

A Regular Meeting of the City Council was held Tuesday, December 21, 2010 at 8:25 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, Louis G. Aloia, Stanley J. Moskal and Frank J. Calandriello
Councilmembers Absent: Joseph Delaney
Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Joseph J. Rotolo, Labor Counsel Joseph Randazzo, Interim Chief Financial Officer Roy Riggitano, City Engineer Kevin J. Boswell, Superintendent of Public Works Sam Garofalo, Fire Official Gerald Walis and Police Chief Kevin Amos

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 Delaney

RESOLUTIONS

Resolution No. 10-377

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that a Special Meeting of the City Council will be held Tuesday, January 4, 2011 at 7:00 PM in the Conference Room in the City Hall, 111 Outwater Lane, Garfield, New Jersey 07026 to approve the 2011 Temporary Budget, and to consider other matters,

BE IT FURTHER RESOLVED that a Special Meeting will be held Friday, January 7, 2011 at 7:00 PM in the Council Chamber in City Hall, 111 Outwater Lane, Garfield, New Jersey 07026 for the Swearing-In of the 2011 Fire Chief and Assistant Chiefs and other Firematic Officers.

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

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-378

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that the following is the list of regularly scheduled meetings of the City Council for the year 2011, with Monday Work Sessions commencing at 6:30PM, Tuesday Work Sessions commencing at 5:30 PM and regular meetings commencing at 8:00 PM; and

Monday	January	10, 2011	6:30 PM
Tuesday	January	18, 2011	5:30 PM
Monday	February	07, 2011	6:30 PM
Tuesday	February	15, 2011	5:30 PM
Monday	March	07, 2011	6:30 PM
Tuesday	March	15, 2011	5:30 PM
Monday	April	11, 2011	6:30 PM
Tuesday	April	19, 2011	5:30 PM
Monday	May	09, 2011	6:30 PM
Tuesday	May	17, 2011	5:30 PM

RESOLUTIONS

Monday	June	13, 2011	6:30 PM
Tuesday	June	21, 2011	5:30 PM
Monday	July	11, 2011	6:30 PM
Tuesday	July	19, 2011	5:30 PM
Monday	August	08, 2011	6:30 PM
Tuesday	August	16, 2011	5:30 PM
Monday	September	12, 2011	6:30 PM
Tuesday	September	20, 2011	5:30 PM
Monday	October	03, 2011	6:30 PM
Tuesday	October	18, 2011	5:30 PM
Wednesday	November	09, 2011	5:30 PM
Tuesday	November	29, 2011	5:30 PM
Monday	December	12, 2011	6:30 PM
Tuesday	December	20, 2011	5:30 PM

FURTHER RESOLVED that the City Clerk is hereby authorized and directed to forward a CERTIFIED and exact copy of this approved resolution to all the official City newspapers and to cause to have copies posted on the bulletin boards in City Hall and at the Garfield Free Public Library.

On call of roll, Ayes 3,
Nay 1 – Councilmember Raymond
Absent 1 – Councilmember Delaney

(Sgd) Louis G. Aloia
Stanley J. Moskal

Resolution No. 10-379

RESOLUTION – AUTHORIZING SHARED SERVICES AGREEMENT

WHEREAS, pursuant to the provisions of N.J.S.A.40A:65-1, et. seq. the “Uniform Shared Services and Consolidation Act”, local units may share services; and

WHEREAS, municipalities throughout the State of New Jersey have been encouraged to enter into such shared services agreements in order to consolidate services and preserve economic resources; and

WHEREAS, the City of Garfield and the Borough of Wallington have engaged in various discussions regarding the sharing of personnel in the Municipal Court; and

WHEREAS, the Mayor and Council of the City of Garfield have determined that it would be in the best interests in the City of Garfield to share personnel in the Municipal Court; and

WHEREAS, it is the intent of this resolution to authorize an agreement for the sharing of such services for the year 2011 on the specific terms and conditions as directed or recommended by the City Manager;

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 Shared Services with the Borough of Wallington be and is hereby authorized.
2. This Shared Services Agreement shall be for the purpose of sharing services for the operation of the Garfield Municipal Court.
3. This agreement shall be in compliance with and this resolution shall be in furtherance of the provisions of the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.

