

A Regular Meeting of the City Council was held Wednesday, November 7, 2012 at 8:00 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: Frank J. Calandriello, Louis G. Aloia, Tana M. Raymond, Glenn A. Mati and 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), 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 Mati duly seconded the motion.

On call of roll, Ayes 5

#### RESOLUTIONS

Resolution No. 12-361

WHEREAS, The Garfield Little League 10-12 Year Old Fall Ball Geisler and Geisler Team under the direction of their dedicated head coach Nick Delahanty and their outstanding coaches Keith D'Moore, Julio Rojas, Dan Smith and Jesse LoConte had an awesome season with a record of 16-1, and

WHEREAS, they had 8 come from behind wins and they had a team batting average of .350, and  
WHEREAS, the team is comprised of Shortstop Anthony Butler, Second Baseman/Pitcher Sebastian De La Cruz, First Baseman/Pitcher Dirk D'Moore, Second Baseman Mustafa Lahham, Pitcher/First Baseman/Centerfielder Usama Lahham, Centerfielder/Pitcher Adryan Lopez, Catcher Jack Miller, Outfielder Sean Murphy, Outfielder LiAndre Rojas, Outfielder Connor Smith, Third Baseman Randy Vargas, Catcher/Pitcher David Vasquez, and

WHEREAS, the City Council is desirous of publicly recognizing the outstanding accomplishments of the Garfield 10-12 Year Old Fall Ball Champions,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that CONGRATULATIONS are hereby extended to the Garfield Fall Ball Geisler and Geisler 10-12 year old group on their achievement.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 12-362

WHEREAS, the Superintendent of Public Works has declared an emergency as a direct result of hurricane Sandy and;

WHEREAS, the Chief Financial Officer and Qualified Purchasing Agent has certified the availability funds and the correspondence from the superintendent declaring an emergency and;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that this resolution authorizes the procurement of a wood chipper without formal bids to accompany the purchase order. The Wood Chipper is to be purchased from Northeastern Arborist Supply, 50 Notch Road, West Paterson, New Jersey 07424-1960 at a cost not to exceed \$55,000.00.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Tana M. Raymond

RESOLUTIONS

Resolution No. 12-363

WHEREAS, Belmont Enterprises LLC is the owner of real property known on the Tax Map of the City of Garfield as Block 88.02, Lot 37, commonly known as 160 Belmont Avenue, in the City of Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the year(s) 2009, 2010, 2011 and 2012, bearing Docket No. 017421-2009, 018784-2010, 004851-2011, and 003125-2012; 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, Tesser & Cohen, have recommended that the appeal be settled; and

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

<b>Year</b>	<b>Land</b>	<b>Improvements</b>	<b>Total</b>
2009 Original Assessment	\$312,900	\$637,100	\$950,000
2010 Original Assessment	\$312,900	\$637,100	\$950,000
2011 Original Assessment	\$533,600	\$1,066,400	\$1,600,000
2012 Original Assessment	\$533,600	\$1,066,400	\$1,600,000

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:

<b>Year</b>	<b>Land</b>	<b>Improvements</b>	<b>Total</b>
2009 Settlement	\$312,900	\$437,100	\$750,000
2010 Settlement	\$312,900	\$437,100	\$750,000
2011 Settlement	\$533,600	\$866,400	\$1,400,000
2012 Settlement	\$533,600	\$866,400	\$1,400,000

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  
Tana M. Raymond

Resolution No. 12-364

WHEREAS, 20 Realty, LLC is the owner of real property known on the Tax Map of the City of Garfield as Block 9, Lot 2, commonly known as 22 Passaic Street, in the City of Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the year(s) 2009, 2010, 2011 and 2012, bearing Docket No.006586-2009, 020599-2010, and 017928-2011; and

