

A Special Meeting of the City Council was held Wednesday, March 4, 2009 at 6:50 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 and Interim Chief Financial Officer Roy Riggitano

### RESOLUTIONS

Resolution No. 09-98

WHEREAS, a “Welcome Home From the Military” party will be held for Master Sergeant Angel Quiles on Saturday, March 7, 2009, at Michele’s Restaurant located at 32 Passaic Street in Garfield, and

WHEREAS, Angel Quiles received his Basic Training at Fort Leonard Wood, Missouri, in 1986; and during his military career, he served in Desert Storm, in 1990; returned and received advanced training in the United States, served a two month humanitarian mission to Panama in 1995; received additional varied training in the United States over the years, was sent to Saint Louis on a humanitarian mission in 1999; received special training in Security and Terrorism, and jungle training, was mobilized to go to Iraq in 2003-2004; and received his final promotion in 2005-2006, while in Mosul, Iraq, and

WHEREAS, he was sent to Fort Knox, Kentucky in 2007-2008, for five operations for injuries, not wounds, and

WHEREAS, he and his wife, Patria, have two sons, Angel and Gabriel, and

WHEREAS, Angel Quiles, and all veterans deserve our gratitude and praise for their selfless sacrifices, service and commitment to duty on behalf of our country and fellow citizens, and we will never forget all the valiant men and women, who still are risking their lives, foregoing their own freedom and happiness, in order to allow us to safely enjoy our liberty,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that ANGEL QUILES is hereby honored and extended deepest gratitude for his heroic service in recognition of his courageous military service.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

Resolution No. 09-99

WHEREAS, Federazione Siciliana del New Jersey will be holding their eleventh Annual Dinner Dance on Sunday, March 8, 2009, at the Venetian Restaurant located at 546 River Drive in Garfield, and

WHEREAS, this year’s recipient’s of the Trinacria d’Oro Award are Hon. Francesco Mario Talo’ Consul General of Italy in New York; Hon. Giovanni Avanti, President of the Province of Palermo; and Leandro Rizzutto, Sr., CEO of Conair Corp., and

WHEREAS, the Garfield Mayor and City Council are desirous of publicly recognizing these three truly deserving gentlemen of this coveted award,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Hon. Francesco Mario Talo’, Hon. Giovanni Avanti and Leandro Rizzutto, Sr., are hereby publicly praised and congratulated on being justly honored with their Trinacria d’Oro Awards presented by the Federazione Siciliana del New Jersey.

On call of roll, Ayes 5

(Sgd) Frank J. Calandriello  
Stanley J. Moskal

RESOLUTIONS

Resolution No. 09-100

BE IT RESOLVED, that the Mayor and Council of the City of Garfield wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$500,000.00 in 2008 Open Space Trust funds for Dundee Dam Park & Bikeway Improvements-Phase II in the City of Garfield; and  
BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Thomas J. Duch, Esq., City Manager to be a signatory to the aforesaid grant agreement;  
BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Thomas J. Duch, Esq., City Manager to sign all County vouchers submitted in connection with the aforesaid project; and  
BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the City of Garfield is liable for a dollar for dollar match for any funds awarded in accordance with the Trust requirements.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Tana M. Raymond

Resolution No. 09-101

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE CITY OF GARFIELD AND AUTHORIZING THE MAYOR, CITY CLERK, INTERIM CHIEF FINANCIAL OFFICER AND OTHER CITY OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING \$3,799,000.00 OF NOTES, CONSISTING OF \$2,469,000.00 GENERAL BOND ANTICIPATION NOTES AND \$1,330,000.00 WATER UTILITY BOND ANTICIPATION NOTES, BOTH ISSUES DATED MARCH 3, 2009 AND PAYABLE MARCH 3, 2010, AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" PURSUANT TO SECTION 265 (b) (3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the City of Garfield, in the County of Bergen, New Jersey (the "City"), from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, that require issuers of tax-exempt obligations, such as the City, to account for and rebate certain arbitrage earnings to the United States Treasury and to take such other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the City intends to issue \$3,799,000.00 of notes, consisting of \$2,469,000.00 General Bond Anticipation Notes and \$1,330,000.00 Water Utility Bond Anticipation Notes, both issues dated March 3, 2009 and payable March 3, 2010 (collectively, the "Notes"); and

WHEREAS, the City desires to designate the Notes as "Qualified tax-exempt obligations" pursuant to Section 265 (b) (3) of the Code; of Garfield, in the County of Bergen, New Jersey, as follows:

SECTION 1. The City Council hereby covenants on behalf of the City, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the City (including the Notes) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, City Clerk, Interim Chief Financial Officer and other officials of the City are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265 (b) (3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Notes are not "private activity bonds" as defined in the Code and (2) the City and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2009.

SECTION 5. It is further determined and stated that the City has not, as of the date hereof, issued any tax-exempt obligations (other than the Notes) during the calendar year 2009.

RESOLUTIONS

SECTION 6. The City will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265 (b) (3) of the Code; however, the City does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the City are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2009 dated as of the date of delivery of the Notes.

SECTION 8. This resolution shall take effect immediately upon its adoption.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Louis G. Aloia

EXIT OF COUNCILMEMBER DELANEY

At 7:00 PM, Councilmember Joseph Delaney left the meeting and it was duly noted for the record.

2009 MUNICIPAL BUDGET

The City Council and Cabinet discussed the 2009 Municipal Budget.

