

BOROUGH of GARWOOD

Regular MINUTES of the COUNCIL MEETING

June 10, 2014

The Regular Meeting of the Mayor and Council was held in Council Chambers and called to order at 8:07 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 27, 2014.

Workshop Session of the Mayor and Council held on May 27, 2014.

Executive Session of the Mayor and Council held on May 27, 2014.

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

COMMUNICATIONS:

- 1) **NEW JERSEY STATE LEAGUE OF MUNICIPALITIES –**
 - a. Mayor's Advisory –
 - i. 05/27/14, RE: An Electrical Energy Policy Primer for New Jersey Municipalities
 - ii. 05/27/14, RE: Legislative Recap for Assembly Voting Session May 22
 - iii. 05/27/14, RE: I. On Memorial Day, Remember That Some Gave All II. Social Security Offers Help to Wounded Warriors
 - iv. 05/28/14, RE: I. New COAH Regulations Webinars II. Mini One Day Conference
 - v. 05/29/14, RE: Draft Ordinance Mandating Direct Deposit Pursuant to P.L. 2013. c. 28.
 - vi. 05/29/14, RE: I. Interest Arbitration – Week 9 Update II. Upcoming League Seminar.
 - vii. 06/03/14, RE: I. Consider some summer reading. II. June grant page posted.
- 2) **GARWOOD PLANNING BOARD –** 05/29/14, RE: Minutes of the meeting held on April 23, 2014.
RECEIVED AND FILED

ORDINANCES:

ADOPTION

Public Hearing on Ordinance 14-07, 14-08, 14-09 and 14-10, as advertised in the Westfield Leader on May 30, 2014.

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

List correspondence concerning Ordinance 14-07. NONE.

Does anyone present wish to be heard concerning Ordinance 14-07?

Dennis McCarthy 632 Myrtle Avenue asked what properties this encompasses. Mr. Renaud answered in detail.

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

Motion: Action: ADOPT ORDINANCE 14-07, **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 adopted.

Municipal Clerk read Ordinance 14-08 by title only:

ORDINANCE NO. 14-08

AN ORDINANCE TO AMEND § 5-18 (COMPENSATION) IN ARTICLE IV (4) (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.

List correspondence concerning Ordinance 14-08. NONE.

Does anyone present wish to be heard concerning Ordinance 14-08?

Bruce Paterson 325 Willow Avenue asked what the different method of compensation is. Mr. Renaud responded.

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

Motion: Action: ADOPT ORDINANCE 14-08, **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. Ordinance No. 14-08 was adopted.

Municipal Clerk read Ordinance 14-09 by title only:

ORDINANCE NO. 14-09

AN ORDINANCE TO AMEND §14-16 (COMPENSATION) IN ARTICLE II (2) (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.

List correspondence concerning Ordinance 14-09. NONE.

Does anyone present wish to be heard concerning Ordinance 14-09? NONE.

Motion: Action: Close Public hearing, **Moved by** Councilwoman Todisco, **Seconded by** Councilman Petruzzelli.

Motion: Action: ADOPT ORDINANCE 14-09, **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. 14-09 was adopted.

Municipal Clerk 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.

List correspondence concerning Ordinance 14-10. NONE.

Does anyone present wish to be heard concerning Ordinance 14-10? NONE.

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

Motion: Action: ADOPT ORDINANCE 14-10, **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. Ordinance No. 14-10 was adopted.

COMMITTEE REPORTS

POLICE: Councilman Martin, Chr.

Reported on the street fair. Thanked departments including street, fire and police. He especially thanked Carol Kearny for making Garwood Rocks a reality.

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

PUBLIC HEALTH: Councilwoman Todisco No Report

STREETS AND ROADS/ECOLOGY: Councilman Nierstedt, Chr.