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

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

RESOLUTIONS

<b>Year</b>	<b>Land</b>	<b>Improvements</b>	<b>Total</b>
2009 Original Assessment	\$315,000	\$485,000	\$800,000
2010 Original Assessment	\$315,000	\$485,000	\$800,000
2011 Original Assessment	\$152,000	\$1,628,700	\$1,780,700
2012 Original Assessment	\$152,000	\$1,628,700	\$1,780,700

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:

<b>Year</b>	<b>Land</b>	<b>Improvements</b>	<b>Total</b>
2009 Settlement	\$315,000	\$310,00	\$625,000
2010 Settlement	\$315,000	\$350,00	\$665,000
2011 Settlement	\$152,000	\$1,328,000	\$1,480,000
2012 Settlement	\$152,000	\$1,328,000	\$1,480,000

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  
Tana M. Raymond

Resolution No. 12-365

WHEREAS, Garfield Properties, LLC is the owner of real property known on the Tax Map of the City of Garfield as Block 149-02, Lot 44, commonly known as 77 Prospect Street, in the City of Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the year(s) 2009, 2010, and 2011, bearing Docket No.016429-2009, 019219-2010, 009380-2011; and WHEREAS, Robert McNerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Tesser & Cohen, have recommended that the appeal be settled; and

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

<b>Year</b>	<b>Land</b>	<b>Improvements</b>	<b>Total</b>
2009 Original Assessment	\$237,300	\$362,700	\$600,000
2010 Original Assessment	\$237,300	\$362,700	\$600,000
2011 Original Assessment	\$420,000	\$682,300	\$1,102,300

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:

RESOLUTIONS

<b>Year</b>	<b>Land</b>	<b>Improvements</b>	<b>Total</b>
2009 Settlement	\$237,300	\$262,700	\$500,000
2010 Settlement	\$237,300	\$262,700	\$500,000
2011 Settlement	\$420,000	\$630,000	\$1,050,000

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  
Tana M. Raymond

Resolution No. 12-366

WHEREAS, Garfield Properties, LLC is the owner of real property known on the Tax Map of the City of Garfield as Block **75**, Lot **35**, commonly known as 123 Pierre Avenue, in the City of Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the year(s) 2009, 2010, and 2011, bearing Docket No.016427-2009, 019221-2010, 018157-2011; and WHEREAS, Robert McNerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Tesser & Cohen, have recommended that the appeal be settled; and

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

<b>Year</b>	<b>Land</b>	<b>Improvements</b>	<b>Total</b>
2009 Original Assessment	\$48,300	\$206,700	\$255,000
2010 Original Assessment	\$48,300	\$206,700	\$255,000
2011 Original Assessment	\$210,000	\$240,100	\$450,100

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:

<b>Year</b>	<b>Land</b>	<b>Improvements</b>	<b>Total</b>
2009 Settlement	\$48,300	\$151,700	\$200,000
2010 Settlement	\$48,300	\$151,700	\$200,000
2011 Settlement	\$210,000	\$240,100	\$450,100

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  
Tana M. Raymond

RESOLUTIONS

Resolution No. 12-367

WHEREAS, Garfield Properties, LLC is the owner of real property known on the Tax Map of the City of Garfield as Block 192, Lot 27, commonly known as 132 Jewell Street, in the City of Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the year(s) 2009, 2010, and 2011, bearing Docket No.016432-2009, 019216-2010, 018155-2011; and WHEREAS, Robert McNerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Tesser & Cohen, have recommended that the appeal be settled; and

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

<b>Year</b>	<b>Land</b>	<b>Improvements</b>	<b>Total</b>
2009 Original Assessment	\$58,800	\$416,200	\$475,000
2010 Original Assessment	\$58,800	\$416,200	\$475,000
2011 Original Assessment	\$92,000	\$620,900	\$712,900

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:

<b>Year</b>	<b>Land</b>	<b>Improvements</b>	<b>Total</b>
2009 Settlement	\$58,800	\$341,200	\$400,000
2010 Settlement	\$58,800	\$341,200	\$400,000
2011 Settlement	\$92,000	\$620,900	\$712,900

