

BOROUGH of GARWOOD

Workshop Session MINUTES of the COUNCIL MEETING **February 25, 2014**

Workshop session was opened by Mayor Quattrocchi at: 7:05 p.m.

Adequate notice of this meeting was provided to the Westfield Leader, advertised on January 9, 2014, 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).

Present: Mayor Quattrocchi, Council President Palmer, Councilman Martin, Councilman Mathieu, Councilman Nierstedt, Councilman Petruzzelli and Councilwoman Todisco.

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

Borough Engineer Donald R. Guarriello was absent.

Presentation of National Nutrition Month: to Heather Marino of Garwood Shoprite.

Carol Kearny Business and Industry Representative provided an update on the Chamber of Commerce. She also provided information on the upcoming June 8th event Garwood Rocks 2014 Family Fun Day.

Councilman Martin expressed his support for the chamber, business and the event. He mentioned Mrs. Kearny and her dedication to the chamber and businesses in Garwood. Heather Robinson, Director of the Greater Westfield Area Chamber of Commerce expressed her support for the event.

Council President Palmer asked about the ribbon cutting events and when a certain business is opening.

Councilwoman Todisco thanked Carol and Heather for their work and for coming this evening. She commented on the event and expressed support for the event.

Councilman Nierstedt asked if we are going to have recycling containers and Mrs. Kearny responded. Councilman Nierstedt asked about parking and Chief Underhill responded.

Councilman Martin commented that this is like starting a new business and expressed participation is the key to the success of the event.

Councilman Nierstedt suggested the resolution authorizing the event be considered this evening.

Bob Flanagan of Flanagan's Contracting Group, Mr. Noel Musial of the Musial Group and Mr. Jon Belle of Kinsey Associates were present to update council on the AFC project.

Councilman Petruzzelli, AFC Liaison suggested they bring council up to date on the project. He suggested they advise council with an approximated completion date. Mr. Musial commented on the building progress and the schedule provided by him. He mentioned the building construction should be completed by the end of June 2014. Mr. Belle commented on the field progress and mentioned that the contractor's schedule with

an ending date of June 2014 is responsible however the area must be dry for the turf field. Also there may be other unforeseen delays. He mentioned spring weather should help the progress.

Councilman Petruzzelli asked Mr. Renaud if he has any questions. Mr. Renaud had no comment.

Council President Palmer said she appreciates the schedule provided. She asked how the weather delays are contributing to the building delays. Mr. Flanagan's explained weather is a factor particularly when materials are frozen. There was discussion concerning time lost on the project and the impact. Councilman Nierstedt thanked the professionals for attending this evening. He expressed frustration the delays have caused the community. Mr. Flanagan detailed some of the delays contributed. Councilman Nierstedt asked if Mr. Flanagan thinks that the July competition is realistic. Mr. Flanagan said some items that are temperature sensitive may cause other delays.

Councilman Martin asked about change orders and Ms. Ariemma said no change orders have been approved to date.

Councilman Mathieu asked about change orders and discussion followed. Mr. Belle said a change order request has been received regarding the security system and Ms. Ariemma said council has not seen that request yet. Mr. Belle commented further on the change order. Councilman Mathieu asked if this will expend the 100 thousand contingency. Ms. Ariemma said this does not exceed the contingency at this time.

Councilman Mathieu said the council has to approve these items and the professionals stated that they are very aware as Ms. Ariemma has said change orders require council approval.

This section of the minutes is verbatim at the discretion of the Municipal Clerk.

Councilman Martin said "Can we talk about change orders?"

Councilman Nierstedt said "Not here."

Councilman Mathieu said "I just want to follow up on that and I want to thank you gentleman for coming. Are there any bogeys on the horizon do you see any change orders or any cost overruns on the horizon?"

Mr. Flanagan said "I don't know what your final budget is on the project. There are change orders in the system for change orders that you guys have been requesting."

