

A Regular Meeting of the City Council was held Tuesday, January 12, 2010 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, Labor Counsel Joseph Randazzo, City Engineer Kevin J. Boswell and Interim Chief Financial Officer Roy Riggitano

COMMUNICATIONS/APPOINTMENTS

City Clerk Pavlica reported that in a letter dated January 6, 2010, Mayor Calandriello appointed Michael Marsh of 142 Plauderville Avenue, as Emergency Management Coordinator, to succeed himself, for a full three year term, said term to expire December 31, 2012.

City Clerk Pavlica reported that in a letter dated January 12, 2010, City Manager Duch appointed Superintendent of Public Works Sam Garofalo to the position of Deputy Emergency Management Coordinator for a term that expires December 31, 2010.

City Clerk Pavlica reported that in a letter dated January 12, 2010, City Manager Duch appointed the following individuals as Assistant Coordinators in the Office of Emergency Management, pursuant to the recommendation of Emergency Management Coordinator Marsh, for a term that expires December 31, 2010: Richard Uram, John Keating, Kenneth Robertson, Kevin Amos, Arthur Rotio, Jeffrey Stewart, Ronald Polonkay and Carmin Breonte.

City Clerk Pavlica reported that in a letter dated January 12, 2010, City Manager Duch appointed the following individuals to the staff of the Office of Emergency Management, pursuant to the recommendation of Emergency Coordinator Marsh for a term that expires December 31, 2010: Christopher A. Rotio, Alan R. Tani, Eric Saimson, Joseph Marsh, Kenneth Adamo, Ana Verdade, John Tamweber, Dominick D'Agostino, Robert Cochrane and Keith Mc Elwee.

REPORTS OF OFFICERS

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

On call of roll, Ayes 5

RESOLUTIONS

Resolution No. 10-2

WHEREAS, Michael Marsh, has served as Fire Chief of the Garfield Volunteer Fire Department for the year 2009, and

WHEREAS, the services rendered to the citizens and taxpayers of the City of Garfield have been such as to be above and beyond the ordinary call of duty, and

WHEREAS, under the jurisdiction of Michael Marsh the Garfield Volunteer Fire Department maintained its high standard of service and devotion to duty with respect to protection of life and property of the citizens and taxpayers of the City of Garfield, all of this be in keeping with the highest traditions of the standards set for fire service, and

WHEREAS, the City Council of the City of Garfield desires to express its appreciation to Fire Chief Michael Marsh for his singular devotion and dedication to the fire service of the City of Garfield,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Fire Chief Michael Marsh be and is hereby commended for the excellent service he has rendered to the citizens and taxpayers

RESOLUTIONS

of the City of Garfield during his tenure as Chief of the Volunteer Fire Department,

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the City of Garfield and that a certified copy of this approved resolution also be included in the personnel jacket of Fire Chief Michael Marsh.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 10-3

WHEREAS, Fire Company No. 1 has advised that they have accepted the resignation of Scott Dunning of 27 Hobart Place as an active member, effective December 31, 2009,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 1 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 10-4

WHEREAS, Fire Company No. 3 has advised that they have accepted James Charlot of 461 Van Bussum Avenue, as a regular active member, effective November 2, 2009.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey that the action taken by Fire Company No. 3 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 10-5

RESOLUTION – AUTHORIZING “OPT-OUT” OF NATURAL GAS SUPPLY CONTRACT

WHEREAS, the City of Garfield participates in a joint contract for the purchase of natural gas from a supplier; and

WHEREAS, the joint contract will be going out for bid on January 22nd, 2010 and subsequent thereto, a contract will be entered into for the purchase of natural gas; and

WHEREAS, pursuant to the terms of the SEM Joint Contract, each member has the option of opting out of the annual auction by execution of an “opt-out” form; and

WHEREAS, the City Council has now determined that it would be in the best interest of the City to review this program in detail.

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. The City Manager is hereby authorized to execute the “opt-out” form thereby exercising the City’s right to “opt-out” of the natural gas supply service agreement. If he determines that it would be in the best interest of the City to do so.

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 Office of the City Manager and the Chief Financial Officer of the City of Garfield.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 10-6

RESOLUTION – AUTHORIZING AGREEMENT WITH PUBLIC SERVICE ELECTRIC AND GAS COMPANY FOR ENERGY CONSERVATION PROGRAM

WHEREAS, Public Service Electric and Gas Company has offered an Energy Conservation Program to certain commercial and industrial customers; and

WHEREAS, under this program, PSE&G is arranging the installation of certain energy conservation measures at the facilities of eligible customers; and

RESOLUTIONS

WHEREAS, the intent of this program is to provide certain energy conservation installations which will, ultimately, result in reduced energy usage and cost to these customers; and

WHEREAS, a proposal for this program has been made to the Recreation Department which has been reviewed by the Recreation Department Director and the City Manager and they have both recommended the acceptance of this program; and

WHEREAS, once provision of the program is for the customer to contribute to the cost of the installation of the necessary equipment which may be paid in a lump sum or by paying twenty four (24) monthly payments; and

WHEREAS, the Mayor and Council have determined that the cost of such a program is justified and that the benefits of such a program on a long term basis will far outweigh this cost.

