

A Special Meeting of the City Council was held Tuesday, March 23, 2010 at 6:30 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, Interim Chief Financial Officer Roy Riggitano, Police Chief Kevin Amos and Fire Official Gerald Walis

2010 MUNICIPAL BUDGET

The City Council and Cabinet discussed the 2010 Municipal Budget.

REPORTS OF OFFICERS

City Manager Thomas J. Duch reported on the following:

1. Garfield Boys and Girls Youth of the Year Dinner to be held Thursday, March 25, 2010 at 6:30 PM at the Royal Manor located at 454 Midland Avenue.
2. The Trap, Neuter and Release Program.
3. The Garfield Recreation Department Basketball Award Night to be held Monday, March 29, 2010.
4. The cancellation of the April meeting of the Suburban Essex Joint Insurance Fund.
5. Ordinances increasing municipal fees scheduled for adoption on April 12, 2010.
6. The letter he sent to delinquent taxpayers reminding them that the City relies on timely payment of property taxes.

Councilmember Louis G. Aloia reported on the following:

1. A proposed resolution concerning health benefits for Steven, Gloria and Deborah Doe.

City Manager Thomas J. Duch reported on the following:

7. His discussion with James Demetrakis, the Developer of Record, for the HP Associates Redevelopment at the Garden State Paper site, located at 950 River Drive, concerning the demolition of the water pump station building located on the west side of River Drive.
8. The increase in the water output from the City Well Field.

Councilmember Tana M. Raymond reported on the following:

1. The flag pole cell tower that is being erected at 441 Harrison Avenue on City property where the water tank was located.
2. The alleged sale of tobacco products to minors by the store at the corner of Plauderville Avenue and Shaw Street.

CLOSED SESSION

Resolution No. 10-110

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 7:45 PM on Tuesday, March 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: (possible closing of VFW Post No. 2867 at 340 Outwater Lane).
- * 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 retirements in the Police Department, DPW and City Hall; proposed contributions to health benefits by non-union employees).

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

EXIT OF FIRE OFFICIAL WALIS AND POLICE CHIEF AMOS

At 7:45 PM, Fire Official Gerald Walis and Police Chief Kevin Amos left the meeting and it was duly noted for the record.

RESOLUTIONS

After the City Council came out of Closed Session at 9:30 PM, they acted on the following Resolutions:

Resolution No. 10-111

AMENDING MEETING DATES FOR 2010

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 2010, with Monday Work Sessions commencing at 6:30 P.M., Tuesday Work Sessions commencing at 5:30 P.M. and regular meetings commencing at 8:00 P.M.; and

BE IT FURTHER RESOLVED that this Resolution amends and modifies Resolution No. 10-69 adopted on February 23, 2010;

BE IT FURTHER RESOLVED that meetings of the City Council shall be as follows:

Tuesday	March	09, 2010
Tuesday	March	16, 2010
Monday	April	12, 2010
Tuesday	April	27, 2010 (change due to School Board Election)
Tuesday	May	11, 2010
Tuesday	May	18, 2010
Wednesday	June	09, 2010 (change due to New Jersey Primary)
Tuesday	June	15, 2010

RESOLUTIONS

Monday	July	12, 2010
Tuesday	July	20, 2010
Monday	August	09, 2010
Tuesday	August	17, 2010
Monday	September	13, 2010
Tuesday	September	21, 2010
Tuesday	October	12, 2010 (change due to Columbus Day)
Tuesday	October	19, 2010
Monday	November	08, 2010
Tuesday	November	30, 2010 (change due to League of Municipalities Conference)
Monday	December	13, 2010
Tuesday	December	21, 2010

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 all the official City newspapers and to cause to have copies posted on the bulletin boards in City Hall and the Garfield Free Public Library.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello
Tana M. Raymond

Resolution No. 10-112

RESOLUTION – CITY MANAGER’S AUTHORITY FOR BUDGET REDUCTIONS

WHEREAS, the City of Garfield, like many other municipalities in the State of New Jersey has experienced, and will continue to experience reductions in State aid and restrictions on the ability to raise necessary funding through taxation; and

WHEREAS, Governor Christopher J. Christie, in his remarks to the Joint Session of the New Jersey Senate and General Assembly, indicated that he will be imposing sweeping changes upon municipalities which will require substantial cuts in spending and other reforms; and

WHEREAS, the City Council, in reviewing these proposed reforms, as well as based upon a review of the reductions in available State aid, has determined that drastic and dramatic action must be taken; and

WHEREAS, the City Manager, pursuant to State Law and Local Ordinance is required to prepare the annual appropriation Ordinance for presentation to the City Council and, furthermore, is required to maintain all accounts including current and anticipated expenses and is also required to see to the collection of all money due to the municipality; and