1. The boro submits recycling tonnage applications each year. And by necessity, they are a year behind because you can't submit a tonnage request until you actually know how much is collected. The Boro did recently receive \$8,097.15 from year 2012. The use of these funds is strictly regulated and is used to augment the pay to the recycling vendor. The Recycling Coordinator has completed and submitted the application for 2013 and we await receipt of these funds.
2. The boro also received Clean Communities grant funds and we recently used some of those funds for the purchase of additional recycling containers at the schools as there are garbage cans, but no recycling containers at either Washington or Lincoln School.
3. I want to thank the DPW for all of the work that they completed in preparation for and clean up after the Garwood Rocks Street Fair. The street sweeper was out in full force, and on Monday morning when I went by I could not tell in any way that the streets had been used as they had. I thank them for their hard work as always.
4. I reported at our last meeting that the 2002 garage truck had died and needed to be towed. I am glad to report that it has been resuscitated at a cost of \$3500 and is back in service.
5. The old boro hall generator was installed on the DPW garage roof. The roof has to be structurally and Don has made recommendations to the DPW on what exactly to do. The DPW hopes to have this work completed in house within a month.
6. I have spoken to DPW Superintendent Fred Corbitt about the desire of some Council members to repeal the leaf-bagging requirement, and he looks forward to coming to a Council meeting and discussing how the ordinance has been a benefit to the DPW staff. I ask at this time at which meeting we would like him to attend.
7. Wood chips are available at the end of Willow Avenue adjacent to the DPW yard for free for all boro residents. They can be picked up any reasonable time.
8. At our last meeting I was asked how often the street sweeper gets out. I was advised that the DPW uses sporadically the first two weeks of a month, and then every day for the last two weeks depending on the needs as staffing permits and as seen by the guys as they pick up the garbage.

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

There was discussion on the report provided by the Chair.

FIRE: Councilman Mathieu, Chr. No Report

FINANCE: Councilwoman Todisco, Chr. No Report

BUILDINGS AND GROUNDS: Councilman Petruzzelli, Chr.

Thank You Mayor

The roof area over the court office at Borough Hall has been patched, the DPW Superintendent is in the process of getting estimates for carpet replacement and a permanent roof repairs for that section over the court office.

That's all for my report

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

Mayor Quattrocchi commented on the court office roof leaking matter.

LAWS AND LICENSES: Councilwoman Palmer, Chr. No Report

RECREATION: Councilman Petruzzelli, Chr.

Thank You Mayor

The Recreation Committee has completed the interview process and they will be hiring a new Summer Rec Director. Summer recreation starts June 30th.

That's all for my Report

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

COMMITTEE ON AGING: Council President Palmer No Report

LIBRARY, MAYOR'S REPRESENTATIVE: Mayor Quattrocchi

As summer begins to come upon us, the Garwood Library gears up for its annual Summer Reading Club, with this year being its 20th consecutive celebration. The theme for this year is "Fizz, Boom Read!" and many of the crafts will be science centered, but still fun and entertaining. There will be crafts for kids on Tuesday afternoons at 3 PM, and movies for kids on Thursday afternoons at 2:00 PM, for the duration of the program.

Sign up for the program begins on Monday, June 16th, with log ins of reading beginning on Monday, June 23rd. The program will run for seven weeks ending on Friday August 8th. All children are encouraged to participate, from pre-reader through 8th grade. All active Reading Club participants will be invited to the library's end of summer ice-cream party.

On Tuesday, June 17th, Dr. Bob White of Advanced Integrated Health in Springfield will present a program on "Thyroid, Toxins, and Weight Gain", explaining how the thyroid can cause a variety of problems in other areas of our health, and what we can do to alleviate the situation. The program is presented at 7:00 PM and registration is required.

The Director and the Board of Trustees of the Garwood Library would like to thank all the residents who stopped by our booth at the "Garwood Rocks" Street Fair on Sunday to learn about the Library. The Library is here for you and its staff will be pleased to help you find what you need. If we don't have it, we'll get it for you through Interlibrary Loan.

Also, now that summer is approaching, don't forget to check out our e-books - no heavy books to carry with you on vacation - just download to your favorite electronic device. Week day Library hours remain the same throughout the summer with the exception of Saturday. The Library will be closed on Saturdays during July and August. The outdoor book drop will remain open 24/7 for your convenience.

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

SCHOOL BOARD LIAISON: Councilwoman Todisco

Thank you, Mayor.

The last Board of Education meeting that I attended had an executive session and the Board President came out to let us know that they were discussing contract negotiations and would be sending a recommendation to the County Superintendent for approval. Their last meeting took place the same time as our last Council meeting so I was obviously unable to attend. The school year is winding down with the last day being June 20th and 8th Grade Graduation will be later that night at 7pm.

That's all for my report, Mayor.

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

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:

Thank You Mayor

The two week update is as follows: the electrical contractor will have the electrical service completed in 2 more days, with an inspection to follow from the Cranford Building Department and PSEG, before power will be turned on. The baseball infield lines have been cut into the multi-purpose field and that is now 100 % completed. The soccer goals are put together and are on the multi-purpose field. All but 12 plants are installed for the landscaping. The grass areas are starting to take root. The area around the bocce court is framed out and the sidewalk concrete will be poured tomorrow. The mulch area around the planting areas has been installed. The roof and gutters are still not completed yet.