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  
Tana M. Raymond

Resolution No. 12-368

WHEREAS, Passaic Street Realty Assoc., is the owner of real property known on the Tax Map of the City of Garfield as Block 9, Lot 23, commonly known as 2 Passaic Street, in the City of Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the year(s) 2007, 2008, 2009 and 2010, bearing Docket No.010351-2007, 009605-2008, 019781-2010 and 009582-2011; and

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

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

<b>Year</b>	<b>Land</b>	<b>Improvements</b>	<b>Total</b>
2007 Original Assessment	\$256,200	\$236,800	\$493,000
2008 Original Assessment	\$256,200	\$236,800	\$493,000
2009 Original Assessment	\$256,200	\$236,800	\$493,000
2010 Original Assessment	\$256,200	\$236,800	\$493,000

RESOLUTIONS

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:

<b>Year</b>	<b>Land</b>	<b>Improvements</b>	<b>Total</b>
2007 Settlement	\$256,200	\$236,800	\$493,000
2008 Settlement	\$256,200	\$236,800	\$493,000
2009 Settlement	\$256,200	\$128,800	\$385,000
2010 Settlement	\$256,200	\$128,800	\$385,000

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  
Tana M. Raymond

Resolution No. 12-369

WHEREAS, Passaic Street Realty Assoc., is the owner of real property known on the Tax Map of the City of Garfield as Block 1, Lot 8, commonly known as 121 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) 2007, 2008, 2009, 2010 and 2011, bearing Docket No.010351-2007, 009605-2008, 019781-2010 and 009582-2011; and

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

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

<b>Year</b>	<b>Land</b>	<b>Improvements</b>	<b>Total</b>
2007 Original Assessment	\$289,800	\$132,200	\$422,000
2008 Original Assessment	\$289,800	\$132,200	\$422,000
2009 Original Assessment	\$289,800	\$132,200	\$422,000
2010 Original Assessment	\$289,800	\$132,200	\$422,000
2011 Original Assessment	\$541,700	\$391,600	\$933,300

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:

RESOLUTIONS

<b>Year</b>	<b>Land</b>	<b>Improvements</b>	<b>Total</b>
2007 Settlement	\$289,800	\$132,200	\$422,000
2008 Settlement	\$289,800	\$132,200	\$422,000
2009 Settlement	\$289,800	\$95,200	\$385,000
2010 Settlement	\$289,800	\$95,200	\$385,000
2011 Settlement	\$541,700	\$308,300	\$850,000

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  
Tana M. Raymond

Resolution No. 12-370

WHEREAS, Passaic Street Realty Assoc., is the owner of real property known on the Tax Map of the City of Garfield as Block 1, Lot 17, commonly known as 133 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, bearing Docket No.010351-2007, 009605-2008, 019781-2010 and 009582-2011; and WHEREAS, Robert McNerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Tesser & Cohen, have recommended that the appeal be settled; and

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

<b>Year</b>	<b>Land</b>	<b>Improvements</b>	<b>Total</b>
2011 Original Assessment	\$198,000	\$165,200	\$363,200

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:

<b>Year</b>	<b>Land</b>	<b>Improvements</b>	<b>Total</b>
2011 Settlement	\$198,000	\$165,200	\$363,200

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  
Tana M. Raymond

Resolution No. 12-371

WHEREAS, Passaic Street Realty Assoc., is the owner of real property known on the Tax Map of the City of Garfield as Block 9, Lot 18, commonly known as 174 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) 2009 and 2010, bearing Docket No.010351-2007, 009605-2008, 019781-2010 and 009582-2011; and

RESOLUTIONS

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, Tesser & Cohen, have recommended that the appeal be settled; and

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

Year	Land	Improvements	Total
2009 Original Assessment	\$71,400	\$46,000	\$117,400
2010 Original Assessment	\$71,400	\$46,000	\$117,400

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
2009 Settlement	\$71,400	\$46,000	\$117,400
2010 Settlement	\$71,400	\$46,000	\$117,400

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  
Tana M. Raymond

Resolution No. 12-372

**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 \$11,425.84; 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 \$11,425.84 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.

