

A Regular Meeting of the City Council was held Monday, February 11, 2013 at 8:20 PM in the Conference Room 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, Tana M. Raymond, Glenn A. Mati and Joseph Delaney
Councilmembers Absent: Louis G. Aloia
Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Representative Robert Ferrarro of the Law Firm of Bruno and Ferraro (for City Attorney John Bruno) and City Engineer Kevin J. 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 4,
Absent 1 – Councilmember Aloia

COMMUNICATIONS/APPOINTMENTS

City Clerk Andrew J. Pavlica reported that in a letter to him dated February 4, 2013, Mayor Joseph Delaney made the following appointment to the Garfield Free Public Library Board of Trustees:

- * Ms. Joan Murdock, as a Regular Member to succeed Ms. Joyce Uram, for a full five year term, commencing December 18, 2012 and expiring December 17, 2017.

RESOLUTIONS

Resolution No. 13-35

WHEREAS, Plenary Retail Consumption License No. 0221-33-031-005, was not timely renewed for the 2012-2013 license term so that it expired; and
WHEREAS, the Director of the Division of Alcoholic Beverage Control issued a Special Ruling on December 19, 2012, permitting the Council to issue a “new” plenary retail consumption license to replace the expired license under the authority of N.J.S.A. 33:1-12.18; and
WHEREAS, LCJD, LLC. has filed an application for the “new” license, and has published the required notice and otherwise complied with the requirements of the Director’s Special Ruling;
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that pursuant to the authority of N.J.S.A. 33:1-12.18, the Special Ruling of the Director of the Division of Alcoholic Beverage Control dated December 19, 2012, the City hereby issues to LCJD, LLC, a “new” Plenary Retail Consumption License to replace the expired license No. 0221-33-031-005, for the license term expiring June 30, 2013, and the new license shall bear the same license number as the expired license.

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

(Sgd) Glenn A. Mati
Tana M. Raymond

Resolution No. 13-36

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

Wisla Inc. 73 Main Street Garfield, NJ 07026	1 Juke Box 1 Pool Table	\$ 75.00 50.00
		\$ 125.00
Sportsman Tavern 245 Outwater Lane Garfield, NJ 07026	1 Juke Box 1 Pool Table	\$ 75.00 50.00
		\$ 125.00
MVP's Sports Bar 402 River Drive Garfield, NJ 07026	1 Juke Box 1 Pool Table 1 Mega Touch	\$ 75.00 50.00 50.00
		\$ 175.00

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

(Sgd) Glenn A. Mati
Tana M. Raymond

Resolution No. 13-37

RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Public Service Electric and Gas Company is hereby authorized and requested to install a "Yellow" High Pressure Sodium Lamp on Pole Number 60590GF located at 241 Harrison Avenue,
BE IT FURTHER RESOLVED that City Clerk Andrew J. Pavlica is hereby authorized and directed to forward a certified and exact copy of this approved resolution to P.S.E. & G. Co. at the following address.

Mr. Tom Zotollo
P.S.E. & G. Company
325 County Avenue
Secaucus, New Jersey 07094

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

(Sgd) Glenn A. Mati
Tana M. Raymond

Resolution No. 13-38

WHEREAS, Fire Company No. 3 has advised that they have accepted Joseph Petta of 8 Garwood Court North, Garfield, New Jersey 07026, as a Junior Member, effective February 4, 2013,
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. 3 with respect to the above matter, is hereby approved.

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

(Sgd) Glenn A. Mati
Tana M. Raymond

Resolution No. 13-39

WHEREAS, Fire Company No. 2 has advised that they have accepted Christopher Kopp of 234 Lincol Place, Garfield, New Jersey 07026, as a regular active member, effective December 1, 2012,
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. 2 with respect to the above matter, is hereby approved.

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

(Sgd) Glenn A. Mati
Tana M. Raymond

RESOLUTIONS

Resolution No. 13-40

WHEREAS, Fire Company No. 4 has advised that they have accepted Michael Aguilar of 38 Division Avenue, Garfield, New Jersey 07026, as a regular active member, effective February 1, 2012,

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 4,
Absent 1 - Councilmember Aloia

(Sgd) Glenn A. Mati
Tana M. Raymond

Resolution No. 13-41

WHEREAS, Fire Company No. 4 has advised that they have accepted Edwin Casado of 38 Division Avenue, Garfield, New Jersey 07026, as a regular active member, effective February 1, 2012,

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 4,
Absent 1 - Councilmember Aloia

(Sgd) Glenn A. Mati
Tana M. Raymond

Resolution No. 13-42

WHEREAS, Fire Company No. 5 has advised that they have accepted Dylan Rust of 116 Hartmann Avenue, Garfield, New Jersey 07026, as a regular active member, effective December 1, 2012,

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. 5 with respect to the above matter, is hereby approved.

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

(Sgd) Glenn A. Mati
Tana M. Raymond

Resolution No. 13-43

WHEREAS, Fire Company No. 5 advises that Andrew Soltis of 400 Midland Avenue Apt 2, Garfield, New Jersey has served as an active member of the Garfield Fire Department for at least twenty-one years and that he is entitled to a twenty-one year badge, and

WHEREAS, the records in the Office of the City Clerk indicate that he has served for a period on twenty-one years,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the recommendation of Fire Company No. 5 is hereby approved and that the proper officers are hereby authorized to issue a twenty-one year badge to the above named individual.

