

A Work Session of the City Council was held Tuesday, August 18, 2009 at 6:10 PM in the Conference Room in City Hall, 111 Outwater Lane, Garfield, NJ 07026.

Deputy Mayor Stanley J. Moskal presided. City Clerk Andrew J. Pavlica announced that the Work Session 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: Joseph Delaney, Louis G. Aloia, and Stanley J. Moskal
Councilmembers Absent: Tana M. Raymond and Frank J. Calandriello
Also Present: City Manager Thomas J. Duch, City Clerk Andrew J. Pavlica, City Attorney Joseph J. Rotolo, Labor Counsel Joseph Randazzo, City Engineer Kevin J. Boswell, Superintendent of Public Works Sam Garofalo, Fire Official Gerald Walis and Police Chief Kevin Amos

CHROMIUM CONTAMINATION

The City Council and Cabinet met with Attorney Walter M. Slominski, Jr. with law offices located at 112 Locust Avenue, Wallington, New Jersey; Attorney Jon L. Gelman, with law offices located at 1700 State Route 23, Suite 120, Wayne, New Jersey 07470-7537; and Jonathan D. Orent, of Motley Rice LLC, 321 South Main Street, Providence, RI 02903, concerning the proposed engagement of services of Motley Rice LLC to represent the City to seek damages incurred against Garfield in connection with a spill of 5,460 pounds of Chromium at E.C. Electroplating located at the intersection of Sherman Place and Clark Street, Garfield, in December 1983.

CLOSED SESSION

Resolution No. 09-260

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to exclude the public from a meeting in certain circumstances, and

WHEREAS, the City Council is of the opinion that such circumstances now exist,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that a "Closed Session" is hereby called at 6:15 PM on Tuesday, August 18, 2009, to discuss the following as outlined in N.J.S.A. 10:4-12:

- * Collective bargaining agreements including the negotiation of the terms and thereof with employees or representatives of employees of the public body; (PBA Local No. 46 Collective Bargaining negotiations).
- * Matters involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds; (proposed inclusion of Lowe's as part of the South Garfield Redevelopment Project; Riverfront Park along the Passaic River).
- * Tactics or techniques utilized in protecting the safety and property of the public or any investigation of violations or possible violations of the law; (Proposed engagement of services of Motley Rice, LLC to represent the City to seek damages incurred against Garfield in connection with a spill of 5,460 pounds of Chromium at E.C. Electroplating at Clark Street in 1983; appropriateness of waiving Building Permit Fees; proposed recovery of pay to convicted Police Officer Todd Mosby).
- * Pending or anticipated litigation or contract negotiations or matters falling within attorney-client privilege; (settlement of Fire Company No. Three Firefighter Radoslaw Polansky lawsuit).

CLOSED SESSION

- * Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplinary action of personnel unless the individual in the right request a public meeting in writing; (proposed hiring of a Municipal Court Officer; proposed retirement of Water Superintendent Michael Sferruzzo; proposed furloughs of all City employees).

BE IT FURTHER RESOLVED that the matters so discussed will be disclosed to the public as soon as and to the extent that such disclosure can be made without adversely affecting the public interest or without violation of the confidentiality of personnel.

On call or roll, Ayes 3, Absent 2 -
Councilmembers Raymond and Calandriello

(Sgd) Joseph Delaney
Louis G. Aloia

ARRIVAL AND EXIT OF VARIOUS CITY OFFICIALS

At 6:25 PM, Mayor Frank J. Calandriello and Councilmember Tana M. Raymond joined the Work Session, during Closed Session, and Mayor Calandriello chaired the Work Session from this point forward. At 6:45 PM Interim Chief Financial Officer Roy Riggiano joined the Work Session during Closed Session. It was duly noted for the record.

At 7:40 PM, City Attorney Joseph J. Rotolo, Labor Counsel Joseph Randazzo and Councilmember Joseph Delaney left the Work Session during Closed Sessions as PBA Local No. 46 Representatives Everett Garnto, Robert Ridarick and Pedro Gongora joined the Work Session during Closed Session. As PBA Representatives Garnto, Ridarick and Gongora left the Work Session at 8:30 PM, City Attorney Rotolo, Labor Counsel Randazzo and Councilmember Delaney re-joined the Work Session during Closed Session. It was duly noted for the record.

ADJOURNMENT

After the City Council came out of Closed Session at 8:45 PM, there being no further business the Work Session was adjourned.

Andrew J. Pavlica, CITY CLERK