Councilman Mathieu said "That we have been requesting?"

Mr. Flanagan said "Yes like security cameras."

Ms. Ariemma said "You have not seen it yet councilman."

Mr. Belle said "I just got the revised change order request from Flanagan's today, unfortunately as usual part of it needed to be broken down a little bit more so I responded to Roger's brother and asked him to get us a little bit more information for one of the sub-contractors. The numbers look to be the right order of magnitude. But still we need to see how it is broken down with material and labor and to be able to properly justify this."

Councilman Mathieu said "And all forgive the terrible pun that's being used over and over again. Can you ball park the number, the order of magnitude what we are talking about and I'm not going to hold you to it. It is \$10,000, \$50,000, \$100,000?"

Mr. Belle said "The original quote from RFP Solutions was \$26,000. I believe if I remember correctly the number from Flanagan's sub-contractor was about \$14,800 or \$15,000 and he had the appropriate 5% on top of that. It was right around \$40,000."

Councilman Mathieu said "So you are talking about \$40,000. And that's above and beyond. And I guess switching over to where we are that taps into that \$100,000 bond, the contingency that we have."

Ms. Ariemma said "No we are still within contingency with that."

Councilman Mathieu said "We are still within the contingency. That was my question."

Mr. Musial said "I think it's important to point out. That was for security cameras, etc., that were requested by the borough on the field and on the building."

Councilman Mathieu said "Do we know who requested that? Do we know who requested that? When you said the borough, who requested that?"

Councilman Petruzzelli said "At our construction meetings we talk about various things for the project and this something that actually was brought up. The Chief had some input as far as locations for cameras. This is one of the change orders that we are looking at. Nothing has been done at this time. But that is something we did look at."

Councilman Mathieu said "Just one thing I want to express on this and again this is nothing directed in a negative way. When you say the borough, we are the borough. We represent the borough. It's a little different as you know Mr. Flanagan dealing with a public entity and a private entity. The private entity he says yes or no. He hangs up the phone. We have to approve those

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things. The borough, anything that has to be approved comes by us. I want to make sure that is crystal clear that nothing is approved or in process until this council has voted on it. I have to make sure that everybody knows about that.”

Mr. Musial said “It’s been expressed to us a number of times.”

Councilman Mathieu said “Because it can’t happen any other way. Legally it cannot happen any other way.”

Mr. Musial said “Your Administrator has said that a number of times, every week.”

Council President Palmer said “I would like to thank our Administrator for that.”

Mayor Quattrocchi said “Yes, She is very conscious of that and Mr. Musial works on many public projects, for many years.”

Councilman Mathieu said “And again something that my colleague and I were talking about here, are there any other change orders we are thinking of? Now you talked about one coming from the borough figuratively. Is there anything thing coming from your side?”

Ms. Ariemma said “Let me interject. There are 6 change orders pending right now. There were 7, but one was completely rejected. That was the fence. Of those 6, they are of a very small dollar amount. The first two were moving a couple trees. A couple were drainage and other issues like that. Those will be presented to you for approval at the next council meeting. All that work has already been done. It had to be done, it was holding up the project. It’s not what I would consider earth shattering stuff. The thing that has been mentioned is the security system. That came to me today so you would get that from me presented as a change order for your consideration. That would never be approved or authorized without your approval. To my knowledge, and maybe Lou you can help me with this, is there are no other big ticket change orders that we aware of at this time. Is that correct?”

Councilman Petruzzelli said “No, they are all small items. They are all things that, unfortunately Don is not here and he has more of the knowledge with them as far as, I think it was a water pit and stuff like that. It’s all small stuff. It’s all stuff that had to get done to keep the project moving.”

Ms. Ariemma said “Actually I already presented those to you all at a previous council meeting. We decided not to move on them because we wanted more information if you recall. Those are the ones that I’m talking about. The security system one I just got today so obviously you did not see any of those numbers.”

