

A Regular Meeting of the City Council was held Tuesday, January 18, 2011 at 8:10 PM in the Conference Room in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

Mayor Frank J. Calandriello 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: Tana M. Raymond, Joseph Delaney, Louis G. Aloia, Stanley J. Moskal and Frank J. Calandriello

Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Joseph J. Rotolo and City Engineer Kevin J. Boswell

REPORTS OF OFFICERS

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

On call of roll, Ayes 5

SPECIAL PRESENTATION BY THE SPORTS AUTHORITY IN MEMORY OF TOMMY ADAMS

City Manager Duch spoke on the life-saving cardiac defibrillator equipment being donated by the Sports Authority in memory of 16 year old Garfield High School Student Tommy Adams who passed away practicing baseball in Paterson, New Jersey on Friday, December 3, 2010.

City Manager Duch publicly recognized members of the Adams family who were in the audience, as well as representatives of the Garfield YMCA, Garfield Library, Garfield Little League, Garfield Babe Ruth League, Garfield Junior Boilermakers and Garfield Boys and Girls Club.

He introduced Marguerite White, the Community Marketing Manager of the Sports Authority, who spoke on the Automated External Defibrillation Device "In Service" Training Clinics to be held Tuesday, January 25, 2010 at 7:00 PM and Wednesday January 26, 2010 at 9:30 AM at the Sports Authority Store (near the Paramus Park Mall) located at 50 A&S Drive, Paramus, New Jersey.

City Manager Duch publicly recognized City Public Health Nurse Darleen Revielle, Recreation Director Tony Furfaro and City Clerk Drew Pavlica for all they did to arrange these programs.

Each Councilmember commented on the donations made by the Sports Authority in honor of Tommy Adams.

SHORT RECESS AND RETURN TO ORDER

At 8:20 PM, Councilmember Aloia moved to take a short recess. Councilmember Moskal duly seconded the motion.

On call of roll, Ayes 5

At 8:35 PM, Mayor Calandriello asked City Clerk Pavlica to call roll, which resulted in Ayes 5, and a quorum was declared present once again.

RESOLUTIONS

Resolution No. 11-24

WHEREAS, the citizens of the City of Garfield stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, the City of Garfield has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is the key to the community's well being and long-term quality of life; and

RESOLUTIONS

WHEREAS, NEA's Read Across America, a national celebration of reading, will be conducted on March 2, 2011, which would have been the 107th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, Read Across America-NJ is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students:

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield, Bergen County, New Jersey, calls on the citizens of the City of Garfield to assure that every child is in a safe place reading together with a caring adult on March 2, 2011;

AND BE IT FURTHER RESOLVED that this body enthusiastically endorses NEA's Read Across America and Read Across America-NJ, and recommits our community to engage in programs and activities to make America's children the best readers in the world.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 11-25

WHEREAS, the Saint Ciro Society of Garfield will be holding their Annual Dinner-Dance on Saturday, January 29, 2011 at the Venetian Restaurant located at 546 River Drive in Garfield, and

WHEREAS, the Saint Ciro Society has proven to be a worthwhile proponent of Italian Culture and devotion to Saint Ciro, and

WHEREAS, Most Reverend Arthur J. Serratelli, Bishop of the Roman Catholic Diocese of Paterson, New Jersey, will be honored as "Man of the Year" at this Annual Dinner-Dance,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Most Reverend Arthur J. Serratelli, Bishop of the Diocese of Paterson, New Jersey, is hereby CONGRATULATED for being honored as "Man of the Year", and

BE IT FURTHER RESOLVED that the Saint Ciro Society is also hereby publicly recognized and praised for its outstanding dedication to God and community.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 11-26

WHEREAS, the Polish University Club of New Jersey is a non-profit organization founded in 1928 for the purpose of furthering American and Polish ideals of education, charity and cultural heritage, and

WHEREAS, since 1941, the Polish University Club of New Jersey has awarded over 469 scholarship, exceeding a total of \$554,000.00 to countless students, and

WHEREAS, Garfield Deputy Mayor Stanley J. Moskal will be honored as Outstanding Citizen of the Year at the 82nd Scholarship Ball of the Polish University Club scheduled to be held Saturday, January 29, 2011 at the Royal Manor Restaurant located at 454 Midland Avenue in Garfield, and

