

A Regular Meeting of the City Council was held Tuesday, April 12, 2010 at 8:20 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

#### APPROVAL OF MINUTES

Councilmember Moskal moved to approve the Minutes of the following meetings:

Work	Session	-	October	13,	2009
Regular	Meeting	-	October	13,	2009
Work	Session	-	October	27,	2009
Regular	Meeting	-	October	27,	2009
Work	Session	-	November	10,	2009
Regular	Meeting	-	November	10,	2009
Work	Session	-	November	24,	2009
Regular	Meeting	-	November	24,	2009
Special	Meeting	-	December	1,	2009
Work	Session	-	December	8,	2009
Regular	Meeting	-	December	8,	2009
Work	Session	-	December	22,	2009
Regular	Meeting	-	December	22,	2009
Special	Meeting	-	January	5,	2010
Work	Session	-	January	12,	2010
Regular	Meeting	-	January	12,	2010
Work	Session	-	January	26,	2010
Regular	Meeting	-	January	26,	2010
Work	Session	-	February	9,	2010
Regular	Meeting	-	February	9,	2010
Work	Session	-	February	23,	2010
Regular	Meeting	-	February	23,	2010

Councilmember Aloia duly seconded the motion.

On call of roll, Ayes 5

#### REPORTS OF OFFICERS

Councilmember Aloia 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

#### RESOLUTIONS

Resolution No. 10-119

WHEREAS, Fire Company No. 4 has advised that they have accepted the resignation of Charles Zingone of 231 Shaw Street, as an active member, effective March 5, 2010,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 4 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Stanley J. Moskal

RESOLUTIONS

Resolution No. 10-120

WHEREAS, David Del Valle, 142 Harrison Avenue who is the holder of a Disabled Person I.D. Card No. P948755, has filed application for a handicapped parking sign to be placed at his address, and

WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for "Handicapped Parking", located on the east curb line of Harrison Avenue commencing 100 feet south of the intersection of Harrison Avenue and Clark Street and an additional 25 south from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Stanley J. Moskal

Resolution No. 10-121

WHEREAS, Billy Ray Kelly, 42 Grand Street, who is the holder of a Disabled Person I.D. Card No. P931567, has filed application for a handicapped parking sign to be placed at his address, and  
WHEREAS, the Police Department has conducted an investigation and recommend approval of the application.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for "Handicapped Parking". Located on the south curb line of Grand Street commencing 50 feet west of the intersection of Grand Street and Cambridge Avenue and an additional 25 west from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Stanley J. Moskal

Resolution No. 10-122

WHEREAS, Gary Porco, 11 Irving Place, who is the holder of a Disabled Person I.D. Card No. P585844, has filed application for a handicapped parking sign to be placed at his address, and  
WHEREAS, the Police Department has conducted an investigation and recommend approval of the application,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved "Handicapped Parking", located on the west curb line of Irving Place commencing 125 feet north of the intersection of Irving Place and Frederick Street and an additional 25 north from that point.

FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Stanley J. Moskal

Resolution No. 10-123

Resolution Installation of Ground Water Monitoring Well

WHEREAS, pursuant to Resolution 10-52 ground water monitoring wells within the sidewalk of the north side of Hartman Avenue were approved; and

WHEREAS, subsequent to the adoption of the aforementioned Resolution, the NJDEP has advised that an additional well is required at the in intersection Main Street and Plauderville Avenue; and  
WHEREAS, the proposed location of this additional well has been reviewed by the City Manager who has recommended the authorization of that additional monitoring well;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Garfield, County of Bergen, State of New Jersey as follows:

RESOLUTIONS

1. An additional monitoring well at the intersection of Main Street and Plauderville Avenue is hereby authorized.
2. The location of that well shall be as set forth on Figure 1 which was previously submitted to the City Engineer.
3. The placement of this additional monitoring well will be subject to all of the conditions set forth in Resolution 10-52 and shall also be included in the Agreement for Site Access and Hold Harmless Agreement to be executed by Langan Engineering & Environmental Services.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward copies of the within Resolution to the office of the City Engineer, Langan Engineering and Environmental Services, the Police Chief of the City of Garfield, the Department of Public Works Superintendent and the City Attorney.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Stanley J. Moskal

Resolution No. 10-124

**RESOLUTION - AUTHORIZING JOINT SERVICE AGREEMENT**

WHEREAS, the City Manager has recommended that the City entered into a Shared Services Agreement with the Borough of Lodi for Animal Control Services; and

WHEREAS, this Shared Services Agreement will provide for the sharing of services of All Humane Animal Control of Wanaque, New Jersey for providing such animal control services as are required and necessary; and

WHEREAS, the City Attorney has reviewed a proposed Shared Services Contract with the Borough of Lodi and has determined that it is acceptable and is consistent with the requirements of State law

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Garfield, County of Bergen, State of New Jersey as follows:

A Shared Service Agreement with the Borough of Lodi for Animal Control Services be and is hereby authorized.

This agreement shall be for a period commencing May 1st, 2010 and ending on December 31st, 2010 and should be for a total Contract price of \$16,667.00.

The City Manager is hereby authorized and directed to execute the Contract providing for the aforesaid services in the form presented to the City Attorney and approved for execution.

The award of this Contract is contingent upon certification, by the Chief Financial Officer, that sufficient funds exist for this purpose.

