

**Borough of Garwood**  
**Meeting of the Mayor and Council**  
February 9, 2016

Start Time: 7:27 p.m.

Moment of Silence, followed by a Salute to the Flag.

Adequate notice of this meeting was provided to the Westfield Leader, and UC Local Source, advertised on January 7, 2016, notification was sent to the Star Ledger and prominently posted on the municipal public bulletin board and filed in the office of the municipal clerk informing the Public of the time and place according to the Provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

**ROLL CALL:**

<b>Mayor Lombardo</b>	<b>P</b>		
<b>Councilwoman Cuccaro</b>	<b>P</b>	<b>Councilman Sarno</b>	<b>P</b>
<b>Councilman Martin</b>	<b>P</b>	<b>Councilwoman Todisco</b>	<b>P</b>
<b>Councilman Mathieu</b>	<b>P</b>	<b>Council President Petruzzelli</b>	<b>P</b>

Also present: Borough Administrator/Clerk Christina M Ariemma, and Borough Attorney Robert F. Renaud.

**MINUTES:**

Regular, Workshop and Executive Session Minutes of the Mayor and Council held on January 26, 2016  
A motion to accept meeting minutes was made by Councilwoman Todisco, seconded by Councilman Martin.

**COMMUNICATIONS:**

- 1) **NEW JERSEY STATE LEAGUE OF MUNICIPALITIES –**
  - a. Mayor's Advisory –
    - i. 01/22/16, RE: Weekly Update
    - ii. 01/25/16, RE: Daily Update
    - iii. 01/26/16, RE: Daily Update
    - iv. 01/27/16, RE: Seminar Round Up - New Programs Added!
    - v. 02/01/16, RE: Weekly Update
- 2) **UNION COUNTY BOARD OF CHOSEN FREEHOLDERS –** 01/26/2016, RE: Solid Waste Ordinance 770-2016 Introduction - 02/01/16, RE: Special Meeting on Thursday, February 4, 2016
- 3) **DIVISION OF LOCAL GOVERNMENT SERVICES –** 01/26/16, RE: : LFN 2016-02: State of Emergency Relating to Snow Storm
- 4) **BRUCE PATERSON –** 02/02/16, RE: Recent RVSA presentation of 1/26/2016, Council meeting
- 5) **RAHWAY VALLEY SEWERAGE AUTHORITY –** 01/28/16, RE: Minutes from the meeting held on December 17, 2015
- 6) **GARWOOD BOARD OF HEALTH –** 02/02/2016, RE: Minutes from the meeting held on January 20, 2016

All received and filed.

**ORDINANCES:**

**ORDINANCE NO. 16-01**

AN ORDINANCE TO AMEND §83-7 (NON-LIFE HAZARD USES) IN ARTICLE I, FIRE PREVENTION (MAINTENANCE) CODE IN CHAPTER 83 (FIRE PREVENTION) OF THE CODE OF THE BOROUGH OF GARWOOD TO REVISE CERTAIN FEES FOR INSPECTIONS.

Motion Councilman Martin, Second Councilman Sarno to introduce Ordinance 16-01.

Roll Call:

<b>Councilwoman Cuccaro</b>	<b>AYE</b>	<b>Councilman Sarno</b>	<b>AYE</b>
<b>Councilman Martin</b>	<b>AYE</b>	<b>Councilwoman Todisco</b>	<b>AYE</b>
<b>Councilman Mathieu</b>	<b>AYE</b>	<b>Council President Petruzzelli</b>	<b>AYE</b>

Ordinance No. 16-01 was introduced.

**COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:**

**POLICE: Councilman Sarno, Chr.**

The issue assigned to me last meeting in regards to First Aid in Garwood, is still being researched at this time. As more information is gathered from our past and present members, EMS professionals in our neighboring communities, and discussed in committee, I will present it to you.