Councilman Mathieu said “Do we know what is small? Do we know what the definition of a big ticket is?”

Ms. Ariemma said “To me a small ticket is a couple thousand dollars and a big ticket is \$40,000 to \$50,000. Guys, is there anything over \$5,000 on those first six? Individually not collectively.”

Christine Flanagan said “I just have a couple questions. We have change orders that are pending. The work has been done. So I would like to address what we need to address to get them moving.”

Ms. Ariemma said “I have to present it to them first before you can question them, because they do not know what you are talking about.”

Christine Flanagan said “Can I finish speaking? What I would just like to know, I have been doing construction for 35 years. So we have a project to complete. Throughout projects there are always change orders. You’re not going get away with that. Not that we want to do them. We have the project to complete. And we run into a change order, I respect what Jim is saying, you are a board and you have to approve them. You want the project done by a certain date, how do we proceed, your meeting is today, tomorrow we run into a problem. We need a change order approved. How are we going to handle this? Do we walk away from the job for thirty days?”

Ms. Ariemma said “Christine, I’m sorry but you were not at all of our construction meetings. We have discussed this at every single meeting. I have outlined the procedure and dozen and one times. If you come to us and say this is holding up the job, we approve small change orders couple dollar ones. There hasn’t been anything big holding you up on a change order. The answer to your question is they need to be approved by council before you can move on them.”

Christine Flanagan said “What I’m trying to say is how do we prevent delays in the project?”

Ms. Ariemma said “You come to me and if you tell me if there is a delay and I feel that it’s going to delay the project. I will do what I need to do to tell you to either hold it off or go forward. We have not had that. We have not had a situation where you called me up and said this change order is going to hold up the job. If that happens we will take care of it. If it’s a big ticket item and it’s something that requires this council’s approval. I’m not going to tell you to do it and no one here is going to tell me to tell you to do it. It will have to wait.”

Christine Flanagan said “I just wanted clarity.”

Ms. Ariemma said “It’s been made very clear at our construction meetings. I’m sorry you don’t attend them, but it made very clear.”

Christine Flanagan said “I don’t attend them.”

Ms. Ariemma said “You can’t change the scope of the project without approval from the council.”

Christine Flanagan said “Okay I just don’t want to delay the project if we don’t have to.”

Ms. Ariemma said “We haven’t had that problem if we did I would certainly call the Mayor immediately and she would advise me what to do.”

Councilman Mathieu said “Mayor I would just like to clarify that we ran into this problem before on this project. So there is work that has been completed and change orders that have been approved and we can say no we are not going to pay for it. Is that correct? Or we must say yes.”

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Mayor Quattrocchi said "It's a legal question and I think your attorney should advise you."

Mr. Renaud said "I'm not going to advise anybody on anything. This whole discussion is really inappropriate in all candor and should stop. That's as far as I'm concerned it is the end of the discussion. We are not going to litigate a case here while we are sitting at a council meeting. If anybody has any questions that relate to the project, not who's responsible for what."

Councilman Mathieu said "With all due respect the change orders that have been submitted and the work that has already been done that in the aggregate that can total \$30,000 by the Clerk's rule of thumb is to me very disturbing. And then you can say as a legislature, I'm allowed to vote yes or I'm allowed to vote no on this. It sounds like I'm being prevented with the fate of complete and this is very troubling. So it's not whose responsibility this is Mr. Renaud. I'm looking at a Macro issue so work can be done, bills can be submitted and I as a legislature can vote no. I am not asking that. I'm stating that. Please understand that."

Mr. Renaud said "We have a contract, really I don't want to have this discussion, but I will continue it for a little while. You have a contract that has a contingency in it and so that's already been authorized. There is a practical matter when you do public contracting. I agree with you that you can't have change orders without approval of the council. On the other hand, you can't go to the council with every single little thing that comes up, so if a tree falls. Some of this as I recall trees that fell?"