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

(Sgd) Glenn A. Mati
Tana M. Raymond

Resolution No. 13-44

WHEREAS, pursuant to a previously adopted resolution, the Governing Body determined that it would be in the best interests of the City of make certain professional appointments pursuant to a "Fair and Open Process" pursuant to the provisions of the New Jersey Local Unit Pay to Play Law which became effective on January 1, 2006; and

WHEREAS, pursuant to the aforesaid Resolution, a legal notice and statement of criteria for submission of qualifications were prepared by the City Attorney which solicited submissions by the various professionals no later than Friday, January 18th, 2013; and

RESOLUTIONS

WHEREAS, pursuant to the aforesaid notice, statements of professional qualifications were, in fact, submitted; and

WHEREAS, contracts with these professionals may be entered into by the City of Garfield without the necessity of competitive bidding since these contracts are professional services which are exempt from competitive bidding pursuant to N.J.S.A. 40A-11-5(1)a; and

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. Kevin Boswell of Boswell McClave Engineering is hereby appointed as City Engineer for the City of Garfield with compensation to be determined pursuant to the applicable salary Ordinance.
2. Dieter Lerch of the firm of Lerch, Vinci and Higgins, LLP is hereby appointed as City Auditor for the City of Garfield with compensation to be determined pursuant to the applicable salary Ordinance or pursuant to separate Resolution.
3. Steven L. Rogut, Esq. of the firm of Rogut McCarthy Troy, LLC is hereby appointed as Bond Counsel for the City of Garfield with compensation to be determined pursuant to the various Bond Ordinances established by the City Council.
4. Frank Covelli of Professional Insurance Associate, Inc. is hereby appointed Risk Management Consultant for the City of Garfield to perform various professional services as detailed in a Risk Management Consultant Agreement which indicates a minimum fee equal to six percent (6%) of the municipal assessment.
5. Robert McNerney of McNerney Appraisal Services Corp. is hereby appointed City Tax Appraiser for the City of Garfield in connection with defending tax appeals for a monthly retainer of \$2,900.00 per month.
6. Edward Arcari of the firm of Arcari Iovino Architects, PC is hereby appointed as Architect for the City of Garfield for a fee to be determined based upon each individual project awarded.
7. Joseph Giammanco is hereby appointed Municipal Prosecutor with compensation to be determined pursuant to the applicable salary Ordinance.
8. Capital Alternatives Corporation and GLD Associates are hereby appointed as Grants Consultant for the City of Garfield with compensation to be determined in accordance with a separate agreement to be established by the City Manager.
9. Law Office of Kurt J. Geisler, LLC is hereby appointed as Municipal Public Defender with compensation to be determined pursuant to the applicable salary ordinance.
10. Burgis Associates, Inc. is hereby appointed as City Planner with compensation to be determined pursuant to a separate resolution.

NOW, THEREFORE, BE IT RESOLVED that no appointments are being made for the positions of City Attorney and Litigation Attorney. Furthermore, these positions are on a salary basis only and, therefore, are exempt from Pay to Play regulations. A review of prior Resolutions and action of the Governing Body has revealed that contracts for those positions are currently in effect which extend through the current Council term.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that each of the appointments set forth herein shall be for a period of one (1) year commencing on January 1, 2013 and each appointment is subject to confirmation by the Chief Financial Officer that sufficient funds exist for these purposes.

RESOLUTIONS

WHEREAS to the extent that the power of appointment rests with the City Manager, these appointments are intended to confirm said appointments made by the Office of the City Manager. NOW, THEREFORE, BE IT FURTHER RESOLVED, that the within appointments have been made pursuant to a “Fair and Open Process”; and 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 the Offices of the City Manager, City Attorney, Chief Financial Officer for the City of Garfield and each of the professionals appointed pursuant to this Resolution.

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

(Sgd) Tana M. Raymond
Frank J. Calandriello

Resolution No. 13-45

Resolution calling on the federal government to reduce gun violence in America and help prevent future mass shootings through the passage of: the Fix Gun Checks Act, which would require a background check for every gun sale and ensure that all criminals and other dangerous people who are prohibited from buying a gun are listed in the National Instant Criminal Background Check System; as well as, legislation that would keep military-style weapons and high-capacity magazines off our streets and would make gun trafficking a federal crime..

In Support of the Fix Gun Checks Act and Other Measures to Reduce Gun Violence

WHEREAS, the National Instant Criminal Background Check System (NICS) is an effective tool to keep guns out of the hands of criminals and other dangerous individuals, and this system has blocked 1.9 million illegal gun purchases and permit applications in the past two decades; and

WHEREAS, despite this success, the system is undermined by legal loopholes and missing records that enable too many dangerous individuals to obtain weapons they later use in crimes; and

WHEREAS, it is estimated that state and federal agencies have failed to report more than one million records of persons with dangerous mental illness into the NICS database; and

WHEREAS, on April 16, 2007, Seung-Hui Cho shot and killed 32 people at Virginia Tech with guns that were legally purchased because records of his mental health status were missing from the NICS; and

WHEREAS, on January 8, 2011, Jared Loughner, someone with a reported history of drug abuse and serious mental illness who should have been in the NICS database but was not, killed six Tucsonans – Christina-Taylor Green, Dorothy Morris, Judge John Roll, Dorwan Stoddard, Phyllis Schneck, and Gabe Zimmerman – and shot 13 others, including U.S. Congresswoman Gabrielle Giffords; and

WHEREAS, on July 20, 2012, James Holmes, using a semi-automatic rifle and other guns, allegedly shot and killed 12 people and injured at least 58 others in a movie theater in Aurora, CO, using some of the thousands of rounds of ammunition that the shooter had recently purchased online without any background check; and

WHEREAS, on August 5, 2012, Wade Michael Page, using a semi-automatic handgun, allegedly shot and killed 6 people and injured 3 others at a Sikh temple in Oak Creek, WI; and

WHEREAS, on October 21, 2012, Radcliffe Haughton, using a semi-automatic handgun, shot and killed his estranged wife and two others; and though a restraining order had been issued against Haughton – making him a prohibited person under federal law – Haughton was able to avoid a background check by purchasing the gun from a private seller through armslist.com; and

RESOLUTIONS

WHEREAS, in the wake of the Newtown shootings on December 14, 2012, Adam Lanza, using two semi-automatic handguns, shot and killed 27 people, including 20 children at Sandy Hook elementary school; and

WHEREAS, in the wake of the Virginia Tech shootings, Virginia and other states have submitted hundreds of thousands of new mental health records into the NICS database, yet 19 states have each submitted fewer than 100 mental health records since that massacre; and