WHEREAS, these significant responsibilities shall require the City Manager to take any and all steps which he deems to be necessary in order to effectuate the budget cuts and other fiscal action which may be necessary during these difficult times; and

WHEREAS, the City Council desires to reaffirm, to the City Manager, that he has complete and absolute authority in this regard to take any such steps as he deems necessary to satisfy the obligations of his position and that he will enjoy the support and confidence of the Mayor and Council in this regard.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Garfield, County of Bergen, State of New Jersey that the Mayor and Council hereby express their complete support and confidence in the City Manager and provide him with the authority to take any steps which he may deem necessary to fulfill the fiscal responsibilities of this municipality; and

NOW, BE IT FURTHER RESOLVED, that the authority of the City Manager shall include, to the extent permitted by law, the right to facilitate layoffs, demotions, budget cuts, spending cuts, fee increases and any other actions which he deems necessary and appropriate in this regard.

RESOLUTIONS

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 Department Heads, the Chief Financial Officer, the City Attorney and the Payroll Department.

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

(Sgd) Frank J. Calandriello
Louis G. Aloia

Resolution No. 10-113

WHEREAS, Gloria Doe has retired from the City of Garfield, County of Bergen, State of New Jersey, after 30 years of service and;

WHEREAS, Gloria Doe has retired with full health benefits inclusive of her family eligible dependents and;

WHEREAS, Ms. Doe's adult disabled child as defined by Social Security in which this adult disabled dependent has been declared disabled since birth, and

WHEREAS it is desirous of Ms. Doe, to incorporate as part of her benefits after retiring, that her daughter, Deborah, continue upon predeceasing of her child, that the City of Garfield, will continue to pay said premium for her disabled adult dependent and;

THEREFORE BE IT RESOLVED that the City of Garfield, that upon predecease of the parents of her child, Deborah, who is considered an adult disabled dependent of our retired employee, Mrs. Gloria Doe.

On call of roll, Ayes 5

(Sgd) Stanley J. Moskal
Tana M. Raymond

Resolution No. 10-114

RESOLVED by the City Council of the City of Garfield, effective immediately all non-union Department Heads shall contribute 2% of their salary towards payment of health benefits.

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

(Sgd) Louis G. Aloia
Stanley J. Moskal

ORDINANCES

Councilmember Aloia introduced in writing the following ordinance entitled:

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.

Councilmember Aloia moved that this ordinance entitled: "AN ORDINANCE TO AMEND SECTION 260-36 OF THE CODE OF THE CITY OF GARFIELD ENTITLED "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 April 12, 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 Raymond, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 5.

ORDINANCES

Councilmember Aloia introduced in writing the following ordinance entitled:

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.

Councilmember Aloia moved that this ordinance entitled: "AN ORDINANCE TO AMEND CHAPTER 142 OF THE CODE OF THE CITY OF GARFIELD ENTITLED "FIRE PREVENTION", 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 April 12, 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 Raymond, 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 SECTION 69-9
OF THE CODE OF THE CITY OF GARFIELD
ENTITLED "FALSE ALARMS"

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled: "AN ORDINANCE TO AMEND SECTION 69-9 OF THE CODE OF THE CITY OF GARFIELD ENTITLED "FALSE ALARMS", 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 April 12, 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 Raymond, 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 48
OF THE CODE OF THE CITY OF GARFIELD
ENTITLED "POLICE DEPARTMENT"

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled: "AN ORDINANCE TO AMEND CHAPTER 48 OF THE CODE OF THE CITY OF GARFIELD ENTITLED "POLICE 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 April 12, 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.

ORDINANCES

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 5.

Councilmember Aloia introduced in writing the following ordinance entitled:

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.

Councilmember Aloia moved that this ordinance entitled: "AN ORDINANCE TO AMEND CHAPTER 12 OF THE CODE OF THE CITY OF GARFIELD ENTITLED "COURT" AND TO ADD A SECTION ENTITLED "ADDITIONAL 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 April 12, 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 Raymond, 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 THE CODE
OF THE CITY OF GARFIELD TO INCREASE FINES FOR
CERTAIN PARKING OFFENSES

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 FINES FOR CERTAIN PARKING OFFENSES, 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 April 12, 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 Raymond, 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 said that the City Council is working hard on solutions to the financial crisis that the entire State is in. She said that hopefully there will be solutions to keep taxes down and City employees working.

Councilmember Delaney said that the resolution which gives authority to the City Manager is one which sugar coats the Budget issue because the City Manager already has the authority to fire and hire without that resolution. He said that it is up to the Council to adopt the Budget and the City Manager should not get the blame for firing people when it is the Council who adopt the Budget. He said that he does not want it to look like, that once the Council adopts the Budget, the City Manager had to let

COUNCILMEMBER COMMENTS

someone go. He said that it is, the City Council, who votes on the Budget and who adopts the Budget. He said that he has the confidence in City Manager Duch to run the City, but he should not get the blame if the Council adopts a Budget that forces layoffs of employees.