Additionally, in regards to Resolution 16-158 on tonight's agenda I would like to point out that the former Officer worked these hours, chose to bank the time as opposed to take it in pay, and now by law we must pay the officer for the time we still owe him. That's all for my report

**PUBLIC HEALTH: Councilwoman Cuccaro**

The Board of Health introduced an ordinance on January 20, 2016 that will set forth fees for Site Plan Review in accordance with applications received by either the Planning Board or Construction Department. Currently the health inspector reviews the plans to ensure compliance with code, however there is no fee in place for this provision. This ordinance amends that and sets forth fees to be collected. The fees will be retained by the Borough and offset the cost involved with Board of Health Services. This is not a fee for the general citizen but rather for businesses either established or new and pertains only to establishments that prepare, serve or sell food. The fee ranges from \$75.00 to \$300.00 depending on the size and type of establishment. The ordinance will be adopted at the next meeting held on March 16, 2016. That's all for my report.

**STREETS AND ROADS/ECOLOGY: Councilman Petruzzelli, Chr.**

**Reoccurring Activities**

- Perform residential household waste pickup twice weekly on the North and South side(s) of the Borough on Monday, Tuesday, Thursday and Friday. Dispose of all materials at the Covanta Incinerator in Rahway.
- Fuel all vehicles and equipment at the Union County Public Works complex in Scotch Plains as needed throughout the week.
- Provide residential white good/appliance pickup at various times weekly throughout the Borough.
- Setup and take down the tables/chairs for the seniors events at the firehouse on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Thursday of the month.
- Check and treat reoccurring problem sewer lines for roots on a weekly basis. Check sewer complaint within the 500 block of Willow Avenue. The block was found to be in the residential lateral connection not in the Borough's main sewer line.
- Perform maintenance on miscellaneous public works vehicle and equipment as needed.
- Remove miscellaneous road side debris along North and South Avenue(s).

**Miscellaneous Activities**

- Perform deicing on Borough streets, parking lots, school crossings and sidewalks during the small winter event(s) on February 5<sup>th</sup> and 9<sup>th</sup>.
- Perform plowing on February 5<sup>th</sup> during regular working hours to clear the light accumulation of snow from Borough streets and parking lots. Residential garbage pickup service was completed after plowing operations.
- Remove snow from miscellaneous storm drainage inlets throughout the Borough due to forecasted heavy rains on February 3<sup>rd</sup>.

**Snow Removal Operations**

Public Works employees worked a total of 67.5 man hours of overtime between January 27<sup>th</sup> and February 9<sup>th</sup> to perform snow removal within the curb line of the following areas:

- Within the business district along Center Street in between South and Willow Avenue(s).
- On all four corners of the intersection of Center Street and South Avenue.
- 300 Block of Second Avenue due to plowed snow creating minimal through traffic with Borough garbage trucks.

Public Works employees worked a total of 165 man hours of regular time between January 27<sup>th</sup> and February 9<sup>th</sup> to perform snow removal within the curb line of the following areas due to limited parking:

- 200 block of Willow Avenue
- 300 block of Willow Avenue
- 400 block of Willow Avenue
- 500 block of Willow Avenue
- Second/Third Avenue(s) and Walnut Street in the area(s) of the school.
- 300 Block of Myrtle Avenue

Comments: Councilman Mathieu and Councilman Sarno commented that committee should be informed prior to overtime being approved. Brief conversation on plowing procedures took place. Councilwoman Todisco commented that the department maintained all services during this process. She commented on the signs put up and how residents didn't comply with the signage. Councilwoman Cuccaro commented that this was the first time it was not done. Mayor Lombardo commented on the amount of snow that fell.

**FIRE: Councilwoman Cuccaro, Chr.**

Read the Fire Incident Report and the following report.

1/ The fire committee hereby approves resolution 16-156 the list of members eligible for LOSAP benefits from the Garwood fire department.

2/ There was a Safety presentation at the Villages of Garwood

3/ The boro of Garwood would like to thank Michael Tharaldsen for his dedicated service to our town.

4/ Len Spina met with the finance committee to go over the Budget items as pertaining to the GFD

**FINANCE: Councilwoman Todisco, Chr.**

Thank you, Mayor. The budget meetings of the Finance Committee are underway. We've begun by meeting with department heads to discuss their operating and capital budget requests. In keeping with last year's procedure of having two special budget

meetings for the Mayor and Council, which are open to the public, we recommend resolution 16-159 on tonight's Consent Agenda to hold these special budgets meetings on Thursday, March 10th and Thursday, March 17th. Both meetings start at 7pm here in Council Chambers. That's all for my report, Mayor.

