

# BOROUGH of GARWOOD

## *Regular MINUTES of the COUNCIL MEETING*

May 13, 2014

The Regular Meeting of the Mayor and Council was held in Council Chambers and called to order at 9:02 p.m. by Mayor Quattrocchi. She 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 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).

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

### **ROLL CALL:**

**Present:** Mayor Quattrocchi (Not voting), Council President Palmer, Councilman Martin, Councilman Mathieu, Councilman Nierstedt, Councilman Petruzzelli, Councilwoman Todisco.

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

### **MINUTES:**

Regular Meeting of the Mayor and Council held on April 22, 2014.

Workshop Session of the Mayor and Council held on April 22, 2014.

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

### **COMMUNICATIONS:**

- 1) **NEW JERSEY STATE LEAGUE OF MUNICIPALITIES –**
  - a. Mayor's Advisory –
    - i. 04/23/14, RE: Update on Interest Arbitration Cap
    - ii. 04/25/14, RE: TRANSPORTATION FUNDING OPPORTUNITIES
    - iii. 04/25/14, RE: Upcoming NJLM Educational Foundation Event
    - iv. 04/25/14, RE: PSEG NUCLEAR POWER PLANT TOUR
    - v. 04/25/14, RE: I. Update on Interest Arbitration Cap II. "New Legal Tools for Redevelopment"
    - vi. 04/28/14, RE: Federal Update
    - vii. 04/28/14, RE: I. Affordable Housing, COAH to meet on April 30 II. Claim Your CEU's from the 2013 NJLM Annual Conference! III. Mini One Day Conference
    - viii. 04/29/14, RE: R/Econ Conference Invitation
    - ix. 04/29/14, RE: State Revenue Shortfall Grows
    - x. 05/02/14, RE: Verizon v. Hopewell - Status Update Ask Your Legislators to Support A-366/S-1713
    - xi. 05/02/14, RE: BPU Approves Verizon Stipulation Agreement
    - xii. 05/02/14, RE: Affordable Housing, COAH proposes new regulations
    - xiii. 05/02/14, RE: I. Update on Interest Arbitration Cap II. May Grant Page Posted III. "Local Access and Telcom Technology Conference"
    - xiv. 05/02/14, RE: "THE CONVERSATION OF A LIFETIME"
    - xv. 05/02/14, RE: League's Bureau of Municipal Information
    - xvi. 05/02/14, RE: JERSEY SHORE PARTNERSHIP EVENT INVITATION
    - xvii. 05/06/14, RE: I. U.S. Supreme Court Decision on Prayer at Council Meetings 2 IMPORTANT PUBLICATIONS - DON'T WAIT ORDER YOUR COPIES TODAY!! III. Upcoming League Seminar
    - xviii. 05/08/14, RE: I. Resources Available For Hurricane Preparedness and Sandy Survivors II. New Jersey Hall of Fame
    - xix. 05/08/14, RE: FINAL NOTICE: PSEG's Plant Tour
    - xx. 05/08/14, RE: Energy Grant Opportunities
    - xxi. 05/09/14, RE: Update on Interest Arbitration Cap Received and filed
- 2) **COMCAST –**
  - a. 04/14/14, RE: Changes to Multi Latino Services Received and filed
- 3) **FAMILY OF FRANK SPERA JR.** – 04/22/14, RE: Thank you note. Received and filed
- 4) **GREATER WESTFIELD AREA CHAMBER OF COMMERCE** – 04/28/14, Opening of Mooyah Burger. Received and filed
- 5) **BRUCE PATERSON** 04/30/14, RE: Surplus Study and Suggestions Received and filed
- 6) **TOWNSHIP OF UNION** – 05/02/14, RE: Resolution 2014-140 Received and filed

- 7) RAHWAY VALLEY SEWERAGE AUTHORITY, 04/29/14, RE: RVSA Approved Minutes of March 20, 2014. Received and filed
- 8) GARWOOD PLANNING BOARD – 04/25/14, RE; Minutes of the meeting held on March 26, 2014 Received and filed

**ORDINANCES:**

NONE

**COMMITTEE REPORTS**

**POLICE:** Councilman Martin, Chr. No Report

**PUBLIC HEALTH:** Councilwoman Todisco No Report

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

Reported on Streets and Roads matters.

