

A Regular Meeting of the City Council was held Monday, December 13, 2010 at 8:55 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: Joseph Delaney, Louis G. Aloia, Stanley J. Moskal and Frank J. Calandriello

Councilmembers Absent: Tana M. Raymond

Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Joseph J. Rotolo and Superintendent of Public Works Sam Garofalo

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 4,
Absent 1 – Councilmember Raymond

RESOLUTIONS

Resolution No. 10-363

RESOLVED by the City Council of the City of Garfield that the City Clerk is hereby authorized to issue the following license for the fiscal years beginning July 1, 2009 and ending June 30, 2010 and beginning July 1, 2010 and ending June 30, 2011:

PLENARY RETAIL DISTRIBUTION LICENSES

License No 0221-44-003-004 Los Tres Hermanos, LLC
t/a Belmont Beverage
79 Belmont Avenue

BE IT FURTHER RESOLVED that the foregoing renewals are granted on the condition that said renewal shall not constitute approval of anything at variance with the records of the City Council or any person-to-person transfer, place to place transfer or change of corporate structure approved prior to the passage of this resolution.

On call of roll, Ayes 4,
Absent 1 - Councilmember Raymond

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-364

WHEREAS, an application has been filed for a Person to Person Transfer Application of Plenary Retail Distribution License No. 0221-44-003-005, from Los Tres Hermano, LLC, to Viki Siddhi and Vicky, LLC (William Patel, 53 Central Avenue #2, Jersey City, NJ 07306 – who will own 33 1/3% of the shares of the corporation and Bharti Patel, 95 Sandgord Place #1, Jersey City, NJ 07307 – who will own 33 1/3% of the shares of the corporation and Patel Sarsvati, 53 Central Avenue 33 Jersey City, NJ 07306 who will own 33 1/3% of the shares of the corporation), t/a Belmont Liquors, 79 Belmont Avenue, Garfield, NJ 07026.

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term, and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33, and

RESOLUTIONS

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business, and

WHEREAS, the Police Department has conducted a background investigation and the applicant and premises are suitable for licensing, and

WHEREAS, a "Tax Clearance - Transfer Certificate" has been issued and has been received as required pursuant to regulations promulgated by the State of New Jersey Division of Taxation,

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield, Bergen County, New Jersey, does hereby approve, effective December 13, 2010, the transfer of the aforesaid Plenary Retail Distribution License, Viki Siddhi and Vicky, LLC (William Patel, 53 Central Avenue #2, Jersey City, NJ 07306 – who will own 33 1/3% of the shares of the corporation and Bharti Patel, 95 Sandgord Place #1, Jersey City, NJ 07307 – who will own 33 1/3% of the shares of the corporation and Patel Sarsvati, 53 Central Avenue 33 Jersey City, NJ 07306 who will own 33 1/3% of the shares of the corporation), t/a Belmont Liquors, and does hereby direct the City Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Viki Siddhi and Vicky, LLC, effective December 13, 2010."

BE IT FURTHER RESOLVED that this license is transferred on the condition that no Go-Go, live entertainment or discotheque be used in connection with this license; (A fee of \$90.00 was collected for the City of Garfield and \$200.00 was collected for the State of New Jersey in connection with the person to person license transfer).

On call of roll, Ayes 4,
Absent 1 - Councilmember Raymond

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-365

RESOLUTION AUTHORIZING DISCIPLINARY ACTION -PLENARY RETAIL CONSUMPTION LIQUOR LICENSE NO. 0221-33-049-055

WHEREAS, the Mayor and Council of the city of Garfield, upon the recommendation and request of the Garfield Police Department, authorized the filing of disciplinary charges against Ever Wide, Inc. t/a Ever Wide, Inc., doing business as Nice Food Restaurant; and

WHEREAS, these disciplinary charges related to the operation of licenses premises located at 235 Palisade Avenue and/or in connection with the operation of Plenary Retail Consumption Liquor License No. 0221-33-049-055; and

WHEREAS, in accordance with the authorization of the Mayor and Council, the City Attorney prepared a statement of charges and arranged for the service of the same upon the Licensee; and

WHEREAS, that statement of charges included a total of fifteen (15) charges as set forth on the attached "Statement of Charges"; and

WHEREAS, upon service of the charges, the Licensee retained the services of the law offices of Miles Feinstein, Esq. and the City appointed Giuseppe Randazzo, Esq. as Special Prosecutor for the prosecution of these matters; and

WHEREAS, a hearing date was scheduled in connection with this matter on November 29, 2010 at which time the Licensee appeared, with counsel; and

WHEREAS, at the time of said hearing date, the Mayor and Council were advised that the Licensee, through its attorney, intended to enter a guilty plea as to all fifteen charges; and

WHEREAS, as a result of negotiation between the Special Prosecutor and counsel for the Licensee, an agreement was reached concerning the penalties to be imposed; and

WHEREAS, at the time of the hearing, the Licensee entered a plea of Guilty to each and every charge and the Mayor and Council, by voice vote, adopted a Resolution accepting those guilty pleas and imposing the penalties which will be described herein.