WHEREAS, under federal law licensed gun dealers are mandated to conduct NICS checks before proceeding with a sale, but this requirement does not apply to so-called private sellers who are present in large numbers at gun shows and sell guns over the internet; and

WHEREAS, it is estimated that 6.6 million guns were sold privately in the U.S. between November 2011 and November 2012, and undercover investigations have shown that many private sellers at gun shows and online will proceed with sales even when they are made aware that prospective purchasers cannot pass a background check; and

WHEREAS, more than 12,000 Americans are murdered with guns every year, and too many of these crimes are committed by individuals who are barred from purchasing or possessing guns under Federal law; and

WHEREAS, other tragedies including the 1999 Columbine High School shooting in Colorado, the 2010 attack on law enforcement at the Pentagon, and the 2012 mass shooting at a Pittsburgh psychiatric clinic were perpetrated by individuals who obtained guns through unregulated private sales, with no paperwork required and no questions asked; and

WHEREAS, the Fix Gun Checks Act has been introduced in the U.S. Congress, and this legislation would address the two major flaws in the nation's gun background check system by improving compliance with federal record reporting requirements, and by requiring background checks for all U.S. gun sales; and

WHEREAS, 90 percent of Americans and 90 percent of gun owners support fixing gaps in the gun background check database, and 86 percent of Americans, 82 percent of gun owners nationwide, and 74 percent of NRA members support mandatory criminal background checks for all gun sales; and

WHEREAS, City of Garfield has been a strong advocate for common-sense policies that keep guns out of dangerous hands while respecting the rights of law-abiding gun owners, and strongly believes that Congress and state governments should take action to close deadly gaps in the NICS; and

WHEREAS, more than 50 national organizations support closing gaps in the gun background check database and requiring a background check for all gun sales, including the U.S. Conference of Mayors, National Urban League, National Association for the Advancement of Colored People, and the National Coalition Against Domestic Violence, the International Association of Chiefs of Police, the Major Cities Chiefs Association and the Police Executive Research Forum; and

WHEREAS, the Fix Gun Checks Act is strongly supported by Mayors Against Illegal Guns, a national, bipartisan coalition of more than 800 mayors, who represent more than 58 million Americans;

NOW, THEREFORE, BE IT RESOLVED, that the City of Garfield will work to push for increased reporting of mental health and other relevant records into the NICS database; and

BE IT FURTHER RESOLVED, that the City of Garfield urges immediate passage of The Fix Gun Checks Act in the United States Congress; and

RESOLUTIONS

BE IT FURTHER RESOLVED, that the City of Garfield urges immediate passage of legislation that would get military-style weapons and high-capacity magazines away from our community and especially our schools; and

BE IT FURTHER RESOLVED, that the City of Garfield urges immediate passage of legislation that would make gun trafficking a federal crime; and

BE IT FURTHER RESOLVED, that the City of Garfield, echoing the call of gun violence survivors and family members, calls on both President Obama and the U.S. Congress to put in place concrete reforms to reduce gun violence nationwide and help prevent future mass shootings; and

BE IT FURTHER RESOLVED, that City of Garfield's Mayor and Council will join with domestic violence prevention advocates, faith leaders, law enforcement officials, and other elected officials to make clear that failure to strengthen gun laws at the national level will continue to fuel gun violence in big and small cities throughout the country; and

BE IT FINALLY RESOLVED, that City of Garfield's Mayor and Council requests the Clerk of the City of Garfield to transmit this memorial to all members of New Jersey's Congressional Delegation, and to the Obama administration.

On call of roll, Ayes 3,
Abstain 1 – Councilmember Mati,
Absent 1 - Councilmember Aloia

(Sgd) Tana M. Raymond
Frank J. Calandriello

Resolution No. 13-46

RESOLUTION SUPPORTING A BILL TO AMEND THE DEFINITION OF HAZARDOUS SUBSTANCES WITHIN THE SPILL COMPENSATION AND CONTROL ACT, N.J.S.A. 58:10-23.11(b)

WHEREAS, the Mayor and Council of the City of Garfield is a public body corporate and politic of the State of New Jersey; and

WHEREAS, City of Garfield is a named Third Party Defendant in the pending environmental litigation captioned NJDEP v. Occidental Chemical et al., bearing Docket No. ESX-L-9868-05; and

WHEREAS, in the pending litigation the Third Party Plaintiffs are seeking contribution, among other things, from the City of Garfield as a result of various alleged discharges of sewage and/or sewage sludge into the Arthur Kill, the Passaic River Basin, and Newark Bay Complex; and

WHEREAS, the Spill Compensation and Control Act (the "Act"), N.J.S.A. 58:10-23.11(b), currently contains a definition of hazardous substances that reads as follows:

"Hazardous substances" means the "environmental hazardous substances" on the environmental hazardous substance list adopted by the department pursuant to section 4 of P.L.1983, c.315 (C.34:5A-4); such elements and compounds, including petroleum products, which are defined as such by the department, after public hearing, and which shall be consistent to the maximum extent possible with, and which shall include, the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 311 [33 U.S.C. 1321] of the Federal Water Pollution Control Act Amendments of 1972, Pub.L.92-500, as amended by the Clean Water Act of 1977, Pub.L.95-217 (33 U.S.C. § 1251 et seq.); the list of toxic pollutants designated by Congress or the EPA pursuant to section 307 [33 U.S.C. 1317] of that act; and the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 101 of the "Comprehensive Environmental Response, Compensation and Liability Act of 1980," Pub.L.96-510 (42 U.S.C. § 9601 et seq.); provided, however, that sewage and sewage sludge shall not be considered as hazardous substances for the purposes of P.L.1976, c.141 (C.58:10-23.11 et seq.); and

WHEREAS, this definition has been held by the New Jersey Courts to only apply to domestic sewage and sewage sludge from a public sewer system or publicly operated sewerage treatment plant; and

