

A Regular Meeting of the City Council was held Tuesday, January 22, 2013 at 8:10 PM in the Council Chamber in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

Mayor Joseph Delaney 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: Frank J. Calandriello, Louis G. Aloia, Tana M. Raymond, Glenn A. Mati and Joseph Delaney

Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, Deputy City Clerk Diane Rosolen, City Attorney Representative Robert Ferrarro of the Law Firm of Bruno and Ferraro (for City Attorney John Bruno) and City Engineer Kevin Boswell

REPORTS OF OFFICERS

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

On call of roll, Ayes 5

RESOLUTIONS

Resolution No. 13-19

WHEREAS, the Saint Ciro Society of Garfield will be holding their 104th Dinner-Dance on Saturday, January 26, 2013 at the Venetian Restaurant located at 546 River Drive in Garfield, and

WHEREAS, the Saint Ciro Society has proven to be a worthwhile proponent of Italian Culture and devotion to Saint Ciro, and

WHEREAS, Cosimo Sanicola, will be honored this year by the Saint Ciro Society for Outstanding Accomplishments in the name of Italian Heritage and the City Council is desirous of publicly recognizing this outstanding organization within the "City of Champions"

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Cosimo Sanicola, is hereby CONGRATULATED for being honored as "Man of the Year", and

BE IT FURTHER RESOLVED that the Saint Ciro Society is also hereby publicly recognized and praised for its outstanding dedication to God and community.

On call of roll, Ayes 5

(Sgd) All Five Councilmembers

Resolution No. 13-20

WHEREAS, Fire Company No. 2 has advised that they have expelled Jesus Ramirez of 127 Jewell Street Apt #10, as an active member effective January 7, 2013.

THEREFORE BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 2 with respect to the above matter, is hereby accepted.

On call of roll, Ayes 5

(Sgd) Glenn A. Mati
Louis G. Aloia

Resolution No. 13-21

RESOLVED by the City Council of the City of Garfield that Andrew J. Pavlica, City Clerk, is hereby authorized to issue the following licenses for Games of Skill for the year 2013 described in application, duly filed:

RESOLUTIONS

J & S Fregata, LLC	1 Juke Box	\$	75.00
45 Shaw Street	1 Pool Table		50.00
Garfield, NJ 07026	1 Fooseball		50.00
	1 Boxer		50.00
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		\$	275.00

On call of roll, Ayes 5

(Sgd) Glenn A. Mati
Louis G. Aloia

Resolution No. 13-22

WHEREAS, Resolution No. 12-18 was adopted granting a towing license to Belfi's Auto and Truck Repair, Inc. of 208 Palisade Avenue, Garfield, NJ, pursuant to Chapter 229 of the Code of the City of Garfield, and

WHEREAS, the latest one year term of the license has expired, and

WHEREAS, Belfi's Auto and Truck Repair, Inc. has filed for a license renewal and the City Council having determined the public convenience and necessity, allows and requires such license and that the applicant is fit and has the necessary equipment, including a storage area pursuant to Chapter 229, and

WHEREAS, a \$500.00 license fee has been received by the City Clerk in connection with this application pursuant to City Ordinance No. 2008,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is authorized to notify Belfi's Auto and Truck Repair, Inc. of 208 Palisade Avenue, Garfield, New Jersey that it has received a 2013 Towing License pursuant to the City Code, and

FURTHER RESOLVED that Belfi's Auto and Truck Repair, Inc. shall comply with all the pre-conditions and requirements of the towing license.

On call of roll, Ayes 4, Abstain 1 -
Councilmember Calandriello

(Sgd) Glenn A. Mati
Louis G. Aloia

Resolution No. 13-23

WHEREAS, Resolution No. 12-19 was adopted granting a towing license to Bob's Automotive of 619 Midland Avenue, Garfield, NJ, pursuant to Chapter 229 of the Code of the City of Garfield, and

WHEREAS, the latest one year term of the license has expired, and

WHEREAS, Bob's Automotive has filed for a license renewal and the City Council having determined the public convenience and necessity, allows and requires such license and that the applicant is fit and has the necessary equipment, including a storage area pursuant to Chapter 229, and

WHEREAS, a \$500.00 license fee has been received by the City Clerk in connection with this application pursuant to City Ordinance No. 2008,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is authorized to notify Bob's Automotive of 619 Midland Avenue, Garfield, New Jersey that it has received a 2013 Towing License pursuant to the City Code, and

FURTHER RESOLVED that Bob's Automotive shall comply with all the pre-conditions and requirements of the towing license.

