

Borough of Garwood Meeting of the Mayor and Council

AGENDA

February 24, 2015

Moment of Silence.....

Salute to the Flag.....

Adequate notice of this meeting was provided to the Cranford Chronicle, advertised on January 16, 2015, 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).

Mayor Lombardo asks at this time please turn your cell phones to off or vibrate.

ROLL CALL:

Mayor Lombardo _____

Councilman Martin _____

Councilman Mathieu _____

Councilman Petruzzelli _____

Councilwoman Tarantino _____

Councilwoman Todisco _____

Council President Nierstedt _____

MINUTES:

Regular Meeting of the Mayor and Council held on February 10, 2015.

Workshop Session of the Mayor and Council held on February 10, 2015.

COMMUNICATIONS:

1) NEW JERSEY STATE LEAGUE OF MUNICIPALITIES –

a. Mayor's Advisory –

- i. 02/09/15, RE: A. Weekly Policy Update B. Proposed Federal Flood Risk Management Standards C. Upcoming League WEBINAR D. Upcoming League Seminar
- ii. 02/09/15, RE: Division of Local Government Services Newsletter Distributed
- iii. 02/09/15, RE: I. Upcoming Sustainable Jersey Webinars II. Point of Clarification Regarding January 29th Letter on Interstate Oil Pipelines
- iv. 02/11/15, RE: I. Urgent Legislative Alert, Your Action Needed on TTF II. Training to Prevent Financial Exploitation-NJ Adult Protective Services
- v. 02/11/15, RE: I. Complimentary Visit by New Jersey Hall of Fame II. & III. Upcoming Seminars
- vi. 02/13/15, RE: 100th Anniversary & William G. Dressel, Jr. Retirement Banquet
- vii. 02/13/15, RE: Weekly Policy Update

- viii. 02/17/15, RE: Analysis of Presidents FY 2016 Budget Proposal
- 2) **TOWN OF WESTFIELD** – 02/17/15, RE: Ordinance 2037.
- 3) **GREATER WESTFIELD AREA CHAMBER OF COMMERCE & GALA HAIR SALON** –
02/17/15, RE: Ribbon Cutting Ceremony
- 4) **RAHWAY VALLEY SEWERAGE AUTHORITY** – 02/17/15, RE: Personnel Committee
Meeting (PCM) to be held Thursday, February 19, 2015.

ORDINANCES:

Public Hearing on Ordinance 15-01, 15-02, 15-03 and 15-04 as advertised in the Cranford Chronicle on February 13, 2015

ADOPTION:

Municipal Clerk to read Ordinance 15-01 by title only:

ORDINANCE NO. 15-01

**AN ORDINANCE TO AMEND ARTICLE I. POLITICAL CONTRIBUTIONS IN
CHAPTER 74 (CONTRACTORS) OF THE CODE OF THE BOROUGH OF
GARWOOD TO REPEAL §74-10 (INDEXING).**

List correspondence concerning Ordinance 15-01.

Does anyone present wish to be heard concerning Ordinance 15-01.

Motion to close Public Hearing on Ordinance 15-01.

Motion to adopt Ordinance 15-01. Roll Call.

Municipal Clerk to read Ordinance 15-02 by title only:

ORDINANCE NO. 15-02

**AN ORDINANCE AUTHORIZING THE PURCHASE OF FINANCE AND TAX
SOFTWARE AND ASSOCIATED APPLICATIONS AND APPROPRIATING THE SUM OF
TWENTY-ONE THOUSAND FIVE HUNDRED DOLLARS FROM THE CAPITAL
IMPROVEMENT FUND TO FINANCE THE COST THEREOF.**

List correspondence concerning Ordinance 15-02.

Does anyone present wish to be heard concerning Ordinance 15-02.

Motion to close Public Hearing on Ordinance 15-02.

Motion to adopt Ordinance 15-02. Roll Call.

Municipal Clerk to read Ordinance 15-03 by title only:

ORDINANCE NO. 15-03

AN ORDINANCE TO REPEAL §67-2 (CONSTRUCTION BOARD OF APPEALS) IN ARTICLE I (CONSTRUCTION CODE) IN CHAPTER 67 (BUILDINGS AND STRUCTURES) OF THE CODE OF THE BOROUGH OF GARWOOD TO REPEAL THE PROVISIONS THEREOF PERTAINING TO THE CONSTRUCTION BOARD OF APPEALS.

List correspondence concerning Ordinance 15-03.

Does anyone present wish to be heard concerning Ordinance 15-03.

Motion to close Public Hearing on Ordinance 15-03.

Motion to adopt Ordinance 15-03. Roll Call.

Municipal Clerk to read Ordinance 15-04 by title only:

ORDINANCE NO. 15-04

AN ORDINANCE TO AMEND SUBSECTION A OF §126-4 (PROHIBITIVE ACTIVITIES) IN ARTICLE I (USE OF PARKS, FACILITIES AND PLAYGROUNDS) IN CHAPTER 126 (PARKS, FACILITIES, PLAYGROUNDS, AND RECREATION) OF THE CODE OF THE BOROUGH OF GARWOOD PERTAINING TO PROHIBITIVE ACTIVITIES.

