

BOROUGH of GARWOOD

Regular MINUTES of the COUNCIL MEETING

February 24, 2015

The Regular Meeting of the Mayor and Council was held in Council Chambers and called to order at 9:33 p.m. by Mayor Lombardo. He asked all present to participate in a moment of silence, followed by a 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).

ROLL CALL:

Present: Mayor Lombardo (Not voting), Councilman Martin, Councilman Mathieu, Councilman Petruzzelli, Councilwoman Tarantino, Councilwoman Todisco and Council President Nierstedt.

Also Present: Borough Administrator/Clerk Christina M. Ariemma and Borough Attorney Robert Renaud.

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.

Motion: Action: Approve, **Moved by** Councilwoman Todisco, **Seconded by** Councilman Petruzzelli

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.**
RECEIVED AND FILED
- 3) **GREATER WESTFIELD AREA CHAMBER OF COMMERCE & GALA HAIR SALON –**
02/17/15, RE: Ribbon Cutting Ceremony
RECEIVED AND FILED
- 4) **RAHWAY VALLEY SEWERAGE AUTHORITY – 02/17/15, RE: Personnel Committee Meeting**
(PCM) to be held Thursday, February 19, 2015.
RECEIVED AND FILED

ORDINANCES:

Municipal Clerk 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).

BE IT ORDAINED by the Mayor and Council of the Borough of Garwood:

SECTION 1. §74-10 (Indexing) in Article I. (Political Contributions) in Chapter 74 (Contractors) of the Code of the Borough of Garwood is hereby repealed.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 4. This ordinance shall take effect upon final passage and publication in accordance with law.

List correspondence concerning Ordinance 15-01. NONE.

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

Bruce Paterson 325 Willow Avenue asked Mr. Renaud to explain this ordinance. Mr. Renaud explained the ordinance has a provision that is not necessary and is being removed.

Motion: Action: Close Public hearing, **Moved by** Council President Nierstedt, **Seconded by** Councilwoman Todisco.

Motion: Action: ADOPT ORDINANCE 15-01, **Moved by** Councilman Martin, **Seconded by** Councilwoman Todisco

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6)

Yes: Councilman Martin, Councilman Mathieu, Councilman Petruzzelli, Councilwoman Tarantino, Councilwoman Todisco and Council President Nierstedt. Ordinance No. 15-01 was adopted.

Municipal Clerk 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.

BE IT ORDAINED by the Mayor and Council of the Borough of Garwood:

SECTION 1. The purchase of one MCSJ Finance Super Suite I software application, one MCSJ Real Property Tax Billing I software application, one SQL database/Pervasive SQL-6 Concurrent user license, and the services necessary to convert existing information to said software applications is hereby authorized and directed.

SECTION 2. There is hereby appropriated the sum of Twenty One Thousand Dollars Five Hundred (\$21,500) Dollars from the Capital Improvement Fund to pay the cost thereof.

SECTION 3. The funds hereby appropriated are authorized to be expended when obligations to expend said funds have been created in the form and manner prescribed by law.

SECTION 4. The capital budget of the Borough of Garwood is hereby amended to conform with the provisions of this ordinance.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 6. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 7. This ordinance shall take effect upon final passage and publication in accordance with law.

List correspondence concerning Ordinance 15-02. NONE.

Does anyone present wish to be heard concerning Ordinance 15-02? NONE.

Motion: Action: Close Public hearing, **Moved by** Council President Nierstedt, **Seconded by** Councilwoman Todisco.

Motion: Action: ADOPT ORDINANCE 15-02, **Moved by** Councilman Martin, **Seconded by** Councilwoman Tarantino

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6)

Yes: Councilman Martin, Councilman Mathieu, Councilman Petruzzelli, Councilwoman Tarantino, Councilwoman Todisco and Council President Nierstedt. Ordinance No. 15-02 was adopted.

Ms. Ariemma 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.