That's all for my report

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

OFFICER'S REPORTS:

Tax Collector Aggie Kurzweil Monthly report for May 2014.

Zoning Code Enforcement Officer Len DiStefano for May 2014.

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

PUBLIC COMMENT:

Bruce Paterson 325 Willow Avenue asked about the AFC construction. Councilman Petruzzelli replied and explained.

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. 14-216

WHEREAS, the Mayor and Council of the Borough of Garwood previously determined that there is a need for professional engineering & landscape architectural services for design and construction phase for the development of the Athletic Field Complex Project located on Block 509/Lot 20, Block 512/Lot 6, Block 512/Lot 5 in the Borough of Garwood; and

WHEREAS, the said Governing Body awarded the above services to Kinsey Associates as per Resolution No. 08-168, and amended per Resolution No. 10-233 and 11-261; and

WHEREAS, the said Governing Body determined that such services are professional services as defined in the Local Public Contracts Law of the State of New Jersey; and

WHEREAS, the Local Public Contracts Law requires that a notice stating the nature, duration, services and amount of each contract awarded as a professional services contract be printed once in the official newspaper of the municipality;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Garwood:

1. That the Mayor and Borough Clerk be and are hereby authorized and directed to amend the agreement with Kinsey Associates, 4 Walter E. Foran Blvd., Suite 210, Flemington, NJ 08822, for the provision of professional engineering & landscape architectural services for subsequent completion of construction contract documents for the site development at the complex, several major revision sequences were necessitated by changes and additions to the scope of work; and
2. That said Contractor shall receive additional fees not to exceed \$5,000.00, for additional services included above as in the proposal dated May 16, 2014; and
3. That this contract is awarded without competitive bidding as professional services pursuant to the Local Public Contracts Law; and
4. That the Borough Clerk be and is hereby authorized and directed to maintain this resolution and the professional services contract on file and available for public inspection in the Office of the Borough Clerk; and
5. That the Borough Clerk is hereby authorized and directed to publish a copy of this notice as required by law.

RESOLUTION NO. 14-217

BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey, hereby awards the following:

Maintenance for four Savin Copiers
 ID #G11380 Department of Public Works
 ID #GI01616 Police Department
 ID #G16921 Court Administrator’s Office
 ID #GI01615 Municipal Clerk’s Office

TERM: 5/01/2014 to 04/30/2015
 12 months
COST: Not to exceed \$2,024.54
INCLUDES: labor, parts, drums, cleaning, and supplies, including toner for black & white and color copies. Preventive maintenance visits and all service calls.
VENDOR: **Atlantic Tomorrow’s Office**
200 Broadacres Drive
Bloomfield, NJ 07003
Maintenance Contract #54603

RESOLUTION NO. 14-218

BE IT RESOLVED, by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, hereby awards the following:

Maintenance for 1 Savin 2518 Copier
 ID #: G11381 Fire Department/Prevention

TERM: 05-01-2014 to 04-30-2015
 12 months
COST: Not to Exceed \$870.73
 Covers 12,000 copies annually
INCLUDES: Labor, Parts, Drums, Cleaning and supplies, including toner. Preventive maintenance visits and all service calls.
VENDOR: **Atlantic Tomorrow’s Office**
200 Broadacres Drive
Bloomfield, NJ 07003
Maintenance Contract #54599

RESOLUTION NO. 14-219

BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorizes the Borough Administrator/Clerk to prepare, sign and submit a grant application for:

2014 KIDS RECREATION TRUST FUND GRANT
2014 GREENING UNION COUNTY

Motion: Action: Adopt Consent Agenda, **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. Consent Agenda was adopted.

RESOLUTIONS DELETED OR REMOVED FROM THE CONSENT AGENDA:

RESOLUTION NO. 14-220

WHEREAS, N.J.S.A. 40A:12A-1, et seq., the Local Redevelopment and Housing Law (LRHL), sets forth the criteria for a determination of whether a delineated area may be designated as an area in need of redevelopment; and

WHEREAS, by L.2013, c. 159, the LRHL was amended to provide for an Area in Need of Redevelopment (“Redevelopment Area”) to be delineated as a Condemnation Redevelopment Area (CRA) where the use of eminent domain is to be authorized by the municipality or as a Non-Condemnation Redevelopment Area (NCRA) where the use of eminent domain is not to be authorized by the municipality; and

WHEREAS, the LRHL provides a procedure for the investigation of whether a delineated area is an area in need of redevelopment; and