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 guilty pleas entered by the Licensee / Respondent herein be and are hereby accepted.

RESOLUTIONS

2. The following penalties are imposed:
- a) The Plenary Retail Consumption Liquor License issued to the Licensee be and is hereby suspended for a period of five (5) months commencing at noon on December 6, 2010. It is understood that the Licensee's business will be closed in its entirety during the period of suspension including service of food.
 - b) The Licensee shall pay, to the City of Garfield, within thirty (30) days of November 29, 2010 the sum of \$2,500.00 which represents reimbursement of costs and expenses incurred by the City in connection with the within matter.

NOW THEREFORE BE IT FURTHER RESOLVED that if the Licensee fails to comply, in all respects, with the terms, conditions and obligations set forth in this Resolution, the Mayor and Council shall have the right, upon notice to the Licensee to impose an additional suspension as a result of said lack of compliance.

NOW THEREFORE BE IT FUTHER 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 Garfield Police Department, the law offices of Giuseppe C. Randazzo, Esq., the law offices of Miles Feinstein, Esq. and the State of New Jersey Division of Alcoholic Beverage Control.

On call of roll, Ayes 4,
Absent 1 - Councilmember Raymond

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-366

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that the provisions of Chapter 82-17 of the code of the City of Garfield concerning the hours of service and sales, specifically the portion regulating the hours an establishment holding a Plenary Retain Consumption License may stay open for business, is hereby suspended strictly for the 2011 New Years Day Holiday and that permission is hereby granted to said establishments to remain open an additional two hours until 5:00 AM on January 1, 2011,

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to forward a CERTIFIED and exact copy of this approved Resolution to the Garfield Police Chief.

On call of roll, Ayes 4,
Absent 1 - Councilmember Raymond

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No 10-367

Resolution Supporting the "Over the Limit Under Arrest" 2010 Year End Statewide Crackdown
WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,00 people each year; and

WHEREAS, 25% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Over the Limit Under Arrest 2010 Year End Statewide Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from December 6, 2010 through January 2, 2011; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

THEREFORE BE IT RESOLVED that the City of Garfield declares its support for the Over the Limit Under Arrest 2010 Year End Statewide Crackdown from December 6, 2010 through January 2, 2011 and pledge to increase awareness of the dangers of drinking and driving.

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On call of roll, Ayes 4,
Absent 1 - Councilmember Raymond

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-368

WHEREAS, Fire Company No. 5 advises that Michael J. Marsh, of 142 Plauderville Avenue, has served as an active member of the Garfield Fire Department for at least twenty-one years and that he is entitled to a twenty-one year badge, and

WHEREAS, the records in the Office of the City Clerk indicate that he has served for a period on twenty-one years,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the recommendation of Fire Company No. 5 is hereby approved and that the proper officers are hereby authorized to issue a twenty-one year badge to the above named individual.

On call of roll, Ayes 4,
Absent 1 - Councilmember Raymond

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-369

WHEREAS, Fire Company No. 4 has advised that they have accepted Adviel Rodriquez of 14 Dewitt Street, as a regular active member, effective October 1, 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 4,
Absent 1 - Councilmember Raymond

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution 10-370

RESOLUTION – AUTHORIZING INSTALLATION OF TESTING WELLS

WHEREAS, the United States Environmental Protection Agency has been engaged in a widespread investigation concerning potential chromium contamination in certain areas of the City of Garfield; and

WHEREAS, as part of that investigation, it is necessary to install certain testing wells at numerous locations throughout the City; and

WHEREAS, the purpose of these wells is to delineate the areas of potential contamination in order that the same can be addressed appropriately; and

WHEREAS, the locations for these proposed monitoring and testing wells are located within the City of Garfield Right of Way and, therefore, the City must approve the location of the same; and

WHEREAS, attached to this resolution is a tentative map which shows the proposed location of some of these monitoring wells;

WHEREAS, the City Council wishes to provide certain flexibility to the United States Environmental Protection Agency, in consultation with the City Manager in the event that additional well locations are needed.

