

BOROUGH of GARWOOD

Regular MINUTES of the COUNCIL MEETING

June 9, 2015

The Regular Meeting of the Mayor and Council was held in Council Chambers and called to order at 7:44 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 Representative Adam Colicchio.

MINUTES:

Regular Meeting of the Mayor and Council held on May 26, 2015.

Workshop Session of the Mayor and Council held on May 26, 2015.

Executive Session of the Mayor and Council held on May 26, 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. 05/27/15, RE: NFIP
 - ii. 05/27/15, RE: Federal Update ending May 22, 2015
 - iii. 06/01/15, RE: Weekly Policy Update/Pension and Health "Roadmap"
 - iv. 06/02/15, RE: I. RECEIVE THE RECOGNITION YOUR TOWN DESERVES! II. FEMA ANNOUNCES 2015 FMA AND PDM GRANTS III. NJDOT Announces Statewide Trash Removal Campaign
 - 2) **UNION COUNTY BOARD OF CHOSEN FREEHOLDERS –** 06/03/15, RE: County Budget Amendment Resolution
 - 3) **BRUCE PATERSON –** 05/26/15, RE: Your local finance chair should be jealous of the Union county budget
 - 4) **GARWOOD PUBLIC SCHOOLS –** 06/02/15, RE: Eighth Grade Graduation
 - 5) **GARWOOD PLANNING BOARD –** 05/28/15, RE: Minutes of the meeting held on March 25, 2015
- ALL WERE RECEIVED AND FILED**

ORDINANCES:

Public Hearing on Ordinance 15-11 as advertised in the Westfield Leader on May 29, 2015.

Municipal Clerk read Ordinance 15-11 by title only:

BOND ORDINANCE NO. 15-11

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF NEW 9-1-1 POLICE COMMUNICATIONS AND DISPATCHING EQUIPMENT IN, BY AND FOR THE BOROUGH OF GARWOOD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$59,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Borough of Garwood, in the County of Union, New Jersey (the "Borough"), is hereby authorized to acquire new communication and signal systems equipment consisting of 9-1-1 communications and dispatching equipment, including console, dictaphone and related furnishings and equipment, for the use of the Police Department in, by and for the Borough. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$59,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof. Said sum so appropriated shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) the making of such improvement (hereinafter referred to as "purpose") is not a current expense of the Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of the Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the total estimated cost of said purpose is \$59,000, and (4) \$2,900 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$56,100, and (6) the cost of said purpose, as hereinbefore stated, includes the aggregate amount of \$1,000, which is estimated to be necessary to finance the cost of said purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$2,900, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the Borough, are now available to finance said purpose. The sum of \$2,900 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of the Borough of an aggregate principal amount not exceeding \$56,100 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of the Borough of an aggregate principal amount not exceeding \$56,100 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Borough and attested by the Municipal Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Municipal Clerk of the Borough, and that such statement so filed shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$56,100 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose shall be applied to the payment of the cost of said purpose or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Municipal Clerk and is available for public inspection.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of such bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

List correspondence concerning Ordinance 15-11. NONE.

Does anyone present wish to be heard concerning Ordinance 15-11? NONE.

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

Motion: Action: ADOPT ORDINANCE 15-11, **Moved by** Councilman Petruzzelli, **Seconded by** Councilwoman Tarantino

Discussion:

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. 15-11 was adopted.

COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:

POLICE: Councilwoman Tarantino, Chr. *NO REPORT*

PUBLIC HEALTH: Council President Nierstedt

No report, Mayor – the next meeting is scheduled for June 17.

STREETS AND ROADS/ECOLOGY: Councilwoman Todisco, Chr. *NO REPORT*

Thank you, Mayor. I just wanted to thank the DPW for all their hard work preparing for Garwood Rocks this past Sunday. That's all for my report, Mayor.

FIRE: Council President Nierstedt, Chr.

I read of my first emergency call to the Fire Division last week for a propane tank for a grill that would not stop burning. It reminded me to remind all Boro residents that now that summer Bar-B-Q season is on us to please make certain that all propane tanks are shut off after each use and that we all be very careful around our grills.

FINANCE: Councilman Petruzzelli, Chr.

Thank you Mayor. At the council meeting of June 23rd, the salary range ordinance will be presented for introduction. Council should be receiving this in their packets prior. Following the adoption of that ordinance, the salary resolution will be presented for council consideration. The increases for 2015 were presented and everyone was in agreement during the 2015 budget process. They are 1% for all non-contractual employees and 1.75% for the four protected positions. That's all for my report.

BUILDINGS AND GROUNDS: Councilman Mathieu, Chr. *NO REPORT*

LAWS AND LICENSES: Councilman Martin, Chr.