WHEREAS, all the proceeds from the Ball benefit the scholarship fund,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Garfield Deputy Mayor Stanley J. Moskal is hereby CONGRATULATED on his much deserved honor of being recognized as Outstanding Citizen of the Year by the Polish University Club of New Jersey.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

RESOLUTIONS

Resolution No. 11-27

RESOLVED by the City Council of the City of Garfield that Andrew J. Pavlica, City Clerk, is hereby authorized to issue the following licenses for Games of Skill for the year 2011 described in application, duly filed:

BJ Polonia 126 Ray Street Garfield, NJ 07026	1 Pool Table	\$	75.00
			<hr/>
		\$	75.00

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 11-28

WHEREAS, Edward Dolack, residing at 113 Lincoln Avenue, Elmwood Park, NJ 07407 has requested to be appointed as a Constable, and a Class Two Officer and he has met the requirements of C. 200, laws of 1971 (NJSA 40A:9-120 et. Seq.) and he has been recommended for appointment by City Manager Thomas Duch,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Edward Dolack, residing at 113 Lincoln Avenue, Elmwood Park, NJ 07407 is hereby appointed a Constable and a Class Two Officer for the year 2011.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 11-29

WHEREAS, Robert Scarpa, residing at 7 Asa Street, Montville, New Jersey 07045 has requested to be appointed as a Constable, and a Class Two Officer and he has met the requirements of C. 200, laws of 1971 (NJSA 40A:9-120 et. Seq.) and he has been recommended for appointment by City Manager Thomas Duch,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Robert Scarpa, residing at 7 Asa Street, Montville, New Jersey 07045 is hereby appointed a Constable and a Class Two Officer for the year 2011.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 11-30

WHEREAS, Gordon Scott Reid, residing at 225 Midland Avenue, Apartment 9C, has requested to be appointed as a constable, and he has met the requirements of C. 200, laws of 1971 (NJSA 40A:9-120 et. seq.) and he has been recommended for appointment by City Manager Thomas Duch,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Gordon Scott Reid, residing at 225 Midland Avenue Apartment 9C, Garfield, NJ is hereby appointed a constable for the year 2011.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 11-31

WHEREAS, pursuant to a previously adopted resolution, the Governing Body determined that it would be in the best interests of the City of make certain professional appointments pursuant to a "Fair and Open Process" pursuant to the provisions of the New Jersey Local Unit Pay to Play Law which became effective on January 1, 2006; and

WHEREAS, pursuant to the aforesaid Resolution, a legal notice and statement of criteria for submission of qualifications were prepared by the City Attorney which solicited submissions by the various professionals no later than Friday, January 14th, 2011; and

WHEREAS, pursuant to the aforesaid notice, statements of professional qualifications were, in fact, submitted; and

RESOLUTIONS

WHEREAS, contracts with these professionals may be entered into by the City of Garfield without the necessity of competitive bidding since these contracts are professional services which are exempt from competitive bidding pursuant to N.J.S.A. 40A-11-5(1)a; and
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. Kevin Boswell of Boswell McClave Engineering is hereby appointed as city Engineer for the City of Garfield with compensation to be determined pursuant to the applicable salary Ordinance. This appointment shall include appointment to serve as the Engineer for the Garfield Planning Board.
2. Dieter Lerch of the firm of Lerch, Vinci and Higgins, LLP is hereby appointed as City Auditor for the City of Garfield with compensation to be determined pursuant to the applicable salary Ordinance or pursuant to separate Resolution.
3. Steven L. Rogut, Esq. of the firm of Rogut McCarthy Troy, LLC is hereby appointed as Bond Counsel for the City of Garfield with compensation to be determined pursuant to the various Bond Ordinances established by the City Council.
4. Frank Covelli of Professional Insurance Associate, Inc. be and is hereby appointed Risk Management Consultant for the City of Garfield to perform various professional services as detailed in a Risk Management Consultant Agreement which indicates a minimum fee equal to six percent (6%) of the municipal assessment.
5. Robert McNerney of McNerney Appraisal Services Corp. is hereby appointed City Tax Appraiser for the City of Garfield in connection with defending tax appeals for a monthly retainer of \$2,900.00 per month.
6. Edward Arcari of the firm of Arcari Iovino Architects, PC is hereby appointed as Architect for the City of Garfield for a fee to be determined based upon each individual project awarded.
7. Joseph Giammanco is hereby appointed Municipal Prosecutor with compensation to be determined pursuant to the applicable salary Ordinance.
8. Capital Alternatives Corporation is hereby appointed as Grants Consultant for the City of Garfield with compensation to be determined in accordance with a separate Resolution and contract.