RESOLUTIONS

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to rescind Resolution No. 12-356 and to forward certified copies of the within Resolution to John Prencik, the Tax Assessor for the City of Garfield and the City Attorney.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Tana M. Raymond

Resolution No. 12-373

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to Tax Court Judgment for the year 2009.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, that the proper offices are hereby authorized to issue a check refunding this overpayment and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
9	2	"Feinstein, Raiss, Kelin & Booker, L.L.C." For And 20 Realty	TCJ	\$7,168.00
88.01	7	Garippa, Lotz & Giannuario	TCJ	\$32,768.00
141	21.12	Robert DeBello & Sons Management Co.	TCJ	\$14,254.08

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Tana M. Raymond

Resolution No. 12-374

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to Tax Court Judgment for the year 2010.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, that the proper offices are hereby authorized to issue a check refunding this overpayment and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
9	2	"Feinstein, Raiss, Kelin & Booker, L.L.C." For And 20 Realty	TCJ	\$5,678.00
141	21.12	Robert DeBello & Sons Management Co.	TCJ	\$14,636.88

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Tana M. Raymond

Resolution No. 12-375

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

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, that the proper offices are hereby authorized to issue a check refunding this overpayment and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
9	2	"Feinstein, Raiss, Kelin & Booker, L.L.C." For And 20 Realty	TCJ	\$7,270.93
135.01	24	Dominick & Rosalie Riccelli	TCJ	947.86
141	21.12	Robert DeBello & Sons Management Co.	TCJ	\$11,086.53

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Tana M. Raymond

RESOLUTIONS

Resolution No. 12-376

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

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, that the proper offices are hereby authorized to issue a check refunding this overpayment and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
9	2	"Feinstein, Raiss, Kelin & Booker, L.L.C." For And 20 Realty	TCJ	\$7,400.23

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Tana M. Raymond

Resolution No. 12-377

WHEREAS, the 4<sup>th</sup> Quarter 2012 Real Estate Taxes were due November 1, 2012, and WHEREAS, Hurricane Sandy has caused severe hardship and damage to residents and their property, as well as business owners,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the due day for payment of 4<sup>th</sup> Quarter 2012 real estate taxes is hereby extended to November 21, 2012,

BE IT FURTHER RESOLVED that there will be no grace period beyond November 21<sup>st</sup>, and all payments made thereafter will be assessed interest back to November 1<sup>st</sup> per statute, unless the due date is allowed to be extended by Executive Order of the Governor or State Agency.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Tana M. Raymond

Resolution No. 12-378

RESOLVED, by the City Council of the City of Garfield that the Chief Financial Officer shall and is hereby authorized to make the following transfers as per instructions from the Chief Financial Officer:

<u>Account Name</u>	<u>Account Number</u>	<u>Transfer From</u>	<u>Transfer To</u>
General Administration S/W	2-01-20-100-100-011		15,000.00
City Clerk S/W	2-01-20-120-120-011		5,000.00
City Clerk O/E	2-01-20-120-120-063		20,000.00
Finance Administration S/W	2-01-20-130-130-011		10,000.00
Audit Services	2-01-20-135-135-000		20,000.00
Revenue Administration S/W	2-01-20-145-145-011		1.00
Tax Assessor O/E	2-01-20-150-150-011		5,000.00
Engineering S/W	2-01-20-165-165-010		1,200.00
Zoning Board S/W	2-01-21-185-185-010		1.00
UCC Enforcement/Building Dept. O/E	2-01-22-195-195-063		20,000.00
Housing Inspection/Property Maintenance	2-01-22-200-200-010		1,000.00
Accounts Payable	2-01-23-220-220-000		1,000.00