**BUILDINGS AND GROUNDS: Councilman Mathieu, Chr. no report**

**LAWS AND LICENSES: Councilman Martin, Chr.**

The Laws and License Committee met last week on February 1st to discuss the issue of health benefits for elected municipal officials. Our borough attorney researched the matter and gave council a memo in which he states that continued coverage of a councilmember who was grandfathered in by state law, Chapter 2, PL2010, as explained in a local finance notice, since that council member has served continuously since May 21, 2010. After discussion in our committee meeting, the proposal to eliminate health benefits for existing council members did not have the support to come out of this committee, as the vote was 2 to 1 against. Councilwoman Todisco and I did not agree with the proposal based on the fact that our attorney researched this and found that it would be unlawful for such an ordinance to be passed. His position on this issue was also supported by an earlier finding by former borough attorney Joseph Triarsi in correspondence dated December 7, 2011.

Comments:

Councilman Sarno read the following statement:

Before I offer this dissenting opinion, I'd like to give the courtesy of asking Council President Petruzzelli a question since I don't feel that it's ever been asked from the dais.

Will you voluntarily give up your borough funded health and dental benefits?

\$168,813 - that is how much the borough Garwood has paid towards Councilman Petruzzelli's health and dental benefits since he was first sworn in 2009. The cost to the borough this year alone is \$32,716 and there is no time greater than now to address this issue. It was last year our Council President said in his words, "That this is the hardest thing to do," in regards to firing our former DPW Superintendent, Fred Corbitt. Maybe, that decision would not have been so hard if he had first foregone HIS health benefits last year prior to making that vote. I have said once before that all cost savings should start with us on the dais before anywhere else in the borough and focusing on this issue of councilperson health benefits is a perfect example of such.

It is true that on May 21, 2010 Governor Christie and the state legislature signed a number of reforms concerning local governments that are enrolled in the State Health Benefit Plan and one part of these reforms forbids part-time employees and councilpersons from receiving health benefits. It is also true that if you were serving as council person prior to this date and continue to serve without losing an election you can still collect these benefits.

After that last statement you may think that our Council President is entitled to these benefits, however that is not the case.

- During the recession that followed the 2008 financial crisis many municipalities throughout the state began losing revenue from foreclosed homes and started looking for places to cut expenditures
- Municipalities began realizing how much they were paying part-time councilpersons in stipends and benefits and started to cut these benefits that were considered a given in the past - even with councilpersons who have been serving continuously prior to the 2010 reform bill!
- And don't forget many Councilpersons chose to just give this up on their own knowing how difficult it was for municipalities to balance a budget with lower revenues while staying under the 2% cap!

*How municipalities achieved this is by including specific language that forbid elected officials from receiving health benefits.*

I have looked into this issue across our state and have found multiple towns that have addressed the issue of having part-time councilpersons receiving full time medical and dental benefits. The following towns have acted on this issue in one way or another that includes but is not limited to, changing our ordinance, as I recommend we should do as a council starting tonight:

- **Mahwah (Bergen County)**
- **North Arlington (Bergen County)**
- **Fairlawn (Bergen County)**
- **Willingboro (Burlington County)**
- **Newton (Sussex County)**
- **Morristown (Morris County)**
- **Dumont (Bergen County)**

In addition to researching these towns, I've spoken to and/or e-mailed to the mayor of Dumont Jim Kelly, the mayor of Mahwah, William Laforet, and former councilman of North Arlington and now Democratic Bergen County Freeholder Steve Tanelli all of whom have made changes to their local ordinances to STOP the practice of giving health benefits to councilpersons.

The opinion offered by our borough attorney does not go far enough in the research of how other municipalities throughout the state were able to do what I'm suggesting here in Garwood. Moreover, he does NOT state anywhere in his document that it would be unlawful to pass this ordinance instead he offers this statement, "Based on my research, I am *unable* to state that the Borough may eliminate such benefits."

