

Borough of Garwood

Meeting of the Mayor and Council

AGENDA

March 22, 2016

Moment of Silence.....

Salute to the Flag.....

Adequate notice of this meeting was provided to the Westfield Leader and Union County 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:

Mayor Lombardo	_____		
Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Martin	_____	Councilwoman Todisco	_____
Councilman Mathieu	_____	Council President Petruzzelli	_____

MINUTES:

Regular, Workshop and Executive Minutes of the Mayor and Council held on March 8, 2016.
Special Budget Meeting Minutes of March 10, 2016 and March 17, 2016.

Motion _____ Second _____, to accept minutes as presented.

COMMUNICATIONS:

- 1) **NEW JERSEY STATE LEAGUE OF MUNICIPALITIES –**
 - a. Mayor's Advisory –
 - i. 03/07/16, RE: Weekly Update
 - ii. 03/10/16, RE: Daily Update
 - iii. 03/11/16, RE: Weekly Update
 - iv. 03/15/16, RE: Daily Update
 - v. 03/15/16, RE: Daily Update
- 2) **UNION COUNTY BOARD OF CHOSEN FREEHOLDERS –** 03/11/16, RE: Ordinances 772-2016 and 773-2016
- 3) **TOWNSHIP OF UNION –** 03/17/16, RE: Resolution No. 2016-96
- 4) **BILL NIERSTEDT –** 03/16/2016, RE: 2014 COAH Affordable Housing Numbers

ORDINANCES:

INTRODUCTION:

Municipal Clerk to read Ordinance 16-03 by title only:

ORDINANCE NO. 16-03

AN ORDINANCE TO PROVIDE FOR A REVISED RATE SCHEDULE FOR 2016 PURSUANT TO §134-16 (RATE SCHEDULE) IN ARTICLE V (INDUSTRIAL WASTE & FEES) IN CHAPTER 134 (SEWERS) OF THE CODE OF THE BOROUGH OF GARWOOD, FOR THE INDUSTRIAL USER CHARGE PROVIDED FOR IN §134-15.

Motion _____ Second _____, to introduce Ordinance 16-03.

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Martin	_____	Councilwoman Todisco	_____
Councilman Mathieu	_____	Council President Petruzzelli	_____

Municipal Clerk to read Ordinance 16-04 by title only:

**CALENDAR YEAR 2016
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

Motion _____ Second _____, to introduce Ordinance 16-04.

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Martin	_____	Councilwoman Todisco	_____
Councilman Mathieu	_____	Council President Petruzzelli	_____

COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:

POLICE: Councilman Sarno, Chr.

PUBLIC HEALTH: Councilwoman Cuccaro

STREETS AND ROADS/ECOLOGY: Councilman Petruzzelli, Chr.

FIRE: Councilwoman Cuccaro, Chr.

FINANCE: Councilwoman Todisco, Chr.

BUILDINGS AND GROUNDS: Councilman Mathieu, Chr.

LAWS AND LICENSES: Councilman Martin, Chr.

RECREATION: Councilman Martin Chr.

GARWOOD SENIOR CITIZEN LIASON: Councilwoman Cuccaro

LIBRARY, MAYOR'S REPRESENTATIVE: Councilman Petruzzelli

SCHOOL BOARD LIAISON: Councilman Sarno

CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON:

Councilwoman Todisco

UNION COUNTY AIR TRAFFIC NOISE ADVISORY BOARD REPRESENTATIVE:

Councilman Mathieu

ADMINISTRATIVE REVIEW COMMITTEE: Councilwoman Todisco

HISTORICAL COMMITTEE: Councilwoman Todisco

OFFICER'S REPORTS:

Chief of Police Bruce Underhill: monthly reports for February 2016

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

Municipal Court Administrator Martha Marino: monthly report for February 2016

Motion_____ Second_____, to accept Officer's reports.

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. 16-173

BE IT RESOLVED, by the Council of the Borough of Garwood, in the County of Union, State of New Jersey, that the license to conduct an On-Premise 50/50 Raffle on April 15, 2016, to be held at the Lincoln School, 400 Second Avenue, Garwood, NJ from 6:00 – 9:00 p.m., is hereby granted to PTA Garwood, pursuant to Application Number RA #1073.