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, the Chief Financial Officer of the City of Garfield and the City Attorney.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Stanley J. Moskal

Resolution No. 10-125

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 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
38.02	39	Bellini, Glenn	O/P	\$250.00

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Stanley J. Moskal

RESOLUTIONS

Resolution No. 10-126

RESOLUTION – AMENDING PRIOR RESOLUTION IN CONNECTION WITH MEDICAL INSURANCE CONTRIBUTION

WHEREAS, Pursuant to Resolution No. 10-114 of the Mayor and Council all non-union Department Heads are required to contribute 2% of their annual salary towards payment of health benefits; and

WHEREAS, the State of New Jersey has adopted legislation which will require contribution towards these costs as well; and

WHEREAS, the Mayor and Council wish to clarify the amount of contribution which shall be required pursuant to the aforementioned municipal action; and

WHEREAS, it is the intent of the Mayor and Council to require a total contribution of 2% of the employee's salary which, once finally adopted by the State of New Jersey, would be comprised of 1.5% by the State and ½% by the City;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Garfield, County of Bergen, and State of New Jersey that the provisions of Resolution No. 10-114 are hereby amended to reflect the intent described above; and

NOW THEREFORE BE IT FURTHER RESOLVED that the total amount of contribution described herein shall be 2% of the employees salary which shall include all contribution required by State Law and local action.

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 all non-union Department Heads as well as to the payroll department and the office of the City Attorney.

On call of roll, Ayes 4,  
Nays 1 – Councilmember Delaney

(Sgd) Louis G. Aloia  
Stanley J. Moskal

BILLS AND CLAIMS

Resolution No. 10-127

RESOLVED by the City Council of the City of Garfield that the following bills No. 1378 to 1380 covering Escrow Developers Trust, Dog Trust Fund totaling \$5,048.00 and Current Fund Reserve totaling \$22,179.90 and Current Fund totaling \$2,582,046.31 and Water Fund Current totaling \$4,996.26 and General Capital Fund totaling \$15,749.92 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 thirty one (31) items prior to the meeting, be ratified.

See

The

Following

Pages Numbered \_\_\_\_\_

For

Bills and Claims

ORDINANCES

Ordinance No. 2577

The following entitled ordinance was introduced at a Special Meeting held March 23, 2010; 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 SECTION 260-36  
OF THE CODE OF THE CITY OF GARFIELD  
ENTITLED "FEES"

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 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. 2578

The following entitled ordinance was introduced at a Special Meeting held March 23, 2010; 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 142  
OF THE CODE OF THE CITY OF GARFIELD  
ENTITLED "FIRE PREVENTION"

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 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. 2579

The following entitled ordinance was introduced at a Special Meeting held March 23, 2010; 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 SECTION 69-9  
OF THE CODE OF THE CITY OF GARFIELD  
ENTITLED "FALSE ALARMS"

City Clerk Pavlica read the ordinance by title.

ORDINANCES

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 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. 2580

The following entitled ordinance was introduced at a Special Meeting held March 23, 2010; 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 48  
OF THE CODE OF THE CITY OF GARFIELD  
ENTITLED "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 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. 2581

The following entitled ordinance was introduced at a Special Meeting held March 23, 2010; 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  
THE CODE OF THE CITY OF GARFIELD  
TO INCREASE FINES FOR CERTAIN PARKING OFFENSES

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 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

ORDINANCES

Ordinance No. 2582

The following entitled ordinance was introduced at a Special Meeting held March 23, 2010; 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 12  
OF THE CODE OF THE CITY OF GARFIELD  
ENTITLED "COURT" AND TO ADD A SECTION  
ENTITLED "ADDITIONAL FEES"

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 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

Councilmember Aloia introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND SECTION 341-34  
OF THE CODE OF THE CITY OF GARFIELD  
ENTITLED "FENCES AND WALLS"

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled: "AN ORDINANCE TO AMEND SECTION 341-34 OF THE CODE OF THE CITY OF GARFIELD ENTITLED "FENCES AND WALLS", 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 May 11, 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 Moskal, 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 Aloia introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND CHAPTER 80  
OF THE CODE OF THE CITY OF GARFIELD  
ENTITLED "ANIMALS" TO ADD A SECTION OF THAT  
CHAPTER ENTITLED "PIT BULLS"

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled: "AN ORDINANCE TO AMEND CHAPTER 80 OF THE CODE OF THE CITY OF GARFIELD ENTITLED "ANIMALS" TO ADD A SECTION OF THAT CHAPTER ENTITLED "PIT BULLS", 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 May 11, 2010 at 8:00 PM in the City Hall in Garfield

ORDINANCES

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 Raymond, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 4, Abstain 1 – Councilmember Moskal

Councilmember Aloia introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND  
THE CODE OF THE CITY OF GARFIELD  
TO INCREASE CERTAIN FEES

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled: “AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARFIELD TO INCREASE CERTAIN FEES”, 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 May 11, 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 Moskal, 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

Richard Derrig, 71 Herman Street, asked questions about the proposed sewer charge.

COUNCILMEMBER COMMENTS

Councilmember Tana Raymond said that the budget introduction is expected to be April 27, 2010. She said that she wants concessions from the employees and the Council will make sacrifices too. She said that everybody will have to do their share.

CLOSED SESSION

Resolution No. 10-128

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 8:40 P.M. on Monday, April 12, 2010, to discuss the following as outlined in N.J.S.A. 10:4-12:

- \* Tactics or techniques utilized in protecting the safety and property of the public or any investigation of violations of the law; (Ambulance Services in the City; possible Law Enforcement investigation of Junior Boilermakers Football program and proposed Garfield Boys and Girls Club Coaching Association temporarily assuming control of the Junior Boilermakers Program).

CLOSED SESSION

- \* Pending or anticipated litigation or contract negotiations or matters falling within attorney-client privilege; (2010 Municipal Budget analysis and request/discussion with City Engineer Kevin Boswell to reduce fees).

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) Stanley J. Moskal  
Louis G. Aloia

ADJOURNMENT

After the City Council came out of Closed Session at 10:45 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

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Andrew J. Pavlica, CITY CLERK