On that note I'd like to close by saying, we are clearly able to make the proposed changes as stated in Chapter 30, Article 1, Paragraph E, the Borough specifically reserves the right to repeal, modify, or amend these policies at any time. None of these provisions shall be deemed to create a vested contractual right of any employee nor to limit the power of the Mayor and Council to repeal or modify these rules. The policies are not to be interpreted as promises of specific treatment.

Comments:

Councilwoman Todisco made a motion, seconded by Councilman Martin for an ordinance that would eliminate all current and future elected officials that don't currently receive health care from being eligible for benefits, going forward. Roll Call:

<b>Councilwoman Cuccaro</b>	<b>NAY</b>	<b>Councilman Sarno</b>	<b>NAY</b>
<b>Councilman Martin</b>	<b>AYE</b>	<b>Councilwoman Todisco</b>	<b>AYE</b>
<b>Councilman Mathieu</b>	<b>NAY</b>	<b>Council President Petruzzelli</b>	<b>ABSTAIN</b>

The motion did not pass. 3-NAY, 2-AYE, 1-ABSTAIN

Councilman Mathieu stated that the firing of Fred Corbitt is the reason why he feels this matter should be addressed at this time. He asked Council President Petruzzelli if he would pay more towards his health care or voluntarily give it up. Council President Petruzzelli responded no to both and that he felt this is not the right time and place to ask him such questions.

Councilman Mathieu mentioned Mr. Renaud's opinion letter and commented on the contents of the letter. Councilman Mathieu clarified that while Dumont had eligible members, the eligible members themselves voted to remove the benefits. He further clarified that while the borough is obligated to offer the benefits, the elected official is not obligated to take them. Mr. Renaud confirmed that is true.

The following section is verbatim at the discretion of the Municipal Clerk.

Councilman Martin asked, "Is the Councilman is entitled to receive these benefits?" Mr. Renaud responded, "The local finance notice is basically what I'm going by. The State Health Benefits Program Statute itself is unclear. What attorneys go by or what I go by is how the State interprets it that's how the departments, how the DLGS, how the state health benefits program runs their programs. According the DLGS that is their explanation of what the statute meant and who is entitled to what and who is covered. The answer to your question according to the Local Finance Notice is the councilman is entitled to health benefits." Councilman Martin said, "Ok since by law according to your interpretation he is entitled to these benefits, than is it against the law then to remove them?" Mr. Renaud said, "Well that is not how I phrased the opinion." He said, "In all candor I am trying to be as fair and objective to everybody as I possibly can. I'm trying to give the council a fair assessment of what the available literature provides. The literature provides that under the State Health Benefits Program the councilman is entitled to state health benefits as long as we are in the program." Councilman Martin said, "We are a nation of laws and we should follow our laws. That's what should decide this. I took the liberty of calling our insurance agent. Our insurance agent says if we do anything that is deemed against the law, we are on your own. We would lose our insurance coverage. If Councilman Petruzzelli decided to sue based on the fact we passed an ordinance to remove his benefits we would lose our insurance coverage in that case. God knows what a lawsuit would bring."

Further discussion followed regarding lawsuits, removing benefits, and budget matters.

A motion was made by Councilman Sarno, seconded by Councilwoman Cuccaro to direct the attorney to prepare an amendment ordinance to Chapter 30 to eliminate Council President Petruzzelli's health care benefits in entirety, effective upon adoption.

Roll Call:

<b>Councilwoman Cuccaro</b>	<b>AYE</b>	<b>Councilman Sarno</b>	<b>AYE</b>
<b>Councilman Martin</b>	<b>AYE</b>	<b>Councilwoman Todisco</b>	<b>NAY</b>
<b>Councilman Mathieu</b>	<b>AYE</b>	<b>Council President Petruzzelli</b>	<b>ABSTAIN</b>

The motion passed and the attorney was directed to prepare the ordinance accordingly. 1-NAY, 4-AYE, 1-ABSTAIN

**RECREATION:** Councilman Martin Chr. no report

**GARWOOD SENIOR CITIZEN LIASION:** Councilwoman Cuccaro

1/ Todd Herz stopped by to introduce our new police officer, Jonathan Pridy, everyone wished him Good Luck in his new position.