List correspondence concerning Ordinance 15-04.

Does anyone present wish to be heard concerning Ordinance 15-04.

Motion to close Public Hearing on Ordinance 15-04.

Motion to adopt Ordinance 15-04. Roll Call.

COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:

POLICE: Councilwoman Tarantino, Chr.

PUBLIC HEALTH: Council President Nierstedt

STREETS AND ROADS/ECOLOGY: Councilwoman Todisco, Chr.

FIRE: Council President Nierstedt, Chr.

FINANCE: Councilman Petruzzelli, Chr.

BUILDINGS AND GROUNDS: Councilman Mathieu, Chr.

LAWS AND LICENSES: Councilman Martin, Chr.

RECREATION: Councilwoman Todisco Chr.

COMMITTEE ON AGING: Councilwoman Tarantino

LIBRARY, MAYOR'S REPRESENTATIVE: Councilman Petruzzelli

SCHOOL BOARD LIAISON: Councilman Mathieu

CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON:
Council President Nierstedt

UNION COUNTY AIR TRAFFIC NOISE ADVISORY BOARD REPRESENTATIVE:
Councilman Mathieu

PARKING COMMITTEE: Councilwoman Tarantino

POLICE NEGOTIATIONS COMMITTEE: Councilwoman Tarantino

ADMINISTRATIVE REVIEW COMMITTEE: Councilwoman Tarantino

HISTORICAL COMMITTEE: Councilwoman Todisco

OFFICER'S REPORTS:

Chief of Police Bruce Underhill: Monthly reports for January 2015
Zoning Code Enforcement Officer: Monthly report for January 2015

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.

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. 15-153

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 Off-Premise 50/50 Raffle and an On-Premise Merchandise Raffle to be held on April 19, 2015, at the Westwood, 435 North Avenue, Garwood, NJ from 11:00 a.m. to 3:00 p.m., is hereby granted to Summit Animal Rescue Association., pursuant to Application Number RA #1040 and RA #1041

RESOLUTION NO. 15-154

BE IT RESOLVED by the Council of the Borough of Garwood, County of Union, State of New Jersey, hereby authorize the Municipal Clerk to attend the Annual 2015 Conference of the NJ State Municipal Clerks' Association from April 26th – April 29th 2015, at the Tropicana Hotel and Convention Center, in Atlantic City New Jersey. Registration cost \$310.00, lodging cost \$195.00, total \$505.00.

RESOLUTION NO. 15-155

BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby accept the donation from the Garwood Baseball League for the following:

New 60" High Definition LCD Smart Television
Serial #

BE IT FURTHER RESOLVED, that the equipment is mounted in the meeting room at the Garwood Sports and Recreation Complex.

RESOLUTION NO. 15-156

BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby approves the following change order to the original bid submitted by:

Contractor: Midwest Construction Inc.
23 Dead River Road
Warren, NJ 07059
Project: 2013 NJDOT Project
Awarded Contract: \$238,849.60
Supplemental + \$7,220.00
Extra Work + \$27,591.07
Reduction in Work (- \$43,999.26)

TOTAL FINAL: \$229,661.41

ADJUSTED AMOUNT BASED ON ADDITIONAL AND/OR REDUCTION IN WORK

REASON: AS BUILT

RESOLUTION NO. 15-157

BE IT RESOLVED by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, hereby approve the CFO/Treasurer to issue check for the overpayment on the following property.

<u>PROPERTY OWNER&ADDRESS</u>	<u>BLK/LOT</u>	<u>AMOUNT</u>
Ponsoda, Natalie/Varrato, Michael P. 417 Myrtle Ave Garwood, NJ 07027	0407/0007	\$2,079.19

REFUND TO:
LERETA TAX SERVICE

1123 Park View Drive
Covina, Ca 91724
ATTN: Central Refunds

Amount to be refunded: \$2,079.19

EXPLANATION: Lereta Tax Service as well as an attorney paid taxes for the 1st quarter 2015 causing an overpayment on the following parcel:

RESOLUTION NO. 15-158

WHEREAS, Pilgrim Pipeline Company ("Pilgrim") is proposing to build a new bidirectional pipeline through communities adjacent to Garwood, including, but not limited to Cranford and Westfield, that have adopted resolutions of opposition, that would transport crude oil and refined petroleum products between Albany, New York and Linden, New Jersey; and

WHEREAS, the pipeline will carry oil extracted from North Dakota's Bakken shale through the process of hydraulic fracturing, or fracking, an extreme method of oil and gas extraction that depletes and despoils clean water resources, creates toxic air emissions and radioactive waste, and contributes to the climate change crisis by releasing large quantities of methane gas into the atmosphere; and

WHEREAS, in February 2014, the *Wall Street Journal* compared oil from 86 locations around the world and found Bakken crude oil to be the most explosive [although should be more appropriately described as extraordinarily flammable], and bringing this fuel into our community endangers our families, property, and environment; and

