

A Regular Meeting of the City Council was held Tuesday, October 4, 2011 at 8:30 PM in the Council Chamber 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 and Frank J. Calandriello
Councilmembers Absent: Louis G. Aloia and Stanley J. Moskal
Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, Labor Counsel Joseph Randazzo, City Engineer Kevin J. Boswell, Interim Chief Financial Officer Roy Riggitano, Superintendent of Public Works Sam Garofalo, Police Chief Kevin Amos and Fire Official Gerald Walis

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 and during this Regular Meeting. Councilmember Delaney duly seconded the motion.

On call of roll, Ayes 3, Absent 2-
Councilmembers Aloia and Moskal

RESOLUTIONS

Resolution No. 11-315

WHEREAS, Fire Company No. 2 has advised that they have accepted the resignation of Milena Patusco of 44 Spencer Place of Garfield, New Jersey 07026, as an active member, effective August 1, 2011,

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, Absent 2 -
Councilmembers Aloia and Moskal

(Sgd) Joseph Delaney
Tana M. Raymond

Resolution No. 11-316

WHEREAS, Fire Company No. 2 has advised that they have expelled Bizmar Ramirez of 396 River Drive, as an active member effective September 6, 2011,

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 accepted.

On call of roll, Ayes 3, Absent 2 -
Councilmembers Aloia and Moskal

(Sgd) Joseph Delaney
Tana M. Raymond

Resolution No. 11-317

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Public Service Electric and Gas Company is hereby authorized and requested to install a "Yellow" High Pressure Sodium Lamp on Pole Number E62329G located across from 45 Highland Avenue,

BE IT FURTHER RESOLVED that City Clerk Andrew J. Pavlica is hereby authorized and directed to forward a certified and exact copy of this approved resolution to P.S.E. & G. Co. at the following address.

Mr. Tom Zotollo
P.S.E. & G. Company
325 County Avenue
Secaucus, New Jersey 07094

RESOLUTIONS

On call of roll, Ayes 3, Absent 2 -
Councilmembers Aloia and Moskal

(Sgd) Joseph Delaney
Tana M. Raymond

Resolution No. 11-318

WHEREAS, a Bergen County Community Development grant of \$169,000.00 has been proposed by the Young Men’s Christian Association of Garfield, for pervious concrete for the parking lot located at 33 Outwater Lane, in the City of Garfield, and
WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and
WHEREAS, the aforesaid project is in the best interest of the people of the City of Garfield and the surrounding municipalities, and
WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield does hereby confirm endorsement of the aforesaid project, and
BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

On call of roll, Ayes 3, Absent 2 -
Councilmembers Aloia and Moskal

(Sgd) Joseph Delaney
Tana M. Raymond

Resolution No. 11-319

WHEREAS, a Bergen County Community Development grant of \$17,400.00 has been proposed by the Young Men’s Christian Association of Garfield, in compliance with the Americans With Disabilities Act for handicap lifts for swimming pools at their facilities, in the City of Garfield, and
WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and
WHEREAS, the aforesaid project is in the best interest of the people of the City of Garfield and the surrounding municipalities, and
WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield does hereby confirm endorsement of the aforesaid project, and
BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

On call of roll, Ayes 3, Absent 2 -
Councilmembers Aloia and Moskal

(Sgd) Joseph Delaney
Tana M. Raymond

Resolution No. 11-320

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to overpaid taxes 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 over payment 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
14.01	40	Community Bank of Bergen County	O/P	\$815.15
89	22	Community Bank of Bergen County	O/P	\$349.09
132	3	Janusz Styga	O/P	\$271.20

On call of roll, Ayes 3, Absent 2 -
Councilmembers Aloia and Moskal

(Sgd) Joseph Delaney
Tana M. Raymond

RESOLUTIONS

Resolution No. 11-321

See

the

following

Pages No. _____

for

Capital

Budget

Amendment

BILLS AND CLAIMS

Resolution No. 11-322

RESOLVED by the City Council of the City of Garfield that the following bills No. 1474 to 1479 covering Police ICE Trust Account, POAA Account and Trust Other Account totaling \$13,536.83 and in the Building Dedicated Trust, Community Policing Trust, Police ICE Trust and Dog Trust totaling \$28,362.30 and in the Current Fund Current totaling \$3,979,089.33 and Water Fund Current totaling \$148,724.32 and General Capital Fund totaling \$185,243.17 and Water Capital Fund totaling \$22,878.25 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 sixteen (16) items prior to the meeting, be ratified.

