverage for employees of the City, subject to the City Manager and City Attorney and CFO review and do equal coverage and cost savings.
2. This appointment shall be effective as of January 1, 2013; however, from the date of the adoption of this Resolution until the effective date of the appointment Connor, Strong & Buckelew is hereby authorized to have access to any and all insurance information and renewals from Horizon Blue Cross / Blue Shield or any other carrier or company.
3. The term of this appointment, consistent with the provisions of New Jersey Law, shall be one year and shall, therefore, extend from January 2, 2013 through December 31, 2013; however, this appointment may be terminated by the City of Garfield upon thirty days written notice with or without cause.

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 Connor, Strong & Buckelew, the City Attorney, the Chief Financial Officer of the City of Garfield and Horizon Blue Cross / Blue Shield of New Jersey.

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

(Sgd) Joseph Delaney  
Tana M. Raymond

Resolution No. 12-353

RESOLUTION AWARDED CONTRACT FOR ACQUISITION OF FIRE HYDRANTS, AND VARIOUS WATER PARTS INCLUSIVE OF CLAMPS, GATE VALVES, ETC.

WHEREAS, the Mayor and Council of the City of Garfield authorized the advertisement for the receipt of bids for the acquisition of fire hydrants, and various water parts inclusive of clamps, gate valves, etc; and

WHEREAS, pursuant to the aforesaid authorization, September 13, 2012 was established for the submission of bids and the opening thereof; and

WHEREAS, the advertisement for the solicitation of bids was published and provided in accordance with the requirements of New Jersey Law more than sixty (60) days prior to the date for submission of bids; and

WHEREAS, at the time and place scheduled for the acquisition of bids, only one bid was received, from Water Works Supply Company, Inc. 66 State Highway 23, Pompton Plains, N.J. 07444;

WHEREAS, the Chief Financial Officer and the Superintendent of the Department of Public Works reviewed the bid submitted and have confirmed that the bid was responsive and acceptable;

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. A contract be and is hereby awarded to Water Works Supply Company Inc. 660 State Highway 23, Pompton Plains, New Jersey for the purchase of fire hydrants and various water parts, inclusive of clamps, gate valves, etc.
2. The award of this contract shall be in accordance with the bid submitted by Water Works Supply Company Inc. dated September 10, 2012.
3. The total amount of this award shall be in an amount determined by the actual amount of parts purchased by the City of Garfield.
4. The award of the aforesaid contract is contingent upon certification, by the Chief Financial Office of the City of Garfield that sufficient funds exist for this purpose.

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5. The City Manager is hereby authorized and directed to execute any and all invoices, purchase orders and other documents which may be necessary in order to facilitate a purchase provided, however, that the same are reviewed and approved by the Chief Financial Officer and Superintendent of the Department of Public Works.

NOW THEREFORE 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 the City Attorney, the Superintendent of the Department of Public Works, Chief Financial Officer of the City of Garfield, the City Manager, Water Works Supply Company, Inc., and all unsuccessful bidders, if any.

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

(Sgd) Joseph Delaney  
Tana M. Raymond

Resolution No. 12-354

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and  
WHEREAS, The Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and  
WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and  
WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all the members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the governing body, and  
WHEREAS, Such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and  
WHEREAS, All members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and  
WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

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NOW, THEREFORE BE IT RESOLVED, That the governing body of the City of Garfield, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

(Sgd) Tana M. Raymond  
Louis G. Aloia

Resolution No. 12-355

WHEREAS, ROBERT DEBELLO & SON MANAGEMENT CO is the owner of real property known on the Tax Map of the City of Garfield as Block 141, Lot 21.12 commonly known as 22 JEWELL STREET, in the City of Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the years 2009, 2010, & 2011 bearing Docket No. 005473-2009, 010309-2010 and 010813-2011; and

WHEREAS, Robert McNerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Counsel, Tesser & Cohen, have recommended that the appeal be settled; and

WHEREAS, said property was assessed for the year 2009, 2010 and 2011 as follows:

	2009 Original <u>Assessment</u>
Land	\$741,800.00
Impvts	\$1,356,200.00
Total	\$2,098,000.00

	2010 Original <u>Assessment</u>
Land	\$2,098,000.00
Impvts	\$1,356,000.00
Total	\$2,098,000.00

	2011 Original <u>Assessment</u>
Land	\$808,000.00
Impvts	\$3,450,500.00
Total	\$4,258,500.00

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

	2009 <u>Settlement Amount</u>
Land	\$741,800.00
Impvts	\$1,008,200.00
Total	\$1,750,000.00

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	2010
	<u>Settlement Amount</u>
Land	\$741,800.00
Impvts	\$1,008,200.00
Total	\$1,750,000.00

	2011
	<u>Settlement Amount</u>
Land	\$808,000.00
Impvts	\$2,992,000.00
Total	\$3,800,000.00

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 Special Counsel 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 Calandriello

(Sgd) Joseph Delaney  
Glenn A. Mati

Resolution No. 12-356

RESOLUTION – AUTHORIZING REFUND OF TAXES

WHEREAS, N.J.S.A. 54:4-3.30 provides that properties owned and occupied by individuals with certain service related disabilities are to be exempt from real property taxation; and

WHEREAS, N.J.S.A. 54:4-3.32 also provides for the refund of taxes previously collected in connected with such properties since the date of the veteran’s actual disability; and

WHEREAS, the property located at 139 Dewey Street was previously owned by Mr. John Prencik who has presented proof from the Department of Veteran’s Affairs dated August 7, 2012 verifying that, effective January 21, 2011, he has been confirmed as 100% disabled in connection with a service-related disability; and

WHEREAS, the Tax Assessor and the City Manager have reviewed the proofs submitted by Mr. Prencik as well as the other facts and circumstances surrounding the property and Mr, Prencik’s disability and have determined that the appropriate amount of refund for the years of disability is \$11,027.76; and

WHEREAS, this amount represents a reduction of the total taxes paid due to the facts and circumstances surrounding this property as set forth in the Settlement Agreement reached between this property owner and the City of Garfield,

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

1. A Tax Refund in the amount of \$11,027.76 is hereby authorized for John Prencik.
2. The property in question is located at 139 Dewey Street, Garfield, New Jersey (Block 127, Lot 74)
3. The City Manager and City Clerk and are hereby authorized and directed to execute any and all documents or agreements which may be necessary I order to effectuate the provisions of this Resolution upon the review and approval of the City Attorney.

NOW THEREFORE 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 John Prencik, the Tax Assessor for the City of Garfield and the City Attorney.

RESOLUTIONS

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

(Sgd) Tana M. Raymond  
Joseph Delaney

Resolution No.

**RESOLUTION AUTHORIZING NAMING OF DRIVEWAY**

WHEREAS, William C. Colacino Jr. was a lifelong resident of the City of Garfield and served the City of Garfield with distinction as Judge of the Garfield Municipal Court, and  
WHEREAS, the City Council wishes to publicly express its gratitude for the years of public service to the City and honor Judge Colacino, and  
WHEREAS, as an expression of the thanks and gratitude to our departed Judge Colacino and his family, the Mayor and Council wish to name a driveway at City Hall in honor of Judge Colacino,  
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. The driveway exiting the City Hall onto Outwater Lane, at the Westerly sideline of the City Property shall be named The Honorable William C. Colacino Jr. Way.
2. The Garfield Department of Public Works, at the direction of the City Manager is hereby directed to install appropriate signage to designate the driveway in accordance with this Resolution.

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 the Garfield Police Department, Department of Public Works, the City Attorney, and the City Manager.

On call of roll, Ayes 2,  
Abstain 2 – Councilmembers Aloia and Mati,  
Absent 1 – Councilmember Calandriello

(Sgd) Joseph Delaney  
Tana M. Raymond

RESOLUTION DEFEATED

Resolution No. 12-357

**RESOLUTION AUTHORIZING NAMING OF DRIVEWAY**

WHEREAS, Freddie Porter was a beloved resident of the City of Garfield, and  
WHEREAS, Freddie Porter gave the ultimate sacrifice for our country while serving in the United States Navy, and  
WHEREAS, the City Council wishes to honor Freddie's service and remember him as a beloved member of our City, and  
WHEREAS, as an expression of the thanks and gratitude to our departed Freddie Porter and his family, the Mayor and Council wish to name the driveway exiting northbound from Outwater Lane between City Hall and the High School in honor of Freddie Porter,  
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. The driveway exiting Outwater Lane between City Hall and the High School shall be named Freddie Porter Way.
2. The Garfield Department of Public Works, at the direction of the City Manager is hereby directed to install appropriate signage to designate the driveway in accordance with this Resolution.

