

A Regular Meeting of the City Council was held Tuesday, February 25, 2014 at 8:40 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, City Attorney Representative Robert Ferraro of the Law Firm of Bruno and Ferraro (for City Attorney John J. Bruno), City Engineer Representative Bernard Mirandi (for City Engineer Kevin J. Boswell) and Interim Chief Financial Officer Roy Riggiano

#### STUDENT OF THE MONTH

At this time, Jacqueline Vega was publicly recognized and offered congratulations by each Councilmember as Garfield High School Student of the Month for February 2014 and Mayor Delaney presented her with a City of Garfield pin. Mayor Delaney said that he would also present her with a Proclamation later this week.

#### SCHOOL RESOURCE OFFICERS

City Manager Thomas J. Duch made a statement regarding the School Resource Officers. He said that the Mayor and City Council have never supported the removal of School Resource Officers.

#### INTRODUCTION OF 2014 MUNICIPAL BUDGET

See

the

following

pages numbered \_\_\_\_\_

for

RESOLUTIONS

Resolution No. 14-83

WHEREAS, Fire Company No. 4 advises that John Kopacz of 106 Schley Street, 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. 4 is hereby approved and that proper officers are hereby authorized to issue a twenty-one year badge to the above named individual.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Glenn A. Mati

Resolution No. 14-84

RESOLUTION AUTHORIZING STREET CLOSURES FOR MOUNT VIRGIN FESTA ITALIANA

WHEREAS, Our Lady of Mount Virgin Parish, located at 188 MacArthur Avenue, Garfield, New Jersey has, for several years, sponsored its Festa Italiana in honor of Our Lady of Mount Virgin; and WHEREAS, the Governing Body has, in the past, granted approval to Our Lady of Mount Virgin Parish to close certain streets during the time period within which the feast was going to take place; and

WHEREAS, the Festa Italiana has been conducted, in the past, with great success but the experience of the past several years has resulted in careful consideration of certain conditions which shall be imposed upon the approval for this year; and

WHEREAS, the Parish has now requested permission to conduct its annual Festa Italiana from Thursday, August 14, 2014 through Sunday, August 17, 2014; and

WHEREAS, Chapter 106 of the Code of the City of Garfield provides charitable organizations with the authority to conduct such activities with whatever reasonable conditions and approvals are required; and

WHEREAS, the Governing Body has reviewed the requests received from Our Lady of Mount Virgin Parish and has heard a presentation of representatives of the Parish and subsequent meetings with the members of the Parish and City Officials and has determined that it would be in the best interests of the City to once again grants such approval with certain conditions.

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

1. Our Lady of Mount Virgin parish is hereby granted approval to conduct its annual Festa Italiana commencing Thursday, August 14, 2014 through Sunday, August 17, 2014; and
2. The following street closures shall be permitted:
  - a. Frederick Street from Harrison Avenue to MacArthur avenue;
  - b. MacArthur Avenue from Frederick Street to Charles Street;
  - c. Charles Street from Harrison Avenue to MacArthur Avenue.
3. The street closures shall commence on Wednesday, August 13, 2014 at 8:00 AM and shall end no later than 11:59 PM on Sunday, August 17, 2014 however, there shall be no parking on said streets commencing on Wednesday, August 13, 2014 at 8:00 AM.
4. Our Lady of Mount Virgin Parish and the Feast Committee shall take any reasonable steps and precautions necessary to protect the health, safety and welfare of the residents of the city of Garfield and shall, additionally, take any reasonable precautions which are available to them in order to minimize any adverse effects on parking and traffic congestion in the area.

RESOLUTIONS

5. The Parish shall provide, to the City Manager, prior to commencement of the Feast, a Certificate of Insurance which shall name the City of Garfield as well as its agencies, departments and officials as additional insured for liability purposes.
6. The Police and Ambulance Corps will be assigned an area where a mobile command center will be located.
7. The sponsoring organization shall be fully responsible for the “proofing” of individuals who purchase beer and wine and the organization shall also be responsible for determining the age of individuals who access the segregated area within which beer and wine sales will take place. The Police Department shall assign a Police Officer to the area who will attempt to insure that no alcoholic beverages are consumed in any area other than the segregated area described in the Resolution.
8. Some of the food stands will also be moved to the interior of the church parking lot.
9. In the area where the streets are closed, regulated access will be instituted with a checkpoint to gain entrance to the feast area.
10. A 16 foot emergency lane will be maintained on the westerly side of MacArthur Avenue.
11. There shall be no rap or hip hop bands or rap/hip hop DJs permitted.
12. Sale of alcoholic beverages will stop one (1) hour before the Festival closes for the night.
13. A representative of the Parish shall contact resident homeowners on MacArthur Avenue in order to attempt to address any other concerns that they may have.
14. The parish will offer residents on MacArthur Avenue the right to park in a lot used by the church and owned by Dr. LaBarbera in order to minimize any inconvenience that may be caused.
15. The site plan shall be in the form attached hereto.