See

the

following

Pages Numbered _____

For

Bills

and

Claims

ORDINANCES

Ordinance No. 2619

The following entitled ordinance was introduced at a Regular Meeting held August 8, 2011; 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 CHAPTER 119 OF THE CODE OF THE CITY OF GARFIELD ENTITLED "CURFEW" AND, SPECIFICALLY TO AMEND SECTION 119-4 ENTITLED "CURFEW HOURS FOR JUVENILES ESTABLISHED"

City Clerk Pavlica read the ordinance by title.

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

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

On call of roll, Ayes 3, Absent 2 -
Councilmember Aloia and Moskal

Ordinance No.

The following entitled ordinance was introduced at a Regular Meeting held September 20, 2011; 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:

TO AMEND SECTION 48-1 OF THE CODE OF THE CITY OF GARFIELD ENTITLED "DEPARTMENT ESTABLISHED; PERSONNEL" AND, AMENDING THE TABLE OF ORGANIZATION FOR THE POLICE DEPARTMENT

City Clerk Pavlica read the ordinance by title.

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

There being none, Mayor Calandriello declared the public hearing closed.

Councilmember Raymond moved to lay said ordinance on the table until the Regular Meeting to be held October 18, 2011. Councilmember Delaney duly seconded the motion.

On call of roll, Ayes 3, Absent 2 -
Councilmembers Aloia and Moskal

Ordinance No.

The following entitled ordinance was introduced at a Regular Meeting held September 12, 2011; it was duly published; a copy was posted on the bulletin board in City Hall; copies were made available to the general public and having complied with the law, this ordinance was not read in full and the City Council can now proceed with the public hearing and final passage:

BOND ORDINANCE TO AUTHORIZE THE 2011 ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$550,000.00 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

ORDINANCES

City Clerk Pavlica read the ordinance by title.

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

Mr. Jose Rodriguez, 383 Outwater Lane, would like Eberhard Place to be added to the list of streets to be repaired and paved.

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

Councilmember Raymond moved to lay said ordinance on the table until the Regular Meeting to be held October 18, 2011. Councilmember Delaney duly seconded the motion.

On call of roll, Ayes 3, Absent 2 –
Councilmembers Aloia and Moskal

Councilmember Delaney introduced in writing the following ordinance entitled:

BOND ORDINANCE TO AUTHORIZE THE INSTALLATION OF A NEW SALT SHED AT THE DPW YARD AND THE RECONSTRUCTION OF 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 \$100,000.00 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 Delaney moved that this ordinance entitled: “BOND ORDINANCE TO AUTHORIZE THE INSTALLATION OF A NEW SALT SHED AT THE DPW YARD AND THE RECONSTRUCTION OF 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 \$100,000.00 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 October 18, 2011 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 3, Absent 2 – Councilmembers Aloia and Moskal.

CITIZENS AND TAXPAYERS

Mr. Jose Rodriguez, 383 Outwater Lane, complained about sanitary sewer backups in the public right of way in the area of his home which spills onto the public sidewalk.

Ms. Delma French, 39 Garwood Court South, complained about her sidewalk bucking up and questioned why she is responsible for the repair of sidewalks in front of her house when the tree was planted by the City.

Mr. Mark C. Reeds, 35 Garwood Court South, thanked City Engineer Boswell and Superintendent of Public Works Garofalo for responding so quickly to televise and examine the sewer line in the Garwood Court area.

CITIZENS AND TAXPAYERS

Ms. Lori Molner, 23 Garwood Court, claimed it is the 3rd time in seven years that the sewer line in the Garwood Court area has backed up.

Ms. Christine Korzak, 185 Chestnut Street spoke on storm water that flooded her basement allegedly from her neighbor's property.

CLOSED SESSION

Resolution No. 11-323

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 9:50 P.M. Tuesday, October 4, 2011, to discuss the following as outlined in N.J.S.A. 10:4-12:

- * Matters involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds: (proposed settlement of Passaic Street Realty Associates, Et. Al. vs. City condemnation case involving property on River Drive).

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 3, Absent 2 -
Councilmembers Aloia and Moskal

(Sgd) Joseph Delaney
Tana M. Raymond

EXIT OF VARIOUS CITY OFFICIALS

Immediately after the City Council voted to go into Closed Session, Superintendent of Public Works Sam Garofalo, Police Chief Kevin Amos and Fire Official Gerald Walis left the meeting and it was duly noted for the record.

ADJOURNMENT

After the City Council came out of Closed Session at 11:05 PM, there being no further business, Councilmember Delaney moved to adjourn the meeting. Councilmember Raymond duly seconded the motion.

On call of roll, Ayes 3, Absent 2 -
Councilmembers Aloia and Moskal

Andrew J. Pavlica, CITY CLERK