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

**FIRE:** Councilman Mathieu, Chr.

Reported on Fire matters.

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

**FINANCE:** Councilwoman Todisco, Chr.

Thank you, Mayor. I just have a short report this evening since we have now gotten notice of all 3 numbers that make up the tax bill. As we already know the municipal tax increase was \$39 per home assessed at \$100,000, the county came in with an increase of \$66, and the school came in with an increase of \$133. I will go into more depth about the school budget in my Board of Education report. That's all I have to report on tonight, Mayor.

**Motion: Action:** Approve, **Moved by** Councilman Nierstedt, **Seconded by** Councilman Petruzzelli.

**BUILDINGS AND GROUNDS:** Councilman Petruzzelli, Chr. No Report

**LAWS AND LICENSES:** Councilwoman Palmer, Chr. No Report

**RECREATION:** Councilman Petruzzelli, Chr. No Report

**COMMITTEE ON AGING:** Council President Palmer No Report

**LIBRARY, MAYOR'S REPRESENTATIVE:** Mayor Quattrocchi No Report

**SCHOOL BOARD LIAISON:** Councilwoman Todisco

Thank you, Mayor. I attended the last meeting of the Board of Education on April 29th, which was its public hearing on the budget. This year's budget includes the addition of 1 full time equivalent teacher, improvements to technology in part to meet the new state required PARCC testing requirements (PARCC is replacing the NJAsk and will require students to take the tests on computers), but also beneficial to the student body, as well as additional support of a .5 FTE supervisor/teacher coach to assist with new teacher evaluation mandate. The Board has also added back a 3<sup>rd</sup> bus, which was a controversial issue last year. There was little change to the state aid for the Board of Education, but they did receive about \$10,000 more from the state mainly because of the PARCC testing. Due to a new clause in the agreement with Clark, since Garwood will now pay its amount per pupil, which means Garwood's tuition is about \$400,000 less. Garwood's cost per pupil is about \$10,000. The current expense budget is at an increase of \$142,000 or 2%, which is right at cap.

Debt service is added on top of this for a total net increase of \$133 per the average home assessed at \$100,000. During the public comment portion, I was able to find out that the school has about \$70,000 for new technology and the Tech Committee is investigating different options, such as Google Chromebooks. Also, they plan to launch an online grading system in September, so that teachers can post grades online

throughout the marking periods and parents and students can sign in and see the grades on a more frequent basis. That's all for my report, Mayor.

**Motion: Action:** Approve, **Moved by** Councilman Martin, **Seconded by** Council President Palmer.

There was brief discussion regarding school taxes and other school related matters.

**CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON:**

Councilman Martin No Report

**UNION COUNTY AIR TRAFFIC NOISE ADVISORY BOARD REPRESENTATIVE:**

Councilman Mathieu No Report

**ATHLETIC FIELD COMPLEX PROJECT COMMITTEE REPRESENTATIVE:**

Councilman Petruzzelli

Thank You Mayor

The monthly construction meeting was held May 7<sup>th</sup> at borough hall, in attendance were Mayor Quattrocchi, Borough Engineer, Professionals for the project and Flanagan's Construction.

The two week update is as follows: siding is 90 percent complete, decking is 90 percent complete, the roofing has begun and as of today the storage building is 80 percent complete. Rough plumbing is 80 percent complete, the updated electrical permit is ready for pick up at the Cranford Building Dept., and the artificial turf field is installed. The baseball field irrigation is complete and the surface is being prepared for sod installation. And the site is being prepared for plants.

Discussion at the meeting was about possibly adding organic material to the sand capping to properly grow plants and trees.

The Contractor is still on schedule for work being finished the early part of July 2014.