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 Mayor and Council hereby approve installation of monitoring wells in the City of Garfield Right of Way at various locations within the City.
2. The purpose of these monitoring wells is to determine the areas of potential chromium contamination.
3. The exact locations of these wells will be determined by the United States Environmental Protection Agency, after consultation with the City Manager and City Engineer.

RESOLUTIONS

- 4. The City Manager shall have the right and the authority to sign any and all documents necessary in order to effectuate the provisions of this resolution and to determine the exact locations of said wells.
- 5. All private contractors installing these wells shall be required to sign an indemnification and hold harmless agreement and provide proof of insurance for the work to be performed and any and all damage caused to City sidewalks, streets or other infrastructure shall be fully repaired by the Contractor or the United States Environmental Protection Agency.

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 Engineer, the City Attorney, the Department of Public Works, the City Manager and the United States Environmental Protection Agency.

On call of roll, Ayes 4,
Absent 1 - Councilmember Raymond

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-371

RESOLUTION – AUTHORIZING ACCEPTANCE OF PROPERTY DONATION AND ABATEMENT OF TAXES

WHEREAS, GERARD PATIRE and ARLENE PATIRE, his wife, are local residents and are owners of property located at 69 Lizette Street, (Block 134, Lot 72); and

WHEREAS, Mr. and Mrs. Patire, as an expression of their support for the City of Garfield wish to donate a certain parcel of property to the City; and

WHEREAS, the Mayor and Council have reviewed this offer and believe that it would be in the best interest of the City to accept this property donation and have furthermore agreed that all outstanding taxes on the property for 2010 (approximately \$2,000.00), should be abated.

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 of Garfield hereby accepts the donation of the property located at 69 Lizette Street, Garfield, New Jersey from Gerard Patire and Arlene Patire.
- 2. All outstanding taxes on said property for the year 2010 be and hereby abated.
- 3. The City Attorney is hereby authorized and directed to prepare a Deed in order to effectuate the transfer of this property to the City of Garfield; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby express their thanks and gratitude to Mr. and Mrs. Patire for this donation.

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 Collector, the Tax Assessor, the Chief Financial Officer for the City of Garfield and Mr. and Mrs. Gerard Patire.

On call of roll, Ayes 4,
Absent 1 - Councilmember Raymond

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-372

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 the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
143.09	5	Michael Cavallomagno Sr	O/P	\$250.00

RESOLUTIONS

On call of roll, Ayes 4,
Absent 1 - Councilmember Raymond

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-373

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
Municipal Court O/E	0-01-43-490-490-063		\$ 5,000.00
Municipal Court S&W	0-01-43-490-490-011		3,000.00
Public Defender S&W	0-01-43-495-495-000		200.00
Snow Removal	0-01-26-301-301-000		15,000.00
Municipal Library	0-01-29-390-390-000		15,380.00
Unemployment	0-01-36-477-477-000		30,000.00
Volunteer Fire Co. O/E	0-01-25-255-255-063		10,000.00
Audit Services	0-01-20-135-135-000		12,000.00
City Clerk	0-01-20-120-120-063	10,000.00	
Finance O/E	0-01-20-130-130-63	10,000.00	
Attorney O/E	0-01-20-155-155-020	10,000.00	
Engineering O&E	0-01-20-165-165-020	10,000.00	
Other Premium Insurance	0-01-23-210-210-000	15,580.00	
Employees Group Insurance	0-01-23-225-225-001	15,000.00	
L.O.S.A.P	0-01-25-256-256-000	10,000.00	
Fire Safety/Inspection	0-01-25-265-265-020	<u>10,000.00</u>	
		90,580.00	90,580.00

On call of roll, Ayes 4,
Absent 1 - Councilmember Raymond

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-374

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that the Retired Firemen be compensated as provided by Ordinance No. 1466 adopted August 10, 1971 and as amended by Ordinances No. 1925, 1990 and 2021.

On call of roll, Ayes 4,
Absent 1 - Councilmember Raymond

(Sgd) Stanley J. Moskal
Louis G. Aloia

BILLS AND CLAIMS

Resolution No. 10-375

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 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 _____

ORDINANCES

Ordinance No. 2599

The following entitled ordinance was introduced at a Regular Meeting held November 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 CHAPTER 23 OF THE CODE OF THE CITY OF GARFIELD ENTITLED "FIRE 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 Moskal duly seconded the motion.