CLOSED SESSION

Resolution No. 09-102

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 7:30 PM on Wednesday, March 4, 2009, 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; (The water leak in the Elmwood Park Well Field).
- \* 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; (the need to hire a successor to Water Superintendent Michael Sferruzzo).

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) Stanley J. Moskal  
Louis G. Aloia

RETURN OF COUNCILMEMBER DELANEY; AND 2009 MUNICIPAL BUDGET

After the City Council came out of Closed Session at 8:20 PM, Councilmember Joseph Delaney returned to the meeting and the City Council and Cabinet discussed the 2009 Municipal Budget. It was duly noted for the record.

REPORTS OF OFFICERS

City Manager Thomas J. Duch reported on the following:

1. A proposal amendment to Chapter 237 of the City Code entitled "Peddling and Soliciting".
2. Estimated costs, about including overtime costs, for the Independence Day Fireworks, total about \$17,500.00.
3. The proposed scheduling of the Independence Day Fireworks Program in Twentieth Century Field for either July 1<sup>st</sup> or July 2<sup>nd</sup>.
4. The proposed utilization of CERT Team Members for the June Relay For Life fundraising event, and for the Christmas Tree Lighting Ceremony in front of City Hall, and the proposed elimination of Halloween Safe Night activities.
5. Garfield Public Health Nurse Darlene Revielle will be a speaker at the Congressional Cities Conference sponsored by the National League of Cities on Monday, March 16, 2009 in Washington, DC, concerning the City of Garfield's experience with the implementation of Safe Routes to Schools initiatives in connection with childhood obesity prevention efforts.
6. He will be attending a Municipal Budget Seminar sponsored by the Division of Local Government Services at Bergen Community College in Paramus on Friday, March 6, 2009 from 9:00AM – 11:00 AM.
7. The need for additional Garfield Police Officers to be certified to install infant car seats.
8. The John Cocula Memorial Scholarship Golf Open to be held Friday, June 26, 2009 at 12:30 PM at the Black Bear Golf Club, Route 23 North in Franklin, NJ.
9. Garfield as a Phase II Community in the PARIS grants program, an electronic records storage, filing and retention program, administered through the County of Bergen.
10. New Health Department Sanitarian Mary Giresi and her response to property maintenance complaints at 37 Spring Street.
11. The DEP Groundwater Monitoring wells at 45 Hartmann Avenue and the DEP Soil Borings at 606 Midland Avenue.
12. The Redevelopers of the C-Mor Shade Redevelopment Site at 7 Jewell Street have requested that the City enter into a PILOT Agreement for the property to include a formula with annual increases based on percentage of increase of the City taxes, rather than a flat tax, and Tax Assessor Kurt Hielle is evaluating the proposal.
13. The briefing, conducted by the Attorney for the New Jersey Environmental Joint Insurance Fund, representing the City, in NJDEP, et. Al. vs. Occidental Chemical Corp. lawsuit, to be held Wednesday, March 18, 2009 at 10:30 AM at the Elmwood Park Municipal Building.
14. The Garfield Public School System has denied the request by the Shiva Shakti Center to utilize the grounds of School No. Six, located at 111 Palisade Avenue, in connection with their third annual anniversary celebration, the week of May 9<sup>th</sup> -17<sup>th</sup>.
15. The thank you note which was received from Charles Sarlo in appreciation of his appointment as Special Counsel for the Zoning Board of Adjustment.
16. Safety Awareness Day will be held for City employees in City Hall on Thursday, March 12, 2009 starting at 10:00 AM.

REPORTS OF OFFICERS

17. He will be meeting with representatives of the Garfield Little League on Monday, March 9, 2009 concerning the City hosting the New Jersey State Little League Championship from Saturday, July 31, 2009 to Wednesday, August 5, 2009. A town meeting has been proposed for Wednesday, July 15, 2009 to advise the neighbors of the plan to execute and accommodate all parties involved.
18. The Fire Prevention Grant application to computerize the City Fire Trucks.

CLOSED SESSION

Resolution No. 09-103

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 9:10 PM on Wednesday, March 4, 2009, to discuss the following as outlined in N.J.;S.A. 10:4-12:

- \* Matters in which the release of information would impair a right to receive funds from the Government of the United States; (Federal Government stimulus plan funding and 23 municipalities have submitted funding for \$90 million and Garfield alone has filed for \$10 million).
- \* Collective bargaining agreements including the negotiation of the terms an thereof with employees or representatives of employees of the public body; (proposed testimony of City Auditor Dieter Lerch in the Binding Arbitration hearing with PBA Local No. 46).
- \* Matters involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds; (A proposed meeting between City manger Duch and Garden State Paper Redevelopment site developer James Demetrakis re: Status of construction of new City Police Station as part of the GSP Redevelopment; the proposed closing of Benda-Roehrich VFW Post No. 2867 at 340 Outwater Lane and the proposed use of the property for a police station).
- \* 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; (Employement application of Joyce Uram; meeting with City Engineer Kevin J. Boswell concerning a breakdown of his billing).

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) Louis G. Aloia  
Stanley J. Moskal

Special Meeting March 4, 2009, Continued

ADJOURNMENT

After the City Council came out of Closed Session at 9:45 PM, there being no further business, Councilmember Delaney moved to adjourn the meeting. Councilmember Aloia duly seconded the motion.

On call of roll, Ayes 5

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Andrew J. Pavlica, CITY CLERK