NOW, THEREFORE, BE IT RESOLVED that no appointments are being made for the positions of City Attorney and Litigation Attorney. Furthermore, these positions are on a salary basis only and, therefore, are exempt from Pay to Play regulations. A review of prior Resolutions and action of the Governing Body has revealed that contracts for those positions are currently in effect which extend through the current Council term.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that each of the appointments set forth herein shall be for a period of one (1) year commencing on January 1, 2011 and each appointment is subject to confirmation by the Chief Financial Officer that sufficient funds exist for these purposes.

WHEREAS, to the extent that the power of appointment rests with the City Manager, these appointments are intended to confirm said appointments made by the Office of the City Manager.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the within appointments have been made pursuant to a "Fair and Open Process"; and

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 Offices of the City Manager, City Attorney, Chief Financial Officer for the City of Garfield and each of the professions appointed pursuant to this Resolution.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

RESOLUTIONS

Resolution No. 11-32

WHEREAS, the City of Garfield is a member of the Suburban Essex Joint Insurance Fund; and
WHEREAS, as a member in this fund, the City of Garfield must appoint a Fund Commissioner and an Alternate to represent the City on all matters before the Fund; and
NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Garfield, County of Bergen and State of New Jersey that City Manager Thomas J. Duch is hereby appointed as J.I.F. Fund Commissioner and Andrew J. Pavlica , City Clerk be and is hereby appointed as Alternate J.I.F. Fund Commissioner for the City of Garfield of the Suburban Essex Joint Insurance Fund for the year 2011.

BE IT FURTHER RESOLVED, that the City Clerk be and he is hereby authorized and directed to forward a copy of this approved Resolution to the Suburban Essex Joint Insurance Fund, Risk Management Consultant and to the Office of the City Manager.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 11-33

WHEREAS, Resolution No. 10-19 was adopted granting a towing license to Belfi's Auto and Truck Repair, Inc. of 208 Palisade Avenue, Garfield, NJ, pursuant to Chapter 229 of the Code of the City of Garfield, and

WHEREAS, the latest one year term of the license has expired, and

WHEREAS, Belfi's Auto and Truck Repair, Inc. has filed for a license renewal and the City Council having determined the public convenience and necessity, allows and requires such license and that the applicant is fit and has the necessary equipment, including a storage area pursuant to Chapter 229, and

WHEREAS, a \$500.00 license fee has been received by the City Clerk in connection with this application pursuant to City Ordinance No. 2008,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is authorized to notify Belfi's Auto and Truck Repair, Inc. of 208 Palisade Avenue, Garfield, New Jersey that it has received a 2011 Towing License pursuant to the City Code, and

FURTHER RESOLVED that Belfi's Auto and Truck Repair, Inc. shall comply with all the pre-conditions and requirements of the towing license.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 11-34

WHEREAS, Resolution No. 10-20 was adopted granting a towing license to Bob's Automotive of 619 Midland Avenue, Garfield, NJ, pursuant to Chapter 229 of the Code of the City of Garfield, and

WHEREAS, the latest one year term of the license has expired, and

WHEREAS, Bob's Automotive has filed for a license renewal and the City Council having determined the public convenience and necessity, allows and requires such license and that the applicant is fit and has the necessary equipment, including a storage area pursuant to Chapter 229, and

WHEREAS, a \$500.00 license fee has been received by the City Clerk in connection with this application pursuant to City Ordinance No. 2008,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is authorized to notify Bob's Automotive of 619 Midland Avenue, Garfield, New Jersey that it has received a 2011 Towing License pursuant to the City Code, and

FURTHER RESOLVED that Bob's Automotive shall comply with all the pre-conditions and requirements of the towing license.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

RESOLUTIONS

Resolution No. 11-35

WHEREAS, Resolution No. 10-21 was adopted granting a towing license to Dabal's Service Station of 181 Prospect Street, Garfield, NJ, pursuant to Chapter 229 of the Code of the City of Garfield, and