RESOLUTIONS

4. The exact terms, conditions and obligations of this agreement as designated by the City Manager after consultation with the Municipal Court Administrator and Municipal Court Judge.
5. The terms and conditions of this resolution are contingent upon certification, by the Chief Financial Officer of the City of Garfield that sufficient funds exist for this purpose.
6. The agreement shall be in the form prepared by or approved by the City Attorney and shall be subject to the approval, if necessary, by the Municipal Division of the Superior Court of New Jersey.

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 Borough of Wallington, the Municipal Division of the Superior Court, the City Attorney, the Chief Financial for the City of Garfield, the City Manager and the Garfield Municipal Court.

On call of roll, Ayes 3,
Abstain 1 – Councilmember Moskal
Absent 1- Councilmember Delaney

(Sgd) Louis G. Aloia
Frank J. Calandriello

Resolution No. 10-380

RESOLUTION AUTHORIZING AMENDMENT TO HOST COMMUNITY BENEFIT AGREEMENT

WHEREAS, pursuant to Resolution No.08-335 the Mayor and Council authorized a Host Community Benefit Agreement with IWS Transfer Systems of New Jersey, Inc.; and

WHEREAS, said Agreement commenced on April 1, 2008 and is scheduled to expire on March 31, 2013; and

WHEREAS, the Superintendent of the Department of Public Works has been in contact with IWS Transfer Systems of New Jersey, Inc. in connection with a proposed amendment to the Host Community Benefit Agreement; and

WHEREAS, the Superintendent of the Department of Public Works and the City Manager have reviewed the proposed amendment and believe that it would result in substantial savings to the City and have therefore recommended its acceptance.

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 amendment to the Host Community Benefit Agreement dated April 1, 2008 be and is hereby approved.
2. The amendment shall be in form annexed hereto and is based upon the recommendation of the Superintendent of the Department of Public Works.
3. The City Manager and City Clerk are hereby authorized and directed to execute this first amendment to the Host Community Benefit Agreement on behalf of the City.

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 City Attorney, the Superintendent of the Department of Public Works, the Chief Financial Officer of the City of Garfield and IWS Transfer Systems of New Jersey, Inc.

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

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-381

WHEREAS, as of January 1, 2006 the “New Jersey Local Unit Pay to Play Law” enacted by the New Jersey State Legislature, became effective; and

RESOLUTIONS

WHEREAS, pursuant to the local public contracts law, contracts for the provision of professional services are not subject to competitive bidding, however, they are subject to the requirements of the above referenced law if the contract is anticipated to exceed \$17,500.00; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.1, et seq a municipality may not award a contract with a value in excess of \$17,500.00 to a business entity that has made a contribution within one (1) year of the date of the contract that is reportable by the recipient pursuant to N.J.S.A. 19:44A-1, et seq to a municipal political party committee in that municipality if a member of that party is serving in elective public office when such contract is awarded or to any candidate committee of any person who is serving in an elective public office of the municipality when such contract is awarded, unless the contract is awarded under a “fair and open process”; and

WHEREAS, the City Council has determined that it would be in the best interests of the City to make certain professional appointments pursuant to a “fair and open process”.

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

1. The City Attorney is authorized and directed to prepare a Legal Notice and Criteria for Submission of Qualifications for the following positions:

City Engineer	Grants Consultant (2)
City Auditor	Computer Services Consultant
City Bond Counsel	City Attorney (including Housing Program
City Planner	Mortgage Closings)
Risk Management Consultant	Special Litigation and Labor
City Architect	Municipal Prosecutor
City Real Estate Appraiser	Municipal Public Defender
for Tax Appeals	

2. These requests for qualifications shall solicit submissions which shall be due at 3:00 p.m. on Friday, January 14, 2011.
3. Appointments to these professional positions shall be considered at the reorganization meeting scheduled for 5:30 PM January 18, 2011.
4. The Criteria for selection shall be as permitted by the aforementioned Law and contracts shall be awarded on the basis most advantageous to the City.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Clerk be and he is hereby authorized and directed to post the Legal Notice and Criteria for Submission of Qualifications on the City of Garfield website for a period of not less than ten (10) days prior to the due date described in this Resolution; and

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 together with copies of the Legal Notice and Criteria to the City Attorney as well as to all professionals currently holding the positions described in this Resolution.