Ms. Ariemma said "I took care of those. I paid for those. These were additional trees. But yes sort of along those lines, trees outside the scope that we didn't capture in the scope. They were in the way. They would have delayed the project. The total of the trees is \$2,500."

Mr. Renaud said "There have been relatively few change orders with a relatively small magnitude."

Gene Jannotti 440 Spruce Avenue asked about the fence behind basketball court and the relating to the height. Mr. Belle explained the fence height choice.

Borough Attorney Robert Renaud mentioned that he prepared the commuter parking ordinance for considering and introduction at the next meeting. Mayor Quattrocchi asked the system for renting the spaces. Ms. Ariemma explained the process.

Ms. Ariemma the Town wide yard sale is set for June 21, 2014. The first bulk is June 23 and the second is October 20, pending council approval via resolution on tonight's consent agenda. Website update: The site is completed by the vendor. I have to go in and update and clean up some items, add some items as well. Also I have to redirect the site so it retains the name www.garwood.org. I emailed you this evening a link so that you may view the site. Please keep in mind it is not completely finished. Also email any comments you may have to me. I will do my best to have this wrapped up soon. Thank you.

The Council commented that the website looks great and they thanked the clerk for her efforts.

Unfinished Business:

None

New Business:

None

Council President Palmer suggested the commuter parking ordinance be introduced next council meeting. She asked about the proposals received for redevelopment and brief discussion followed. She suggested the process is moving very slowly. She suggested the process be addressed sooner.

Council Martin: No report

Councilman Mathieu asked about the LOSAP status. He suggested the increase be extended to the maximum amount allowed. He would like the authorizing resolution to appear on the next council agenda.

Councilwoman Todisco mentioned this will be discussed at the special budget meeting on March 6th.

Councilman Nierstedt reported on the status of the one seat ride into Manhattan. He mentioned the phase in process. He commented on the legislation concerning liability for ambulance service. He mentioned the OEM Director position. He said no report is

received from this individual and that he did not step in to oversee the recent storms. Mayor Quattrocchi commented that he will be presenting a report soon and that she has met with him. He said he is meeting with the County to finish the annex. Brief discussion followed. Councilman Mathieu mentioned he will speak with Mr. Garner. Councilman Nierstedt mentioned the request for FEMA funding and a supporting resolution be placed on the agenda this evening.

Councilman Petruzzelli: No report

Councilwoman Todisco reminded council on the rotating freeholder schedule. Councilman Nierstedt said he would be attending the meeting. She mentioned the recycling contract and the matters pending relating to this subject. She commented on the email sent by the clerk in December seeking guidance on the expiring contract. Councilman Nierstedt commented that a recommendation should be provided within the next month.

Councilwoman Todisco suggested council be advised when guests are invited to council meetings and also when Ms. Ariemma, Mr. Guarriello and Mr. Renaud are going to be absent.

Brief discussion followed on a better procedure for guests at meetings. Mr. Renaud said he prefers to be contacted prior to meetings with questions for him in order for him to properly prepare an answer.

Councilwoman Todisco mentioned the resolution to purchase vehicles for the police department that Ms. Ariemma presented this evening. Councilwoman Todisco explained the resolution and the request to purchase these three vehicles received by Chief Underhill. She commented on the sale of municipal vehicles and the value of them in resale. She mentioned the Finance Committee supports the Chief's request for this purchase.

Brief discussion following concerning what cars will be replaced. Chief Underhill provided information on the vehicles types being considered.

At this time, the Mayor offered the public comment.

Gene Jannotti of 440 Spruce Avenue asked council to consider a safety issue with the AFC basketball court fencing to avoid balls going into traffic.

At 8:31 p.m., a motion was made by Council President Palmer, seconded by Councilwoman Todisco adjourn the Workshop Session.

CHRISTINA M. ARIEMMA, Municipal Clerk
Borough of Garwood