

BOROUGH of GARWOOD

Regular MINUTES of the COUNCIL MEETING

May 27, 2014

The Regular Meeting of the Mayor and Council was held in Council Chambers and called to order at 8:45 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 May 13, 2014.

Workshop Session of the Mayor and Council held on May 13, 2014.

Executive Session of the Mayor and Council held on May 13, 2014.

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

COMMUNICATIONS:

- 1) **NEW JERSEY STATE LEAGUE OF MUNICIPALITIES –**
 - a. Mayor's Advisory –
 - i. 05/12/14, RE: Support State Effort to Preserve and Strengthen New Jersey's Military and Coast Guard Facilities
 - ii. 05/13/14, RE: FEDERAL UPDATE (Seven Issues)
 - iii. 05/13/14, RE: I. FREE WEBINAR SCHEDULED ON RECENT SUPREME COURT PRAYER DECISION II. "A Review of the New COAH Regulations Webinar"
 - iv. 05/13/14, RE: A-2280/S-1305, Mandates video recorders on police vehicles
 - v. 05/13/14, RE: Senate Resolution 74
 - vi. 05/15/14, RE: I. Interest Arbitration Update. II. Recent appellate division decision on ORPA & Redactions. III. Michael Pane Award
 - vii. 05/16/14, RE: Pre-Disaster Mitigation Grant Application
 - viii. 05/16/14, RE: CDBG-DR Resiliency Funding
 - ix. 05/16/14, RE: New Amendment to Mortgage Foreclosure Statute
 - x. 05/20/14, RE: I. Take action for transportation. II. Mitigation Grant period opened for PDM & FEMA. III. The Mini One Day Conference
 - xi. 05/20/14, RE: Legislative Alert
 - xii. 05/21/14, RE: Assembly voting session for May 22, 2014
 - xiii. 05/22/14, RE: I. Survey on forms of government. II. Publications. III. Upcoming Seminar. IV. Upcoming webinars
 - xiv. 05/22/14, RE: State treasurer testifies on State Budget Revisions.

RECEIVED AND FILED

- 2) **COMCAST – 05/16/14, RE: Channel Changes**

RECEIVED AND FILED

- 3) **Bruce Paterson, 325 Willow Avenue – 05/16/14, RE: Letter to Mayor and Council regarding Runnells Hospital and County Freeholders**

RECEIVED AND FILED

- 4) **Rahway Valley Sewerage Authority – 05/15/14, RE: Minutes.**

RECEIVED AND FILED

- 5) **Town of Westfield – 05/21/14, RE: Land Use Ordinance.**

RECEIVED AND FILED

ORDINANCES:

INTRODUCTION:

Municipal Clerk read Ordinance 14-07 by title only:

ORDINANCE NO. 14-07

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY TO THE RAHWAY VALLEY SEWERAGE AUTHORITY

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

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. Ordinance No. 14-07 was introduced.

Councilman Mathieu wanted the record to reflect that no property is actually changing hands rather this is a clarification of title.

Municipal Clerk read Ordinance 14-08 by title only:

ORDINANCE NO. 14-08

AN ORDINANCE TO AMEND § 5-18 (COMPENSATION) IN ARTICLE IV (OFFICE OF THE BOROUGH ATTORNEY) IN CHAPTER 5 (ADMINISTRATION) OF THE CODE OF THE BOROUGH OF GARWOOD TO REVISE THE METHOD OF COMPENSATION OF THE BOROUGH ATTORNEY.

Motion: Action: Introduce, **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. Ordinance No. 14-08 was introduced.

Municipal Clerk to read Ordinance 14-09 by title only:

ORDINANCE NO. 14-09

AN ORDINANCE TO AMEND §14-16 (COMPENSATION) IN ARTICLE II (MUNICIPAL PROSECUTOR) IN CHAPTER 14 (MUNICIPAL COURT) OF THE CODE OF THE BOROUGH OF GARWOOD TO REVISE THE METHOD OF COMPENSATION OF THE MUNICIPAL PROSECUTOR.

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

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. Ordinance No. 14-09 was introduced.

Municipal Clerk to read Ordinance 14-10 by title only:

ORDINANCE NO. 14-10

AN ORDINANCE TO AMEND CHAPTER 111 (MASSAGE ESTABLISHMENTS) OF THE CODE OF THE BOROUGH OF GARWOOD TO REPEAL AND REVISE CERTAIN REQUIREMENTS.