2/ There was still a lot of talk and concern about the emergency response when calling for first aid. Todd Herz said Chief Underhill will be addressing this issue to alleviate concerns, as well as Audrey Kornisak made arrangements for a speaker to address the group within the next few weeks.

3/ Carol Lombardo was in attendance and was asking everyone to look through all of their old photos to see if there are any forgotten mementos or memorabilia that can be Given to the historical Committee, they can be scanned and returned very quickly.

4/ A few people had questions about the permit parking and what can be done to get permit stickers expedited. I went through the procedure as well as the streets that it affects. Went back to boro hall and had copies of the streets and the application made I will bring them with me at the next meeting and Tina said one of the boro hall admin can come over and check registrations, so anyone that needs them will be taken care at that time if they have not been done previously

5/ After a short discussion the new Committee name will be Garwood Senior citizen Liaison, as there is really no committee just a council representative, which is me at the current time.

6/Update on Crafts and ceramics, Paulette is still away and waiting for her update as soon as she returns.

7/ Mayor Lombardo stopped in for a quick visit to say Hello

**LIBRARY, MAYOR'S REPRESENTATIVE:** Councilman Petruzzelli

In February, the Library is holding a reading raffle. Anyone who checks out a book can enter to win a gift basket. The adult and kid's basket includes: a Dunkin Donuts gift card, a Game Stop gift card, books, chocolates and other goodies. The winner will be drawn February 29<sup>th</sup>.

Yesterday, (Feb 8<sup>th</sup>) Valentines were for the birds. Kids made valentine bird feeders out of recycled seltzer bottles at the Kid's craft. Today, (Feb 9) the green flag waved at the first Garwood Lego Derby. Photo finishes will be posted on the Library's Facebook page. Tonight, the adult craft will reflect well on the participants. They will be making decorative mirrors out of clothespins.

All the other programs are keeping the Library busy. They include:

1. The Knitting Club on February 1, 4, 8, 11, 18, 22, 25, and 29 @10:30AM
2. Color Me Calm on February 1, 8, 22, and 29 @ 11:30AM
3. Book Clubs on February 1, 4 and 22 @ 7:00 PM AND 1:00PM
4. Adult Ed on February y 2, 4, 9, 11, 16, 18 23 and 25 @ NOON
5. ESL on February 2, 9, 16, and 23 @2:00PM
6. Parent Child Knitting February 3, 10, 17, and 24 @ 6:00PM
7. Toddler Story Time on February 3, 10, 17 and 24 @10:30AM
8. Friday Movie Time on February 5, 12, 19, and 26 @ 10:00 AM
9. Puzzle Friday on February 5, 12, 19 and 26 @ 3:00PM

The Garwood Library is open (weather permitting) Monday through Thursday from 9:00 AM to 8:00 PM, Fridays from 9:00 AM to 4:30 PM, and Saturdays from 9:00 AM to 1:00 PM. The Library will be closed, Monday, February 15, 2016 in honor of President's day.

**SCHOOL BOARD LIAISON:** Councilman Sarno no report

**CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON:** Councilwoman Todisco  
no report

**UNION COUNTY AIR TRAFFIC NOISE ADVISORY BOARD REPRESENTATIVE:**  
Councilman Mathieu no report

**ADMINISTRATIVE REVIEW COMMITTEE:** Councilwoman Todisco no report

**HISTORICAL COMMITTEE:** Councilwoman Todisco no report

Thank you, Mayor. I attended the meeting of the Historical Committee last week on February 2nd. The Committee is continuing to plan the rededication of the Recreation Complex and the planned date has been set for Sunday, June 12th with a rain date of the following week on June 19th. They are working on cleaning existing plaques that are in need of cleaning and having a new plaque made in honor of Mayor Michael Crincoli, who the main building of the Complex will be dedicated to as it was his original vision for a new facility at that location almost 20 years ago. The baseball field will be rededicated to James V. Guerriero and the field house or announcer's booth building will be rededicated at the Joseph E. Humenik Field House. Additionally, discussion took place on ideas for future fundraisers and programs to ensure Garwood's rich history is preserved. That's all for my report, Mayor.