RESOLUTIONS

WHEREAS, the legislative history for this section of the Act suggests that the Legislature intended for the definition to include all sewage and sewage sludge from a public sewer system or publicly operated sewerage treatment plant, whether domestic or commercial; and

WHEREAS, the Legislature is now proposing an Amendment to Act that would clarify the definition of hazardous substance to read as follows:

"Hazardous substances" means the "environmental hazardous substances" on the environmental hazardous substance list adopted by the department pursuant to section 4 of P.L.1983, c.315 (C.34:5A-4); such elements and compounds, including petroleum products, which are defined as such by the department, after public hearing, and which shall be consistent to the maximum extent possible with, and which shall include, the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 311 [33 U.S.C. 1321] of the Federal Water Pollution Control Act Amendments of 1972, Pub.L.92-500, as amended by the Clean Water Act of 1977, Pub.L.95-217 (33 U.S.C. § 1251 et seq.); the list of toxic pollutants designated by Congress or the EPA pursuant to section 307 [33 U.S.C. 1317] of that act; and the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 101 of the "Comprehensive Environmental Response, Compensation and Liability Act of 1980," Pub.L.96-510 (42 U.S.C. § 9601 et seq.); provided, however, that sewage and sewage sludge, including, but not limited to, any domestic, commercial, or industrial wastewater, sewage, or sewage sludge collected by or expelled from a sanitary sewer system or a public sewage treatment plant, shall not be considered as hazardous substances for the purposes of P.L.1976, c.141 (C.58:10-23.11 et seq.); and

WHEREAS, the Legislature is also proposing an Amendment to Act that would define "Public sewage treatment plant" to read as follows:

"Public sewage treatment plant" means any publicly owned structure, device, or facility used to treat or process domestic, commercial, or industrial sewage, sewage sludge, or wastewater;

WHEREAS, the City of Garfield is in full support of the adoption of the proposed Amendment to the definition of hazardous substances under the Act and inclusion of a definition of "Public sewer treatment plant";

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Garfield, Bergen County, State of New Jersey be and hereby supports the adoption of the amendment to N.J.S.A. 58:10-23.11(b), which clarifies the definition of hazardous substance by excluding any domestic, commercial and/or industrial sewage and sewage sludge discharged to or through a public sewage system or to or through a public sewage treatment plant from the definition; and

BE IT FURTHER RESOLVED that the City Clerk be and hereby is authorized to distribute copies of this Resolution to all appropriate officials and agencies including its Legislative Representatives, the Governor, and the Lieutenant Governor.

BE IT FURTHER RESOLVED that no further action of the Mayor and Council shall be required in connection with this matter and this resolution shall take effect immediately.

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

(Sgd) Glenn A. Mati
Tana M. Raymond

Resolution No. 13-47

WHEREAS, the City Council of the City of Garfield recognizes the importance of remediating the contamination in the Lower Passaic River Study Area (LPRSA); and

WHEREAS, the United States Environmental Protection Agency Region 2 through its Focused Feasibility Study (FFS) process has developed remedial alternatives for a portion of the LPRSA; and

WHEREAS, although Region 2 has not released the FFS to the public, the governing body understands that the preferred active alternatives identified in the FFS include deep dredging and capping with dredging; and

RESOLUTIONS

WHEREAS, the governing body recognizes that the FFS presents a number of key concerns, including:

- the FFS attempts to select a massive final remedy for the lower eight miles of the LPRSA, rather than considering a comprehensive approach for the entire LPRSA;
- the FFS fails to consider all data that is and/or will become available to select a remedy for the LPRSA;
- by starting with the lower eight miles, Region 2 is effectively “washing windows from the bottom up” and the lower eight miles will be subject to recontamination;
- implementation of the FFS remedy in the lower eight miles will provide no value to communities north of River Mile 8 and, more importantly, render the data collected as part of the extensive Remedial Investigation/Feasibility Study underway useless, further delaying any action in the upper 9 miles of the LPRSA;
- the FFS relies on an incomplete understanding of continuing contamination from external sources and measures to prevent recontamination following remediation;
- remediation in the FFS is not focused on key areas of contamination but favors a bank-to-bank dredging of possibly 9.6 million cubic yards of sediment; and
- the FFS will take decades to implement causing major construction issues, potentially significant traffic congestion throughout the region, and community disruption detrimental to the well-being of local communities.

WHEREAS the City of Garfield understands the importance of ensuring that the remediation of the LPRSA adequately protects the community and ensures the prevention of opportunities for reoccurring conditions.

THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield that the municipality opposes the preferred active alternatives identified in the FFS and urges the EPA to set aside the FFS and allow the DDLPRSA Cooperating Parties Group to complete the Remedial Investigation/Feasibility Study currently underway under the direction and oversight of Region 2 for the entire LPRSA. City of Garfield further urges the EPA to support the Sustainable Remedy, an alternative proposed by the CPG that would advance targeted removal throughout the entire 17-mile LPRSA, achieve risk reduction comparable to the FFS in a five-year period, and include out-of-river watershed restoration projects that will benefit local communities.

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

(Sgd) Glenn A. Mati
Tana M. Raymond

Resolution No. 13-48

RESOLVED, that the City Council of the City of Garfield, Bergen County, New Jersey has approved adding The Hartford (“Provider”) as another Provider option for employees to select from for the City of Garfield’s 457(b) Deferred Compensation Plan (“The Plan”) effective December 15, 2012. The Plan will continue to use the 457(b) Deferred Compensation Plan Document prepared by VALIC (“Additional Provider”), who will remain responsible for maintaining and amending the Plan Document for any future plan or legislative changes.

RESOLVED, the City Council hereby appoints Interim Chief Financial Officer Roy Riggitano, as Trustee of the Plan.

RESOLVED that the members of the City Council are hereby jointly and severally authorized to take such actions and to execute such documents as they deem necessary or desirable in order to carry out the intent of the foregoing resolutions and required under the Plan to make the Plan fully effective in accordance with its terms and intent.