Health Benefit Waiver	2-01-23-221-221-000		18,750.00
Police O/E	2-01-25-240-240-063		25,000.00
Purchase of Police Vehicles and Equipment	2-01-25-241-241-001		5,500.00
Office of Emergency Management O/E	2-01-25-252-252-020		100.00
Volunteer Fire Department	2-01-25-255-255-063		125,000.00
Buildings & Grounds S/W	2-01-26-310-310-011		10,000.00
Public Health Services S/W	2-01-27-330-330-011		4,000.00
Public Health Services S/W	2-01-27-330-330-063		7,500.00
Communications	2-01-31-441-441-000		60,000.00
Passaic Valley Sewer Commission	2-01-31-455-455-000		100.00
Gasoline	2-01-31-460-460-000		10,000.00
Municipal Court S/W	2-01-43-490-490-011		30,000.00
Public Defender S/W	2-01-43-495-495-000		2,000.00
Principal & Interest/GSPT-Passaic River Drive	2-01-45-937-000-000		26,272.40
Interest on Bonds	2-05-55-507-507-510		5,000.00
Principal & Interest/Grn. Trust Loan	2-01-45-936-000-001	26,272.20	
Finance Administration O/E	2-01-20-130-130-063		10,000.00
Sewerage O/E	2-01-20-145-145-051		15,000.00
Attorney/Legal Services O/E	2-01-20-155-155-020		15,000.00
Other Premium Insurance	2-01-23-210-210-000		60,000.00
Horizon Blue Cross Blue Shield of NJ	2-01-23-225-225-001		75,000.00
Police S/W	2-01-25-240-240-011		25,000.00
Department of Public Works S/W	2-01-25-265-265-010		60,000.00
Solid Waste Collection	2-01-26-305-305-000		100,000.00
Buildings & Grounds O/E	2-01-26-310-310-063		20,000.00
Celebration of Public Events	2-01-30-420-420-000		16,152.20
Interest of Notes	2-05-55-507-507-508		5,000.00
		<hr/>	
		427,424.40	427,424.40

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Tana M. Raymond

RESOLUTIONS

Resolution No. 12-379

See

the

following

Pages numbered \_\_\_\_\_  
For Capital Budget Amendment

BILLS AND CLAIMS

Resolution No. 12-380

RESOLVED by the City Council of the City of Garfield that the following bills No. 1544 to 1546 covering Dog Trust Account And Trust Other Account totaling \$14,834.07, and the Current Fund totaling \$3,563,369.42 and the Current Water Fund totaling \$28,541.97 and the General Capital Fund totaling \$531,504.84 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 fourteen (14) items prior to the meeting be ratified.

See

The

Following

Pages \_\_\_\_\_

for

Bills

and

Claims

ORDINANCES

Ordinance No. 2636

The following entitled ordinance was introduced at a Regular Meeting held October 23, 2012; 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 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.

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

There being none, Mayor Delaney 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 Raymond duly seconded the motion.

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

Ordinance No. 2637

The following entitled ordinance was introduced at a Regular Meeting held October 23, 2012; 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 REPEAL ARTICLE III CHAPTER 272-10 OF THE  
CITY CODE OF THE CITY OF GARFIELD

City Clerk Pavlica read the ordinance by title.

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

Ms. Ellen Heine, 515 Van Bussum Avenue spoke in favor of allowing larger political signs on homeowner's lawns.

There being no further objections, Mayor Delaney 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 Raymond duly seconded the motion.

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

Ordinance No. 2638

The following entitled ordinance was introduced at a Regular Meeting held October 23, 2012; 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 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

ORDINANCES

City Clerk Pavlica read the ordinance by title.