WHEREAS, the Pilgrim pipeline raises significant safety concerns as well as potential harm to municipal and county infrastructure, and likely negative impact upon future development in the community; and

WHEREAS, the Borough Council of the Borough of Garwood is concerned about the hazards the project may create due to the nature and volume of the highly flammable oil flowing through the pipeline, and its proposed route, which crosses through residential neighborhoods. These communities would be in the "impact radius" should an explosion and or spill occur; and

WHEREAS, according to the Public Employees for Environmental Responsibility, the Pipeline and Hazardous Materials Administration (PHMSA) only has 135 inspectors to oversee 2.6 million miles of pipeline, and only a fifth of that pipeline system has been inspected by PHMSA or its state partners since 2006; and

WHEREAS, the PHMSA reports 280 significant incidents annually with oil pipelines, and if an incident were to occur along this proposed route, which includes the New Jersey Highlands region – one of the sources of Garwood's drinking water, it could potentially impact the drinking water of millions of residents of New Jersey and New York; and

WHEREAS, the potential for a pipeline explosion could harm hundreds of people and we express grave concerns about this project negatively affecting the health, safety, and welfare of our citizens; and

WHEREAS, it is the Borough Council's responsibility to provide a safe environment for its residents, and this pipeline raises serious safety concerns that would affect the health, safety, and welfare of Garwood residents; and

WHEREAS, the proposed project may result in a loss of tax revenue for the Borough of Garwood based on right-of-way agreements with Pilgrim Pipeline and a decline in property values of homes along and adjacent to the new pipeline and surrounding neighborhoods as a direct result of the project; and

WHEREAS, the State Senate bill SR106 under the sponsorship of State Senator Thomas H. Kean Jr. and State Assembly bill AR191 under the sponsorship of Assemblyman Jon M. Bramnick and co-sponsorship of Assemblywoman Nancy F. Munoz oppose the Pilgrim Pipeline project; and

WHEREAS, the federal government acknowledged the exceptional value of Highlands resources and the urgent need for their preservation in 2004 when Congress passed the Highlands Conservation Act which "recognizes the importance of the water, forest, agricultural, wildlife, recreational, and cultural resources of the Highlands region, and the national significance of the Highlands region to the United States."; and

WHEREAS, many municipalities depend on the ground water and public community water systems for water supply, and septic systems for waste disposal and this project would impact groundwater quality and quantity and the septic fields of residents along and adjacent to the right of way; and

WHEREAS, the wise stewardship of our natural resources involves protection of water supplies and water and other natural resources for generations to come; and

WHEREAS, protection of water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restoring degraded environments after the fact;

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Garwood, in the County of Union, as follows:

1. The Borough Council of the Borough of Garwood opposes the proposed Pilgrim Pipeline;
2. The Borough Council of the Borough of Garwood calls for a moratorium on any and all planning, proposal, surveying, or construction of the Pilgrim pipeline through the State of New Jersey;
3. The Borough Council of the Borough of Garwood requests a full environmental review, including a Highlands Act review, be conducted by the DEP to assess the myriad environmental consequences of the project because this project would traverse and negatively impact numerous significant natural areas and the resources of the Highlands region;
4. The Borough Council of the Borough of Garwood adopts, and calls upon similarly situated municipalities to adopt a resolution authorizing each municipality to join together to enter their appearance in any proceeding before the New Jersey Department of Environmental Protection, New Jersey Board of Public Utilities, and any other regulatory authority, so that by their strength in numbers they may successfully oppose the Pilgrim Pipeline project and have the ability to cause the relocation or termination of the project so as to prevent environmental degradation and to protect the public health and safety;

5. The Borough Council of the Borough of Garwood recognizing that this resolution is only the beginning of our expression of opposition to the project that all concerned Borough residents are encouraged to maintain vigilance about this project and to individually contact their county, state, and federal officials to express their opposition to this project;
6. The Borough Council of the Borough of Garwood also calls for the full environmental review of the project and calls on the United States Army Corps of Engineers to prepare an Environmental Impact Statement for the entire route of the project under the National Environmental Policy Act;
7. The Borough Council of the Borough of Garwood directs the Clerk to forward copies of this resolution to New Jersey Governor Chris Christie, Senator Robert Menendez, Senator Cory Booker, Congressman Leonard Lance, State Senator Thomas H. Kean Jr., State Assemblyman Jon M. Bramnick, State Assemblywoman Nancy Munoz, New Jersey Highlands Executive Director Margaret Nordstrom and Councilmembers, all Union County municipalities, and the Union County Board of Chosen Freeholders.

ROLL CALL

RESOLUTIONS DELETED FROM THE CONSENT AGENDA:

ROLL CALL

NEW BUSINESS:

Any new business the Mayor and Council may have:

PROCLAMATION:

March is "National Nutrition Month"

APPOINTMENT: Robert Duris to the Historical Committee effective 2/24/2015 to 12/31/2015

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.

ROLL CALL

ADJOURNMENT:

The Regular Meeting of the Mayor and Council will be held on, **TUESDAY, MARCH 10, 2015**, in Council Chambers at 7:15 p.m. Workshop Session to start at 7:00 p.m.