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 Our Lady of Mount Virgin parish, the Chief of Police of the City of Garfield, the Department of Public Works for the City of Garfield, the Fire Official for the City of Garfield, Fire Chief Alan Tani and the City Attorney.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Glenn A. Mati

Resolution No. 14-85

WHEREAS, DARIUSZ CZYZEWSKI, is the owner of real property known on the Tax Map of the City of Garfield as Block 24.01, Lot 5.02, commonly known as 60 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) 2012, bearing Docket No.015164-2012; 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, Blount & Lavin, P.C., have recommended that the appeal be settled; and

WHEREAS, said property was assessed for the year(s) 2012 as follows:

RESOLUTIONS

Year	Land	Improvements	Total
2012 Original Assessment	\$60,900.00	\$215,500.00	\$276,400.00

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
2012 Settlement	\$60,900.00	\$189,100.00	\$250,000.00

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 Special Litigation Counsel is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Glenn A. Mati

Resolution No. 14-86

WHEREAS, DARIUSZ CZYZEWSKI, is the owner of real property known on the Tax Map of the City of Garfield as Block 49, Lot 26, commonly known as 137 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) 2012, bearing Docket No.015156-2012; and

WHEREAS, Robert McNeerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Blount & Lavin, P.C., have recommended that the appeal be settled; and

WHEREAS, said property was assessed for the year(s) 2012 as follows:

Year	Land	Improvements	Total
2012 Original Assessment	\$115,300.00	\$591,700.00	\$707,000.00

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
2012 Settlement	\$115,300.00	\$509,700.00	\$625,000.00

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 Special Litigation Counsel is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Glenn A. Mati

Resolution No. 14-87

WHEREAS, Passaic Street Realty Association is the owner of real property known on the Tax Map of the City of Garfield as Block 9, Lot 23, commonly known as 2 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) 2012 and 2013, bearing Docket No. 006874-2012 and 001351-2013; and

RESOLUTIONS

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, Blount & Lavin, P.C., have recommended that the appeal be settled; and

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

Year	Land	Improvements	Total
2012 Original Assessment	\$422,200	\$585,700	\$1,007,900
2013 Original Assessment	\$422,200	\$585,700	\$1,007,900

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
2012 Settlement	\$422,200	\$377,800	\$800,000
2013 Settlement	\$422,200	\$327,800	\$750,000

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 Special Litigation Counsel is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Glenn A. Mati

Resolution No. 14-88

WHEREAS, Passaic Street Realty Association is the owner of real property known on the Tax Map of the City of Garfield as Block 1, Lot 8, commonly known as 121 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) 2012 and 2013, bearing Docket No. 006874-2012 and 001351-2013; 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, Blount & Lavin, P.C., have recommended that the appeal be settled; and

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

Year	Land	Improvements	Total
2012 Original Assessment	\$541,700	\$391,600	\$933,300
2013 Original Assessment	\$541,700	\$391,600	\$933,300

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
2012 Settlement	\$541,700	\$258,300	\$800,000
2013 Settlement	\$541,700	\$258,300	\$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

RESOLUTIONS

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

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Glenn A. Mati

Resolution No. 14-89

WHEREAS, Passaic Street Realty Association is the owner of real property known on the Tax Map of the City of Garfield as Block 1, Lot 17, commonly known as 133 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) 2012 and 2013, bearing Docket No. 006874-2012 and 001351-2013; and

WHEREAS, Robert McNeerney, the appraisal expert retained by the City of Garfield, and/or James Tighe, the Tax Assessor and the City Special Litigation Counsel, Blount & Lavin, P.C., have recommended that the appeal be settled; and

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

Year	Land	Improvements	Total
2012 Original Assessment	\$198,100	\$165,200	\$363,200
2013 Original Assessment	\$198,100	\$165,200	\$363,200

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
2012 Settlement	\$198,100	\$165,200	\$363,200
2013 Settlement	\$198,100	\$165,200	\$363,200

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 Special Litigation Counsel is hereby authorized to sign a Stipulation of Settlement consistent with the terms of this Resolution.

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
Glenn A. Mati

Resolution No. 14-90

WHEREAS, PASSAIC STREET REALTY ASSOCIATION, is the owner of real property known on the Tax Map of the City of Garfield as Block 9, Lot 18, commonly known as 174 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) 2012 and 2013, bearing Docket No. 006874-2012 and 001351-2013; and

WHEREAS, Robert McNeerney, 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) 2012 and 2013 as follows:

Year	Land	Improvements	Total
2010 Original Assessment	\$195,300	\$429,700	\$625,000
2011 Original Assessment	\$296,100	\$980,600	\$1,276,700

RESOLUTIONS

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
2010 Settlement	\$195,300	\$213,800	\$409,100
2011 Settlement	\$296,100	\$553,900	\$850,000

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 5

(Sgd) Joseph Delaney  
 Glenn A. Mati

Resolution No. 14-91

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to County Board Judgment for the year 2013.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, that the proper offices are hereby authorized to issue a check refunding this overpayment and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
119.03	52	Pojanowski & Trawinski Trust for Schley Crossing, LLC	CBJ	\$ 5,044.00