RESOLUTION NO. 16-174

BE IT RESOLVED, by the 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 Off-Premise 50/50 Raffle on April 15, 2016, to be held at the Westwood, 438 North Avenue, Garwood, NJ at 7:30 p.m., is hereby granted to HSA of Holy Trinity Interparochial School, pursuant to Application Number RA #1074 and RA #1075.

RESOLUTION NO. 16-175

WHEREAS, the Greater Westfield Area Chamber of Commerce is hereby requesting authorization to close Center Street from South Avenue to Unami Park and subsequent cross streets between the hours of 7:00 a.m. to 7:00 p.m., for the purpose of conducting Garwood Rocks!! Music, Cars, Shopping & Family Fun on Sunday, June 5, 2016 between 10:00 a.m. to 5:00 p.m.; and

WHEREAS, the Greater Westfield Area Chamber of Commerce is also requesting that Municipal parking lots #1 and #2 be barricaded for use during the event; and

WHEREAS, the Greater Westfield Area Chamber of Commerce has also requested that police officers be present during this event.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorize the closing of said streets and Municipal parking lots for the purpose of conducting the Garwood Rocks!! Music, Cars, Shopping & Family Fun on Sunday, June 5, 2016.

BE IT FURTHER RESOLVED that the Governing Body authorizes that Police Officers be present during this event in accordance with the recommendations of Chief of Police Bruce Underhill.

RESOLUTION NO. 16-176

BE IT RESOLVED, by the 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 Raffle on April 15, 2016, to be held at the Hartman Park, Second Avenue, Garwood, NJ at 9:00 a.m. to 3:00 p.m., is hereby granted to PBA Local #117, pursuant to Application Number RA #1076 and RA #1077.

RESOLUTION NO. 16-177

WHEREAS, the Council of the Borough of Garwood, County of Union, State of New Jersey, is required to establish and maintain a program of recognized public health activities and to meet the minimum standard of performance for such activities; and

WHEREAS, the Board of Health of the Borough of Garwood has recommended to the Mayor and Council that a contract be entered into with the Board of Health of the Town of Westfield in accordance with N.J.S.A. 26:A2-1, et. seq. and N.J.S.A. 40:8A-1, et. seq.; and

WHEREAS, an agreement has been agreed upon in Resolution No. 3330 dated, January 10, 1978, wherein the Board of Health of the Town of Westfield will provide certain health services of licensed personnel in the carrying out of public health activities in the Borough of Garwood:

THEREFORE, BE IT RESOLVED, by the Council of the Borough of Garwood, that the Mayor and Municipal Clerk be and are hereby authorized to execute the attached a three-year contract on behalf of the Borough wherein the Borough agrees to pay the following:

- (a) Westfield Township the sum of \$50,012.00 for the Public Health Services provided by Westfield for 2016. Payments shall be made quarterly on the fifteenth day of February, May August and November during the term of this Agreement.
- (b) In 2017, and 2018 the annual fee shall be increased by the sum of (i) the lesser of: (A) two (2%) percent; or (B) the percentage increase in the salaries of Westfield Regional Health Department employees under the collective bargaining agreement over the prior year; and (ii) the cost of any additional services requested by Recipient that were not requested in the first year of the term of this Agreement.

RESOLUTION NO. 16-178

BE IT RESOLVED by the Council of the Borough of Garwood, County of Union, State of New Jersey, that the following be appointed as Special Police Officer, Class "B" Alternate School Crossing Guard commencing March 22, 2016 at the hourly rate of \$17.00 per hour.

Veronica Kearney
306 Center Street
Garwood, NJ
Wayne Maggs
343 Hemlock Avenue
Garwood, NJ

RESOLUTION NO. 16-179

BE IT RESOLVED by the Council of the Borough of Garwood, County of Union, State of New Jersey, that the following be appointed as Special Police Officer, Class "B" Regular School Crossing Guard commencing March 22, 2016 at the hourly rate of \$17.00 per hour.