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 the Garfield Police Department of Public Works, the City Attorney, and the City Manager.

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

(Sgd) Joseph Delaney  
Tana M. Raymond

RESOLUTIONS

Resolution No. 12-358

A Resolution Authorizing the Environmental Protection Agency to Install Three Bedrock Monitoring Wells Within the City of Garfield.

WHEREAS, the Environmental Protection Agency (EPA) requires the installation of additional monitoring wells to properly determine the horizontal and vertical extent of contamination within the City, and;

WHEREAS, three of these wells are within public right-of-ways, and;

WHEREAS, the City must approve the installation of these wells by Resolution.

NOW THEREFORE BE IT RESOLVED, the three wells located at the following locations:

1. Corner of Commerce Street and Lincoln Place
2. North Side of Garfield City DPW Parking Lot, south of Dahnerts Lake
3. Corner of Wessington Avenue and Botany Street

are hereby approved.

BE IT FURTHER RESOLVED, the EPA shall forward copies of all test results to City officials consistent with a prior agreement in place between the EPA and the City regarding this matter.

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

(Sgd) Joseph Delaney  
Tana M. Raymond

BILLS AND CLAIMS

Resolution No. 12-359

RESOLVED by the City Council of the City of Garfield that the following bills No. 1541 to 1543 covering Dog Trust Account And Trust Other Account totaling \$64,722.33, and the Current Fund totaling \$371,008.15 and the Current Water Fund totaling \$116,581.87 and the General Capital Fund totaling \$11,657.00 and the Water Capital Fund totaling \$2,925.00 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 twelve (12) items prior to the meeting, be ratified.

See

The

Following

Pages \_\_\_\_\_

for

Bills

and

Claims

ORDINANCES

Councilmember Aloia introduced in writing the following ordinance entitled:

AN ORDINANCE TO FIX THE SALARY, WAGES AND COMPENSATION  
OF CERTAIN OFFICERS AND EMPLOYEES OF THE  
CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled: “AN ORDINANCE TO FIX THE SALARY, WAGES AND COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY”, 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 Wednesday November 7, 2012 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 Raymond, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 4, Absent 1 – Councilmember Calandriello

Councilmember Raymond introduced in writing the following ordinance entitled:

AN ORDINANCE TO REPEAL ARTICLE III CHAPTER 272-10 OF THE  
CITY CODE OF THE CITY OF GARFIELD

City Clerk Pavlica read the ordinance by title.

Councilmember Raymond moved that this ordinance entitled: “AN ORDINANCE TO REPEAL ARTICLE III CHAPTER 272-10 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 Wednesday November 7, 2012 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 Mati, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 4, Absent 1 – Councilmember Calandriello

Councilmember Raymond introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND AND REVISE CHAPTER 181 OF THE  
CITY CODE OF THE CITY OF GARFIELD, ENTITLED “HOUSING STANDARDS,” MORE  
PARTICULARLY CHAPTER 181-3 THEREOF, ENTITLED “INSPECTIONS; RIGHT OF  
ENTRY,” TO AMEND PROVISIONS REGARDING CONSTRUCTION  
OFFICIALS FREE ACCESS TO A CITIZEN’S DWELLING

City Clerk Pavlica read the ordinance by title.