On call of roll, Ayes 4, Abstain 1 -
Councilmember Calandriello

(Sgd) Glenn A. Mati
Louis G. Aloia

RESOLUTIONS

Resolution No. 13-24

WHEREAS, Resolution No. 12-20 was adopted granting a towing license to Dabal's Service Station of 181 Prospect Street, Garfield, NJ, pursuant to Chapter 229 of the Code of the City of Garfield, and

WHEREAS, the latest one year term of the license has expired, and

WHEREAS, Dabal's Service Station has filed for a license renewal and the City Council having determined the public convenience and necessity, allows and requires such license and that the applicant is fit and has the necessary equipment, including a storage area pursuant to Chapter 229, and

WHEREAS, a \$500.00 license fee has been received by the City Clerk in connection with this application pursuant to City Ordinance No. 2008,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is authorized to notify Dabal's Service Station of 181 Prospect Street, Garfield, New Jersey that it has received a 2013 Towing License pursuant to the City Code, and

FURTHER RESOLVED that Dabal's Service Station shall comply with all the pre-conditions and requirements of the towing license.

On call of roll, Ayes 4, Abstain 1 -
Councilmember Calandriello

(Sgd) Glenn A. Mati
Louis G. Aloia

Resolution No. 13-25

WHEREAS, Resolution No. 12-21 was adopted granting a towing license to David's Auto Body of 70 Lincoln Place, Garfield, NJ, pursuant to Chapter 229 of the Code of the City of Garfield, and

WHEREAS, the latest one year term of the license has expired, and

WHEREAS, David's Auto Body has filed for a license renewal and the City Council having determined the public convenience and necessity, allows and requires such license and that the applicant is fit and has the necessary equipment, including a storage area pursuant to Chapter 229, and

WHEREAS, a \$500.00 license fee has been received by the City Clerk in connection with this application pursuant to City Ordinance No. 2008,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City Clerk is authorized to notify David's Auto Body of 70 Lincoln Place, Garfield, New Jersey that it has received a 2012 Towing License pursuant to the City Code, and

FURTHER RESOLVED that David's Auto Body shall comply with all the pre-conditions and requirements of the towing license.

On call of roll, Ayes 4, Abstain 1 -
Councilmember Calandriello

(Sgd) Glenn A. Mati
Louis G. Aloia

Resolution No.

WHEREAS, pursuant to Section 229 of the Code of the City of Garfield municipal towing licenses are issued, on an annual basis, to towing companies who have expressed an interest in providing rotational towing services on behalf of the City of Garfield; and

WHEREAS, Mazzola Automotive Repair Center, Inc., 187-189 Midland Avenue, Garfield, N.J., has filed an application for a towing license for calendar year 2013; and

WHEREAS, the City Clerk and City Attorney have reviewed the application submitted and have determined that the application complies with all the requirements of local Ordinance; and

WHEREAS, the City of Garfield Police Department has conducted the appropriate investigation of this license and has also determined that the applicant does not comply with the equipment and storage facilities requirements of the Ordinance; and

WHEREAS, Section 229-19 of the Code of the City of Garfield provides that no more than three (3) licenses per year will be issued; and

WHEREAS, there currently exists a total of four (4) licensees who have applied for and received annual towing licenses from the City Council; and

RESOLUTIONS

WHEREAS. The outstanding licenses currently exceed the number of licenses set forth in local ordinance since several licensees were on the rotational towing list prior to the adoption of the aforementioned limitation; and

WHEREAS, as a result of the foregoing, the application filed by Mazzola Automotive Repair Center, Inc. fails to comply with the requirements of the Ordinance and would result in the issuance of a license which further exceeded the limitation set forth in the Ordinance; and

WHEREAS, the aforesaid City Ordinance provides that applicants in excess of the specified number would be placed on a waiting list and would, thereafter, be considered for a license in the event that any existing licenses are either forfeited or revoked.

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. The application of Mazzola Automotive Repair Center, Inc. for a municipal towing license pursuant to Chapter 229 of the City code is hereby rejected;
2. City Code which provides that no more than three (3) licenses shall be issued per year; and, additionally, it is based upon the failure of the applicant to comply with the requirements of local ordinance;
3. The City Clerk shall place Mazzola Automotive Repair Center, Inc. on a waiting list for the issuance of a towing license in the event that one becomes available and said Mazzola Automotive Repair Center, Inc. shall be the first application considered for such a license in the event of its availability;
4. All fees paid by Mazzola Automotive Repair Center, Inc. shall be returned to this applicant.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to forward certified copies of the within Resolution to Mazzola Automotive Repair Center, Inc., as well as all other applicants, the Garfield Chief of Police and the City Attorney.