Fred B. Meier
745 Evergreen Pkwy
Union, NJ

RESOLUTION NO. 16-180

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c:102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling program; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Garwood that the Borough of Garwood hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environment Protection and designates Clint Dickson to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION NO. 16-181

WHEREAS, pursuant to Resolution of the Council, the Borough Clerk advertised for bids for the replacement of sidewalks at various locations for the Borough of Garwood; and

WHEREAS, one bid was received on March 16, 2016 from T. Fiotakis Construction LLC for total lump sum of \$87,200.00; and

WHEREAS, the bid was reviewed by Borough Engineer Guarriello and is determined to be approximately \$22,000 over budget; and

WHEREAS, the governing body has determined upon recommendation from the Borough Engineer that the bid was not reasonable as to price based on cost estimates prepared prior.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Garwood that the bid received for the replacement of sidewalks at various locations be and is hereby rejected;

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized to provide a copy of this Resolution to the bidder; and

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized to advertise the project for receipt of bids.

Motion _____ Second _____, to adopt Consent Agenda.

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Martin	_____	Councilwoman Todisco	_____
Councilman Mathieu	_____	Council President Petruzzelli	_____

RESOLUTIONS DELETED FROM THE CONSENT AGENDA:

2016 Municipal Budget Resolution No. 16-182

Motion _____ Second _____, to Introduce the 2016 Municipal Budget, Resolution No. 16-182

Discussion:

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Martin	_____	Councilwoman Todisco	_____
Councilman Mathieu	_____	Council President Petruzzelli	_____

OTHER/UNFINISHED BUSINESS:

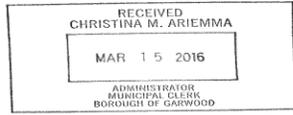
Mayor Lombardo has vetoed Ordinance No. 16-02 for his reasons stated below.

I am vetoing Ordinance 16-02 because I have always been supportive of our Councilman retaining his health insurance. The statute in question has been stated many times before and I will take this stand until the law is changed. We have had two legal professional opinions state that our Councilman is entitled to health insurance, as he is grandfathered under the law.

He has a legal right to maintain his insurance through the Borough. If brought to a suit, the insurance company covering Garwood will not defend it. I cannot jeopardize, or put at risk, our community for another potential lawsuit that we cannot win, costing the taxpayers more money, for something that is obviously governed by state law.

Thank you.

Charles P. Lombardo
Charles P. Lombardo
Mayor of Garwood



1. Passage over veto. The Council will reconsider any ordinance returned by the Mayor within the time permitted with a statement setting forth the Mayor's objections thereto or to any item or part thereof. Such reconsideration of the ordinance or any item or part thereof from which the Mayor is constrained to withhold approval shall be at the next meeting of Council. Whenever an ordinance has been reconsidered by the Council following a veto by the Mayor, the Municipal Clerk shall append to such ordinance a certification of the action of the Council upon such reconsideration in substantially the following form:

"I HEREBY CERTIFY that the above ordinance adopted by the Council of the Borough of Garwood on the 8th day of March, 2016, was delivered to me on the 15th day of March, 2016, together with the Mayor's statement of the reasons for which the Mayor was constrained to withhold approval of such ordinance, item or part thereof. On reconsideration thereof, on the 22nd day of March, 2016, (the Council duly resolved by the affirmative vote of 2/3 of its members to enact such ordinance, item or part thereof, notwithstanding the Mayor's veto) or (the Mayor's veto was sustained).

Dated: _____
Municipal Clerk

Motion to enact Ordinance 16-02 _____, Second _____

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Martin	_____	Councilwoman Todisco	_____
Councilman Mathieu	_____	Council President Petruzzelli	_____

The Mayor's Veto has been sustained _____ or Ordinance 16-02 has been enacted _____.

NEW BUSINESS:

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.

Motion _____ Second _____, to adopt Payment of Claims Resolution.

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Martin	_____	Councilwoman Todisco	_____
Councilman Mathieu	_____	Council President Petruzzelli	_____

ADJOURNMENT:

The Regular Meeting of the Mayor and Council will be held on, **TUESDAY, APRIL 12, 2016**, in Council Chambers at 7:15 p.m. Workshop Session to start at 7:00 p.m.

THERE WILL BE A PUBLIC HEARING IN COUNCIL CHAMBERS, ON ORDINANCE NO. 16-03 AND 16-04, ON TUESDAY, APRIL 12, 2016, AT 7:15 P.M. OR SOON THERE AFTER.

Motion _____ Second _____, to adjourn.

Time: _____