

A Special Meeting of the City Council was held Tuesday, August 24, 2010 at 11:35 AM 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 and Frank J. Calandriello  
 Councilmembers Absent: Joseph Delaney and Stanley J. Moskal  
 City Officials Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, Superintendent of Public Works Sam Garofalo and Recreation Director Anthony Furfaro

City Manager Duch reported that Superintendent of Schools Nicholas Perrapato had telephoned him and advised that the Board of Education will not proceed with the Green Acres grant application concerning improvements for the Garfield High School Stadium and Track. He said that since the Board of Education has decided not to proceed, no action is needed on this matter by the City Council.

RESOLUTIONS

Resolution No. 10-262

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 2008.

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
16	6	“Henry LaCap, Esq. for JP Morgan Chase Bank”	TCJ	\$ 4,008.60
49	26	“William S. Winters., Esq. for Czyzewski, Darius	TCJ	2,751.00
109	29	“Andrew S. Kessler, Esq. for Dominic DiMinni	TCJ	3,144.00
109	31	“Andrew S. Kessler, Esq. for Dominic DiMinni	TCJ	4,323.00
128	38	“William S. Winters., Esq. for 222 Outwater Lane, LLC	TCJ	5,895.00
149.02	48	“William S. Winters., Esq. for K&H Strzepek HS & KT, LLC	TCJ	3,548.79

On call of roll, Ayes 3, Absent 2 -  
 Councilmembers Moskal and Delaney

(Sgd) Tana M. Raymond  
 Louis G. Aloia

Resolution No. 10-263

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 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
16	6	“Henry LaCap, Esq. for JP Morgan Chase Bank”	TCJ	\$ 4,177.92

Special Meeting August 24, 2010, Continued

RESOLUTIONS

49	26	“William S. Winters., Esq. for Czyzewski, Darius	TCJ	2,867.20
85	56	Diaz, Rafaela Jimenez	TCJ	3,686.40
109	29	“Andrew S. Kessler, Esq. for Dominic DiMinni	TCJ	3,276.80
109	31	“Andrew S. Kessler, Esq. for Dominic DiMinni	TCJ	4,505.60
128	38	“William S. Winters., Esq. for 222 Outwater Lane, LLC	TCJ	6,144.00
149.02	48	“William S. Winters., Esq. for K&H Strzeppek HS & KT	TCJ	3,698.69
199	1	“Zipp & Tannenbaum, LLC Vento, Samio	TCJ	2,048.00

On call of roll, Ayes 3, Absent 2 -  
Councilmembers Moskal and Delaney

(Sgd) Tana M. Raymond  
Louis G. Aloia

ORDINANCES

Councilmember Raymond introduced in writing the following ordinance entitled:

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF NEW TRUCKS FOR THE USE OF THE DEPARTMENT OF PUBLIC WORKS IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$450,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

City Clerk Pavlica read the ordinance by title.

Councilmember Raymond moved that this ordinance entitled: “BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF NEW TRUCKS FOR THE USE OF THE DEPARTMENT OF PUBLIC WORKS IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$450,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS ”, 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 September 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.

ORDINANCES

The motion, duly seconded by Councilmember Aloia, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 3, Absent 2- Councilmembers Moskal and Delaney

Councilmember Raymond introduced in writing the following ordinance entitled:

AN ORDINANCE TO FIX THE SALARY, WAGES AND  
COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES  
OF THE CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY

City Clerk Pavlica read the ordinance by title.

Councilmember Raymond moved that this ordinance entitled: “AN ORDINANCE TO FIX THE SALARY, WAGES AND COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY”, 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 September 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 Our Town newspaper, at least seven days prior to the hearing.

The motion, duly seconded by Councilmember Aloia, was on roll call adopted by the following vote and the motion was declared adopted and said ordinance passed on first reading: Ayes 3, Absent 2- Councilmembers Moskal and Delaney

ARRIVAL OF DEPUTY MAYOR MOSKAL

At 11:40 AM, Deputy Mayor Stanley J. Moskal joined the Special Meeting and it was duly noted for the record.

MOTION TO RE-VOTE

Councilmember Aloia moved to re-vote on all matters voted upon at this meeting to reflect Deputy Mayor Moskal’s approval of the matters previously voted upon at this meeting. Councilmember Raymond duly seconded the motion.

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

RESOLUTIONS

Resolution No. 10-262

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 2008.

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
16	6	“Henry LaCap, Esq. for JP Morgan Chase Bank”	TCJ	\$ 4,008.60
49	26	“William S. Winters., Esq. for Czyzewski, Darius	TCJ	2,751.00

Special Meeting August 24, 2010, Continued

RESOLUTIONS

109	29	“Andrew S. Kessler, Esq. for Dominic DiMinni	TCJ	3,144.00
109	31	“Andrew S. Kessler, Esq. for Dominic DiMinni	TCJ	4,323.00
128	38	“William S. Winters., Esq. for 222 Outwater Lane, LLC	TCJ	5,895.00
149.02	48	“William S. Winters., Esq. for K&H Strzepek HS & KT, LLC	TCJ	3,548.79