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

(Sgd) Tana M. Raymond
Joseph Delaney

Resolution No. 13-49

A RESOLUTION CONFIRMING ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECT

RESOLUTIONS

WHEREAS, a Bergen County Community Development grant of \$35,620.00 has been proposed by Zoe's Place, Inc. for child care services for the teen mothers and their babies living in our residence in the City of Garfield, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development Block Grant funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of the City of Garfield, Bergen County, and;

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditures of the aforesaid Community Development Funds,

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Garfield, Bergen County, New Jersey hereby confirms endorsement of the aforesaid project, and;

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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

(Sgd) Tana M. Raymond
Frank J. Calandriello

Resolution No. 13-50

A Resolution Authorizing Payment to Three Environmental Firms in Connection With the Assessment and Remediation of Properties for the River Drive Improvement Project.

WHEREAS, the City of Garfield contracted Boswell Engineering to coordinate the environmental assessment and remediation of 779, 795 and 909 River Drive in connection with the above referenced project, and;

WHEREAS, invoices have been received from the following environmental consultants:

1. Environmental Management Associates, 5303 Route 33/34, Farmingdale, N.J. 07727-3627 in the amount of \$5,711.00
2. Pine Environmental Services, P.O. 943, Hightstown, N.J. 08520 in the amount of \$372.00
3. Alpha Analytical, Inc., 8 Walkup Drive, Westborough, MA 01581 in the amount of \$9,416.75

NOW THEREFORE BE IT RESOLVED, these invoices are hereby ordered paid for the requisite work detailed on each invoice and recommended for approval by the City Engineer.

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

(Sgd) Tana M. Raymond
Joseph Delaney

Resolution No. 13-51

A Resolution Authorizing Change Order No. 1 in Connection with the Repair of a 30" Water Main on Cedar Street, City of Garfield.

WHEREAS, JoGi Construction, Inc. was awarded a contract in connection with the Repair of a 30" Water Main on Cedar Street, City of Garfield, and;

WHEREAS, field conditions encountered within the project limits caused an additional cost in the amount of \$108.00.

NOW THEREFORE BE IT RESOLVED, Change Order No. 1 in the total amount of \$108.00 is hereby approved.

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

(Sgd) Glenn A. Mati
Tana M. Raymond

Resolution No. 13-52

WHEREAS, Varsity Realty, is the owner of real property known on the Tax Map of the City of Garfield as Block 76.02, Lot 24, commonly known as 245-255 Midland Ave, in the City of

RESOLUTIONS

Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the year(s) 2011 and 2012, bearing Docket No. 007668-2011, 007153-2012; and WHEREAS, Robert McNerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Tesser & Cohen, have recommended that the appeal be settled; and WHEREAS, said property was assessed for the year(s) 2011 and 2012 as follows:

Year	Land	Improvements	Total
2011 Original Assessment	\$896,500.00	\$0.00	\$896,500.00
2012 Original Assessment	\$896,500.00	\$0.00	\$896,500.00

NOW, THEREFORE, BE IT RESOLVED, BY THE City Council of the City of Garfield, Bergen County, New Jersey, that the Special Litigation Counsel is hereby authorized to enter into a settlement of the real property tax by reducing the assessments as follows:

Year	Land	Improvements	Total
2011 Settlement	\$896,500.00	\$0.00	\$896,500.00
2012 Settlement	\$896,500.00	\$0.00	\$896,500.00

BE IT FURTHER RESOLVED, that no interest be paid on any refund or credit due the taxpayer provided it is paid within the statutory time period; and BE IT FURTHER RESOLVED, that the City Attorney is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

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

(Sgd) Glenn A. Mati
Tana M. Raymond

Resolution No. 13-53

WHEREAS, Varsity Realty, is the owner of real property known on the Tax Map of the City of Garfield as Block 76.02, Lot 25, commonly known as 245-255 Midland Ave, in the City of Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the year(s) 2011 and 2012, bearing Docket No. 007668-2011, 007153-2012; and WHEREAS, Robert McNerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Tesser & Cohen, have recommended that the appeal be settled; and WHEREAS, said property was assessed for the year(s) 2011 and 2012 as follows:

Year	Land	Improvements	Total
2011 Original Assessment	\$1,796,000.00	\$3,503,900.00	\$5,299,900.00
2012 Original Assessment	\$1,796,000.00	\$3,503,900.00	\$5,299,900.00

NOW, THEREFORE, BE IT RESOLVED, BY THE City Council of the City of Garfield, Bergen County, New Jersey, that the Special Litigation Counsel is hereby authorized to enter into a settlement of the real property tax by reducing the assessments as follows:

Year	Land	Improvements	Total
2011 Settlement	\$1,796,000.00	\$2,557,500.00	\$4,353,500.00
2012 Settlement	\$1,796,000.00	\$2,557,500.00	\$4,353,500.00

RESOLUTIONS

BE IT FURTHER RESOLVED, that no interest be paid on any refund or credit due the taxpayer provided it is paid within the statutory time period; and
 BE IT FURTHER RESOLVED, that the City Attorney is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

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

(Sgd) Glenn A. Mati
 Tana M. Raymond

Resolution No. 13-54

WHEREAS, 325 Midland Avenue, is the owner of real property known on the Tax Map of the City of Garfield as Block 77.01, Lot 9, commonly known as 299 Midland Avenue, in the City of Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the year(s) 2009, 2011 and 2012, bearing Docket No.009144-2009, 009276-2011, 003130-2012; and
 WHEREAS, Robert McNerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Tesser & Cohen, have recommended that the appeal be settled; and
 WHEREAS, said property was assessed for the year(s) 2009, 2011 and 2012 as follows:

Year	Land	Improvements	Total
2009 Original Assessment	\$229,700	\$74,600	\$299,300
2011 Original Assessment	\$403,900	\$235,900	\$639,800
2012 Original Assessment	\$403,900	\$235,900	\$639,800

NOW, THEREFORE, BE IT RESOLVED, BY THE City Council of the City of Garfield, Bergen County, New Jersey, that the Special Litigation Counsel is hereby authorized to enter into a settlement of the real property tax by reducing the assessments as follows:

Year	Land	Improvements	Total
2009 Settlement	\$224,700	\$49,200	\$273,900
2011 Settlement	\$403,900	\$234,100	\$638,000
2012 Settlement	\$403,900	\$212,100	\$616,000

BE IT FURTHER RESOLVED, that no interest be paid on any refund or credit due the taxpayer provided it is paid within the statutory time period; and
 BE IT FURTHER RESOLVED, that the City Attorney is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

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

(Sgd) Glenn A. Mati
 Tana M. Raymond

Resolution No. 13-55

WHEREAS, 325 Midland Avenue, is the owner of real property known on the Tax Map of the City of Garfield as Block 88.01, Lot 11, commonly known as 321 Midland Avenue, in the City of Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the year(s) 2009, 2011 and 2012, bearing Docket No.009144-2009, 009276-2011, 003130-2012; and
 WHEREAS, Robert McNerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Tesser & Cohen, have recommended that the appeal be settled; and
 WHEREAS, said property was assessed for the year(s) 2009, 2011 and 2012 as follows:

RESOLUTIONS

Year	Land	Improvements	Total
2009 Original Assessment	\$434,700	\$648,500	\$1,083,200
2011 Original Assessment	\$934,400	\$1,437,900	\$2,372,300
2012 Original Assessment	\$934,400	\$1,437,900	\$2,372,300

NOW, THEREFORE, BE IT RESOLVED, BY THE City Council of the City of Garfield, Bergen County, New Jersey, that the Special Litigation Counsel is hereby authorized to enter into a settlement of the real property tax by reducing the assessments as follows:

Year	Land	Improvements	Total
2009 Settlement	\$391,300	\$579,800	\$971,100
2011 Settlement	\$934,400	\$1,327,600	\$2,262,000
2012 Settlement	\$934,400	\$1,249,600	\$2,184,000

BE IT FURTHER RESOLVED, that no interest be paid on any refund or credit due the taxpayer provided it is paid within the statutory time period; and
 BE IT FURTHER RESOLVED, that the City Attorney is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

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

(Sgd) Glenn A. Mati
 Tana M. Raymond

Resolution No. 13-56

WHEREAS, Edward and Farrah Alexander, LLC, is the owner of real property known on the Tax Map of the City of Garfield as Block 156, Lot 33, commonly known as 135 Pacific Avenue, in the City of Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the year(s) 2011, bearing Docket No.017467-11; and
 WHEREAS, Robert McNerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Tesser & Cohen, have recommended that the appeal be settled; and
 WHEREAS, said property was assessed for the year(s) 2011 as follows:

Year	Land	Improvements	Total
2011 Original Assessment	\$125,000	\$486,000	\$611,000

NOW, THEREFORE, BE IT RESOLVED, BY THE City Council of the City of Garfield, Bergen County, New Jersey, that the Special Litigation Counsel is hereby authorized to enter into a settlement of the real property tax by reducing the assessments as follows:

Year	Land	Improvements	Total
2011 Settlement	\$125,000	\$460,000	\$585,000

BE IT FURTHER RESOLVED, that no interest be paid on any refund or credit due the taxpayer provided it is paid within the statutory time period; and
 BE IT FURTHER RESOLVED, that the City Attorney is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

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

(Sgd) Glenn A. Mati
 Tana M. Raymond

RESOLUTIONS

Resolution No. 13-57

WHEREAS, Garrus Realty LLC, is the owner of real property known on the Tax Map of the City of Garfield as Block 78, Lot 3, commonly known as 240 Palisade Avenue , in the City of Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the year(s) 2011, bearing Docket No. 018769-2011; and

WHEREAS, Robert McNerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Tesser & Cohen, have recommended that the appeal be settled; and

WHEREAS, said property was assessed for the year(s) 2011 as follows:

Year	Land	Improvements	Total
2011 Original Assessment	\$179,600.00	\$239,900.00	\$419,500.00

NOW, THEREFORE, BE IT RESOLVED, BY THE City Council of the City of Garfield, Bergen County, New Jersey, that the Special Litigation Counsel is hereby authorized to enter into a settlement of the real property tax by reducing the assessments as follows:

Year	Land	Improvements	Total
2011 Settlement	\$179,600.00	\$168,400.00	\$348,000.00

BE IT FURTHER RESOLVED, that no interest be paid on any refund or credit due the taxpayer provided it is paid within the statutory time period; and

BE IT FURTHER RESOLVED, that the City Attorney is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

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

(Sgd) Glenn A. Mati
Tana M. Raymond

Resolution No. 13-58

WHEREAS, Bloomingdale Avenue Realty, LLC, is the owner of real property known on the Tax Map of the City of Garfield as Block 27, Lot 1, commonly known as 9 Passaic Street, in the City of Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the year(s) 2011, bearing Docket No.018181-2011; and

WHEREAS, Robert McNerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Tesser & Cohen, have recommended that the appeal be settled; and

WHEREAS, said property was assessed for the year(s) 2011 as follows:

Year	Land	Improvements	Total
2011 Original Assessment	\$466,100	\$389,000	\$855,100

NOW, THEREFORE, BE IT RESOLVED, BY THE City Council of the City of Garfield, Bergen County, New Jersey, that the Special Litigation Counsel is hereby authorized to enter into a settlement of the real property tax by reducing the assessments as follows:

Year	Land	Improvements	Total
2011 Settlement	\$466,100	\$333,900	\$800,000

BE IT FURTHER RESOLVED, that no interest be paid on any refund or credit due the taxpayer provided it is paid within the statutory time period; and

BE IT FURTHER RESOLVED, that the City Attorney is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