WHEREAS, the latest one year term of the license has expired, and

WHEREAS, Dabal's Service Station has filed for a license renewal and the City Council having determined the public convenience and necessity, allows and requires such license and that the applicant is fit and has the necessary equipment, including a storage area pursuant to Chapter 229, and

WHEREAS, a \$500.00 license fee has been received by the City Clerk in connection with this application pursuant to City Ordinance No. 2008,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is authorized to notify Dabal's Service Station of 181 Prospect Street, Garfield, New Jersey that it has received a 2011 Towing License pursuant to the City Code, and

FURTHER RESOLVED that Dabal's Service Station shall comply with all the pre-conditions and requirements of the towing license.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 11-36

WHEREAS, Resolution No. 10-22 was adopted granting a towing license to David's Auto Body of 70 Lincoln Place, Garfield, NJ, pursuant to Chapter 229 of the Code of the City of Garfield, and

WHEREAS, the latest one year term of the license has expired, and

WHEREAS, David's Auto Body has filed for a license renewal and the City Council having determined the public convenience and necessity, allows and requires such license and that the applicant is fit and has the necessary equipment, including a storage area pursuant to Chapter 229, and

WHEREAS, a \$500.00 license fee has been received by the City Clerk in connection with this application pursuant to City Ordinance No. 2008,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is authorized to notify David's Auto Body of 70 Lincoln Place, Garfield, New Jersey that it has received a 2011 Towing License pursuant to the City Code, and

FURTHER RESOLVED that David's Auto Body shall comply with all the pre-conditions and requirements of the towing license.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 11-37

RESOLUTION SUPPORTING A REPEAL OF SICK LEAVE INJURY

WHEREAS, a recent study by the Municipal Excess Liability Joint Insurance Fund concluded that the cost of employee accident claims against New Jersey municipalities increased 7.7% per year since 2005 and is now \$2520 per full time employee.

WHEREAS, under 18A:30-2.1 and 11A:6-8 Municipalities and Boards of Education are permitted to adopt Sick Leave Injury (SLI) programs that extended for a period up to one year full pay for workers injured in the course of their employment.

WHEREAS, recently a similar provision for State workers was repealed.

WHEREAS, the supposed purpose of this supplement is to make up the difference between the weekly benefit under workers' compensation and the employee's regular earnings.

Whereas, Because workers' compensation is not taxed, employees out on workers' compensation and SLI have higher after tax incomes while off the job.

WHEREAS, SLI provides an incentive for employees to resist coming back to work.

WHEREAS, SLI programs are not commonly offered in the private sector and to governmental employees in other states.

RESOLUTIONS

WHEREAS, SLI costs New Jersey Municipalities approximately \$500 per full time employee per year

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GARFIELD, BERGEN COUNTY, NJ THAT: the legislature is urged to amend 18A:30-2.1 and 11A:6-8 to eliminate SLI programs at all levels of government so that all New Jersey governmental employees are treated in a similar fashion.

A copy of this resolution shall be sent to the legislative delegation of the 36TH district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 11-38

RESOLUTION SUPPORTING S-2404 CAPPING ATTORNEY FEES IN LITIGATION AGAINST PUBLIC ENTITIES

WHEREAS, Public Officials and Employment practices claims against municipalities have increased dramatically over the past few years.

WHEREAS, according to a ten year closed claim study recently completed by the Municipal Excess Liability Joint Insurance Fund, the cost of employment practices liability per employee was \$26 in the year 2000 and increased to \$125 per employee for most of the decade.

WHEREAS, according to the same study, it increased 175% to \$354 per employee in just the past two years.

WHEREAS, 65% of these claims are for police and the 2011 projected cost of these claims is \$740 per officer.

WHEREAS, legal fees historically represent over 70% of the cost

WHEREAS, provisions in various laws such as LAD and CEPA providing for fee shifting have encouraged attorneys to make unreasonable demands in otherwise minor cases.

WHEREAS, John Farmer, Dean of the Rutgers Law School and former NJ Attorney General stated: "Even cases with marginal relevance are now being presented by plaintiffs' counsel as having substantial settlement value."

WHEREAS, in a recent case, a NJ court awarded the plaintiff's attorney a fee of \$450,000 even though the jury awarded his client only \$20,000.