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
 Glenn A. Mati

Resolution No. 14-92

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 for the year 2013.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, that the proper offices are hereby authorized to issue a check refunding this overpayment and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
125	38	CoreLogic Services, LLC	O/P	\$79.44

On call of roll, Ayes 5

(Sgd) Joseph Delaney  
 Glenn A. Mati

Resolution No. 14-93

WHEREAS, the State of New Jersey has adopted a provision whereby municipalities may extend the time for completion of remedial investigation of certain contaminated sites prior to DEP undertaking direct oversight of the cleanup; and

WHEREAS, the City of Garfield wishes to enter into the site remediation program using a Licensed Site Remediation Professional (LSRP); and

WHEREAS, the Mayor and Council of the City of Garfield desire to authorize the City Manager to execution all documents reasonably required to effectuate Garfield's extension of time for completion of remedial investigation of the Garfield Department of Public Works Site commonly known as 413 Midland Avenue, Block 119.05 Lot 156.01;

RESOLUTIONS

NOW THEREFORE be it resolved by the Mayor and Council of the City of Garfield, that the City Manager is hereby authorized to execute any and all documents reasonably required to effectuate the aforementioned intended purpose.

On call of roll, Ayes 5

(Sgd Frank J. Calandriello  
Louis G. Aloia

BILLS AND CLAIMS

Resolution No. 14-94

RESOLVED by the City Council of the City of Garfield that the following bills covering, the Current Reserve Fund totaling \$29,080.90, Current Fund totaling \$250,630.87, and the Current Water Fund totaling \$76,717.16, and the General Capital Fund totaling \$21,022.00 and the Water Capital Fund totaling \$1,275.00 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 six (6) items prior to the meeting be ratified.

See

the

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

For

Bills

And

Claims

ORDINANCES

Ordinance No. 2677

The following entitled ordinance was introduced at a Regular Meeting held Tuesday, February 11, 2014; 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 and the City Council can now proceed with the public hearing and final passage:

AN ORDINANCE TO AMEND AND REVISE CHAPTER 242-2 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED "AMENDMENTS"

City Clerk Pavlica read the ordinance by title.

Mayor Delaney declared a public hearing on same and asked if there were any objections.

There being none, Mayor Delaney declared the public hearing closed.

Councilmember Mati 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 Mati introduced in writing the following ordinance entitled:

CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY  
CALENDAR YEAR 2014  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)

City Clerk Pavlica read the ordinance by title.

Councilmember Mati moved that this ordinance entitled: "CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)" 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 March 11, 2014 at 8:00 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 5.

CITIZENS AND TAXPAYERS

Ms. Elizabeth Gray, 135 Union Avenue, asked questions about a proposed ordinance concerning a Police Director. She thanked City Manager Duch and the Mayor and Council for not supporting removal of School Resource Officers.

Mr. Pedro Gongora, President of PBA Local No. 46, spoke in favor of School Resource Officers in the School System. He thanked the Mayor and Council for hiring new police officers. He spoke in favor of retaining the School Resource Officers, Quality of Life Officers and the Gun Permit Officer. He said that he has almost always felt that there has been an open dialogue between the PBA and City Hall but he has not felt that way lately. He said that he feels that there is a lot of unresolved issues.

CITIZENS AND TAXPAYERS

Mr. Everett Garnto, 51 Jewell Street, member of the Garfield Police Department, spoke on the open door policy with the City Manager. He spoke on collective bargaining negotiations between the City and PBA Local No. 46.

Mr. John Easom, 103 Gaston Avenue, asked a question on the CAP Bank Ordinance.

COUNCILMEMBER COMMENTS

Councilmember Calandriello spoke on the Junior Boilermakers and Boys and Girls Club Dinner held at Michele's Restaurant on Friday, February 21, 2014. He said that there were three hundred fifty children and adults in attendance. He spoke about the passing of Junior Boilermakers Assistant Coach Luis "Papo" Cournier two weeks ago and spoke about the many years of service he donated to others.

Councilmember Aloia said that the passing of Papo was a tragic loss. He commented on the outstanding Junior Boilermaker dinner.

Councilmember Raymond thanked Sam Garofalo and the men in the Department of Public Works for the excellent job they did plowing the snow off the City roads during all the recent snow falls.

Councilmember Mati said that Papo stood here at our meeting Thanksgiving week during the Mayor and Council Thanksgiving honorees meeting. He said that Papo touched a lot of lives. He said that volunteers are the backbone of the community and that Papo offered up himself in service to the City for many years. He spoke on all the Police Officers in attendance at this evening's Council Meeting.

Mayor Delaney thanked everyone for coming together and said "Kudos to the City DPW" for plowing the snow off the City's roads.

ADJOURNMENT

At 10:00 PM, there being no further business, Councilmember Raymond moved to adjourn the meeting. Councilmember Aloia duly seconded the motion.

On call of roll, Ayes 5

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Andrew J. Pavlica, CITY CLERK