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

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. Ordinance No. 14-10 was introduced.

COMMITTEE REPORTS

POLICE: Councilman Martin, Chr.

As per ordinance; Commuter Parking has been established in Kennedy Plaza. The signage has been installed and the stalls have been numbered so as to ensure accurate enforcement and documentation.

Also as per ordinance; New parking signage has been installed in the area of the YMCA on Beech and Locust Aves and on East Street. The DPW will follow up shortly with the recommended curb painting complimenting DOT standards and re enforcing state law.

The installation of the generator at Borough hall is now complete. The generator has been tested and we are all set should the need arise. This completes a much needed update to the Boroughs infrastructure. In a power outage, this generator allows for ample power throughout the Borough Hall, rather than just the Police Department which had been the case. The cost of this generator was offset by a grant applied for and obtained by Lieutenant James Wright of the Police Department.

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

Councilwoman Todisco commented on the generator and the completion of the major capital purchases recently made by the Borough.

PUBLIC HEALTH: Councilwoman Todisco No Report

STREETS AND ROADS/ECOLOGY: Councilman Nierstedt, Chr.

Reported on Streets and Roads matters.

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

FIRE: Councilman Mathieu, Chr. No Report

FINANCE: Councilwoman Todisco, Chr. No Report

BUILDINGS AND GROUNDS: Councilman Petruzzelli, Chr.

Thank You Mayor

The smaller generator that was installed at Borough Hall is now being installed at the DPW Building.

We are still getting information on the spraying of the brook to make a decision.

Thank You to Union County for not charging Garwood for the use of a portable generator while the new generator was being installed at Borough Hall for 4 months.

That's all for my report.

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

LAWS AND LICENSES: Councilwoman Palmer, Chr. No Report

RECREATION: Councilman Petruzzelli, Chr.

Thank You Mayor

Interviews have been taken for Summer Rec. Director and a decision should be made by the end of May.

Summer Rec begins June 30th and ends Aug. 8th.

This year there will be a \$25.00 charge per child for Summer Rec., The parent meeting will be June 18th at Lincoln School to go over the program.

That's all for my Report.

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

COMMITTEE ON AGING: Council President Palmer

Thank you Mayor,

I met with the residents of the Pointe last Thursday to give them information on the services the borough provides for our seniors. I explained the position of Director of Senior Services, Paulette Drogon, the Handyman Program, the senior bus, as well as some County Programs. I brought copies of the calendars, and left plenty of booklets and literature. I also sent all the information via email to Mr. Connolly so he can share with his members through his newsletters.

That is all for my report Mayor.

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

LIBRARY, MAYOR'S REPRESENTATIVE: Mayor Quattrocchi

On Thursday, May 29th, former Garwood resident and local author, Jamie Utitus will present a reading of her latest children's book and book signing at 3:15 PM. Her book, "*Zoe Bowie sings despite all sad things*" is a book written for children whose parent is suffering from the effects of multiple sclerosis. A sufferer of multiple sclerosis herself, Ms. Utitus writes for the MS communities in over 97 countries and is the author of an award winning blog, "Ugly Like Me".

On Tuesday, May 20th, over 50 people came in to enjoy a Salute to the Big Band Era of the 40s, presented by musician Joel Zelnik and his actress/singer wife, Francine Evans.

On Sunday, June 8th, from 10 AM to 5 PM, the Garwood Library will have a table at the Garwood Rocks street fair. Residents can pick up information about our library, sign up for a Library Card, and get information about this year's 20th annual Summer Reading Club. Members of the Garwood Library Board of Trustees will be on hand to greet visitors to our booth and answer questions about the Library.

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

SCHOOL BOARD LIAISON: Councilwoman Todisco No Report

CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON:

Councilman Martin

Yesterday the Annual Memorial Day Event was held at the Knights of Columbus. The attendance was excellent and the committee wishes to thank the following:

Mayor Patricia Quattrocchi for her comments and Council President Ann Palmer, who stepped in at the last minute for the guest speaker, thanks very much. Knights of Columbus for the donation of the hall, soda and the members did the cooking. Advanced Printing for the donation of the printing of the program. Brandon Clark for his essay on the meaning of Memorial Day. Jessica Knowles 8th Grade Played Taps. This year's event was very hectic and something's didn't get done until the last minute, but as always people stepped up and the event went very smooth. Thank you again.

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

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 today May 27th at borough hall. In attendance were Borough Administrator, Borough Engineer, DPW Supervisor, Professionals for the project and Flanagan's Construction.