WHEREAS, the Governing Body of the Borough of Garwood deems it advisable to investigate whether the area fronting on South Avenue and Willow Avenue known and designated as Block 401, Lots 1,2,3,4, and 5 and Block 403, Lots 1,2,3,4,5,6,19, 20, 21, and 22 on the tax maps of the Borough of Garwood is an area in need of redevelopment as a CRA, in accordance with N.J.S.A. 40A:12A-1, et seq.;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Garwood that the Planning Board of the Borough of Garwood be and is hereby authorized to undertake a preliminary investigation to determine whether the area in the Borough of Garwood, known and designated as Block 401, Lots 1,2,3,4, and 5 and Block 403, Lots 1,2,3,4,5,6,19, 20, 21, and 22 on the Tax Map of the Borough of Garwood is an Area in Need of Redevelopment to be so delineated according to the criteria set forth in N.J.S.A. 40A:12A-1, et seq., as amended; and

BE IT FURTHER RESOLVED that use of eminent domain is to be authorized by the municipality and that if so delineated, the delineated area shall be deemed a Condemnation Redevelopment Area (CRA) in accordance with L 2013, c. 159; and

BE IT FURTHER RESOLVED that the Planning Board be and is hereby authorized to undertake said investigation in accordance with N.J.S.A. 40A:12A-1, et seq., and is hereby directed that the notice of hearing shall specifically state that a redevelopment area determination shall authorize the municipality to exercise the power of eminent domain to acquire any property in the delineated area.

Motion: Action: Adopt Resolution No. 14-220, **Moved by** Councilman Nierstedt, **Seconded by** Council President Palmer.

Discussion: Councilman Mathieu asked the purpose of eminent domain in this resolution. Councilman Nierstedt explained the need is for public parking but only if necessary. Councilman Mathieu explained in detail his disapproval on eminent domain on this property. He expressed that to take property for private purposes is not acceptable. Councilman Nierstedt said it is for public purpose, not private. Councilwoman Todisco commented that is a tool for use possibly later and that right should not be waived. Councilman Mathieu asked if eminent domain not included in the resolution would council then waive that option. Mr. Renaud said they could not pursue eminent domain in the process of this redevelopment.

Vote: Motion carried by roll call vote (**summary:** Yes = 5, No = 1).

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

No: Councilman Mathieu

Resolution No. 14-220 was adopted.

NEW BUSINESS:

Any new business the Mayor and Council may have:

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** 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.

EXECUTIVE SESSION

RESOLUTION NO. 14-221

CLOSED SESSION RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING LITIGATION RELATING TO ARIEMMA VS THE BOROUGH OF GARWOOD, MAYOR AND COUNCIL OF THE BOROUGH OF GARWOOD AND COUNCILMAN JAMES MATHIEU CIVIL SUMMONS DOCKET NO. UNN-L447-12, AND MATTERS OF ATTORNEY-CLIENT PRIVILEGE RELATING TO THE ABOVE AND IN ACCORDANCE WITH N.J.S.A., 10:4-12, Closed session, Meetings open to public; exclusion of public; subject of matter.

WHEREAS, it is necessary for the Mayor and Council of the Borough of Garwood to conduct an executive session closed to the public in order to discuss the above listed matter.

NOW THEREFORE BE IT RESOLVED that the Council of the Borough of Garwood hereby moves to go into executive session in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. seq., for the purpose of discussing the subjects stated above; and

BE IT FURTHER RESOLVED that the matters discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

At 9:50 P.M. A Motion was made to enter ex session and adopt Executive Session Resolution No. 14-221
Action: Adopt Moved by Councilman Nierstedt, **Seconded by** Councilwoman Todisco.

Ms. Ariemma noted that no action will be taken during Closed Session. Ms. Ariemma stated she is leaving the Council Chambers for the executive session portion of the meeting relating to Ariemma vs. the Borough of Garwood, Mayor and Council of Garwood and Councilman James Mathieu Civil Summons Docket No. UNN-L447-12. Ms. Ariemma said she will not take minutes for the portion of the meeting that she is not present. The minutes will be taken and prepared by Mayor Quattrocchi. Ms. Ariemma said she will not return to the Council Meeting.

At 10:40 P.M. a motion was made by Councilman Nierstedt, seconded by Councilman Martin to end the ex-session and resume the regular session.

ADJOURNMENT

The Regular Meeting of the Mayor and Council will be held on, **TUESDAY, JUNE 24, 2014**, in Council Chambers at 7:15 p.m. Workshop Session to start at 7:00 p.m.

Motion: At 10:41 p.m., Action: Adjourn, Moved by Councilman Nierstedt, Seconded by Councilman Martin.

CHRISTINA M. ARIEMMA, Municipal Clerk
Borough of Garwood