That's all for my report

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

**OFFICER'S REPORTS:**

Tax Collector Aggie Kurzweil monthly report for April 2014

Treasurer/CFO Sandy Bruns: quarterly report for the first quarter of 2014

Zoning Code Enforcement Officer Len DiStefano: monthly report for April 2014

Municipal Court Administrator Martha Marino: monthly report for April 2014

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

**PUBLIC COMMENT:**

NONE

**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. 14-195**

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF GARWOOD, IN THE COUNTY OF UNION, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF GARWOOD AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$2,389,842 BOND ANTICIPATION NOTE, DATED APRIL 11, 2014, PAYABLE NOVEMBER 10, 2014, AND A \$600,550 BOND ANTICIPATION NOTE, DATED APRIL 11, 2014, PAYABLE APRIL 10, 2015, AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Garwood, in the County of Union, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue a \$2,389,842 bond anticipation note, dated April 11, 2014, payable November 10, 2014 and a \$600,550 bond anticipation note, dated April 11, 2014, payable April 10, 2015 (collectively, the "Notes"); and

WHEREAS, the Borough desires to designate the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code;

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

**SECTION 1.** The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Notes) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

**SECTION 2.** The Mayor, Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

**SECTION 3.** The Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

**SECTION 4.** It is hereby determined and stated that (1) said Notes are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2014.

**SECTION 5.** It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Notes) during the calendar year 2014.

**SECTION 6.** The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

**SECTION 7.** The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2014 dated as of the date of delivery of the Notes.

**SECTION 8.** This resolution shall take effect immediately upon its adoption.

**RESOLUTION NO. 14-196**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Garwood that Christina M. Ariemma, Administrator/Clerk, be and she is hereby authorized and directed to prepare bidding documents for credit/debit card payment services for various departments in the Borough of Garwood, and is authorized to advertise in accordance with law.

**RESOLUTION NO. 14-197**

**RESOLUTION OF CONTINUING SUPPORT FOR THE GOALS AND PURPOSES OF THE 2004 HIGHLANDS WATER PROTECTION AND PLANNING ACT**

**WHEREAS**, New Jersey Highlands Water Protection and Planning Act (The Highlands Act) was enacted in order to protect the State's water supplies and other significant resources; and

**WHEREAS**, The Highlands Act was passed with overwhelming bipartisan support in both New Jersey State Senate and New Jersey Assembly; and

**WHEREAS**, subsequently in 2008, the New Jersey Highlands Water Protection and Planning Council adopted the New Jersey Highlands Regional Master Plan, and proceeded with a program for its implementation through a Plan Conformance process; and

**WHEREAS**, the Borough of Garwood is a municipality that receives all or a portion of its drinking water from sources within the Highlands Region; and that the Borough of Garwood relies on the resources of the Highlands to meet the current and future needs of its residents.

**NOW THEREFORE, BE IT RESOLVED** that the governing body of the Borough of Garwood wishes that it be known that we strongly support the goals, policies and objectives of the 2004 Highlands Water Protection and Planning Act and the Highlands Regional Master Plan.

**RESOLUTION NO. 14-198**

**WHEREAS**, the Borough appropriated in the sum of \$4,600.00 in its 2014 Budget for the Dog Tax Regulation; and **THEREFORE, BE IT RESOLVED**, by the Mayor and Council that the Finance Officer be and she is hereby authorized to draw a check to the order of the Dog Tax Regulation in the sum of \$4,600.00 being the amount of said appropriation.

**RESOLUTION NO. 14-199**

**WHEREAS**, the Borough appropriated in the sum of \$2,000.00 in its 2014 Budget for the Senior Citizen Bus trips; and **THEREFORE, BE IT RESOLVED**, by the Mayor and Council that the Finance Officer be and she is hereby authorized to draw a check to the order of the Garwood Senior Citizens in the sum of \$2,000.00 being the amount of said appropriation.

**RESOLUTION NO. 14-200**

**WHEREAS**, the Borough of Garwood has appropriated the sum of \$15,000.00 in its 2014 Budget for the Capital Account; and **THEREFORE, BE IT RESOLVED**, by the Mayor and Council that the Finance Officer be and she is hereby authorized to draw a check to the order of the Capital Account in the sum of \$15,000.00 being the balance of said appropriation.