#### **OFFICER'S REPORTS:**

Len Di Stefano, Zoning Code Enforcement Officer monthly report for January 2016

Municipal Court Administrator Martha Marino: Garwood Municipal Court Operations, January through December 2015

A motion to accept Officer's reports was made by Councilwoman Todisco, seconded by Council President Petruzzelli

#### **PUBLIC COMMENT:**

Is there anyone in the audience who wishes to address the mayor and council please step to the microphone, sign in and state your full name and address. Please limit your comments to three minutes.

Jennifer Blumenstock, 315 Spruce Avenue addressed Councilman Sarno and suggested if they want this changed it should be suggested at the State level.

Paul Nieves 263 Fourth Avenue commented on RVSA presentation by Mr. Paterson. He commented on the health insurance matter.

Bill Nierstedt, 320 Hickory Avenue read a statement on the health insurance matter.

Rich McCormick, 101 Fourth Avenue commented on the health insurance matter.

Bruce Paterson, 325 Willow Avenue commented on the Union County Transportation Master Plan. He commented on the health benefits matter and expressed that he agrees with the suggestion to have the contribution increased.

Sal Piarulli 54 Fourth Avenue commented on health benefits matter.

Ann Tarantino 520 Beech Avenue commented on health benefits matter.

Rich McCormick, 101 Fourth Avenue commented further on health benefits matter.

Paul Nieves 263 Fourth Avenue commented further on health benefits matter.

Jim Constandi 653 Myrtle Avenue commented on health benefits matter.

Rich McCormick, 101 Fourth Avenue stated we are looking for answers.

**UNFINISHED BUSINESS:**

**CONSENT AGENDA**  
 (Adoption upon Roll Call)

“Consent agenda items are considered to be routine and will be enacted with a single motion; any items requiring expenditure are supported by a Certification of Availability of funds; any item requiring discussion will be removed from the Consent Agenda; all Consent Agenda items will be reflected in the full minutes.”

**RESOLUTION NO. 16-149**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Garwood, in the County of Union, State of New Jersey, that the license to conduct an On-Premise Merchandise Raffle and an On-Premise 50/50 on March 16, 2016, to be held at the Westwood, 438 North Avenue, Garwood, NJ at 6:00 p.m., is hereby granted to Project Home of Cranford, pursuant to Application Number RA #1064 and RA #1065.

**RESOLUTION NO. 16-150**

**WHEREAS**, Michael Tharaldsen has faithfully and conscientiously served the citizens of our Borough as Fire Chief from January 1, 2013 until December 31, 2015; and

**WHEREAS**, Michael Tharaldsen has dedicated many years as a firefighter moving his way up the ranks serving three years to public service as the Chief, giving his personal time to serve the citizens of Garwood as the highest rank, Fire Chief of the Borough of Garwood; and

**WHEREAS**, the Governing Body of the Borough of Garwood wish to publicly acknowledge and commend him for his loyal and dedicated service to all the people of the Borough of Garwood.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Garwood do hereby express “Best Wishes” to Michael Tharaldsen and his family in the coming years; and

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk be and they are hereby authorized to affix their signatures to a copy of this resolution, which shall be presented to him.

**RESOLUTION NO. 16-151**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Garwood, in the County of Union, State of New Jersey, that the license to conduct an On-Premise Merchandise Raffle and an On-Premise 50/50 on March 11, 2016, to be held at the Westwood, 438 North Avenue, Garwood, NJ at 6:00 p.m., is hereby granted to PTO Jefferson School, pursuant to Application Number RA #1066 and RA #1067.

**RESOLUTION NO. 16-153**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Garwood, in the County of Union, State of New Jersey, that the license to conduct an On-Premise Merchandise Raffle on March 11, 2016, to be held at the Westwood, 438 North Avenue, Garwood, NJ at 6:00 p.m., is hereby granted to YMCA Westfield, pursuant to Application Number RA #1068.