On call of roll, Ayes 2, Nays 1 –
Councilmember Raymond, Abstain 2 –
Councilmembers Calandriello and Delaney

(Sgd) Glenn A. Mati
Louis G. Aloia

RESOLUTION DEFEATED

Resolution No. 13-26

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that City Engineer Kevin J. Boswell is hereby authorized and directed to prepare plans and specifications for the receipt of bids for Water Meter and Remote Reading System Equipment Installation at no cost to the municipality.

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

(Sgd) Glenn A. Mati
Joseph Delaney

Resolution No. 13-27

RESOLUTION AUTHORIZING TRANSFER OF PROPERTY TO THE GARFIELD BOARD OF EDUCATION

WHEREAS, the Mayor and Council of the City of Garfield believe it is in the best interest of the City of Garfield to transfer ownership of certain City owned real estate to the Board of Education of the City of Garfield, upon certain conditions; and

WHEREAS, the said transfer will assist the Garfield Board of Education with their plan for an Athletic Complex at the Garfield High School;

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

RESOLUTIONS

1. The City of Garfield shall enter into an agreement with the Garfield Board of Education for the transfer of property identified on Exhibit "A" attached hereto and made a part hereof.
2. The transfer shall be subject to agreement by the Garfield Board of Education to the following:
 - A. Relocation of existing bus parking to an area near the Pacific Avenue right of way.
 - B. Compliance with the drainage requirements of the State Stormwater Management Guidelines.
 - C. Installation of an additional storm drainage out fall pipe near the Columbus Avenue right of way
 - D. Prohibition of bus parking at the City Hall/High School entry near Outwater Lane.
 - E. Such other conditions required by the Mayor and Council.

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 City Attorney, the Garfield Board of Education and the Attorney for the Garfield Board of Education.

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

(Sgd) Glenn A. Mati
Louis G. Aloia

Resolution No. 13-28

WHEREAS, The Recycling Enhancement Act, P.L. 2007, Chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, whenever a municipality operates a municipal service system for solid waster collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City of Garfield hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, Chapter 311, in 2012 in the amount of \$42,925.71. Documentation supporting this submission is available at 111 Outwater Lane, Garfield, New Jersey 0726 and shall be maintained for no less than five years from this date.

On call of roll, Ayes 5

(Sgd) Glenn A. Mati
Louis G. Aloia

Resolution No. 13-29

WHEREAS, the City Treasurer of the City of Garfield has identified the following checks to be stale, and

WHEREAS, the City Treasurer has been deemed to cancel of record the following checks which are dated prior to December 2012.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that all stale checks on City of Garfield Current Account shall be treated MRNA.

Current Account #800741811

Check #	Dollar Amount
20802	\$ 262.71
20935	\$ 250.00
21013	\$ 56.25
21054	\$ 56.25

RESOLUTIONS

21093	\$ 56.25
21131	\$ 56.25
21188	\$ 56.25
21204	\$ 56.25
21471	\$ 271.18
22696	\$ 195.00

On call of roll, Ayes 5

(Sgd) Glenn A. Mati
Louis G. Aloia

Resolution No. 13-30

WHEREAS, the City Treasurer of the City of Garfield has identified the following checks to be stale, and

WHEREAS, the City Treasurer has been deemed to cancel of record the following checks which are dated prior to December 2012.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that all stale checks on City of Garfield Disability Account shall be treated MRNA.

Disability Account #800744005

Check #	Dollar Amount
1129	\$ 370.16

On call of roll, Ayes 5

(Sgd) Glenn A. Mati
Louis G. Aloia

Resolution No. 13-31

WHEREAS, the City Treasurer of the City of Garfield has identified the following checks to be stale, and

WHEREAS, the City Treasurer has been deemed to cancel of record the following checks which are dated prior to December 2012.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that all stale checks on City of Garfield Escrow Developers Trust Account shall be treated MRNA.

Escrow Developers Trust Account #800744039

Check #	Dollar Amount
1362	\$ 136.50

On call of roll, Ayes 5

(Sgd) Glenn A. Mati
Louis G. Aloia

Resolution No. 13-32

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owners for a refund due to over paid taxes from County Board Judgment for the year 2012.

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
38.02	19	LoGrasso, Giuseppe & Partricia	O/P	\$740.76
51	36	Young, Robert	O/P	\$1,149.29
56.02	6	A.A.I. Holding Inc.	O/P	\$836.74
149.03	6	R&A Real Estate LLC	O/P	\$1,161.59

RESOLUTIONS

On call of roll, Ayes 5

(Sgd) Glenn A. Mati
Louis G. Aloia

BILLS AND CLAIMS

Resolution No. 13-33

RESOLVED by the City Council of the City of Garfield that the following bills No. 1559 through 1565 covering POAA Account, Dog Trust, Trust Other, .Dedicated Penalty Trust Fire Dept. totaling \$52,736.78 and the Current Fund Reserve totaling \$166,563.80 and the Current Fund totaling \$612,457.02 and the Current Water Fund Reserve totaling \$84,973.36 and the Current Water Fund totaling \$13,601.57 and the General Capital Fund totaling \$8,793.41 and the Water Capital Fund totaling \$2,100.00 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 twenty two (22) items prior to the meeting be ratified.

