

A Regular Meeting of the City Council was held Tuesday, November 23, 2010 at 8:05 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, 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

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

PRESENTATION OF RESOLUTION NO. 10-296

City Clerk Pavlica read Resolution No. 10-296 adopted at a Regular Meeting held October 12, 2010, which congratulated the Garfield Amici Italiano Bocce Team on their recent Championship. At this time a framed copy of Resolution No. 10-296 was presented to Ray Pharao of the team.

RESOLUTIONS

Resolution No. 10-345

WHEREAS, pursuant to Resolution No. 00-67, Garfield Restaurant Corp. (Dimitri Kataroski – 100% Owner) acquired Plenary Retail Consumption Liquor License No. 0221-33-012-004 from Cinrich, Inc.; and

WHEREAS, Garfield Restaurant Corp. owned and operated an establishment at 474 River Drive; and

WHEREAS, during the course of the ownership of this license, various problems have occurred at the establishment operated by the licensee resulting in the authorization of disciplinary charges pursuant to Resolution No. 04-462; and

WHEREAS, pursuant to Resolution No. 05-90, those disciplinary charges were resolved by the imposition of various conditions upon the operation of the licensed premises and other requirements; and

WHEREAS, Garfield Restaurant Corp. has now sought the approval of the Mayor and Council for the transfer of this liquor license to premises located at 50 River Drive; and

WHEREAS, this is a place to place transfer only with the ownership of the establishment being the same; and

WHEREAS, the City Clerk has reviewed the application and has determined that all requirements for the transfer have been fulfilled including, without being limited to, submission of a Tax Clearance Certificate, publication of the required Notice of Transfer and all payment of all fees; and

WHEREAS, on November 8, 2010, a representative of the applicant, with counsel, appeared before the Mayor and Council in connection with the transfer; and

WHEREAS, at that time, various concerns were raised by members of the Governing Body in connection with this particular licensee which related to the operation of the prior premises located at 474 River Drive; and

WHEREAS, the Governing Body expressed concerns about this licensee in view of the fact that the premises to which the licensee seeks to transfer this license are contiguous to a residential area and, therefore, there is a potential for disturbance of the residents and taxpayers in this neighborhood; and

WHEREAS, notwithstanding these concerns, and based upon the representations of the applicant and counsel, the Mayor and Council have decided to approve this transfer subject, however, to various conditions which will be attached to the license and its operation.

RESOLUTIONS

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. A place to place transfer of Plenary Retail Consumption Liquor License No. 0221-33-012-004 from 474 River Drive to 50 River Drive, Garfield, New Jersey be and is hereby approved.
2. In addition to the standard terms and conditions imposed upon all transfers and all licensed establishments, the following conditions are hereby imposed upon the operation of the premises and shall remain with this license for all renewal periods:
 - a. There shall be no live entertainment of any kind. This shall include, without being limited to a prohibition on disc jockeys, DJs, live bands or other forms of entertainment.
 - b. The licensee should not charge any door charge, admission charge or cover charge for admission to the licensed premises.
 - c. There shall be no "special events" which are operated by or held by any outside group, outside promoter or independent group nor shall the licensee employ an outside promoter as an employee to conduct such "special events"
 - d. There shall be no "teen nights" or "under 21 nights" nor shall any events be promoted as such.
 - e. No patron shall be allowed to carry drinks of any kind or nature outside of the licensed premises and the licensee shall take all reasonable measures to prevent drinking outside by patrons.
 - f. The licensee shall strictly comply with occupancy limits of the subject premises as determined by the Fire Department and Building Department of the City of Garfield.
 - g. The licensee shall have at least two additional security personnel who shall remain outside to the licensed premises commencing from 11:30PM to 2:30 AM on Friday and Saturday nights. If permitted by law and authorized by the Chief of Police, this security personnel shall be off duty members of the City of Garfield Police Department.
 - h. If, at any time, the Chief of Police determined that disturbances, security issues, fights or brawls occur at the premises or if the operation of the premises is determined to be a "nuisance" and a disturbance to the neighborhood, the Chief of Police shall recommend, to the Mayor and Council additional conditions which, after review by the Mayor and Council, shall be imposed upon the licensee and shall immediately become a condition of this transfer; and