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

Mr. Joseph Fabics, 203 Howard Street, New Brunswick, New Jersey 08901, said that the proposed amendment to Chapter 181-3 of the City Code is not constitutionally compliant to the Appellate Divisions decision of January 31, 2012, (State vs. Heine, 424 NJ Super. 48 (App. Div. 2012) for the following reasons:

1. It does not mention Federal 4<sup>th</sup> Amendment Constitutional Protection for Home Owners.
2. It does not mention protection of the NJ Constitution Article 1. Para 7 and the requirement of the City of Garfield to notify a home owner of his right to refuse an inspection.
3. It does not mention that refusal is a right and refusal cannot be punished.
4. A warrant if issued is specific and does not give "free access" to inspectors.
5. City to provide a "30 day notice to inspect" with provision of right to refuse without any penalty for exercising one's Constitutional rights.
6. Constitutional protection (Federal and New Jersey) should be a new and separate ordinance not an incorporation into 181-3 (which makes it unconstitutionally vague, arbitrary and capricious).
7. The Police need a search warrant to enter a home, certainly housing inspectors are not to be granted powers to be above the police.

There being no further objections, Mayor Delaney 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 Raymond duly seconded the motion.

On call of roll, Ayes 5

Ordinance No. 2639

The following entitled ordinance was introduced at a Regular Meeting held October 23, 2012; 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 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.

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

Ms. Ellen Heine, 515 Van Bussum Avenue, said that she finds the proposed ordinance to be more restrictive and threatening and she spoke on allowing someone into their house. She spoke in opposition to the ordinance and said that it needs to be looked at again and rewritten.

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

Councilmember Raymond 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,  
Abstain 1 – Councilmember Calandriello

ORDINANCES

Councilmember Raymond introduced in writing the following ordinance entitled:

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVEMENTS TO THE POLICE PISTOL RANGE IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$175,000 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.

Councilmember Raymond moved that this ordinance entitled: "BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVEMENTS TO THE POLICE PISTOL RANGE IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$175,000 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", 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 Tuesday November 20, 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 5.

CITIZENS AND TAXPAYERS

James Kovacs, 60 Bogart Avenue, spoke on a traffic issue in front of his home. He spoke on drivers failing to stop at the stop sign at the intersection of Bogart Avenue and Hobart Place. He complained about drivers traveling the wrong way on one way streets and he spoke on traffic accidents in the area. He asked for an all stop intersection at Bogart Avenue and Hobart Place.

COUNCILMEMBER COMMENTS

Councilmember Calandriello spoke on funds remaining in the City Water Account. He spoke on the insurance firm of Connor, Strong and Buckelew being appointed as broker for the providing of Health Benefits coverage for City employees and the need for them to attend the next Work Session. He spoke on honoring Freddie Porter who died training to be a Navy Seal.

Councilmember Aloia spoke on the need to bring in the Health Insurance Broker before the Mayor and Council. He spoke on City employees doing an outstanding job during Super Storm Sandy which hit our shores on October 29<sup>th</sup> and he especially complimented the Garfield Volunteer Fire Department.

Deputy Mayor Raymond said that she appreciates what the Fire Department, Police Department, Department of Public Works and City Manager did during Super Storm Sandy. She said that issues involving Health Insurance coverage for City employees needs to be clarified and the broker is expected to attend the next City Council Work Session.

Councilmember Mati spoke on what City Emergency Services did during Super Storm Sandy and he praised Emergency Management Coordinator Michael Marsh, City Manager Duch, the Fire

Regular Meeting November 7, 2012, Continued

COUNCILMEMBER COMMENTS

Department and the Department of Public Works. He said that they did a good job and he is proud of them. He spoke on meetings with the Health Insurance Broker to rectify any issues. He said that he voted on ordinances this evening in the best interest of the citizens of Garfield and the City.

Mayor Delaney said that all City employees who responded during Super Storm Sandy did a great job. He spoke on yesterday's re-election of Barack Obama as President of the United States. He spoke on the high turnout of voters during November Elections and he advocated moving nonpartisan City Council elections from May to November.

ADJOURNMENT

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

On call of roll, Ayes 5

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Andrew J. Pavlica, CITY CLERK