RESOLUTIONS

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

(Sgd) Glenn A. Mati
Tana M. Raymond

Resolution No. 13-59

WHEREAS, 75 River Road, LLC, is the owner of real property known on the Tax Map of the City of Garfield as Block 2.01, Lot 1.01, commonly known as 65 River Drive, in the City of Garfield, County of Bergen and State of New Jersey, has filed real property tax appeal for the year(s) 2009 and 2010, bearing Docket No.017770-2009, 003906-2010, 008198-2011, 007798-2012; and WHEREAS, Robert McNerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Tesser & Cohen, have recommended that the appeal be settled; and WHEREAS, said property was assessed for the year(s) 2009 and 2010 as follows:

Year	Land	Improvements	Total
2009 Original Assessment	\$1,113,000.00	\$1,986,900.00	\$3,099,900.00
2010 Original Assessment	\$1,113,000.00	\$1,986,900.00	\$3,099,900.00

NOW, THEREFORE, BE IT RESOLVED, BY THE City Council of the City of Garfield, Bergen County, New Jersey, that the Special Litigation Counsel is hereby authorized to enter into a settlement of the real property tax by reducing the assessments as follows:

Year	Land	Improvements	Total
2009 Settlement	\$1,113,000.00	\$2,900,000.00	\$2,900,000.00
2010 Settlement	\$1,113,000.00	\$2,900,000.00	\$2,900,000.00

BE IT FURTHER RESOLVED, that as a condition of the settlement, the plaintiff has withdrawn the tax court cases for the years of 2011 and 2012; and BE IT FURTHER RESOLVED, that no interest be paid on any refund or credit due the taxpayer provided it is paid within the statutory time period; and BE IT FURTHER RESOLVED, that the City Attorney is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

On call of roll, Ayes 4,
Abstain 1 – Councilmember Mati,
Absent 1 - Councilmember Aloia

(Sgd) Tana M. Raymond
Frank J. Calandriello

Resolution No. 13-60

A Resolution Authorizing the Award of a Contract for the Kipp Avenue Pumping Station in the Borough of Elmwood Park and the City of Garfield, Bergen County, New Jersey. WHEREAS, bids were received for the above project on January 24, 2013 at 10:30 a.m., and; WHEREAS, the low bidder is All County Pipeline & Site Excavation LLC in the amount of \$179,850.00, and; WHEREAS, the City Engineer and the City Attorney have reviewed the apparent low bid submitted by All County Pipeline & Site Excavation LLC and find it to be in order. NOW THEREFORE BE IT RESOLVED the Kipp Avenue Pumping Station in the Borough of Elmwood Park and City of Garfield is hereby awarded to all County Pipeline & Site Excavation LLC in the low bid amount of \$179,850.00 subject to execution of an Interlocal Agreement between the City of Garfield and the Borough of Elmwood Park.

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

(Sgd) Glenn A. Mati
Tana M. Raymond

BILLS AND CLAIMS

Resolution No. 13-61

RESOLVED by the City Council of the City of Garfield that the following bills No. 1566 through 1570 covering Building Dedicated Trust, Dog Trust, Trust Other, totaling \$26,550.91 and the Current Fund Reserve totaling \$85,061.98 and the Current Fund totaling \$2,976,566.21 and the Current Water Fund Reserve totaling \$23,724.79 and the Current Water Fund totaling \$6,041.63 and the General Capital Fund totaling \$101,460.33 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 eleven (11) items prior to the meeting be ratified.

See

The

Following

Pages _____

for

Bills

And

Claims

ORDINANCES

Councilmember Raymond introduced in writing the following ordinance entitled:

AN ORDINANCE TO CREATE AN ECONOMIC DEVELOPMENT
ADVISORY COMMITTEE IN THE CITY OF GARFIELD
CHAPTER 5
ARTICLE IV
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

City Clerk Pavlica read the ordinance by title.

Councilmember Raymond moved that this ordinance entitled: “AN ORDINANCE TO CREATE AN ECONOMIC DEVELOPMENT ADVISORY COMMITTEE IN THE CITY OF GARFIELD, CHAPTER FIVE, ARTICLE IV, ECONOMIC DEVELOPMENT ADVISORY COMMITTEE”, 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 February 26, 2013 at 7:00 PM in the City Hall in Garfield and that the City Clerk be directed to publish said ordinance in full together with the notice of such hearing in The Record, at least seven days prior to the hearing.

The motion, duly seconded by Councilmember Calandriello, 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 Aloia.

Councilmember Raymond introduced in writing the following ordinance entitled:

AN ORDINANCE TO CREATE AN EVENT PLANNING AND
RECREATION ADVISORY COMMITTEE IN THE CITY OF GARFIELD
AND TO REPEAL CHAPTER 5 ARTICLE II
CHAPTER FIVE ARTICLE V
EVENT PLANNING AND RECREATION ADVISORY COMMITTEE

City Clerk Pavlica read the ordinance by title.

Councilmember Raymond moved that this ordinance entitled: “AN ORDINANCE TO CREATE AN EVENT PLANNING AND RECREATION ADVISORY COMMITTEE IN THE CITY OF GARFIELD, AND TO REPEAL CHAPTER FIVE, ARTICLE II, CHAPTER FIVE ARTICLE V EVENT PLANNING AND RECREATION ADVISORY COMMITTEE”, 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 February 26, 2013 at 7:00 PM in the City Hall in Garfield and that the City Clerk be directed to publish said ordinance in full together with the notice of such hearing in The Record, at least seven days prior to the hearing.

The motion, duly seconded by Councilmember Mati, 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 Aloia.

Councilmember Raymond introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND AND REVISE 48-18D (1) OF THE CITY CODE OF THE CITY
OF GARFIELD, ENTITLED “MEMBERSHIP,” TO REMOVE PROVISIONS REQUIRING
MEMBERS OF THE SPECIAL POLICE UNIT TO BE CITIZENS
OF THE CITY OF GARFIELD

City Clerk Pavlica read the ordinance by title.

Councilmember Raymond moved that this ordinance entitled: “AN ORDINANCE TO AMEND AND REVISE 48-18D(1) OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “MEMBERSHIP” TO REMOVE PROVISIONS REQUIRING MEMBERS OF THE SPECIAL

ORDINANCES

POLICE UNIT TO BE CITIZENS OF THE CITY OF GARFIELD”, 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 February 26, 2013 at 7:00 PM in the City Hall in Garfield and that the City Clerk be directed to publish said ordinance in full together with the notice of such hearing in The Record, at least seven days prior to the hearing.