WHEREAS, N.J.S.A. 52:27D-127 provides that there shall be a Construction Board of Appeals for each county to hear appeals from decisions by the Uniform Construction Code Enforcing Agency which shall hear appeals from decisions of the Municipal Uniform Construction Code Enforcing Agency; and

WHEREAS, said statute provides that a municipality may establish its own Construction Board of Appeals to hear appeals from decisions by the municipal enforcing agency; and

WHEREAS, the Mayor and Council of the Borough of Garwood has determined that the Construction Board of Appeals established by §67-2 of the Code of the Borough of Garwood is no longer necessary and that any appeals from decisions of the local enforcing agency may be heard by the Union County Construction Board of Appeals;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Garwood as follows:

SECTION 1. §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 is hereby repealed and the Garwood Construction Board of Appeals is hereby abolished.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 4. This ordinance shall take effect upon final passage and publication in accordance with law.

SECTION 5. The municipal clerk is hereby directed to file a copy of this ordinance with the Office of Regulatory Affairs of the Division of Codes and Standards in the Department of Community Affairs, the Union County Board of Construction Appeals, and the Union County Board of Chosen Freeholders.

List correspondence concerning Ordinance 15-03. NONE.

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

Bruce Paterson 325 Willow Avenue asked is this action will save money. Mr. Renaud responded that the borough has not used the BOA in over 20 years however this could be a future savings since if ever utilized because it defaults to the county board of appeals.

Motion: Action: Close Public hearing, **Moved by** Councilwoman Tarantino, **Seconded by** Councilwoman Todisco.

Motion: Action: ADOPT ORDINANCE 15-03, **Moved by** Councilwoman Todisco, **Seconded by** Council President Nierstedt.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6)

Yes: Councilman Martin, Councilman Mathieu, Councilman Petruzzelli, Councilwoman Tarantino, Councilwoman Todisco and Council President Nierstedt. Ordinance No. 15-03 was adopted.

Ms. Ariemma 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.

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.

BE IT ORDAINED, by the Mayor and Council of the Borough of Garwood as follows:

SECTION 1. Subsection A in §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 is hereby amended to read as follows:

A. No person in a public park, facility and recreation area shall:

1. No change.

2. No change.

3. No change.

4. No change.

5. No change.

6. No change.

7. No change.

8. Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot, or throw missiles at any wild life, reptile or

bird, nor shall he or she remove or have in his or her possession the young of any wild animal or the eggs or nest or young of any reptile or

bird.

~~Exception to the foregoing is made in that snakes known to be deadly, poisonous, or deadly reptiles, maybe killed onsite;~~

9. No change.

10. No change.

11. No change.

12. No change.

13. No change.

14. No change.

15. No change.

16. No change.

17. No change.

18. No change.

19. No change.

20. No change.

21. No change.

22. No change.

23. No change.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 4. This ordinance shall take effect upon final passage and publication in accordance with law.

List correspondence concerning Ordinance 15-04. NONE.

Does anyone present wish to be heard concerning Ordinance 15-04? NONE.

Motion: Action: Close Public hearing, **Moved by** Council President Nierstedt, **Seconded by** Councilwoman Tarantino.

Motion: Action: ADOPT ORDINANCE 15-04, **Moved by** Council President Nierstedt, **Seconded by** Councilwoman Todisco

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6)

Yes: Councilman Martin, Councilman Mathieu, Councilman Petruzzelli, Councilwoman Tarantino, Councilwoman Todisco and Council President Nierstedt. Ordinance No. 15-04 as adopted.

COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:

POLICE: Councilwoman Tarantino, Chr. No Report

PUBLIC HEALTH: Council President Nierstedt No Report

STREETS AND ROADS/ECOLOGY: Councilwoman Todisco, Chr.

Thank you, Mayor. The Streets and Roads Committee had a meeting last week to discuss the downed flag pole issue as well as a couple of other items. The Superintendent of Public Works reported to us that he spoke with the Borough Engineer and they felt a better alternative to the idea mentioned at our last meeting to put up bollards around a new flag pole would be to move the flag pole closer to South Avenue on the median. We recommend the Council move forward with this recommendation by the Borough Engineer and

DPW Superintendent. The damaged base was removed by the DPW a little over a week ago as you may have seen.