The two week update is as follows: the baseball field is complete, the site landscaping is 75% complete, the building siding and gutters are 90 % complete, the roof is 80 % complete, the interior of the storage building was are 75% completed with plywood, the updated electrical service permit has been picked up from the Cranford Building Dept. The electrical contractor has begun the service work, the baseball field irrigation is complete and the decking is completed except for the doorway areas.

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

Council President Palmer mentioned the steps on the deck and the lack of banisters. Councilman Petruzzelli said they will be installed.

OFFICER'S REPORTS:

Police Chief Bruce Underhill: monthly reports for April 2014

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

PUBLIC COMMENT:

Bruce Paterson 325 Willow Avenue commented on the sale of Runnel's Hospital by the County of Union and the letter he sent regarding the matter. He encouraged council to inquire about the matter.

Councilman Nierstedt asked if Mr. Renaud reviewed the letter. Mr. Renaud said he did not receive the letter. Councilman Nierstedt commented on the matter further as well as did Councilman Martin. Mayor Quattrocchi commented on the sale and where the money will be going.

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. 14-204](#)

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 separate checks for the redemption of Lien Certificate #2014-04 for the following property.

LIEN REDEMPTION:

BLOCK	LOT	NAME & ADDRESS	AMOUNT
0107	0005	CLEVENGER 445 THIRD AVE GARWOOD, NJ 07027	Lien Redemption \$ 9,926.75 Premium HI Trust \$33,000.00

REFUND TO: US BANK CUST FOR PHOENIX FUNDING
2 LIBERTY PLACE - TLSG
50 SOUTH 16TH ST – SUITE 1950
PHILADELPHIA, PA. 19102

EXPLANATION: TAX SALE CERTIFICATE REDEEMED BY WELLS FARGO
HOME MORTGAGE FOR CLEVENGER, HOMEOWNER

[RESOLUTION NO. 14-205](#)

BE IT RESOLVED by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, hereby approve to refund 2014 taxes on the following property.

REFUND:

BLOCK	LOT	NAME & ADDRESS	AMOUNT
0510	1.01	Flitsanov, Igor & Rekhter, Bella 301 New Street Garwood, NJ 07027	\$2,500.00

EXPLANATION: Payment for the 2nd qtr. 2014 taxes was paid by Wells Fargo Mortgage as well as the homeowner. This payment caused an overpayment. Taxes for the 3rd qtr. will be escrowed. Refund check should be issued to the property owner.

[RESOLUTION NO. 14-206](#)

BE IT RESOLVED by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, hereby appoint Susanna Dos Santos, as a Special Police Officer, Matrons - Class "C", effective May 5, 2014.

[RESOLUTION NO. 14-207](#)

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidence by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgation's of the Local Finance Board of the State of New Jersey may subject the member of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer of member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Borough of Garwood, County of Union, State of New Jersey, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION NO. 14-208

BE IT RESOLVED by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, hereby accepts the Finance Officers "Corrective Action Report" for 2013, copy of which will be made a part hereof and copies filed with the Municipal Clerk and the Division of Local Government Services.

RESOLUTION NO. 14-209

BE IT RESOLVED, by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, that in continuance of past practice, a contract be entered into for the year 2014, from January 1, 2014 to December 31, 2014, with the Garwood First Aid Squad, Inc., for the furnishing of municipal ambulance service and first aid treatment for residents and person employed in industrial establishments throughout the Borough of Garwood; and

BE IT FURTHER RESOLVED, that the sum of \$9,000.00 as budgeted and appropriated by the Borough of Garwood for this purpose shall be contributed to the said Garwood First Aid Squad, Inc., and made a part of the said contract; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk be and they are hereby directed to execute said contract with the said Garwood First Aid Squad, Inc., on behalf of the Borough of Garwood, on the basis hereof; and

BE IT FURTHER RESOLVED, that a voucher in the sum of \$9,000.00 be drawn to the order of the Garwood First Aid Squad, Inc.

