

BOROUGH of GARWOOD

Regular MINUTES of the COUNCIL MEETING

June 24, 2014

The Regular Meeting of the Mayor and Council was held in Council Chambers and called to order at 9:45 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 June 10, 2014.

Workshop Session of the Mayor and Council held on June 10, 2014.

Executive Session of the Mayor and Council held on June 10, 2014.

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

COMMUNICATIONS:

- 1) **NEW JERSEY STATE LEAGUE OF MUNICIPALITIES –**
 - a. Mayor's Advisory –
 - i. 06/09/14, RE: League Mini Conference to Address State & Municipal Credit Rating Issues
 - ii. 06/09/14, RE: Interest Arbitration
 - iii. 06/09/14, RE: NJLM Educational Foundation, Inc. - Five Years of Economic Recovery: Where are we and where are we going?
 - iv. 06/09/14, RE: Unauthorized Hotel Reservation Services
 - v. 06/12/14, RE: New Jersey 350th Birthday Celebration: June 22 11am -5pm at the State Capital Complex in Trenton, Rain or Shine!
 - vi. 06/13/14, RE: Father's Day Social Security
 - vii. 06/13/14, RE; SCR-81/ACR-130 Open Space Funding
 - viii. 06/13/14, RE; A-3059/S-1811 Buy American
 - ix. 06/16/14, RE: Red Cross
 - x. 06/18/14, RE; Assembly Passes A-3424, Extension of Interest Arbitration Cap
 - xi. 06/18/14, RE: Important Police/Fire Wage and Hour Decision
- 2) **KAREN MCCARRICK** – 06/10/2014, RE: Displeasure with the Garwood Rocks Street Fair.
RECEIVED AND FILED
- 3) **SANDRA BRUNS** – 06/19/2014, RE: Notice of new position and last full day.
RECEIVED AND FILED
- 4) **GARWOOD RECREATION COMMISSION** – 06/13/14, RE: Minutes of the meeting held on January 12, 2014.
RECEIVED AND FILED
- 5) **GARWOOD LIBRARY BOARD OF TRUSTEES** – 06/19/14, RE; Minutes of the meetings held on 12/04/14, 01/08/14, 03/05/14 and 05/07/14.
RECEIVED AND FILED

ORDINANCES:

INTRODUCTION:

Municipal Clerk read Bond Ordinance 14-11 by title only:

BOND ORDINANCE NO. 14-11

BOND ORDINANCE TO AUTHORIZE THE 2014 ROAD AND DRAINAGE IMPROVEMENT PROJECT IN, BY AND FOR THE BOROUGH OF GARWOOD, IN THE COUNTY OF UNION, NEW JERSEY, TO APPROPRIATE THE SUM OF \$300,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, 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.

Motion: Action: Introduce, **Moved by** Councilman Nierstedt 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. 14-11 was introduced.

COMMITTEE REPORTS

POLICE: Councilman Martin, Chr.

Thank you Mayor.

On behalf of the Mayor and Council the Administrator/Clerk accepted proposals for the purpose of hiring legal counsel for the process of negotiating the 2015 PBA Contract. Proposals were received from the following individuals from the following firms:

Sandro Polledri of AG&L

Stefani Schwartz of SSE C

Alan Roth of Roth D'Aquanni

Matthew Giacobbe of CGAJ

Joseph Hannon of Genova Burns Giantomasi Webster

On Monday, June 16th, the negotiations committee interviewed each prospective attorney that submitted a proposal.

The committee hereby recommends the adoption of Resolution No. 14-231, hiring Matthew Giacobbe of Cleary, Giacobbe, Alfieri, Jacobs, LLC for a cost not to exceed \$10,000, in accordance with the 2014 Municipal Budget and the proposal dated June 11, 2014. After the contract is signed the committee will meet with the attorney to discuss strategies and timeline. Meetings with the PBA will commence early in September.

The Police Committee hereby recommends the adoption of Resolution No. 14-232, appointing Dylan Cosgrove as Patrolman, Class E in Garwood Police Department, effective August 1, 2014 at an annual salary of \$43,608 in accordance with the current PBA contract.