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. An agreement with Public Service Electric and Gas Company for their Energy Conservation Program be and is hereby approved.
2. This agreement shall be for the City of Garfield Recreation Department located at 466 Midland Avenue, Garfield, New Jersey.
3. The City Manager is hereby authorized to execute the customer contract dated January 7th, 2010 which has been presented by PSE&G.
4. The cost of this Contract shall be \$25,822.89 which may be paid in a lump sum basis or in twenty four (24) monthly payments of \$1,075.95.
5. The award of this Contract is contingent upon certification, by the Chief Financial Officer, that sufficient funds exist for this purpose.
6. The award of this Contract is exempt from the requirement of competitive bidding since the amount of the Contract does not exceed the applicable bid threshold and, in addition, due to the fact that the nature of the Contract does not lend itself to preparation of specifications.

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 Manager, Public Electric and Gas Company and the City of Garfield Recreation Department.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Louis G. Aloia

Resolution No. 10-7

WHEREAS, the rules of procedure of the Planning and Zoning Boards of Adjustment of the City of Garfield state that a deposit shall be made to cover Engineering and Attorney fees, and

WHEREAS, deposits have been received from Gennaro Gentile, 152 Sherman Place, Garfield, New Jersey 07026 in the amount of \$514.00 for Engineering fees on 1/12/09 and \$681.80 for Attorney fees on 01/12/09, for a total of \$1,195.80 said funds are being held in the Developer's Escrow Fund, and

WHEREAS, the Chief Financial Officer has investigated these deposits and had determined that they are due to the above individual;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey that these monies be refunded to the above named claimant.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Louis G. Aloia

BILLS AND CLAIMS

Resolution No. 10-8

RESOLVED by the City Council of the City of Garfield that the following bills No. 1350 to 1353 covering Escrow Developers Trust, Trust Other and Dog Trust Fund totaling \$78,344.98 and Current Fund Reserve totaling \$309,808.37 and Current Fund totaling \$2,140,567.60 and Water Fund Reserve totaling \$275.00 and Water Fund Current totaling \$17,484.80 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 twenty eight (28) items prior to the meeting, be ratified.

See

The

Following

Pages Numbered _____

For

Bills

and

Claims

ORDINANCES

Councilmember Delaney introduced in writing the following ordinance entitled:

AN ORDINANCE TO DETERMINE THE POSITIONS
WITHIN THE CITY THAT ARE ELIGIBLE
AND SHALL PARTICIPATE IN THE STATE'S
DEFINED CONTRIBUTION RETIREMENT PROGRAM

City Clerk Pavlica read the ordinance by title.

Councilmember Delaney moved that this ordinance entitled: "AN ORDINANCE TO DETERMINE THE POSITIONS WITHIN THE CITY THAT ARE ELIGIBLE AND SHALL PARTICIPATE IN THE STATE'S DEFINED CONTRIBUTION RETIREMENT PROGRAM", 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 on January 26, 2010 at 8:00 PM in the City Hall in Garfield and that the City Clerk shall be directed to publish said ordinance in full together with the notice of such hearing in Our Town Newspaper, 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

Councilmember Delaney introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND THE CHAPTER 260 OF THE CODE
OF THE CITY OF GARFIELD AND, SPECIFICALLY, TO AMEND
ARTICLE VI OF CHAPTER 260 ENTITLED BARBER
SHOPS AND BEAUTY PARLORS

City Clerk Pavlica read the ordinance by title.

Councilmember Delaney moved that this ordinance entitled: "AN ORDINANCE TO AMEND THE CHAPTER 260 OF THE CODE OF THE CITY OF GARFIELD AND, SPECIFICALLY, TO AMEND ARTICLE VI OF CHAPTER 260 ENTITLED BARBER SHOPS AND BEAUTY PARLORS", 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 on February 9, 2010 at 8:00 PM in the City Hall in Garfield and that the City Clerk shall be directed to publish said ordinance in full together with the notice of such hearing in Our Town Newspaper, 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

Ms. Ellen Heine, 515 Van Bussum Avenue, said that she would like to know what kind of notice does the City give to individuals who are interested in purchasing property in the City of Garfield that due to some of the Ordinances that the City has, that they may have to give up certain Constitutional Amendment rights, such as the Fourth Amendment due to City Code Chapter 181-3. She also spoke on housing inspections.

Labor Counsel Randazzo said that there is active litigation involving Ms. Heine that is pending in the Superior Court or the Appellate Division and City Officials have been advised by Counsel not to speak on these matters until they are resolved legally. He also commented that the Ordinances of the City of Garfield do not violate anyone's Constitutional Rights.

