

A Special Meeting of the City Council was held Tuesday, August 28, 2012 at 7:25 PM in the Conference Room 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

City Officials Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, Special Litigation/Labor Counsel John Lavin, Interim Chief Financial Officer Roy Riggitano and Police Chief Kevin Amos

### EMPLOYEE HEALTH BENEFITS COVERAGE

The City Council and Cabinet discussed Employee Health Benefits Coverage and the need to advertise for Request for Proposals.

### REPORTS OF OFFICERS

City Manager Thomas J. Duch reported on the following:

1. The proposed Coremark Redevelopment on the old Samuel Hird Woolen Mill Property bounded by Jewell Street, Outwater Lane, River Drive and Columbus Avenue, and the proposed 70 feet of green space off the corner of Columbus Avenue and River Drive including a proposed fountain at that location.
2. The follow up meeting with the EPA at the Garfield Board of Education Offices at 34 Outwater Lane concerning the schedule for the demolition of the EC Electroplating Building in connection with the chromium contamination investigation and clean up. A schedule of proposed informational meetings are being set up for September.

Interim Chief Financial Officer Roy Riggitano reported on the following:

1. The Best Practices Worksheet which must be filed with the State Division of Local Government Services by September 23, 2012.

Councilmember Louis G. Aloia reported on the following:

1. The proposed conveying of the City-owned "Railroad Property", that abuts the Garfield High School Stadium, to the Garfield School System.

### RESOLUTIONS

Resolution No. 12-275

A Resolution Authorizing the City of Garfield to Enter into an ADA Cooperative Curb Ramp Construction Grant Agreement with the County of Bergen

WHEREAS, the New Jersey Department of Transportation, the Federal Highway Administration, the Americans with Disabilities Act Accessibility Guidelines and Public Right-of-Way Accessibility Guidelines mandate that public sidewalks at intersections provide, at a minimum, depressed curb cuts, detectable warning surfaces and a landing area at crosswalk locations; and

WHEREAS, public sidewalks are a municipal responsibility; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) promotes the broad use of shared services to reduce local expenses funded by property taxpayers; and

WHEREAS, Bergen County seeks to assist municipalities with the obligation to comply with New Jersey Department of Transportation and Federal ADA regulations on County roadways by dedicating a portion of the County's New Jersey Department of Transportation, Bureau of Local Aid funds for the installation of ADA improvements; and

RESOLUTIONS

WHEREAS, the Borough will have an opportunity to enter into a construction contract with either the successful bidder of the County's ADA Cooperative Curb Ramp Construction bid or, the Borough could hire its own contractor, whichever is lower in cost; and

WHEREAS, the County will, upon proper verification and pre-construction authorization by the County Engineer, reimburse participating municipalities for construction costs at the prices set forth in the cooperative bid or the municipality's lower pricing provided that the municipality uses the County's bid specifications for purposes of comparison; and

WHEREAS, in order to avail itself of this program, the City of Garfield must enter into a ADA Cooperative Curb Ramp Construction Grant Agreement with the County of Bergen; and

WHEREAS, the Mayor and Council deem participation in this program to be in the best interest of the citizens of the City.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield that the Mayor and Clerk are hereby authorized to execute the ADA Cooperative Curb Ramp Construction Grant Agreement and the ADA Cooperative Engineering Design Grant Agreement as prepared by the County of Bergen.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the County of Bergen.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Glenn A. Mati

Resolution No. 12-276

2012 ENABLING RESOLUTION

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

WHEREAS, the City of Garfield desires to further the public interest by obtaining a matching grant of \$ 607,988.00 from the County Trust Fund to fund the following project: 20th Century Field Improvements and,

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

WHEREAS, as part of the application process, the governing body/board will hold/has held a public hearing on September 12, 2011 to receive comments prior to the submission of said application(s); and,

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

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

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

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of August 30, 2012, as established by the County; and,

2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the City of Garfield has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,

3. That the City of Garfield is committed to providing a dollar for dollar cash match for the project; and,

4. That the City of Garfield agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,

Special Meeting August 28, 2012, Continued

RESOLUTIONS

5. That this resolution rescinds Resolution 12-262 and shall take effect immediately.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Glenn A. Mati

Resolution No. 12-277

2012 ENABLING RESOLUTION

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

WHEREAS, the City of Garfield desires to further the public interest by obtaining a matching grant of \$ 600,000.00 from the County Trust Fund to fund the following project: River Drive & Historic Dundee Dam Pedestrian Way and Preserve; and,

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

WHEREAS, as part of the application process, the governing body/board will hold/has held a public hearing on September 12, 2011 to receive comments prior to the submission of said application(s); and,

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

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

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

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of August 30, 2012, as established by the County; and,

2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the City of Garfield has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,

3. That the City of Garfield is committed to providing a dollar for dollar cash match for the project; and,

4. That the City of Garfield agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,

5. That this resolution shall take effect immediately.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Glenn A. Mati

Resolution No. 12-278

A Resolution Authorizing Change Order No. 2 in Connection With The 2012 Joint Road Improvement Program, City of Garfield.

WHEREAS, the City of Garfield awarded a contract to Smith Soudy Asphalt Construction Co. in the original contract amount of \$1,039,480.00, and;

WHEREAS, Change Order No. 2 is necessary due to field conditions encountered.

NOW THEREFORE BE IT RESOLVED, Change Order No. 2 in the contract amount of \$12,175.00 is hereby approved.

RESOLUTIONS

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Glenn A. Mati

REPORTS OF OFFICERS

Councilmember Glenn A. Mati reported on the following:

1. The White Collar Union grievance concerning Police Dispatcher overtime.
2. The weeds and property maintenance issues concerning the park along the Passaic River.
3. Fire House No. One located at 97 Midland Avenue being certified as not being contaminated with chromium.

CLOSED SESSION

Resolution No. 12-279

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 8:10 P.M. Tuesday, August 28, 2012, to discuss the following as outlined in N.J.S.A. 10:4-12:

- \* Pending or anticipated litigation or contract negotiations or matters falling within attorney-client privilege; (White Collar Collective Bargaining Contract and grievances; State vs. Heine; English Paving vs. City and Mediation).
- \* Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation or the performance of, promotion or disciplinary action of personnel unless the individual in the right request a public meeting in writing; (terms and conditions or employment of Police Chief Kevin Amos).

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 5

(Sgd) Louis G. Aloia  
Tana M. Raymond

EXIT OF POLICE CHIEF AMOS AND HIS ATTORNEY

Immediately after the City Council voted to go into Closed Session, Police Chief Kevin Amos and his Attorney Patrick O'Dea left the Special Meeting. It was duly noted for the record.

EXIT OF INTERIM CHIEF FINANCIAL OFFICER RIGGITANO AND RETURN  
OF POLICE CHIEF AMOS AND HIS ATTORNEY

At 8:55 PM, Interim Chief Financial Officer Roy Riggiano left the meeting and Police Chief Kevin Amos and his Attorney Patrick O'Dea returned to the meeting. It was duly noted for the record.

Special Meeting August 28, 2012, Continued

EXIT OF POLICE CHIEF AMOS AND HIS ATTORNEY

At 10:40 PM, Police Chief Kevin Amos and his attorney Patrick O'Dea left the meeting during Closed Session and it was duly noted for the record.

ADJOURNMENT

After the City Council came out of Closed Session at 11:00 PM, there being no further business, Councilmember Raymond moved to adjourn the meeting. Councilmember Mati duly seconded the motion.

On call of roll, Ayes 5

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Andrew J. Pavlica, CITY CLERK