WHEREAS, the explosion of employment practices cases will continue until reasonable caps are placed on legal fee applications:

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GARFIELD, BERGEN COUNTY, NJ THAT: the legislature is urged to adopt S-2404 placing a cap on attorney fee awards in fee shifting cases against public entities as follows:

For awards (compensatory and punitive damages combined) of \$50,000 or less, the maximum fee award should be \$50,000, though a lower fee should be awarded if warranted based on considerations of reasonableness

For awards over \$50,000, the fee award should not exceed the verdict, though a lower fee should be awarded if warranted based on considerations of reasonableness

copy of this resolution shall be sent to the legislative delegation of the 36TH district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 11-39

RESOLUTION SUPPORTING A3431 TO AMEND TITLE 59 BY GRANTING IMMUNITY TO PUBLIC ENTITIES FOR SIDEWALK INJURIES WHERE THE HOMEOWNER IS RESPONSIBLE FOR SIDEWALK MAINTANCE BY ORDINANCE

WHEREAS, injuries that occur on sidewalks that abut commercial property are the responsibility of the commercial property owner,

RESOLUTIONS

WHEREAS, in *Lodato v. Evesham*, the courts ruled that injuries that occur on sidewalks that abut residential property are not the responsibility of the homeowner even when the homeowner is responsible for the maintenance and repair of the sidewalk by municipal ordinance

WHEREAS, in the same case, the courts ruled that the town, not the homeowner was liable for accidents on defective sidewalks notwithstanding the ordinance.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GARFIELD, BERGEN COUNTY, NJ THAT: the legislature is urged to adopt A3431 amending Title 59 so that a public entity is not responsible for sidewalk injuries where the homeowner is responsible for sidewalk maintenance by ordinance.

A copy of this resolution shall be sent to the legislative delegation of the 36TH district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 11-40

RESOLUTION SUPPORTING A-3430 TO AMEND TITLE 59 BY STRENGTHENING WEATHER IMMUNITY

WHEREAS, under the provisions of Title 59 public entities are immune from injury "caused solely by weather" on streets and sidewalks.

WHEREAS, despite this language, in many cases municipalities and other public entities still have been forced to pay large amounts of money in damages when judges ruled that because other factor contributed to the accident, the immunity didn't apply because the accident was not "solely" caused by weather.

WHEREAS, municipalities and other public entities have also been forced to pay large amounts of money in damages for accidents occurring on other public property that were substantially caused by weather

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GARFIELD, BERGEN COUNTY, NJ THAT, the legislature is urged to adopt A-3430 amending Title 59 as follows:

1. Changing the word "solely" to "primarily, and
2. Extending this provision to all public property including storm water and waste systems, dams, rivers and streams.

A copy of this resolution shall be sent to the legislative delegation of the 36TH district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 11-41

RESOLUTION SUPPORTING S-2333 AND A-3432 TO AMEND TITLE 59 TO PROVIDE IMMUNITIES FOR BEACHES, BOARDWALKS AND SIMILAR PROPERTY

WHEREAS, under the provisions of Title public entities are immune from injury "caused by a condition of any unimproved public property, including but not limited to any natural condition of any beach.

WHEREAS, despite this language, in many cases municipalities still have been forced to pay large amounts of money in damages for claims by swimmers injured in the ocean.

WHEREAS, S-2333 would provide that public entities are immune for these accidents regardless of the circumstances under which they occur.

WHEREAS, Public entities have also incurred large costs in defending lawsuits by persons injured while walking on municipal boardwalks.

WHEREAS, S-2333 provides that a public entity would be immune from such a suit if it can demonstrate that it was operating under an ongoing maintenance plan calling for periodically reviewing and repairing the boardwalk.

RESOLUTIONS

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GARFIELD, BERGEN COUNTY, NJ THAT: the legislature is urged to amend S-2333 and A-3432 to include piers, wharves, docks and similar public properties and adopt the amended bill.

A copy of this resolution shall be sent to the legislative delegation of the 36TH district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 11-42

Resolution Calling On the Governor to sign S-1

WHEREAS, in 1975 the New Jersey Supreme Court determined that municipalities may not validly employ their zoning powers to prevent the creation of a variety and choice of housing opportunities.

WHEREAS, in response to the Supreme Court decision, the Legislature established the "Fair Housing Act," P.L.1985, c.222, which empowered the Council on Affordable Housing (COAH) to assign municipalities affordable housing obligations.