RESOLUTION NO. 14-210

A RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE MUNICIPALITY OF BOROUGH OF GARWOOD TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE INTERLOCAL SERVICES AGREEMENT DATED JUNE 2011, AS AMENDED

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to amend an existing Interlocal Services Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Municipality of Garwood Borough and the County of Union in cooperation with each other to enter into a modification of the Interlocal Services Agreement pursuant to N.J.S.A. 40:8A-1;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Municipality of Garwood Borough that the agreement entitled "AGREEMENT TO MODIFY INTERLOCAL SERVICES AGREEMENT" dated June 2011, for the Purpose of Inserting a Description of Activities to be funded in 2014-2015 Consolidated Plan of County of Union, a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

RESOLUTION NO. 14-211

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A COOPERATION AGREEMENT WITH THE COUNTY OF UNION FOR FISCAL YEARS 2015-2017

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) provides a mechanism through which counties and municipalities may enter into agreements for the provision of joint services; and

WHEREAS, Title I of the Housing and Community Development Act of 1974 provides for substantial federal funds being made to certain urban counties for use therein through the Community Development Block Grant ("CDBG") Entitlement Program, HOME Investment Partnerships ("HOME") Program and Emergency Solutions Grants ("ESG") Program; and

WHEREAS, a Cooperative Agreement between the County of Union and the Municipality of Garwood Borough shall be utilized to establish a legal mechanism through which the County government may apply for, receive and disburse federal funds from federal fiscal year 2015, 2016 and 2017 appropriations; and

WHEREAS, it is the desire of the Municipality of Garwood Borough to enter into a Cooperative Agreements with the County of Union for successive three year periods; and

WHEREAS, it is the desire of the County of Union to re-qualify for Entitlement status as an Urban County.

NOW THEREFORE BE IT RESOLVED that the Municipality of Garwood Borough hereby is authorized to enter into and execute said Cooperative Agreements. Said cooperative Agreements are to be substantially in the form of Agreement attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that a copy of the Resolution shall be forwarded to the County of Union.

RESOLUTION NO. 14-212

WHEREAS, the Borough of Garwood has appropriated the sum of \$5,000.00 in its 2014 Budget for Deferred Charges to Future Taxation Unfunded.

THEREFORE, BE IT RESOLVED by the 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 \$5,000.00 being the balance of said appropriation.

RESOLUTION NO. 14-213

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Garwood hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$7,351.14 which item is now available as a revenue from the STATE OF NEW JERSEY, SOLID WASTE ADMINISTRATION FY2014 CLEAN COMMUNITIES GRANT PROGRAM, in the amount of \$7,351.14;

BE IT FURTHER RESOLVED, that the of \$7,351.14 is hereby appropriated under the caption of "FY2014 CLEAN COMMUNITIES GRANT PROGRAM"; and

BE IT FURTHER RESOLVED, that the above is a result of a Grant from the State of New Jersey for \$7,351.14.

Councilwoman Todisco made a motion, seconded by Councilman Martin to remove Resolution #14-214 from the Consent Agenda for discussion.

Motion: Action: Adopt Consent Agenda as amended, **Moved by** Councilwoman Todisco, **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 amended was adopted.

RESOLUTIONS DELETED OR REMOVED FROM THE CONSENT AGENDA:

RESOLUTION NO. 14-214

WHEREAS, the Mayor and Council of the Borough of Garwood entered into a contract with Waste Management of New Jersey, Inc., per Resolution No. 11-210, adopted on June 28, 2011, for a period of three (3) years, commencing July 1, 2011, for the provision of recycling services; and

WHEREAS, the specifications state that the Borough reserves the right to extend the contract for two additional one-year extensions under certain terms and conditions, including the contract extension be awarded by resolution of the governing body, services performed in an effective and efficient manner, pricing shall be agreed upon by both parties and shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the "index rate", as defined in N.J.S.A 40A:11-2, for the twelve months preceding the most recent quarterly calculations available at the time the contract was renewed; and

WHEREAS, the "index rate" increase for the last 12 months as of April 2014 is 2.6%; and

WHEREAS, Borough Administrator/Clerk has contacted Waste Management of New Jersey, Inc., to extend the contract for a period of one year from July 1, 2014 to July 1, 2015 with an increase of 2.6% of the final contract year; and

WHEREAS, the Borough of Garwood is satisfied with the services provided by Waste Management of New Jersey, Inc., and both parties have agreed to extend the contract for one-year; and

WHEREAS, the bid was received as follows:

Year One – July 1, 2011 to July 1, 2012	\$30,467.52
Year Two – July 1, 2012 to July 1, 2013	\$30,467.52
Year Three – July 1, 2013 to July 1, 2014	\$31,325.76

WHEREAS, the rate for the extension is as follows:

Year Four – July 1, 2014 to July 1, 2015	\$32,140.23
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BE IT RESOLVED, by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, hereby extend the contract with Waste Management of New Jersey, Inc., for a one-year term commencing July 1, 2014 to July 1, 2015 for a cost not to exceed \$32,140.23.