At our meeting, we also discussed the matter of the Pilgrim Pipeline as this has been an issue for many of our neighboring towns and it is one that has been frequently in the news. Although the proposed pipeline does not run directly through Garwood, it is very close to our border with Cranford at the Unami Park end. This means it could affect Garwood in the case of an explosion or leak. Our immediate neighbors of Cranford and Westfield have both passed resolutions in opposition to its construction as well as our neighbors of Clark, Fanwood, Linden, and Rahway, to name a few. In addition, our state legislators, Senator Tom Kean, Assemblyman Bramnick, and Assemblywoman Munoz have either sponsored or co-sponsored bills in our two state legislative houses that oppose this pipeline. All three of them are Republican, which shows this is really not a partisan issue, but instead a local one. The bill in the Assembly has already passed. We prepared the resolution before the Council tonight by reviewing multiple resolutions and taking pieces from each rather than simply copying one. Therefore, the Committee recommends the adoption of Resolution 15-158 tonight as it will support the effort of our neighbors.

I would again like to thank the DPW for all their hard work in clearing our streets during the winter storms we have been having. As it may not be over, I'd also like to remind the residents of the ordinance requiring them to remove all vehicles from the street at 3 inches of snow. If you need alternative parking solutions, please contact dispatch for details. That's all for my report, Mayor.

FIRE: Council President Nierstedt, Chr.

Thanked the Fire Department especially Allan Tweedle for their assistance with the food drive.

FINANCE: Councilman Petruzzelli, Chr.

The Finance committee had the second meeting on February 12th, and the process is ongoing. The next meeting is February 26th and there are two special meetings this year, March 12 and 19th.

Councilman Mathieu asked why there are two finance public meetings scheduled. Councilman Petruzzelli answered and Ms. Ariemma explained that it was determined based on the last two years schedule which the committee felt did not afford the other members of council to put forth their suggestions and have them addressed prior to introduction. She further stated that after the first meeting, the committee meets again to discuss council's suggestions to be prepared for the second meeting.

BUILDINGS AND GROUNDS: Councilman Mathieu, Chr. No Report

There was discussion regarding the HVAC problem. Councilman Mathieu said he called the DPW Superintendent regarding this matter. Discussion followed.

LAWS AND LICENSES: Councilman Martin, Chr.

Parking permit ordinance is ready for review by council and will be on the next council agenda.

The sign ordinance is out of the Laws and License committee and Mr. Renaud has made changes and recommending it go to Ms. Ariemma for referral to the planning board for further comments.

Tonight there are 2 applications for a Raffle Licenses. The Laws & License Committee recommends the following: The adoption of Resolution No. 15-153, for the application of one **off-premise 50/50** raffle license and one **on-premise merchandise raffle** to be held April 19, 2015, at The Westwood, 438 North Avenue, Garwood, NJ, by Summit Animal Rescue Association

RECREATION: Councilwoman Todisco Chr.

Thank you, Mayor. The Recreation Commission met last week on February 18th. New ideas for events as well as previously done ones were discussed in the Director's Report. Some of these were mentioned for summer recreation. Family ice skating at Warinaco will be held March 7th from 6-8pm. The application for use of the Garwood Sports and Recreation Complex has been posted to the Borough website and I am very pleased to say that we have already started receiving numerous proposals, including ones from private organizations willing to pay for use of the complex. The Commission will be negotiating with a few of them. In addition, at the last meeting, the Commission decided to accept proposals from the Board of Education, Garwood Baseball League, and Clark Soccer and will be providing details so that our Borough attorney can draw up agreements. In the basketball report, it was mentioned the end of season pizza party for the girls and boys will be this week. This season over 30 girls and over 60 boys participated. Also, two job postings will be up on the Borough website—the position of Summer Recreation Director as well as Summer Recreation Counselors. That's all for my report, Mayor.

COMMITTEE ON AGING: Councilwoman Tarantino

I attended the senior citizen meeting last Thursday – The seniors were very happy to have a surprise visit from Mayor & Mrs Lombardo who came by to say a few words. Also at this meeting Lt. Wright and Officer

Suggs came by to explain the Silver Alert program offered by our police depart and sign up any of the seniors not already on the program. As usual, I ask for any concerns that I can help address. The issue of the Garwood Senior bus schedule has come up a few times. I spoke to Ms. Ariemma about it and I will be sitting down with a group of seniors and the current bus schedule and determine if that schedule is satisfactory or if we need to revise it to better fit their needs. They've expressed interest in having the bus go to other locations and at different times. We'll see how we can best address all these issues.

LIBRARY, MAYOR'S REPRESENTATIVE: Councilman Petruzzelli

Through the cold, ice and snow, we are all struggling to keep warm, and what better way to do that than with a good book, audiobook, or DVD, borrowed from the Garwood Library.