WHEREAS, COAH has resulted in a complex system of administration that micromanages all types of development, including market rate- and low- and moderate-income residential development, as well as commercial, retail, and industrial growth through a determination of each region and municipality's housing needs based on difficult to predict and fallible population and job growth projections.

WHEREAS, COAH puts an unnecessary burden on our Township by micro-managing our zoning laws and forcing development contrary to the health and safety of our residents.

WHEREAS, municipalities must have clear and realistic standards to guide municipal action to ensure that New Jersey is an affordable, appealing home for all the State's residents.

WHEREAS, S1 eliminates COAH and replaces it with a constitutional, predictable and easy to administer system with minimal State involvement that sets realistic standards and empowers municipalities to decide how these standards should be satisfied.

WHEREAS, S-1 was recently passed by both Houses of the Legislature and is awaiting action by the Governor.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield hereby urge the swift signing of S-1;

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

DISTRIBUTION LIST

1. The Hon. Chris Christie,
Governor, State of New Jersey
PO Box 001
Trenton, NJ 08625
Phone (609) 292-6000
Fax (609) 292-3454
2. The Hon. Stephen Sweeney,
Senate President,
Senator, District 3
NJ Senate Democratic Office
State House PO Box 099
Trenton, NJ 08625
Phone (609) 292-5215
SenSweeney@njleg.org

RESOLUTIONS

3. The Hon. Sheila Oliver,
Speaker, NJ General Assembly
Assemblywoman, District 34
NJ General Assembly Democratic Office
PO Box 098
Trenton, NJ 08625
Phone (609) 292-7065
Fax (609) 292-2386
AswOliver@njleg.org
4. NJ League of Municipalities
222 West State Street
Trenton, NJ 08608
Phone (609) 695-3481
Fax (609) 695-0151
NJLeague@njslom.com
5. Senator Paul A. Sarlo
207 Hackensack Street, 2nd Floor
Wood-Ridge, NJ 07075
Assemblyman Frederick Scalera
800 Bloomfield Avenue
Lower Level
Nutley, NJ 07110
6. Assemblyman Gary S. Schaer
1 Howe Avenue, Ste. 302
Passaic, NJ 07055

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 11-43

WHEREAS, there are funds available through the FY2010 United States Department of Homeland Security – Federal Emergency Management Agency (FEMA) Fire Prevention and Safety Grants Program for general fire safety awareness and education; and

WHEREAS, the Mayor and Council of the City of Garfield wish to promote the reduction of injuries due to fire and other related safety hazards through education programs that will be designed principally for pre-school and elementary school children; and

WHEREAS, the Mayor and Council of the City of Garfield are in support of the FY2010 United States Department of Homeland Security FEMA Fire Prevention and Safety Grants Program and wish to file an application not to exceed \$60,000 in grant funding for general fire safety awareness and education programs for pre-school and elementary school children; and

WHEREAS, the City of Garfield meets the eligibility requirements for a FY2010 United States Department of Homeland Security FEMA Fire Prevention and Safety Grant, which also requires a 10% local cash match of up to \$6,000, for a total project cost not to exceed \$66,000; and

WHEREAS, an application for such funds may not be filed nor funds spent in a municipality without authorization by the Governing Body; and

WHEREAS, the Mayor and Council of the City of Garfield endorse and support this application because of its savings and benefits for our residents, and it is in the best interests of the City of Garfield.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GARFIELD THAT:

1. The Mayor and Council of the City of Garfield hereby endorse, support and authorize the filing of a FY2010 United States Department of Homeland Security FEMA Fire Prevention and Safety Grant.