See

The

Following

Pages _____

for

Bills

and

Claims

CITIZENS AND TAXPAYERS

Mr. Reginald Buggs, 315 Mac Arthur Avenue, thanked City Manager Duch for meeting with URGENT and implementing a Gun Buy Back Program. He said that School No. 8 on Cedar Street and the Middle School on Lanza Avenue both had a half a day of school yesterday on Dr. Martin Luther King Day and this is an important and sacred day. He said that the works of Dr. King changed the World and he asked that City Officials please correspond this to Garfield School Officials.

Mr. Clyde Bamby, 105 Chestnut Street, complained that the books of the Garfield Free Public Library are very old, that the computers there need to be updated and that the Librarians there are very rude to his children. He said that his kids needed to go to the Lodi Library and the Hasbrouck Heights Library for books. He also complained about the lighting in the Garfield Library.

Mr. Miguel Reyes, 91 Passaic Street, asked about the status of a letter that was sent to Mayor Delaney from URGENT asking him to make a pledge to support legislation against illegal guns.

Mr. Ciro Disclafani, 47 Orchard Street, spoke on President Barack Obama's Second Inaugural Address yesterday. He spoke on the willingness of people to become involved. He spoke on proposed efforts to make Garfield a "Destination Community" with an "International Cultural Center". He said that he wants Garfield to move from adequacy to exceptionalism.

Mr. John Easom, 103 Gaston Avenue, spoke on the Gun Buy Back Program and spoke on how it may be creating a market or an incentive to steal guns. He questioned how the guns get on the streets in the first place.

Mr. Clyde Bamby, was again recognized, and he asked about the A&P Supermarket property located at 59 Outwater Lane.

Mr. Miguel Reyes, was again recognized, and he spoke on how other towns affect what happens in Garfield.

COUNCILMEMBER COMMENTS

Councilmember Calandriello said, "The less guns, the less violence, the less people getting shot". He said that the City of Garfield invested \$8 million into the water system over the past few years. He spoke on the Water Meter and Remote Reading System Equipment Installation Program. He spoke on the City-owned "Railroad Property" being conveyed to the Board of Education. He said that yesterday he watched the President get sworn in and it is a great process and makes everyone proud to be American because the system does work well.

Councilmember Aloia said that Garfield Schools should not have been open on Dr. Martin Luther King's Day. He thanked Joyce Uram, whose term on the Library Board of Trustees expired in December and she is declining reappointment and he thanked her for her service. He commented on how the Library Board is an autonomous body and the City Council should not interfere with their operations. He spoke on how Garfield should operate in harmony with other municipalities. He spoke on the City Gun Buy Back Program and how there is a need to get guns off the street any way possible.

Deputy Mayor Raymond spoke on the proposed establishment of an Events Committee Advisory Board and the proposed reactivation of the Environmental Committee Advisory Board. She spoke on school security in the Garfield School System. She spoke on the proposed Gun Buy Back Program. She thanked Joyce Uram for her years of service on the Library Board of Trustees.

Councilmember Mati spoke on how the Garfield Fire Department is an example of volunteerism. He said that the budget is \$270,000.00 and there is no way the City could have a paid Department for that kind of money. He said that in Garfield, being a firemen is not a paid job, it is a volunteer job. He spoke on Fire Company No. Four getting a new Fire Truck this month. He said that the

COUNCILMEMBER COMMENTS

Presidential Inauguration was beautiful yesterday. He said that we elect a President without a shot being fired and it is a great country and a great system. He spoke on publicizing public meetings.

Councilmember Delaney spoke on having his office open for the public on Wednesdays from 5:30 PM to 7:00 PM during February and March. He spoke on yesterday's Presidential Inauguration. He spoke on the upcoming Super Bowl between the San Francisco 49ers and Baltimore Ravens. He spoke on the next Work Session and Regular Meeting of the City Council being held on the same day of Monday, February 11, 2013 due to Lincoln's Birthday Holiday on February 12, 2013.

ADJOURNMENT

At 9:35 PM, there being no further business, Councilmember Raymond moved to adjourn the meeting. Councilmember Mati duly seconded the motion.

On call of roll, Ayes 5

Andrew J. Pavlica, CITY CLERK