Regular Meeting January 12, 2010, Continued

REPORTS OF OFFICERS

City Manager Thomas J. Duch reported on the following:

1. The proposal by Emergency Management Coordinator Michael Marsh to better improve communications to City residents for general community notifications during times of emergencies by utilizing NIXLE, a text messaging and email alert system.
2. There will be two two-hour Website Training Sessions held for certain City employees on Thursday, January 14, 2010.
3. Three events will be held in the City on the same day – Saturday, January 30, 2010: The Saint Ciro Dinner, the Saint Stan's Church Beefsteak and the Holy Trinity Lutheran Church Pasta Dinner.
4. The ad request from the Garfield High School Varsity Girls Softball Team for their ad book.
5. Proposed RFP's for ambulance services.
6. The HARP contract will be frozen at \$14,328.00 for two years with much thanks to City Public Health Nurse Darlene Revielle who helped negotiate the agreement.
7. The preliminary assessments on four riverfront properties for the proposed riverfront park have been received.
8. Congressman Steve Rothman has given notice that February 19, 2010 is the deadline for any appropriations request to the US Congress.

City Engineer Kevin J. Boswell reported on the following:

1. The written Report of the City Engineer dated January 12, 2010.

Interim Chief Financial Officer Roy Riggitano reported on the following:

1. He is in the process of obtaining new budgetary information concerning regulations regarding the 2010 Municipal Budget.

COUNCILMEMBER COMMENTS

Councilmember Raymond publicly thanked the representatives of the Passaic Valley Water Commission for coming to the Work Session held earlier this evening and she said that she hopes we can move forward from here. She said that she would like a questionnaire to be included with the next water bill to ascertain positive or negative feedback. She commented that Ex-Fire Chief John Adametz, who passed away this week, will be missed.

Councilmember Delaney said that he would like to give the Police Chief and Police Department and the County all the credit in the world for solving the murder that occurred on Midland Avenue last week because they did a great job and should be commended. He spoke on a bill in the State Legislature in which non-partisan elections could be moved to November which could save the City money and lead to a higher voter turn out.

Councilmember Aloia said that the Non-Partisan Election Bill, if signed into law, could save the City money. He recognized the Police Chief and the Police Department for solving the murder last week. He said that they did a good job.

COUNCILMEMBER COMMENTS

Deputy Mayor Moskal wished everyone a Happy New Year. He recognized the Police Department and said that they did a great job in getting that murder solved right away. He commented that it is January 12th and the City is already in a \$1.1 million dollar hole.

Mayor Calandriello extended congratulations to the Police Chief and the County Prosecutor's Office. He said that anytime he hears anything bad about the City, he takes it too personal and feels like he has been kicked in the stomach because he works hard to promote the City and do a lot of good. He said that when he gets a report of a murder, right on Midland Avenue, across from the Police Station in the daytime, it is something that is horrible to the family who lost a life and it is horrible to the citizens who live in the town. He said that the Garfield Police solved the murder and that a lot of times, there are murders that go on for years and sometimes never, ever get solved. He said that the message to people is, if you do something stupid, do not do it in Garfield because we will catch you. He said that the matter was handled properly from the beginning and he was so happy when they did catch the suspect. He said that this year will be the most challenging year financially that he has ever seen. He said that the State is broke and something has to get fixed and the burden is going to be on the local officials. He said that everyone has to work together and work together as a team. He said that we all have the same concerns and if anybody can do it, he thinks we can. He said that the City has a good City Manager and Finance person and we will get through it. He said that he is not looking forward to this year, but this is what we signed up for and what people elected us to do. He commented that Garfield's Miles Austin of the Dallas Cowboys made the cover of Sports Illustrated and made the Pro Bowl, which is an awesome award. He extended congratulations to him and his family who still live in Garfield. He commented that they flew out to Dallas to watch him in an NFL playoff game. He said that he is very excited for him.

CLOSED SESSION

Resolution No. 10-9

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 9:00 PM on Tuesday, January 12, 2010, 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 (section of the Blue Collar Collective bargaining contract which says no vacations after December 15th, which the union is seeking to challenge and change; proposed contract with 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) Joseph Delaney
Louis G. Aloia

RESOLUTIONS

After the City Council came out of Closed Session at 9:45 PM, they acted on the following Resolution:

Resolution No. 10-10

Resolution Authorizing Execution of Agreement with the Chief of Police

WHEREAS, Mayor and Council have been engaged in negotiations with the Chief of Police for a formal written contract;

WHEREAS, the City Manager has now recommended the acceptance of the contract which is attached to this Resolution;

RESOLUTIONS

WHEREAS, the Mayor and Council have agreed with the terms, conditions and obligations as set forth in this contract.

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. Mayor and City Clerk be and are hereby authorized to execute an agreement with the Chief of Police in the form annexed to this Resolution.
2. Upon execution of this agreement, a copy of same shall be transmitted to the Chief of Police and to the Office of the Chief Financial Officer of the City of Garfield.

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 Police Chief, Kevin Amos, the Office of the City Manager and the Office of the City Attorney.

On call of roll, Ayes 5

(Sgd) Joseph Delaney
Frank J. Calandriello

ADJOURNMENT

At 9:50 PM, there being no further business, Councilmember Raymond moved to adjourn the meeting. Councilmember Aloia duly seconded the motion.

On call of roll, Ayes 5

Andrew J. Pavlica, CITY CLERK