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

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-382

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
Zoning Board O/E	0-01-21-185-185-063		2,607.00
Purchase of Police Cars	0-01-25-241-241-000		25,000.00

RESOLUTIONS

Police Salary and Wages	0-01-25-240-240-011	<u>27,607.00</u>	
		27,607.00	27,607.00

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

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-383

WHEREAS, Resolution No. 10-354 was adopted by the City Council of the City of Garfield at a meeting held November 23, 2010 concerning a request of approval of Items of Revenue and appropriation in connection with a sum of \$1,000.00 for a Police DARE Grant, from the Walmart Grant Foundation, and

WHEREAS, the Chief Financial Officer has reviewed the Chapter 159 entitled Dare Program, and

WHEREAS, it is desirous to rescind Resolution No. 10-354,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Resolution No. 10-354 is hereby rescinded.

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

(Sgd) Stanley J. Moskal
Louis G. Aloia

Resolution No. 10-384

BE IT RESOLVED by the City Council of the City of Garfield that the Tax Collector is hereby authorized to carry out the following directives for the year 2011:

1. Charge 8% interest per annum on the first \$1,500.00 of delinquency and 18% per annum on any amount in excess of \$1,500.00.
2. Charge 18% interest on tax title liens as per R.S. 54:4-67.
3. Allow a grace period of ten days before charging interest, as provided by R.S. 54:4-67, except that if the office of the Tax Collector is closed on the tenth day following the due date for a tax payment, then the grace period shall be extended to include the first business day thereafter.
4. Allow no discount for pre-payment of taxes.
5. Charge an additional end of year penalty of 6% as provided by R.S. 54:4-67 on all delinquencies of unpaid taxes, interest, and other municipal charges, when the total exceeds \$10,000.

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

(Sgd) Stanley J. Moskal
Louis G. Aloia

BILLS AND CLAIMS

Resolution No. 10-385

RESOLVED by the City Council of the City of Garfield that the following bills in the Current Fund totaling \$139,800.97 and Water Fund totaling \$2,344.06 and General Capital Fund totaling \$22,513.53 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 sixteen (16) 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 265 OF THE CODE OF THE CITY OF GARFIELD ENTITLED "SEWERS"

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled: AN ORDINANCE TO AMEND THE CHAPTER 265 OF THE CODE OF THE CITY OF GARFIELD ENTITLED "SEWERS" 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 10, 2011 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 3, Nay 1- Councilmember Raymond, Absent 1 – Councilmember Delaney

Councilmember Aloia introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND THE CHAPTER 333 OF THE CODE OF THE CITY OF GARFIELD ENTITLED "WATER"

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled: AN ORDINANCE TO AMEND THE CHAPTER 333 OF THE CODE OF THE CITY OF GARFIELD ENTITLED "WATER" 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 10, 2011 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 4, Absent 1 – Councilmember Delaney

COUNCILMEMBER COMMENTS

Councilmember Raymond said that at the Special Meeting of the ABC Disciplinary Hearing concerning Nice Foods Restaurant, Deputy Mayor Moskal participated by telephone and voted on a Housing Authority appointment for Lou Aloia and she objected that she was not called and asked to participate and vote on the appointment by telephone.

Councilmember Aloia wished everyone a Merry Christmas, a Happy New Year and a safe and healthy holiday season.

Deputy Mayor Moskal wished everyone a Merry Christmas.

Mayor Calandriello wished everyone Merry Christmas and Happy Holidays.

CLOSED SESSION

Resolution No. 10-386

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 8:50 P.M. on Tuesday, December 21, 2010, to discuss the following as outlined in N.J.S.A. 10:4-12:

- * Collective bargaining agreements including the negotiation of the terms and thereof with employees or representatives of employees of the public body; (possible request for proposals for employee health benefits; employee contributions of 1.5% of their salary towards health insurance coverage costs for all bargaining units effective January 1, 2011).
- * Tactics or techniques utilized in protecting the safety and property of the public or any investigation of violations or possible violations of the law; (possible installation of Global Positioning Devices in city police cars, DPW vehicles and fire vehicles).
- * 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; (Proposed hiring of Wallington Court Administrator Krystyna Moskal as a shared service and proposed reorganization of the City Court office).

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.

EXIT AND RETURN OF DEPUTY MAYOR MOSKAL

At 9:05 PM, just prior to the discussion concerning the Shared Service Agreement with the Borough of Wallington concerning a shared Court Administrator, Deputy Mayor Moskal left the meeting during Closed Session. At the conclusion of the discussion at 9:20 PM, Deputy Mayor Moskal returned to the meeting in Closed Session. It was duly noted for the record.

ADJOURNMENT

After the City Council came out of Closed Session at 9:25 PM, there being no further business, Councilmember Raymond moved to adjourn the meeting. Councilmember Aloia duly seconded the motion.

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