BE IT FURTHER RESOLVED THAT, the licensee has been advised that all prior disciplinary charges and actions against this licensee will remain with the license and is further aware of the fact that the prior charges were dismissed "without prejudice" and the licensee acknowledges and consents to the restoration of all prior charges in the event that any new charges arise in connection with the operation of the licensed premises.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward certified copied of the within Resolution to the City Attorney, Francis Chiambrone, Esq., the State of New Jersey Division of Alcoholic Beverage Control, the Garfield Building Department and the Garfield Police Department.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-346

WHEREAS, Fire Company No. 3 has advised that they have expelled Alex Jaskot of 191 Cambridge Avenue, as an active member effective November 1, 2010,

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

On call of roll, Ayes 4,
Abstain 1 - Councilmember Delaney

(Sgd) Louis G. Aloia
Stanley J. Moskal

RESOLUTIONS

Resolution No. 10-347

WHEREAS, Fire Company No. 4 has advised that they have accepted Carlos Garzon of 10 Farnham Avenue, as a regular active member, effective September 10, 2010.

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. 4 with respect to the above matter, is hereby approved.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-348

RESOLUTION AUTHORIZING TEMPORARY APPOINTMENT
OF ACTING DEPUTY MAYOR

WHEREAS, pursuant to Local Ordinance, Stanley J. Moskal, was appointed Deputy Mayor for the City of Garfield; and

WHEREAS, pursuant to the provisions of State and Local law, the Deputy Mayor shall serve in the place of the Mayor and perform all functions of the Mayor in the Mayor's absence; and

WHEREAS, on Saturday, November 27, 2010, it will be necessary and appropriate to temporarily appoint Tana Raymond Acting Deputy Mayor for the City of Garfield in order to perform a single act, to wit, the marriage ceremony of Rory Giacomarro and Cheryl Shay, Saturday, November 27, 2010.

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. Councilwoman Tana Raymond be and is hereby appointed Deputy Mayor for the City of Garfield for November 27, 2010 to perform the marriage ceremony of Rory Giacomarro and Cheryl Shay.
2. This temporary appointment shall be solely for the purpose of performance of this ceremony and for no other reason. Similarly, no additional authority is granted hereby other than to perform said ceremony and to execute any and all documents which may be necessary in order to effectuate the provision of this Resolution and to confirm the performance of the marriage ceremony as described above.

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 Councilwoman Tana Raymond and the City Attorney.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-349

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the proper officers are hereby authorized to issue monthly pension checks in the sum of \$100.00 for a period of one year commencing January 1, 2011 and terminating December 31, 2011, to Mrs. Jennie Ciuppa, wife of deceased Ignatius Ciuppa, who resides at 52 Tall Oaks Drive, Wayne, NJ, pursuant to the provisions of Ordinance No. 1177 entitled: "AN ORDINANCE CONCERNING THE PAYMENT OF PENSIONS UPON THE DEATH OF ANY MEMBERS OF THE POLICE DEPARTMENT OF THE CITY OF GARFIELD FROM INJURIES IN THE PERFORMANCE OF DUTY", adopted by the City Council at a meeting held on May 25, 1955.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-350

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the proper officers are hereby authorized to issue monthly pension checks in the sum of \$100.00 for a

RESOLUTIONS

period of one year commencing January 1, 2011 and terminating December 31, 2011, to Mrs. Rose Ann Merendino, wife of deceased Joseph Merendino, who resides at 66 Davison Street, Garfield, NJ, pursuant to the provisions of Ordinance No. 1716 entitled: "AN ORDINANCE CONCERNING THE PAYMENT OF A PENSION TO THE WIDOW AND DEPENDENT OF JOSEPH MERENDINO, IN THE CITY OF GARFIELD IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY", adopted by the City Council at a meeting held on February 19, 1980.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-351