**RESOLUTION NO. 14-201**

**WHEREAS**, the Borough of Garwood has appropriated the sum of \$46,000.00 in its 2014 Budget for the Library In-Kind Services; and

**THEREFORE, BE IT RESOLVED**, by the Mayor and Council that the Finance Officer be and she is hereby authorized to draw a check to the order of the Current Account in the sum of \$46,000.00 being the balance of said appropriation.

**RESOLUTION NO. 14-202**

**BE IT RESOLVED**, by the Council of the Borough of Garwood, County of Union, State of New Jersey, hereby authorizes Contingency Change Order #3 to the original bid submitted by:

**Contingency CHANGE ORDER # 3**

**Contractor:** Flanagan's Contracting Group, Inc.  
90 Old Camplain Road  
Hillsborough, NJ 08844

**PROJECT:** Athletic Field Complex Project

**Work itemized on Change Order sheets #12-13 dated 04/21/2014**

#	DESCRIPTION	AMOUNT PRESENTED	AMOUNT
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			ACCEPTED OR NEGOTIATED
12	Door Hardware Change - Difference	\$4,361.50	\$4,361.50
13	Plywood Subflooring for SIP Panels	\$5,397.89	\$5,397.89

**Total Contingency Change Order No. 3** **\$9,759.39**

**Previous Contract Amount** **\$ 2,825,000.00**

**Contract Amount as per non-contingent change order #1** **\$ 2,870,675.30**

Balance remaining in Contingent after change order #3 \$35,069.89

**Motion: Action:** Adopt, **Moved by** Council President Palmer, **Seconded by** Councilman Nierstedt.

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

**Yes:** Council President Palmer, Councilman Martin, Councilman Mathieu, Councilman Nierstedt, Councilman Petruzzelli, Councilwoman Todisco.

Consent Agenda as was adopted.

**RESOLUTIONS DELETED OR REMOVED FROM THE CONSENT AGENDA:**

Ms. Ariemma read the following:

[RESOLUTION NO. 14-203](#)

**BE IT RESOLVED**, by the Council of the Borough of Garwood that Christina M. Ariemma, Borough Administrator/Clerk of the Borough of Garwood be and is hereby authorized to sign the AIA Document G714-2007 Construction Change Directive as provided in section 7.3.3 of AIA Document A201-2007 as presented and endorsed by The Musial Group, P.A., and Flanagan's Contracting Group, Inc.

**Motion: Action:** Adopt Resolution No. 14-203, **Moved by** Councilman Nierstedt, **Seconded by** Councilman Martin.

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

**Yes:** Council President Palmer, Councilman Martin, Councilman Mathieu, Councilman Nierstedt, Councilman Petruzzelli, Councilwoman Todisco.

Resolution No. 14-203 was adopted.

**NEW BUSINESS:**

Any new business the Mayor and Council may have:

**PROCLAMATIONS:**

Arbor Day - April 25, 2014

Air Quality Awareness Week April 28-May 2, 2014

**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: Action:** Adopt, **Moved by** Councilwoman Todisco, **Seconded by** Council President Palmer.

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

**Yes:** Council President Palmer, Councilman Martin, Councilman Mathieu, Councilman Nierstedt, Councilman Petruzzelli, Councilwoman Todisco.

**ADJOURNMENT**

Mayor Quattrocchi announced The Mayor and Council will hold a Special Meeting on Tuesday, May 20, 2014 at 7:00 p.m., in the Council Chambers of the Municipal Building. The purpose of the meeting is to conduct Student's In Government Night. **NO ACTION WILL BE TAKEN.**

The Regular Meeting of the Mayor and Council will be held on, **TUESDAY, MAY 27, 2014**, in Council Chambers at 7:15 p.m. Workshop Session to start at 7:00 p.m.

**Motion: At 9:31 p.m., Action: Adjourn, Moved by Council President Palmer, Seconded by Councilman Martin.**

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