On Thursday, February 26th at 7:00 PM, the Library is pleased to present Nina Et Cetera, a vocal/musical program featuring the love songs of Johnny Cash, Elvis, Peggy Lee, Patsy Cline, and many more singer-songwriters. This program is free but registration is required.

This month, the Library is continuing its practice of "Blind Dates". Patrons come in, choose a wrapped book, and take it home to discover some treasure they've never tried before. It's a great way to meet new authors. The program runs through Saturday, February 28th. Every person who checks out a blind date will be entered into a random drawing for a small prize to be awarded on Monday, March 2nd.

One of our favorite local authors, Eric Nierstedt, has written Book Two in his Lightrider Journals, continuing the adventures of Joe Hashimoto and his band of followers as they battle evil in the world. Eric will be at the Library on Saturday, March 14th at 11:00 AM to autograph his newest book and discuss this latest adventure. Registration is not required for this event.

On Thursday, March 19th, at 7:00 PM, nationally acclaimed clutter guru Jamie Novak will present a program at the library entitled "Keep This, Toss That" where the audience will learn the secrets of lessening the clutter on our desks and in our homes, restoring some sanity to our lives. Registration is required for this event and can be done in person at the Library, by phone, or at the Library's interactive calendar found on the Library's website.

SCHOOL BOARD LIAISON: Councilman Mathieu

Reported on his attendance at the last meeting.

CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON: Council President Nierstedt

Reported that the Easter Egg Hunt is March 28th at 12 noon at the Garwood Sports and Recreation Complex. He suggested people use reusable plastic eggs, vs. disposable.

UNION COUNTY AIR TRAFFIC NOISE ADVISORY BOARD REPRESENTATIVE:

Councilman Mathieu No Report

PARKING COMMITTEE: Councilwoman Tarantino

I didn't have an actual meeting – but the committee has been updated by email. I will have a committee meeting before our next council meeting.

POLICE NEGOTIATIONS COMMITTEE: Councilwoman Tarantino

We are having an executive session at the end of this meeting to give the Mayor and Council a full update on negotiations.

ADMINISTRATIVE REVIEW COMMITTEE: Councilwoman Tarantino

The committee met this afternoon to discuss two ordinances prepared that are ready for council consideration. She said the ordinances create or establish positions in the code. She said the council will be receiving these ordinances for discussion at the next meeting.

HISTORICAL COMMITTEE: Councilwoman Todisco No Report

OFFICER'S REPORTS:

Chief of Police Bruce Underhill: Monthly reports for January 2015

Zoning Code Enforcement Officer: Monthly report for January 2015

REPORT OF MAYOR LOMBARDO

First and foremost, as this seems to be the winter that won't quit, I'd like to thank our DPW for the great job they've done with snow removal. I'd also like to thank the residents who've moved their vehicles off the streets for snow plowing. Even though public announcements are not always made to do so, it is important

to remember that it is an ordinance, and it makes everyone's life easier. If you don't have a driveway, please call the police desk at 789-1500 and they'll be happy to tell you where the designated parking areas are. Our Police Department also deserves our thanks for monitoring the snow situations, being out in the bitter cold, and keeping us safe. Both departments deserve our thanks and support. When it snows, please continue to remove your vehicles from the street, even if you are not publicly reminded.

My thanks also goes to Councilman Martin who spent last Mayor's Saturday with me. Next up will be Councilwoman Ann Tarantino, scheduled for Saturday, March 21st, at 11:00 AM in Council Chambers. We'll be here to answer your questions, listen to your comments and concerns, or just chat a while.

In the very near future, there will be two grand opening events in Garwood. First is on Saturday, February 28 at 2:00 PM, right across the street at 211 Center Street. The public is invited to The Spring Academy to celebrate their Chinese culture and The Year of the Goat. Activities, food, and cultural presentations will make it an interesting and entertaining event.

The second is the grand opening of Gala Hair Artistry, almost directly across the street from here, also on Center Street. Their celebration will take place on Sunday, March 1st at 12:30 pm. I encourage the residents to come out and welcome this new business to our community.