Tonight there are 3 applications for a Raffle Licenses.

The Laws & License Committee recommends the following:

The adoption of Resolution No. 15-205, for the application of one ***off premise merchandise raffle***, one ***on premise merchandise raffle*** and one ***on premise 50/50 raffle***, to be drawn on October 15, 2015, at The Westwood, 438 North Avenue, Garwood, NJ, by ST. JOSEPH SOCIAL SERVICE CENTER.

Comments were added about the efficiency of the Garwood Police Department during Garwood Rocks.

RECREATION: Councilwoman Todisco Chr.

Thank you, Mayor. The Commission is looking forward to summer recreation this year. Sign up night is taking place tonight at the Lincoln School cafeteria. This year there will be an 8th grade project graduation held on graduation night from 9 to 11pm at the recreation complex. Also, the Commission is about to finalize a day for the annual Senior Citizen Dinner. Right now, it looks like it will be on August 15th or 16th. The next meeting of the Commission will be on June 17th. That's all for my report, Mayor.

COMMITTEE ON AGING: Councilwoman Tarantino

The annual senior picnic will be held on Thursday, June 25, 2015, at noon and be held at the Garwood Sports and Recreation Complex.

LIBRARY, MAYOR'S REPRESENTATIVE: Councilman Petruzzelli

The Library's 21st annual Summer Reading Club will begin logging in children's reading time beginning Monday, June 22. The theme this year is "Every Hero Has a Story". Children can sign up now for the summer reading program and pick up their reading logs beginning Tuesday, June 16th. The program will run through Friday, August 7th. There will be crafts for kids on Tuesdays at 3 PM and movies for kids on Thursdays at 2:00 PM. Please check with the library for the schedule of events.

On Saturday, June 27th, from 10 AM to Noon, the Garwood Library Board of Trustees will host a Farewell Reception for Carol Lombardo, its retiring Director, who has served in that post for the past 17 years. All residents are invited to the reception. Light refreshments will be served.

Summer hours for the library will begin on Monday, June 29th. The weekday hours of the library will remain unchanged, however, the library will be closed on Saturdays during July and August. Regular Saturday hours will begin again on Saturday, September 12, after Labor Day.

SCHOOL BOARD LIAISON: Councilman Mathieu *NO REPORT*

Councilwoman Todisco reported on the EFG Fund raiser taking place this Thursday, June 11th.

CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON: Council President Nierstedt

The Memorial Day memorial ceremony was its customary respectful observance and the committee thanks all who attended. The committee is still collecting favorite recipes from residents to be published in new and improved Borough recipe book. Residents may enter their favorites on a form that is available on-line at www.garwood.org, or by submitting it to garwoodcelebrations@garwood.org. The next meeting will be June 17, and the committee wishes everyone a happy summer. The next event will be about Garwood under the stars movie night on Friday, September 18.

UNION COUNTY AIR TRAFFIC NOISE ADVISORY BOARD REPRESENTATIVE:

Councilman Mathieu NO REPORT

PARKING COMMITTEE: Councilwoman Tarantino

The committee continues to work on the changes to the parking regulations for residential parking. That's all for my report.

POLICE NEGOTIATIONS COMMITTEE: Councilwoman Tarantino NO REPORT

ADMINISTRATIVE REVIEW COMMITTEE: Councilwoman Tarantino

Thank you Mayor. The council has adopted the ordinance creating the position of Assistant Borough Administrator. The next step is to set the salary, and appoint a person to the position.

The purpose of this position is to bring a member of staff into the administrative responsibilities of the borough. The idea is that one single person should not be exclusive in being able to lead the borough. The employee will be included on all administrative matters. In the event the administrator is unable to perform her duties, the assistant will have full knowledge in borough administration to fill in, in her absence. Since this person has to be attached to the administrator, the most qualified individual is Sandy Bruns. She is the CFO/Treasurer and next to the administrator has the most knowledge of borough functions and government procedures making her the obvious choice. There will be a resolution on the next agenda appointing Sandy Bruns as Assistant Borough Administrator with an annual salary of \$4,500 for the part time position attached to her existing full time position. That's all for my report.

HISTORICAL COMMITTEE: Councilwoman Todisco

Thank you, Mayor. The Historical Committee is still seeking donations from interested Garwood families to sponsor historical photos in the meeting room of the Garwood Sports and Recreation Complex building. The donations will be used to pay for the frames and all other proceeds will go to preserving Garwood's history. Thank you, Mayor.