On call of roll, Ayes 4,
Absent 1 – Councilmember Raymond

REPORTS OF OFFICERS

City Manager Thomas J. Duch reported on the following:

1. The meeting that City Officials attended with U.S. Environmental Protection Agency Officials on December 8, 2010, in the Conference Room in City Hall concerning the Chromium Contamination Cleanup. He reported that monitoring wells have been drilled in the Chromium Study area and there are going to be more major wells drilled. The equipment will be temporarily stored in the yard of old Fire House No. Three located at 58 Willard Street and the yard of the Fire House may be graveled for the storage of equipment. Up to forty deep monitoring wells may be drilled that go anywhere from 80' to 120' into the ground. Right now all the monitoring wells go into the bedrock and the new wells will go into the bedrock and considerably deeper. There will be an overburdened well next to it closer to the surface at variable depths. This will help pinpoint even more of the locations of any chromium in the ground. Discussions in the meeting included what could be done to alleviate this problem. One is a little filtration plant which would be dropped in the street and pump the treated water into the sanitary sewer system. Another new technology for consideration which is gaining popularity is a substance which is injected into the ground and that substance totally changes the chemical composition of the chromium. The EPA will decide which technology is most appropriate. The study will help them do that. Beginning mid-February, people will start seeing drilling rigs around the City. The EPA has been asked to serve notice upon all property owners immediately surrounding old Fire House No. Three on Willard Street so that all of those property owners are aware that the equipment being stored is only equipment as part of this project and that it is a temporary imposition on the area. It is expected that the drilling will take place from six weeks to three months, depending on the subsurface conditions that are met.

COUNCILMEMBER COMMENTS

Councilmember Delaney spoke on Councilmember Aloia being able to sit on the Housing Authority and he objected that the vote on this appointment was acted upon at the last Special Council meeting. He also spoke on Deputy Mayor Moskal being permitted to vote via telephone.

Deputy Mayor Moskal explained that he held intentions of attending the Special Council Meeting, but then he was not subsequently able to attend because at work, the quarter-in report had to be

COUNCILMEMBER COMMENTS

handled, and since he could not attend the Council Meeting at the last moment, he called in by phone, so that there would be a quorum for the disciplinary hearing of the Nice Foods liquor license.

Mayor Calandriello spoke on the recent passing of Garfield High School student Tommy Adams after he was hit in the chest with a baseball. He said that it is probably the hardest thing to happen to a parent and family. He spoke on Tommy's passion for baseball and the fact that he died doing something he loved. He said that his feelings and prayers go out to the Adams Family. He spoke on the Garfield High School kids lining the funeral route to give this young man the proper send off he deserved.

REPORTS OF OFFICERS

Superintendent of Public Works Sam Garofalo reported on the following:

1. The need for the enforcement of the prohibition against unlawful parking on the City-owned Amvets Post No. 13 property located at 326 Outwater Lane.
2. A proposed Ordinance to allow for the possibility that a homeowner can be charged if they cause the City to incur overtime for sewer clogs which are the responsibility of the homeowner.
3. The proposed requirement that if someone demolishes and constructs new homes or buildings, that new water and sewer lines be installed.
4. The need to re-bid gasoline and diesel fuel purchasing or the proposal that the DPW fuel up at the Borough of Lodi and the Police fuel up at the Borough of Elmwood Park.

CLOSED SESSION

Resolution No. 10-376

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 9:40 P.M. on Monday, December 13, 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 or possible violations of the law; (Garfield Volunteer Ambulance Corps election of officers; Hackensack University Medical Center letter of October 27, 2010 concerning ambulatory services).
- * Pending or anticipated litigation or contract negotiations or matters falling within attorney-client privilege ;(possible grievance by PBA Local No. 46).
- * 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; (DPW Employee Brett Anastos on Workers Comp and surgery scheduled for December 21, 2010; request for salary enhancement of Municipal Judge Charles Daglian and Prosecutor Joseph Giamongo).

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 4,
Absent 1 - Councilmember Raymond

(Sgd) Stanley J. Moskal
Louis G. Aloia

ADJOURNMENT

After the City Council came out of Closed Session at 10:10 PM, there being no further business, Councilmember Delaney moved to adjourn the meeting. Councilmember Aloia duly seconded the motion.

On call of roll, Ayes 4,
Absent 1 – Councilmember Raymond

Andrew J. Pavlica, CITY CLERK