Councilmember Raymond moved that this ordinance entitled: “AN ORDINANCE TO AMEND AND REVISE CHAPTER 181 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “HOUSING STANDARDS,” MORE PARTICULARLY CHAPTER 181-3 THEREOF, ENTITLED “INSPECTIONS; RIGHT OF ENTRY,” TO AMEND PROVISIONS REGARDING CONSTRUCTION OFFICIALS FREE ACCESS TO A CITIZEN’S DWELLING”, 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 Wednesday November 7, 2012 at 8:00

RESOLUTIONS

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 4, Absent 1 – Councilmember Calandriello

Councilmember Raymond introduced in writing the following ordinance entitled:

AN ORDINANCE TO REPEAL CHAPTER 181-2.4.A “ORDER TO ABATE OR REMOVE,” AND CHAPTER 181-4 “PROCEDURE FOR CORRECTIONS OF VIOLATIONS” OF THE CITY CODE OF THE CITY OF GARFIELD AND TO REVISE AND AMEND CHAPTER 181-7.A “VIOLATIONS AND PENALTIES” OF THE CITY CODE OF THE CITY OF GARFIELD

City Clerk Pavlica read the ordinance by title.

Councilmember Raymond moved that this ordinance entitled: “AN ORDINANCE TO AMEND AND REVISE CHAPTER 181 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “HOUSING STANDARDS,” MORE PARTICULARLY CHAPTER 181-3 THEREOF, ENTITLED “INSPECTIONS; RIGHT OF ENTRY,” TO AMEND PROVISIONS REGARDING CONSTRUCTION OFFICIALS FREE ACCESS TO A CITIZEN’S DWELLING”, 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 Wednesday November 7, 2012 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 4, Absent 1 – Councilmember Calandriello

CITIZENS AND TAXPAYERS

Ms. Cassita Massiah, 15 Lanza Avenue thanked the entire City Council for renaming a part of the City Hall driveway in her son’s honor. She said that she is very grateful and wanted to thank everyone so very much.

Mr. Anthony Barckett, 183 Lincoln Place, asked questions about the broker for City Employee Health Benefits. He asked about the Chromium Contamination Spill in 1983 at EC Electroplating at the intersection of Clark Street and Lincoln Place and the possibility of reducing property taxes for the people in that area. He spoke on an issue with the City Building Department.

Ms. Arlene Patire, 184 Midland Avenue, spoke about the performance of the employees in the City Building Department.

Mr. Tony Lio, 50 Maitland Place, thanked the Mayor and Council for passing the resolution to honor Freddie Porter.

Mr. Ciro Disclafani, 47 Orchard Street, spoke on the property values of the neighborhood where the Chromium Cleanup is taking place. He spoke on the need for more shade trees throughout the City.

Ms. Judy Frasier, 88 Prospect Street, spoke on the Cleanup of the Chromium in the First Ward and she spoke on property values.

Mr. John Eason, 103 Gaston Avenue, spoke on the conduct of the members of Fire Company No. Three located at 58 Gaston Avenue and especially how they race their cars to the Fire House.

Regular Meeting October 23, 2012, Continued

CITIZENS AND TAXPAYERS

Mr. Reginald Buggs, 315 Mac Arthur Avenue, spoke on an Outreach Program and on a proposed Youth Empowerment Services Program.

COUNCILMEMBER COMMENTS

Councilmember Aloia said that as an honorary member of Fire Company No. 3, he will bring the issues to them. He spoke regarding the Environmental Protection Agency cleanup of EC Electroplating and how performing a cleanup improves the property values in the surrounding areas. He spoke on factories and businesses providing jobs throughout the history of Garfield. He said that the City Manager should address the situation in the Building Department. He spoke on the ordinances introduced at this evening's Council Meeting.

Deputy Mayor Raymond spoke on the Chromium Cleanup at EC Electroplating. She said that a daily comparison was performed of School No. 7 to the other schools and there is no increase of asthma or stomach problems at School No. 7. She spoke on the naming of the City Hall driveway in honor of Freddie Porter. She spoke on how the City has too many absentee landlords. She said that she would like to publicly recognize school children who run for student council.

Councilmember Mati spoke on the planting of shade trees and he spoke about the City Manager staying on top of the EC Electroplating Chromium Cleanup. He spoke on the need for fairness in the management of the City Police Department.

Mayor Delaney spoke on the naming of roadways after individuals. He spoke about the cleanup of brownfields in the City. He spoke on the lining of the streets throughout the City. He reminded everyone that November 6, 2012 is Election Day and to please go out and vote.

ADJOURNMENT

At 8:50 PM, there being no further business, Councilmember Raymond moved to adjourn the meeting. Councilmember Aloia duly seconded the motion.

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

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Andrew J. Pavlica, CITY CLERK