**RESOLUTION NO. 16-154**

**WHEREAS**, on December 7, 2015, PBA Local 117 filed two (2) grievances in accordance with the Collective Negotiations Agreement (hereinafter “CNA”) between the parties, specifically, Article IV, Grievance Procedure, alleging violations of Articles XI, C(2) and XII, G and other applicable articles and an alleged past practice regarding call ins; and

**WHEREAS**, in accordance with Article IV, Grievance Procedure of the “CNA”, the grievance was denied at Step A by the Chief of Police; and

**WHEREAS**, the grievance moved to Step B and was subsequently denied by Police Commissioner Sarno on January 13, 2016; and

**WHEREAS**, in accordance with Article IV Grievance Procedure of the “CNA” on January 19, 2016, PBA President Czachorowski requested the grievance to move to Step C; and

**WHEREAS**, in accordance Step C of Article IV, Grievance Procedure of the “CNA” within **fifteen (15)** work days from notice on January 26, 2016, in executive session at the Regular Meeting of the Mayor and Council, one or more members of the Grievance Committee designated by the PBA met with the Mayor and Council to attempt to settle the dispute; and

**WHEREAS**, on January 26, 2016 at said meeting the matter was not settled and further discussed by the Mayor and Council; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Garwood that the response to the above named Grievance-Overtime Violation is hereby denied in accordance with Step C of Article IV, Grievance Procedure of the “CNA” within fifteen (15) work days from January 26, 2016; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk is hereby authorized and directed to notify the Grievance Committee that the Grievance is denied.

**RESOLUTION NO. 16-155**

**BE IT RESOLVED**, by the Council of the Borough of Garwood that Christina M. Ariemma, Administrator/Clerk, be and she is hereby authorized and directed to sign agreement with A.D.P. for payroll services for 1/1/2016 to 12/31/2016 including the addendum to the agreement with A.D.P. payroll services in accordance with N.J.A.C. 5:30-17; and

**BE IT RESOLVED**, by the Council of the Borough of Garwood that Sandra Bruns, Chief Financial Officer/Treasurer, be and she is hereby appointed the approval officer and person responsible for authorizing and supervising the activities of the payroll service and shall further be charged with the reconciliation and analysis of all general ledger accounts affected by the activities of the disbursing organization; and

**BE IT FURTHER RESOLVED** that fees for this service for 2016 are \$10,568.51 of which \$10,000 is paid by Investor’s Bank on behalf of the Borough of Garwood.

**RESOLUTION NO. 16-156**

**BE IT RESOLVED**, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby approves the list of members eligible for 2015 LOSAP Benefits from the Garwood Fire Department.

**BE IT FURTHER RESOLVED**, that the list attached be and is hereby made part of this resolution.

**RESOLUTION NO. 16-157**

**WHEREAS**, on December 3, 2015 in accordance with procedure LOSAP Administrator Christina Ariemma provided a memo to the qualifying agencies of the adopted rules and procedure for submission of members names that reached the acceptable points in accordance with Chapter 19, Section 5 of the Code of the Borough of Garwood for receipt of LOSAP benefits for year 2015; and

**WHEREAS**, lists are to be submitted to the LOSAP Administrator for review no later than January 31, 2016 as indicated in the instructions provided; and

**WHEREAS**, the Garwood First Aid Squad (GFAS) is a qualifying agency for LOSAP for its members who reach the point schedule in accordance with code; and

**WHEREAS**, I, Christina M. Ariemma, Borough Administrator/Clerk, LOSAP Administrator hereby certify that **no list was received** from the GFAS for 2015.

**THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby certify that no list was received and no members qualified for LOSAP benefits from the GFAS for 2015.

**BE IT FURTHER RESOLVED**, that Ms. Ariemma is hereby directed to forward a copy of this Resolution to the GFAS.

**RESOLUTION NO. 16-158**

**BE IT RESOLVED**, by the Council of the Borough of Garwood County of Union, State of New Jersey hereby direct the payroll for former Garwood Police Officer Andrew Horan for unused compensatory time as prepared by the Police Chief and in accordance with the Fair Labor Standards Act, and Garwood Police Department S.O.P, Use of Time Accrued Policy in the Borough of Garwood as follows.