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the proper officers are hereby authorized to issue monthly pension checks in the sum of \$100.00 for a period of one year commencing January 1, 2011 and terminating December 31, 2011, to Mrs. Arlin Sabat, wife of deceased Edward Sabat, who resides at 111 Falmouth Avenue, Elmwood Park, NJ, pursuant to the provisions of Ordinance No. 1177 entitled: "AN ORDINANCE CONCERNING THE PAYMENT OF PENSIONS UPON THE DEATH OF ANY MEMBERS OF THE POLICE DEPARTMENT OF THE CITY OF GARFIELD FROM INJURIES IN THE PERFORMANCE OF DUTY", adopted by the City Council at a meeting held on May 25, 1955.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-352

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the proper officers are hereby authorized to issue monthly pension checks in the sum of \$100.00 for a period of one year commencing January 1, 2011 and terminating December 31, 2011, to Mrs. Linda Yondolino, wife of deceased Nicholas A. Yondolino, who resides at 71 Heritage Court, Towaco, NJ, pursuant to the provisions of Ordinance No. 1839 entitled: "AN ORDINANCE CONCERNING THE PAYMENT OF A PENSION TO THE WIDOW AND DEPENDENT OF NICHOLAS YONDOLINO, IN THE CITY OF GARFIELD IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY", adopted by the City Council at a meeting held on October 2, 1984.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-353

A Resolution Authorizing the City Engineer and ETM Associates to Undertake Construction Administration Services for the River Drive and Historic Dundee Dam Park Improvement Project WHEREAS, the City of Garfield has awarded a construction contract in the amount of \$7,544,426.52 to English Paving Co. on October 19, 2010, and WHEREAS, Construction Administration Services are required by both the City Engineer and ETM Associates, the Landscape Architect for the project, and WHEREAS, this project is currently in the construction phase with completion date of August 2012, NOW THEREFORE BE IT RESOLVED, the City Engineer is hereby authorized to provide the necessary construction administration phase services in accordance with its current hourly rates for a fee not to exceed \$750,000.00. BE IT FURTHER RESOLVED, ETM Associates is hereby authorized to provide construction administration services for the park portion of the project in accordance with their current hourly rates for a fee not to exceed \$45,000.00. BE IT FURTHER RESOLVED, the City Engineer is also authorized to coordinate the reimbursement of various grants from various sources to the City in accordance with their current hourly rates for an additional fee not to exceed \$5,000.00

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Stanley J. Moskal

RESOLUTIONS

Resolution No. 10-354

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$1,000.00 which is now available from Wal Mart Grant Foundation, Dare Program, Police Grant and;

BE IT FURTHER RESOLVED, that the like sum of \$1,000.00, is hereby appropriated under the caption Police Dare Grant and;

BE IT FURTHER RESOLVED, that the above is the result of funds from Wal Mart Grant Foundation, Police D.A.R.E. Grant, in the amount of \$1,000.00.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No.10-355

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$1,000.00 which is now available from Wal Mart Grant Foundation, Police Grant and;

BE IT FURTHER RESOLVED, that the like sum of \$1,000.00, is hereby appropriated under the caption Police Grant and;

BE IT FURTHER RESOLVED, that the above is the result of funds from Wal Mart Grant Foundation, Police Grant, in the amount of \$1,000.00.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-356

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$1,000.00 which is now available from Wal Mart Grant Foundation, National Night Out Program, Police Grant and;

Regular Meeting November 23, 2010, Continued

RESOLUTIONS

BE IT FURTHER RESOLVED, that the like sum of \$1,000.00, is hereby appropriated under the caption Police National Night Out Grant and;

BE IT FURTHER RESOLVED, that the above is the result of funds from Wal Mart Grant Foundation, Police National Night Out Grant, in the amount of \$1,000.00.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-357

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 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
86	61	Corelogic	O/P	\$1,004.44
112.03	1	American Home Mortgage Servicing	O/P	161.53
146	51	Cathleen J. Coneeny, Esq.	O/P	\$2,313.64
203.05	6	Piotr & Monica Zak	O/P	\$1,599.09

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-358

RESOLVED by the City Council of the City of Garfield that the Chief Financial Officer shall and is hereby authorized to make the following transfers as per instructions from the Chief Financial Officer:

Account Name	Account Number	Transfer From	Transfer To
Finance S&W	0-01-20-130-130-011		500.00
Revenue Admin S&W	0-01-20-145-145-011		1,000.00
Revenue Admin O&E	0-01-20-145-145-063		5,000.00
Accounts Payable	0-01-23-220-220-000		557.00
Social Security	0-01-36-472-472-000		3,000.00
Unemployment	0-01-36-477-477-000		80,000.00
Finance S&W	0-01-20-130-130-063	500.00	
General Admin O/E	0-01-20-100-100-063	6,557.00	
Engineering O/E	0-01-20-165-165-020	3,000.00	
Police S&W	0-01-25-240-240-011	80,000.00	
		<u>90,057.00</u>	<u>90,057.00</u>

On call of roll, Ayes 5

(Sgd) Louis G. Aloia
Stanley J. Moskal

BILLS AND CLAIMS

Resolution No. 10-359

RESOLVED by the City Council of the City of Garfield that the following bills in the Current Fund totaling \$207,957.50 and Water Fund totaling \$95,112.68 and Water Capital Fund totaling \$1,995.00 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

BILLS AND CLAIMS

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 (20) items prior to the meeting be ratified.

See

the

following

Pages Numbered _____

For

Bills

and

Claims

ORDINANCES

Councilmember Aloia introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND THE CHAPTER 23 OF THE CODE OF THE CITY OF GARFIELD ENTITLED "FIRE DEPARTMENT"

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled: AN ORDINANCE TO AMEND THE CHAPTER 23 OF THE CODE OF THE CITY OF GARFIELD ENTITLED "FIRE DEPARTMENT" 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 December 13, 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 the Record 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 COMMENTS

Councilmember Raymond wished everyone a Happy and Healthy Thanksgiving.

Councilmember Delaney wished everyone a Happy Thanksgiving and said that it is his favorite holiday.

Councilmember Aloia wished everyone a Happy Thanksgiving and a peaceful and enriched holiday.

Deputy Mayor Moskal and Mayor Calandriello wished everyone a Happy Thanksgiving.

CLOSED SESSION

Resolution No. 10-359A

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 8:20 P.M. on Tuesday, November 23, 2010, 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 purchase of property at the intersection of Lizette Street and Oak Street at Fleischer's Brook; Redevelopment of Samuel Hird/C-Mor Shade property at the intersection of River Drive, Outwater Lane, Jewell Street and Columbus Avenue after the death of property owner Martin Rappaport).
- * Tactics or techniques utilized in protecting the safety and property of the public or any investigation of violations or possible violations of the law; (Police internal affairs investigation of Garfield Police Officer allegedly striking another Police Officer after PBA dinner; Charlotte Taddeo investigation).
- * Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplinary action of personnel unless the individual in the right request a public meeting in writing; (need to appoint a Municipal Court Administrator to succeed Rose Ann Merendino who is retiring; Fire Department clothing allowance).

CLOSED SESSION

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

SHORT RECESS, CHANGE OF VENUE AND
RETURN TO ORDER AND EXIT OF DEPUTY MAYOR MOSKAL

After the City Council voted to go into Closed Session, a short recess was called to move the meeting down the hall to the second floor Conference Room. At 8:25 PM, Mayor Calandriello called the meeting to order in Closed Session and all City Officials were present as before the recess, EXCEPT Deputy Mayor Stanley J. Moskal. It was duly noted for the record.

RETURN OF DEPUTY MAYOR MOSKAL

At 8:30 PM, at the conclusion of the short discussion concerning the need to hire a Court Administrator to succeed retiring Court Administrator Rose Ann Merendino, Deputy Mayor Moskal returned to the Closed Session. It was duly noted for the record.

ADJOURNMENT

After the City Council came out of Closed Session at 9:05 PM, there being no further business, Councilmember Moskal moved to adjourn the meeting. Councilmember Raymond duly seconded the motion.

On call of roll, Ayes 5

Andrew J. Pavlica, CITY CLERK