The motion, duly seconded by Councilmember Mati, 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 Aloia.

Councilmember Raymond introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND AND REVISE 48-1 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “DEPARTMENT ESTABLISHED, PERSONNEL” TO ADD THE POSITION OF SPECIAL POLICE OFFICERS

City Clerk Pavlica read the ordinance by title.

Councilmember Raymond moved that this ordinance entitled: “AN ORDINANCE TO AMEND AND REVISE 48-1 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “DEPARTMENT ESTABLISHED, PERSONNEL” TO ADD THE POSITION OF SPECIAL POLICE OFFICERS”, 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 February 26, 2013 at 7:00 PM in the City Hall in Garfield and that the City Clerk be directed to publish said ordinance in full together with the notice of such hearing in The Record, at least seven days prior to the hearing.

The motion, duly seconded by Councilmember Mati, 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 Aloia.

Councilmember Mati introduced in writing the following ordinance entitled:

AN ORDINANCE TO AMEND AND REVISE 128-4 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “FEES”

City Clerk Pavlica read the ordinance by title.

Councilmember Raymond moved that this ordinance entitled: “AN ORDINANCE TO AMEND AND REVISE 128-4 OF THE CITY 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 February 26, 2013 at 7:00 PM in the City Hall in Garfield and that the City Clerk be directed to publish said ordinance in full together with the notice of such hearing in The Record, 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 3, Abstain 1 – Councilmember Calandriello, Absent 1 – Councilmember Aloia.

CITIZENS AND TAXPAYERS

Mr. Ciro Disclafani, 47 Orchard Street, spoke on snow removal at crosswalks and on pedestrian safety issues. He spoke on becoming more involved with bus routes in connection with the New Jersey Economic Development Corporation and New Jersey Transit. He asked to be considered for appointment to the Economic Development Advisory Committee.

COUNCILMEMBER COMMENTS

Councilmember Calandriello spoke on transparency in government. He said that he asked for an investigation on November 19th concerning a possible alcoholic beverage control violation where there was a denial of a Social Affairs Permit and yet liquor was served at the event. He said that the Police Chief was going to do an investigation and it has now been months. He said that on February 1st, the Chief suggested that he put in an Open Public Records Act Request for the results, and he did, only to be denied the information. He said that as an ABC Law Enforcer in the municipality, and as a Councilman, he questioned why he is not given this information upon request. He said that if he gets word of something and he asks a question, he questions why he is not entitled to the information. He said that in the past, the City Council, acting as the Local ABC Board, has handled ABC matters, conducted ABC hearings and have received investigative reports. He questioned if the law has changed and he said that he does not understand it. He said that the Police verbally have told him about the investigation but he is asking for something in writing and to date, he has not received it. He said that if he is told to put in an Open Public Records Act Request and then is denied information from an Open Public Records Act Request, as a Councilman and as an official Local ABC Law Enforcer, he said if he is not entitled to this information, than who is? He said that he is puzzled. He said that he asked simple questions: Was there a permit, was liquor served and was any ABC Laws broken? He questioned how he does not get anything in writing from the Police Chief on this other than an Incident Report of him asking the questions. He said that in the OPRA request, he asked for the results of the Investigation and as an Official of the City of Garfield, he questioned how he is not entitled to this information. He said that he was shocked.

Councilmember Raymond said that she would like to discuss at the next Work Session, Water Meters, Water Billing and Sewer Fees. She said that she also would like the VFW and the location of the proposed new Police Station on the agenda. She spoke on high school kids wanting to shovel snow in her neighborhood when it snows and she said maybe a list can be compiled of kids to help seniors when it snows. She asked if Councilmember Calandriello was speaking and asking questions on the Tony Lio Beefsteak Political Fundraiser that was held on November 16, 2012. She said that the City has to go after all violators.

Councilmember Mati publicly commended the Department of Public Works and Superintendent of Public Works Sam Garofalo on a really good job plowing the roads of the snow that fell February 8, 2013 into February 9, 2013. He said that he received a lot of compliments on the great snowplowing job and that Garfield was one of the best cleared towns after the storm. He said that after the Police are asked to do an investigation, they should just give the results to the Councilmember. He said that the Councilman deserves to have a written report of the results of the investigation and the Councilman is entitled to an answer. He spoke on Pedestrian Safety and on Property Maintenance issues. He spoke on the appointment process to various Boards and the desire to get more of the public involved with the City.

Mayor Delaney said that in regard to future appointments to City Boards, people do want to get more involved with the City. He spoke on Property Maintenance issues including snow removal from sidewalks. He said that in regard to the ABC Investigation, there are so many more important matters to investigate than something like the matter that has been discussed at this meeting. He said that it is a waste of police manpower and the taxpayer's money. He said that it does not help out the community. He said that he was given a legal opinion from the City Attorney concerning weddings and the money received from performing weddings. He said that he does not want to be accused of wrongdoings and he said that he is following the law. He said that at the last meeting of the City Redevelopment Agency, the proposed redevelopment of the land at the end of Walnut Street and Schley Street was discussed. He said the Developer has donated the land to a charitable

COUNCILMEMBER COMMENTS

tax-exempt organization and the City may lose half a million dollars in tax ratables. He said that instead of a taxable townhouse development along the railroad tracks, the developer is now proposing a 154 unit Disabled Veterans Facility. He said that he wants to encourage business and he does not want Garfield to have a negative reputation for businessmen. He wished everyone a Happy Valentine's Day on Thursday and he wished a Happy Birthday to Councilmember Raymond on February 14th.

ADJOURNMENT

At 9:20 PM, there being no further business, Councilmember Raymond moved to adjourn the meeting. Councilmember Calandriello duly seconded the motion.

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

Andrew J. Pavlica, CITY CLERK