Councilmember Aloia read the following prepared statement:

“It is with a heavy heart that I come forth to my neighbors and friends to explain a situation caused by Gerald J. Wich, Sr., Garfield Board Member and candidate for re-election. My statements will be brief because I have been advised by my City Attorney and personal Attorney that Mr. Wich, Sr., has filed a preliminary document with the City attempting to sue me for \$10 million. Mr. Wich claims that the result of a political discussion at Roseee’s Filling Station, he allegedly had with me, personally humiliated him, sustained mental anguish, emotional distress and has been financially damaging resulting in the impairment of his reputation and standing in the community which he considers worth \$10 million. Let the record be clear that both Mr. Wich and I are political figures. Let it be crystal clear that Mr. Wich is running with a Garfield Police Officer, Jeff Stewart, and they are both fully aware that I am supporting Ed Puzio, Jim Miller and Nick Milevski in the up and coming School Board Election. For the record, this is not the first time Mr. Wich has tried to control my actions as a Councilmember. School Board President Wich and School Board Attorney Damiano stated that I was in conflict and could not vote in cutting the School Budget because my wife, Rosemarie, had been elected to the School Board some seven years ago. He was unsuccessful in stifling my vote. On numerous occasions School President Wich publicly stated that my wife’s actions as a School Board member were unethical and Rosemarie would be in front of the State Ethics Review Board, there by trying to control her vote as a School Board Trustee. He was unsuccessful in this instance also. Tonight this Council is fully meeting its obligation to the taxpayers by discussing the Budget. It is great fun at a Council Meeting when the City hired Mr. Wich’s son as an outstanding Garfield Police Officer. It is also nice giving out jobs and pay raises and expanding services for the people of Garfield. Tonight it is not nice. It is not easy. In my opinion we must fulfill our obligation to the taxpayers by instructing our City Manager to make the necessary and very difficult cuts in money, in service, in personnel and in every Department, including but not limited to the Police Department. If the action of Mr. Wich and his running mate, Police Officer Jeff Stewart, or anyone else in his campaign committee are under the impression that this \$10 million claim will impede me from meeting my obligation to the taxpayers of Garfield or stop me from supporting Ed Puzio, Jim Miller or Nick Milevski for the School Board, they are very wrong. You are also unsuccessful with this, Mr. Wich, in my opinion, with the knowledge that I do have legal conflict; I will be voting on all the issues which I did already.

In conclusion, the Budgetary cuts, the Personnel layoffs and any other general business pertaining to the City of Garfield. I fully understand the issue and the threat of this lawsuit submitted to the City Attorney Joseph Rotolo, Esq. I want all residents of Garfield to know that I will not be bullied by anyone. I have taken this oath of office and to the best of his ability I will honor this obligation. Thank you, Mayor, for letting me make my statement.”

Deputy Mayor Moskal said that Saint Stan’s Church recently had a Fish and Chips Fundraising Dinner and he thanked Tom Duch for his “frying” services. He said that it was a very successful event and it was the largest fish and chips you can get for \$10.00. He commented on the Garfield YMCA Grand Opening of its new exercise facility this past Sunday at 70 Outwater Lane. He said that it is another thing that shows that Garfield is a special place for all the things the City has, for the kids and the seniors, and the YMCA shows that.

Mayor Calandriello apologized for not making the ribbon cutting for the Garfield YMCA at 70 Outwater Lane this past Sunday. He said that he understands that Deputy Mayor Moskal did a terrific job and Councilmember Delaney was there, too. He said that he could not attend because he was at the Holy Family Saint Joseph’s Dinner at the Brownstone Restaurant in Paterson. He said that he has faith in City Manager Duch, but it is good to put that faith in writing. He said that City Manager Duch has the most difficult challenge of making the City Budget as presentable to the public and that treats the employees fairly. He said that the resolution is empowering City Manager Duch to bring the City where it needs to be. He said that if the Council and the Manager sat back and did nothing, the City of

COUNCILMEMBER COMMENTS

Garfield would have an unbelievably high tax increase. He said that this is the fourth or fifth meeting on the City Budget and the Council is being pro-active in trying to bring this to a rate taxpayers can pay without losing their homes or having to take desperate measures. He sad that this resolution gives City Manager Duch the Council's support to bring the Budget to a number that can be lived with and vote for as Councilpersons and treat the City employees with respect and give the taxpayers the break they so desperately need in this horrible recession.

ADJOURNMENT

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

On call of roll, Ayes 5

Andrew J. Pavlica, CITY CLERK