Description	Hourly Rate	Hours	Amount
Compensatory Time Due – Voluntary Resignation on 12/26/15	\$30.34	272	\$8,252.48

**BE IT FURTHER RESOLVED** that the CFO/Treasurer be and she is hereby authorized to execute to the above.

**RESOLUTION NO. 16-159**

**BE IT RESOLVED** by the Council of the Borough of Garwood, County of Union, State of New Jersey that two special meetings will be held on Thursday, March 10, 2016 at 7:00 p.m., and Thursday, March 17, 2016 at 7:00 p.m., in the Council Chambers of the Municipal Building at 403 South Avenue, Garwood. The purpose of the meetings are discuss the 2016 Municipal Budget. Action may be taken.

Motion Councilwoman Todisco, Second: Council President Petruzzelli to adopt Consent Agenda as amended.

Roll Call:

**Councilwoman Cuccaro**

**Aye**

**Councilman Sarno**

**Aye**

**Councilman Martin**

**Aye**

**Councilwoman Todisco**

**Aye**

**Councilman Mathieu**                      **Aye**      **Council President Petruzzelli**                      **Aye**  
 Consent agenda as amended was adopted.

**RESOLUTIONS DELETED FROM THE CONSENT AGENDA:**

**RESOLUTION NO. 16-152**

WHEREAS, the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, hereby directs the transfers of 2015 budget appropriations be and they are hereby made:

**2015 Budget Transfer #5**

**Resolution #16-152**

FROM:	Department	Account Name	Account Number	Amount
	Group Insurance	Employer-Retired	5-01-23-220-200-1010	5,200.00
				<u>5,200.00</u>
TO:	Legal	Legal Fees-Municipal Atty	5-01-20-155-200-0950	5,200.00
			Total	<u>5,200.00</u>

Motion Councilwoman Todisco, Second: Council President Petruzzelli to adopt Resolution No. 16-152  
 Discussion: Councilwoman Cuccaro asked for clarification and an explanation of this transfer.  
 Councilwoman Todisco explained the budget process and the transfers.

Roll Call:

**Councilwoman Cuccaro**                      **Nay**      **Councilman Sarno**                      **Aye**  
**Councilman Martin**                      **Aye**      **Councilwoman Todisco**                      **Aye**  
**Councilman Mathieu**                      **Nay**      **Council President Petruzzelli**                      **Aye**

4-Aye, 2-Nay: Resolution No. 16-152 was adopted.

**NEW BUSINESS:**

NONE

**PAYMENT OF CLAIMS:**

**BE IT RESOLVED** that the following claims as approved be and the same are hereby ordered paid when properly signed and verified; and the payment of payrolls as listed is hereby confirmed and ratified.

Developers Escrow Acct: \$2,340.44                      Trust Acct: \$1,232.68  
 Dog Tax Acct: \$903.20                      Unemployment Trust Acct: \$9,236.23  
 Current Acct: \$761,989.88

Motion; Councilman Sarno, Second; Councilwoman Todisco, to adopt Payment of Claims Resolution.

Roll Call:

**Councilwoman Cuccaro**                      **Aye**      **Councilman Sarno**                      **Aye**  
**Councilman Martin**                      **Aye**      **Councilwoman Todisco**                      **Aye**  
**Councilman Mathieu**                      **Aye**      **Council President Petruzzelli**                      **Aye**

**ADJOURNMENT:**

The Regular Meeting of the Mayor and Council will be held on, **TUESDAY, FEBRUARY 23, 2016**, in Council Chambers at 7:15 p.m. Workshop Session to start at 7:00 p.m.

Motion; Councilman Martin, Second; Councilman Sarno, to adjourn  
 Time: 9:48 p.m.

Respectfully submitted:



**CHRISTINA M. ARIEMMA, Municipal Clerk**  
 Borough of Garwood