

A Regular Meeting of the City Council was held Tuesday, November 25, 2008 at 8:00 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, City Attorney Joseph Rotolo, Labor Counsel Joseph Randazzo, City Engineer Kevin J. Boswell, Superintendent Sam Garofalo, Police Chief Kevin Amos and Interim Chief Financial Officer Roy Riggitano

#### REPORTS OF OFFICERS

Councilmember Aloia moved to approve the Reports of the Cabinet as presented orally and in writing during the Work Session held earlier this evening. Councilmember Moskal duly seconded the motion.

On call of roll, Ayes 5

#### RESOLUTIONS

Resolution No. 08 – 431

WHEREAS, The Universal Peace Federation acknowledges as Ambassadors for Peace those individuals whose lives exemplify the ideal of living for the sake of others, and who dedicate themselves to practices which promote universal moral values, strong family life, interreligious cooperation, international harmony, renewal of the United Nations, a responsible public media, and the establishment of a culture of peace, and

WHEREAS, Transcending racial, national and religious barrier, the Ambassadors for Peace contribute to the fulfillment of the hope of all ages, a unified world of peace wherein the spiritual and material dimensions of life are harmonized, and

WHEREAS, The Universal Peace Federation is proud to hereby recognize John Reilly as an “Ambassador for Peace,” and

WHEREAS, John Reilly was also recently publicly recognized by the County of Bergen as Garfield’s “Volunteer of the Year”,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, County of Bergen, New Jersey, that John Reilly is hereby publicly CONGRATULATED upon his awards and recognitions for demonstrating an exemplary measure of public-spiritedness for which he has earned the deepest respect and admiration of many.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 08 – 432

WHEREAS, Fire Company No. 4 has advised that they have expelled Benjamin Cosgrove of 112 Division Avenue, as an active member effective November 7, 2008,

THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 4 with respect to the above matter, is hereby accepted.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Tana M. Raymond

Resolution No. 08 – 433

WHEREAS, Fire Company No. 4 has advised that they have accepted Michael Gesla of 89 Willard Street, as a regular active member, effective November 7, 2008.

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 5

(Sgd) Louis G. Aloia  
Tana M. Raymond

RESOLUTIONS

Resolution No. 08 – 434

WHEREAS, Thomas Adamo, was appointed to the Zoning Board of Adjustment as a Regular Member pursuant to Resolution No. 05-478, adopted by the City Council at a Regular Meeting held, December 20, 2005, and

WHEREAS, in a letter dated November 24, 2008, he has resigned from the Board effective as of November 17, 2008, because he is moving to West Paterson, New Jersey.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Sal Cusmano of 115 Sherman Place, is hereby appointed to the Zoning Board of Adjustment as a Regular Member, effective immediately, to succeed Thomas Adamo for the unexpired term, said term to expire December 31, 2009.

On call of roll, Ayes 5

(Sgd) Tana M. Raymond  
Joseph Delaney

Resolution No. 08 – 435

WHEREAS, Dominick D'Agostino, was appointed as Third Alternate of the Zoning Board of Adjustment pursuant to Resolution No. 08-67 adopted by the City Council at a meeting held February 27, 2008, and

WHEREAS, his term of office expires on December 31, 2008

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Dominick D'Agostino of 96 Manner Avenue, is hereby appointed as Third Alternate of the Zoning Board of Adjustment to succeed himself effective January 1, 2009, for a full two year term, said term to expire December 31, 2010.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Tana M. Raymond

Resolution No. 08 – 436

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that the following License for Transient Merchants of Christmas Trees and Related Items, be granted:

0001            Four Season's Landscaping & Irrigation, LLC  
                  14 Lizette Street aka 596 River Road  
                  Date: December 1, 2008 – December 23, 2008

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Tana M. Raymond

Resolution No. 08 – 437

WHEREAS the Receiver of Taxes reports that she has received a request form the following property owner for a refund due to an overpayment of taxes 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 over payment 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
20.02	8	Wells Fargo Real Estate Tax Services, LLC	O/P	\$1,301.04
38.03	9	Michael & Amy Rugar	O/P	\$55.21
61	35	First American Real Estate Tax Service	O/P	\$1,312.34
99	41	Wells Fargo Real Estate Tax Services, LLC	O/P	\$1,415.48

Regular Meeting November 25, 2008, Continued

RESOLUTIONS

143.10	20	First American Real Estate Tax Service	O/P	\$1,953.21
203.04	3	Wells Fargo Real Estate Tax Services, LLC	O/P	\$2,124.46

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Tana M. Raymond

Resolution No. 08 – 438

RESOLVED, by the Mayor and 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 a follows:

	Appropriation From:	Appropriation To:
DPW Other Expenses	\$25,000.00	
General Admin Other Expenses		\$25,000.00
Police Salary and Wages	\$85,000.00	
Audit Services		\$25,000.00
Attorney Other Expenses		\$20,000.00
Purchase of Police Vehicles		\$20,000.00
Office of Emergency Management Other Expenses		\$5,000.00
EMT Contractual		\$15,000.00
Celebration of Public Events	\$18,000.00	
Clerk Other Expenses		\$12,000.00
Tax Collection Other Expenses		\$5,000.00
UCC Other Expenses		\$1,000.00
Health Salary and Wages	\$5,000.00	
Health Other Expenses		\$5,000.00
Fire Safety S & W	\$13,000.00	
Fire Safety Other Expenses		\$13,000.00
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	\$146,000.00	\$146,000.00

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Tana M. Raymond

Resolution No. 08 – 439

RESOLVED by the City Council of the City of Garfield that the Current Fund Reserve totaling \$129.60 and Current Fund Current Year totaling \$284,247.59 and Water Fund Current Year totaling \$141,481.07 and General Capital \$142,857.39 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 eighteen (18) items prior to the meeting, be ratified.