Motion: Action: Adopt Resolution No. 14-214, **Moved by** Council President Palmer, **Seconded by** Councilman Nierstedt.

Councilwoman Todisco read the following statement, "I'm disappointed to see this on agenda without a recommendation by the Streets and Roads Committee, other than extending the contract and without a plan for action on how to deal with recycling and garbage in future. I have spoken for the past 3 years, even as a member of the audience, about this issue. We could be selling our recycling like private businesses and other municipalities and make money from it. I've stated my plan at several meetings. My plan has been to sell recycling and stop paying a hauler to cart it for us. Have the DPW pick up recycling 2 days a week for 6 hours each day, which would be 50% less than what they do for garbage now. By adding once a week pickup, this should decrease the amount of recycling in garbage, lowering our tipping fees and tonnage, where we can save some money. And with garbage, we can privatize it and use the revenue from recycling to offset some of the cost. This should be done by keeping garbage pickup inside the tax bill. I do not support putting it outside of the tax bill and simply taking from a different pocket of the taxpayer. I know my fellow councilmembers agree with me on this and I am happy about that. I urged the Streets and Roads Committee to look into this, to look into converting our garbage trucks into recycling trucks, and to look into privatizing garbage as a way to free up our DPW's time. Presently they spend 6 hours a day, 4 days a week, that's 24 hours a week, over 50% of their man hours on garbage alone. This would even be a way to increase the recycling service to once a week instead of once every 2 weeks. Again, this would be adding to the service. Now we are up against a wall with a resolution to extend our current contract and kick the can down the road. This is really something I would love to vote no to, like someone else on this council that likes to use a no vote knowing that 4 or 5 others will vote yes and just pass this. As a reasonable councilwoman, I can't vote no and not have the residents have a contract and not have their recycling picked up after July 1. That would be irresponsible. However, I would like to soon hear what the Streets and Roads Committee has researched and what their plan is for recycling and garbage in the future. I do not want to nor do I expect to need to see a contract extension in front of the council next year.

Councilman Mathieu said he is responsible for the delay however he supports the resolution this evening. He commented further on the matter and recycling being a business. He said his findings thus far have not been favorable on this subject and commented in detail on the matter.

Councilman Nierstedt said there is a lot of information on the subject that the committee has been reviewing. He stated that a month is not enough time to become educated on the subject. Council

President Palmer said the more research that is done, the more research is needed. Councilwoman Todisco commented further that she appreciates the information provided this evening.

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. 14-214 was adopted.

Ms. Ariemma read the following:

RESOLUTION NO. 14-215

BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey, hereby authorizes Contingency Change Order #4 to the original bid submitted by:

Contingency CHANGE ORDER # 4

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

PROJECT: Athletic Field Complex Project
Work itemized on Change Order sheets #14-16 dated 05/27/2014

#	DESCRIPTION	AMOUNT PRESENTED	AMOUNT ACCEPTED OR NEGOTIATED
14	Heat Trace Tape	\$6,907.95	\$6,907.95
15	Backflow	\$5,122.43	\$5,122.43
16	Kitchen Exhaust Fan	\$4,546.50	\$4,546.50

Total Contingency Change Order No. 4 **\$16,576.88**

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 #4 **\$18,493.01**

Motion: Action: Adopt Resolution No. 14-215, **Moved by** Councilman Petruzzelli, **Seconded by** Council President Palmer.

Councilman Mathieu stated he will vote for the resolution to support the completion of the project. He commented that in his opinion the project is now over budget.

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. 14-215 was adopted.

NEW BUSINESS:

Any new business the Mayor and Council may have:

Lion's Club Proclamation for 85th Anniversary. They will be invited to a future meeting for presentation.

Mayor Quattrocchi reminded council to submit committee reports either on council meeting day or the very next morning.

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

The Regular Meeting of the Mayor and Council will be held on, **TUESDAY, JUNE 10, 2014**, 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. 14-07, 14-08, 14-09 and 14-10 ON TUESDAY, JUNE 10, 2014, AT 7:15 P.M. OR SOON THERE AFTER.

Motion: At 9:32 p.m., Action: Adjourn, Moved by Council President Palmer, Seconded by Councilman Nierstedt.

CHRISTINA M. ARIEMMA, Municipal Clerk
Borough of Garwood