For the next council meeting to be held on Tuesday, March 10th, I have invited Barbara Tweedle, chair of the Garwood Municipal Alliance and Carol Kearney, our Business and Industry/Chamber of Commerce representative to visit the Mayor and Council so that we can have a better understanding of their goals and accomplishments that often go unnoticed, and unpublicized.

Thank you.

Motion: Action: Approve, **Moved by** Councilwoman Todisco, **Seconded by** Councilman Martin

PUBLIC COMMENT:

Bruce Paterson 325 Willow Avenue mentioned the HVAC problem, and budget questions. He suggested council form a coalition to address the issues with the county. He mentioned the comments from council concerning the attendance of other members at committee meetings and that it is a hidden political agenda. There was an elevated conversation concerning this matter and political matters in general crossing into borough business. He said he will be asking the member to step down as chair of the party.

Pauline Mathieu 325 Pine Avenue said that there is no hidden agenda in the councilman's attendance question and she stated she feels that the question presented by Councilman Mathieu is a good question and people should know this information. She suggested that the council's response to the question however is childish and uncalled for. Councilman Mathieu thanked Councilman Petruzzelli and Councilwoman Todisco for making this an open discussion issue because his intentions were for the public and they have helped the voters with this open discussion.

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.

Project: 23 Dead River Road
 Warren, NJ 07059
 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.

PROPERTY OWNER&ADDRESS	BLK/LOT	AMOUNT
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:

Motion: Action: To remove Resolution No. 15-158 from the Consent Agenda for individual voting, **Moved by Councilman Mathieu Seconded by Councilman Petruzzelli.** All Agreed.

Motion: Action: Adopt consent agenda as amended, **Moved by Councilwoman Todisco Seconded by Councilman Martin**

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6)

Yes: Councilman Mathieu, Councilman Martin, Councilman Petruzzelli, Councilwoman Tarantino, Councilwoman Todisco and Council President Nierstedt. Consent agenda as amended was adopted.

RESOLUTIONS DELETED OR REMOVED FROM THE CONSENT AGENDA:

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.

Motion: Action: Adopt Resolution No. 15-158, **Moved by** Council President Nierstedt **Seconded by** Councilwoman Todisco

Vote: Motion carried by roll call vote (**summary:** Yes = 5, 1=No).

Yes: Councilman Martin, Councilman Petruzzelli, Councilwoman Tarantino, Councilwoman Todisco and Council President Nierstedt. Resolution No. 15-158 was adopted.

No: Councilman Mathieu

Ms. Ariemma read:

RESOLUTION NO. 15-159

WHEREAS, the Mayor and Council of the Borough of Garwood has been involved in negotiations with P.B.A Local 117 for several months regarding a successor collective negotiations agreement to the agreement between the Borough of Garwood and P.B.A Local 117 which expired on December 31, 2014; and

WHEREAS, the Borough of Garwood and P.B.A Local 117 have been unable to reach agreement as of the terms of a contract to commence of January 1, 2015; and

WHEREAS, N.J.S.A. 34:13A-16, *et seq.*, provides for binding interest arbitration where a public entity and the exclusive representative of its Police Department are unable to reach agreement;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Garwood that the Borough's Labor Counsel, Matthew J. Giacobbe, Esq., the Mayor and Borough Administrator be and are hereby authorized and directed to request binding interest arbitration through the Public Employment Relations Commission.

Motion: Action: Adopt Resolution No. 15-159, **Moved by** Councilwoman Tarantino **Seconded by** Councilman Martin

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6)

Yes: Councilman Mathieu, Councilman Martin, Councilman Petruzzelli, Councilwoman Tarantino, Councilwoman Todisco and Council President Nierstedt. Resolution No. 15-159 was adopted.

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.

Developers Escrow, \$2,112.50

Capital Acct, \$8,390.00

Dog Tax Acct, \$650.00

Current Acct, \$208,219.28

Motion: Action: Adopt, Moved by Councilwoman Todisco, **Seconded by** Councilwoman Tarantino

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6)

Yes: Councilman Martin, Councilman Mathieu, Councilman Petruzzelli, Councilwoman Tarantino, Councilwoman Todisco and Council President Nierstedt. Payment of Claims was adopted.

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.

Motion: Action: At 10:25 p.m., adjourn, Moved by Council President Nierstedt, Seconded by Councilwoman Todisco.

CHRISTINA M. ARIEMMA, Municipal Clerk
Borough of Garwood