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

(Sgd) Tana M. Raymond  
Louis G. Aloia

Resolution No. 10-263

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 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
16	6	“Henry LaCap, Esq. for JP Morgan Chase Bank”	TCJ	\$ 4,177.92
49	26	“William S. Winters., Esq. for Czyzewski, Darius	TCJ	2,867.20
85	56	Diaz, Rafaela Jimenez	TCJ	3,686.40
109	29	“Andrew S. Kessler, Esq. for Dominic DiMinni	TCJ	3,276.80
109	31	“Andrew S. Kessler, Esq. for Dominic DiMinni	TCJ	4,505.60
128	38	“William S. Winters., Esq. for 222 Outwater Lane, LLC	TCJ	6,144.00
149.02	48	“William S. Winters., Esq. for K&H Strzepek HS & KT	TCJ	3,698.69
199	1	“Zipp & Tannenbaum, LLC Vento, Samio	TCJ	2,048.00

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

(Sgd) Tana M. Raymond  
Louis G. Aloia

ORDINANCES

Councilmember Raymond introduced in writing the following ordinance entitled:

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION  
OF NEW TRUCKS FOR THE USE OF THE DEPARTMENT  
OF PUBLIC WORKS IN, BY AND FOR THE CITY OF GARFIELD,  
IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY,  
TO APPROPRIATE THE SUM OF \$450,000 TO PAY THE COST THEREOF,  
TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE  
OF BONDS TO FINANCE SUCH APPROPRIATION  
AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN  
ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

City Clerk Pavlica read the ordinance by title.

Councilmember Raymond moved that this ordinance entitled: "BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF NEW TRUCKS FOR THE USE OF THE DEPARTMENT OF PUBLIC WORKS IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$450,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS ", 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 September 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 Aloia, 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 Raymond introduced in writing the following ordinance entitled:

AN ORDINANCE TO FIX THE SALARY, WAGES AND  
COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES  
OF THE CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY

City Clerk Pavlica read the ordinance by title.

Councilmember Raymond moved that this ordinance entitled: "AN ORDINANCE TO FIX THE SALARY, WAGES AND COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY", 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 September 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 Our Town newspaper, at least seven days prior to the hearing.

The motion, duly seconded by Councilmember Aloia, 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

REPORTS OF OFFICERS

City Manager Thomas J. Duch reported on the following:

1. The condemnation judgment for the “El Margo” property at 909 River Drive, which the City had condemned in connection with the River front Park, had left the City needing a balance of \$719,000.00 to obtain the property. He received yesterday a check in the amount of \$500,000.00 from Green Acres to be used towards purchasing that property. He said that he was advised by the State, that if additional funding was available, the City would receive additional money to fund that acquisition, and he has been subsequently advised that the State has agreed to provide the City with the balance of \$219,000.00 to completely fund the acquisition of that property.
  
2. A gentleman, who was a deaf mute, had requested an interpreter during a Court Session and when one was not provided to him, he contacted an attorney specializing in issues concerning the enforcement of the Americans with Disabilities Act. He met with the man and advised him that he will address the matter. He spoke to Court Administrator Roseanne Merendino who advised him that it was a relative of the handicapped man who was being arraigned and an interpreter was not provided at the time. He received a copy of the Police Report and discovered that the handicapped man was not a witness in the case, either. However, an interpreter must be provided for handicapped individuals even if they are only a spectator to the Court proceedings, and if this handicapped gentleman is in Court again, a video screen phone interpretation of the proceedings must be provided to him, and it will be. The handicapped gentleman complained about his treatment by the Police, and City Manager Duch told them that if anyone has a handicap, the City will provide whatever accommodation that must be provided.
  
3. He reached out to the Zoning Board of Adjustment and the Building Department concerning the need to streamline Zoning Board procedures because costs are prohibitive and the applicants, who are willing to redevelop or cleanup their property, are often walking away. He suggested, if an applicant comes in with a concept, if the concept is initially approved, then, and only then, the City Engineer and City Attorney should review the application, and change the escrow account, and make the procedure more consumer friendly. He suggested a special joint meeting of the City Council and the Zoning Board of Adjustment to see if there is a better way to streamline procedures and reduce costs.

ARRIVAL AND EXIT OF INTERIM CFO RIGGITANO

At 11:55 AM, Interim Chief Financial Officer Roy Riggitano joined the meeting, and at 12:20 PM, he left the meeting. It was duly noted for the record.

REPORTS OF OFFICERS

Councilmember Tana M. Raymond reported on the following:

1. A proposed dog run/park at the Old Fire House No. 3 property located at 58 Willard Street.

RESOLUTIONS

Resolution No. 10-264

See

The

Following

Pages numbered \_\_\_\_\_

For

The

Temporary Capital Budget

CLOSED SESSION

Resolution No. 10-265

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 12:25 P.M. on Tuesday, August 24, 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; (alleged property maintenance/building code violations at 81 Wessington Avenue).
- \* 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; (performance of Zoning Officer Frederick Krowl).

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 Delaney

(Sgd) Tana M. Raymond  
Stanley J. Moskal

EXIT OF RECREATION DIRECTOR FURFARO

After the City Council voted to go into Closed Session at 12:25 PM, Recreation Director Anthony Furfaro left the meeting and it was duly noted for the record.

ADJOURNMENT

After the City Council came out of Closed Session at 12:40 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

---

Andrew J. Pavlica, CITY CLERK