OFFICER'S REPORTS:

Len Di Stefano, Zoning Code Enforcement Officer monthly report for May 2015

Michael Tharaldsen, Fire Chief monthly report for May 2015

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

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. 15-204

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Borough of Garwood has the authority to prepare and issue estimated tax bills; and

WHEREAS, in order for the Borough of Garwood to meet our financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest expenses on borrowing it would be in our best interest to do so; and

WHEREAS, the Chief Financial Officer has reviewed and computed an estimated levy in accordance with N.J.S.A. 54:4-66.3.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Garwood on this 9th, day of June 2015, as follows:

1. The Borough of Garwood Tax Collector is hereby authorized and directed to prepare and issue estimated bills for the Borough of Garwood for the third quarter of 2015 taxes, in accordance with the provisions of N.J.S.A. 54:4-66.2 et seq.
2. The entire estimated tax levy for 2015 is hereby set at \$17,354,906.33
3. The estimated tax rate for 2015 is hereby set at 9.295

RESOLUTION NO. 15-205

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 Merchandise Raffle, On Premise Merchandise and an On Premise 50/50 raffle on October 15, 2015, to be held at the Westwood, 438 North Avenue, Garwood, NJ from 7:00 – 11:00 p.m., is hereby granted to St. Joseph Social Service Center pursuant to RA#1052, RA#1053 and RA#1054.

RESOLUTION NO. 15-206

WHEREAS, Midwest Construction, Inc., 23 Dead River Road Warren, NJ 07059, has satisfactorily completed on February 1, 2015, the project known as "NJDOT 2013 Road Improvement Program"; and

WHEREAS, the work included in the "NJDOT 2013 Road Improvement Program" is as follows: FOR THE RESURFACING OF OAK STREET FROM MYRTLE AVENUE TO RANKIN AVENUE AND DRAINAGE CONSTRUCTION ON THIRD AVENUE FROM MAPLE STREET TO WALNUT STREET; and

WHEREAS, Maintenance Bond No. S294363 has been received for one-year period concluding on February 1, 2016, for \$22,966.14; and

WHEREAS, the construction cost is \$229,661.41, minus 5% compaction penalty -\$2,137.64, total final \$227,523.80.

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby accepts the Municipal Engineer's recommendation that the project is complete and authorizes the Treasurer to issue a check made payable to Midwest Construction Inc., for final payment.

RESOLUTION NO. 15-207

BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey, hereby authorize the Mayor and Municipal Clerk to sign the following agreement as prepared by Borough Attorney Robert Renaud.

Parking space lease agreement between the Borough of Garwood, a municipal corporation in the State of New Jersey, located on 403 South Avenue, Garwood, New Jersey 07027 (the "Borough"), and Parade Enterprises, LLC, a limited liability company of the State of New Jersey, located at 330 Milltown Road, East Brunswick, New Jersey 08816 (the "Lessor");

BE IT FURTHER RESOLVED that the agreement is hereby attached and part of this resolution.

RESOLUTION NO. 15-208

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 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 2015 in the sum of \$8,935.66 which item is now available as a revenue from the STATE OF NEW JERSEY, SOLID WASTE ADMINISTRATION FY2015 CLEAN COMMUNITIES GRANT PROGRAM, in the amount of \$8,935.66;

BE IT FURTHER RESOLVED, that the sum of \$8,935.66 is hereby appropriated under the caption of "FY2015 CLEAN COMMUNITIES GRANT PROGRAM".

RESOLUTION NO. 15-209

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 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 2015 in the sum of \$2,228.00 which item is now available as a revenue from the COUNTY OF UNION, 2014 GREENING UNION COUNTY GRANT PROGRAM, in the amount of \$2,228.00;

BE IT FURTHER RESOLVED, that the sum of \$2,228.00 is hereby appropriated under the caption of "2014 GREENING UNION COUNTY GRANT PROGRAM".

Motion: Action: Adopt consent agenda, **Moved by** Council President Nierstedt, **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. Consent agenda was adopted.

RESOLUTIONS DELETED OR REMOVED FROM THE CONSENT AGENDA:

NEW BUSINESS:

Any new business the Mayor and Council may have:

NONE

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.

Trust Acct: \$128.00 Dg Tax Acct: \$718.60 Capital Acct: \$23,419.28
Garwood Sports & Rec Complex Trust Acct: \$ 482.50 Current Acct: \$162,007.88

Motion: Action: Adopt, **Moved by** Councilwoman Todisco, **Seconded by** Councilman Petruzzelli
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, June 23, 2015**, in Council Chambers at 7:15 p.m. Workshop Session to start at 7:00 p.m.

Motion: Action: At 8:00 p.m., adjourn, **Moved by** Council President Nierstedt, **Seconded by** Councilman Martin.