On call of roll, Ayes 5

(Sgd) Louis G. Aloia  
Tana M. Raymond

BILLS AND CLAIMS

See

The

Following

Pages Numbered \_\_\_\_\_

For

Bills

And

Claims

ORDINANCES

Ordinance No. 2542

The following entitled ordinance was introduced at a Regular Meeting held November 12, 2008; 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, a public hearing on this ordinance was held on November 28, 2008 at which meeting the ordinance was tabled, and the City Council can now proceed with the public hearing and final passage:

“AN ORDINANCE TO AMEND ORDINANCE 2523 OF THE CITY OF GARFIELD 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.

There being no further objections, Mayor Calandriello declared the public hearing closed.

Mayor Frank Calandriello 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 Aloia duly seconded the motion.

On call of roll, Ayes 5,

Councilmember Aloia introduced in writing the following ordinance entitled:

“AN ORDINANCE TO AMEND CHAPTER 256 OF THE CODE OF THE CITY OF GARFIELD ENTITLED ‘RETAIL BUSINESS HOURS’ ”

City Clerk Pavlica read the ordinance by title.

Councilmember Aloia moved that this ordinance entitled, “AN ORDINANCE TO AMEND CHAPTER 256 OF THE CODE OF THE CITY OF GARFIELD ENTITLED ‘RETAIL BUSINESS HOURS’ ” 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 December 9, 2008 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 at least seven days prior to the hearing, in the Garfield Messenger.

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

CITIZENS AND TAXPAYERS

Mrs. Judith Roderman, 6 Plauderville Avenue, asked questions and spoke about the operation of the Wisla Center located at 73 Main Street.

Ms. Laura Danis, 33 Spring Street, spoke and asked questions on the \$933,000.00 a year operating Budget of the Garfield Free Public Library. She said that she was astonished that salary and wages accounted for \$573,000.00 of the Budget. She claimed that the Library was never used. She wished everyone a Happy Thanksgiving.

Mr. Stewart Walters, 272 Palisade Avenue, said that Librarians are one of the last to get paid decent wages and benefits.

Ms. Christine Korzak, 185 Chestnut Street, spoke in positive terms about the Garfield Library employees and how they helped her learn about multiple sclerosis when she was first diagnosed with the disease. She asked about a proposed program where Garfield High School students volunteer to shovel snow for seniors. She spoke about her elderly neighbor who was ill.

CITIZENS AND TAXPAYERS

Mr. Richard Derrig, 71 Herman Street, said that there are no public sidewalks on Van Bussum Avenue. He said that there are fifteen streets in town without public sidewalks and he counts sixty-five intersections without barrier free curbing at the corners. He asked questions concerning a proposed grant for the Garfield Boys and Girls Club.

Mr. William Whren, 33 Westminister Place, spoke about the Council meeting being held tonight in the Conference Room instead of the Council Chamber.

COUNCILMEMBER COMMENTS

Councilmember Raymond publicly wished the Aloias a Happy Anniversary and wished everyone a Happy Thanksgiving.

Councilmember Delaney commended City Manager Duch for attempting to secure additional funds for the Garfield Boys and Girls Club. He said that he likes not having sidewalks in his neighborhood. He said that all the charity beefsteaks and pancake breakfast fundraisers helps keep Garfield together. He said that Thanksgiving is a great holiday and we should show gratitude. He said that every time someone is stuck at a red traffic light, they should consider all the times that they got a green light.

Councilmember Aloia wished everyone a Happy Thanksgiving and he wished a Happy 20<sup>th</sup> Wedding Anniversary to his wife, Rosemarie.

Councilmember Moskal wished Happy Anniversary to Lou and Rosemarie Aloia and a Happy Thanksgiving to everyone.

Mayor Calandriello said that all the fundraising events he has attended lately have been packed, and that Garfield supports its own, even during trying times. He wished everyone a Happy Thanksgiving and said for everyone to remember the Loaves and Fishes Interfaith Food Pantry. He reminded everyone that the Christmas Tree Lighting Ceremony will be held in front of City Hall on Monday, December 1, 2008 at 6:30 PM.

CLOSED SESSION

Resolution No. 08 – 440

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 8:55 PM on Tuesday, November 25, 2008, 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; (Police Grievance concerning time off to attend PBA Conferences; PBA Local No. 46 Collective Bargaining Negotiations; Blue Collar Collective Bargaining Negotiations).
- \* Pending or anticipated litigation or contract negotiations or matters falling within attorney-client privilege; (tax exempt request be Garfield Housing Authority for former Pigeon Club property located at Gaston Avenue; back taxes owed by Margaret Muscarrelle Child Development Center located at 1 Walnut Street; Cable television franchise renewal).

CLOSED SESSION

- \* 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; (Bus Driver Edward Rusnack allegedly disregarding directives of crossing guards, causing accidents and making obscene gestures; proposed hiring of a successor to Frank Bland as Health Sanitarian; proposed hiring of Fred Krowl to head the building department; proposed hiring of Jerry Wdowiak for Fire Prevention Office and transfer of Mary Delahanty to the City Clerk's 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.

On call of roll, Ayes 5,

(Sgd) Stanley J. Moskal  
Louis G. Aloia

EXIT OF DPW SUPERINTENDENT GAROFALO AND  
POLICE CHIEF KEVIN AMOS

At 9:00 PM, Superintendent of Public Works Sam Garofalo left the meeting during Closed Session. At 9:20 PM, Police Chief Kevin Amos left the meeting during Closed Session. It was duly noted for the record.

ADJOURNMENT

After the City Council came out of Closed Session at 10:05 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

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Andrew J. Pavlica, CITY CLERK