RESOLUTIONS

- 2. Upon receipt of the Grant Agreement from the United States Department of Homeland Security FEMA Fire Prevention and Safety Grants Program, the signature of the City Manager and any other municipal official, or their successors in said titles, which is required on the agreement and any other documents necessary in connection therewith, is hereby approved.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 11-44

RESOLUTION - AUTHORIZING SETTLEMENT OF TAX APPEAL

WHEREAS, Real Property Tax Appeals have been filed as follows:

Property Owner: Samio Vento
 Address: 786 River Drive
 Lot: 1
 Block: 199
 Docket Nos: 010789-2008
 0115595-2009
 019360-2010

and

WHEREAS, these Tax Appeals have been reviewed with the Tax Assessor, City Attorney and Appraisal Expert who have concurred that a fair settlement, as detailed on the attached Stipulation of Settlement, has been reached; and

WHEREAS, the proposed settlement reflects consideration of all factors, including, without being limited to, the cost and expense of defending these appeals and securing Appraisal Reports; and 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 settlement of the Real Property Tax Appeals described in the preamble of this resolution is hereby authorized.
- 2. The terms of the settlement are as set forth on the attached Stipulation of Settlement which is specifically incorporated herein. .
- 3. The City Attorney is authorized to execute the attached Stipulation of Settlement on behalf of the City of Garfield.
- 4. Any refunds due and owing as a result of the settlement of the Tax Appeal shall be forwarded to Counsel for the Plaintiff and made payable to the attorney trust account of the Plaintiff's 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 the City Attorney, the Tax Assessor of the City of Garfield and Robert McNerney of McNerney & Associates.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 11-45

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
10	3	Jack V. Di Lisi, Esq. Attorney For Rana Enterprises	TCJ	\$11,841.54

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

RESOLUTIONS

Resolution No. 11-46

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
10	3	Jack V. Di Lisi, Esq. Attorney For Rana Enterprises	TCJ	\$12,618.00

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

Resolution No. 11-47

WHEREAS, Robert Cochran, residing at 72 Manner Avenue, has requested to be appointed as a constable, and he has met the requirements of C. 200, laws of 1971 (NJSA 40A:9-120 et. seq.) and he has been recommended for appointment by City Manager Thomas Duch,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Robert Cochran, residing at 72 Manner Avenue, Garfield, NJ is hereby appointed a constable for the year 2011.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Joseph Delaney

BILLS AND CLAIMS

Resolution No. 11-48

RESOLVED by the City Council of the City of Garfield that the following bills No. 1441 covering Trust Other Account totaling \$268.00 and Current Fund Reserve totaling \$161,538.25 and in the Current Fund totaling \$103,648.50 and Water Fund Reserve totaling \$4,284.81 and Water Fund totaling \$1,581.17 and Water Capital Fund totaling \$16,600.00 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 nine (9) items prior to the meeting be ratified.

See

the

following

Pages Numbered _____

For

Bills

and

Claims

CITIZENS AND TAXPAYERS

Ms. Jessica Newby, 211 Mac Arthur Avenue, spoke on an alleged crime wave, on a break-in, and on a suspect of that break-in. She asked if a snow plow can clear the street on alternate side of the street parking days.

COUNCILMEMBER COMMENTS

Councilmember Raymond praised the Department of Public Works and Superintendent of Public Works Sam Garofalo on the wonderful job cleaning the snow from the City streets. She said that Superintendent Garofalo puts a wonderful plan into action and it is really working. She spoke on people reserving parking spaces with garbage cans, chairs and other items. She thanked her next door neighbor Jim Miller, for clearing her snow. She said that everyone's hearts go out to the Adams Family.

Councilmember Delaney publicly recognized and thanked Garfield High School girls who came to tonight's meeting in memory of Tommy Adams.

Councilmember Aloia said that it is tough on DPW Superintendent Garofalo and his men to deal with a lot of snow, but the DPW did a really great job, and the streets were outstanding, except those people throwing snow back into the street. He spoke on the memory of Tommy Adams.

Deputy Mayor Moskal extended kudos to the DPW. He said that when he travels to work, he is not concerned with the plowed streets in Garfield, he is concerned with the other towns. He said that the DPW did an outstanding job. He said that it was a nice program to remember Tommy Adams and with two days of AED training, Garfield will become a safer City.

Mayor Calandriello said that now is the time for crunching the numbers for the City Budget and he is hoping this year will be a little better than last year. He said that he hopes to receive preliminary Budget numbers in the next thirty days. He congratulated New York Jet fans on their 28-21 NFL playoff victory over the New England Patriots and he called it the best Jets game he ever saw. He said that he hopes that game inspires them to reach and take the Super Bowl.

ADJOURNMENT

At 8:55 PM, there being no further business, Councilmember Moskal moved to adjourn the meeting. Councilmember Delaney duly seconded the motion.

On call of roll, Ayes 5