That is all for my report.

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

PUBLIC HEALTH: Councilwoman Todisco

Thank you, Mayor. The Board of Health held its last meeting on June 18th. Brief discussion took place about the rat issue and it was noted that a number of rodent complaints have been coming in recently in Garwood along with other towns as this is generally the season for those complaints. In March, 21 Garwood seniors attended the blood pressure screenings followed by 22 in April and 24 in May. The Health Department still has helmets available for children as it just received shipments in May. An audit in May of the 6th grade student immunization records at Lincoln School showed 100% compliance. In other news, the Health Officer discussed a health ranking by county in NJ that was recently released. Union County was in 10th place out of 21st, which is where we usually fall. The Board introduced an ordinance at their last meeting to set a licensing fee for establishments that would like to sell electronic smoking devices. This is currently not regulated by the State. The annual fee would be \$200. Westfield and Cranford just passed the same ordinance as did Summit, but Summit set the fee at \$500. Revenue from these fees will go to funding the Tobacco Age of Sale Enforcement Program, which has been totally cut by the State for the past couple years. It will be up for a final vote at the Board's next meeting in September.

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

Brief discussion followed on the subject of in the report. Ms. Ariemma suggested that council review the matter as she feels a fee to Garwood businesses may be addressed to Mayor and Council and not the Board of Health.

STREETS AND ROADS/ECOLOGY: Councilman Nierstedt, Chr. No Report

FIRE: Councilman Mathieu, Chr. No Report

FINANCE: Councilwoman Todisco, Chr.

Thank you, Mayor. The Finance Committee recommends the adoption of Resolutions 14-233 and 14-234 for the operation of a credit card machine by the Court. This is something that has been requested by the Court and the Police Department for some time to make collecting fines more efficient. That's all for my report, Mayor.

Motion: Recommendation therein be adopted **Action:** Approve, **Moved by** Councilman Nierstedt, **Seconded by** Council President Palmer.

There was a brief discussion on which departments will have payment by credit card. Ms. Ariemma said the proposal has the provision for all departments however because of cost, for now the machine will only go in the Municipal Court.

BUILDINGS AND GROUNDS: Councilman Petruzzelli, Chr. No Report

LAWS AND LICENSES: Councilwoman Palmer, Chr.

Tonight there are SEVEN applications for a Raffle Licenses.

The committee recommends the adoption of Resolution No. 14-221, for the application of four **off-premise 50/50 raffle licenses** to be drawn September 14, 2014, December 7, 2014, May 8, 2015 and June 7, 2015, at The Church of St. Anne, 325 Second Avenue, Garwood, NJ, by The Church of St. Anne.

The committee also recommends the adoption of Resolution No. 14-222, 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 16, 2014, at The Westwood, 438 North Avenue, Garwood, NJ, by ST. JOSEPH SOCIAL SERVICE CENTER.

The committee hereby recommends the adoption of Resolution No. 14-226, 14-227, 14-228, 14-229 approving the 2014 Liquor License renewals.

Motion: Recommendation therein be adopted, **Action:** Approve, **Moved by** Councilwoman Todisco, **Seconded by** Councilman Petruzzelli.

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. The new Summer recreation Director is Dana Parkhill. Summer recreation starts June 30th.

That's all for my Report

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

COMMITTEE ON AGING: Council President Palmer

Thank you Mayor

Thursday is the Senior Summer Party being held at the Westwood at noon. They will be having a DJ as well as the annual Hat contest. Also in August 21st is the annual ice cream Sundae party at the firehouse. If you are interested in attending either of those events, please contact Paulette Drogon, or you can always contact me and I'll forward the information.

That is all for my report Mayor.

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

LIBRARY, MAYOR'S REPRESENTATIVE: Mayor Quattrocchi

Summer is here and the Garwood Library has begun its 20th annual Summer Reading Club. 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 began on Monday, June 16th, with log ins of reading beginning yesterday, 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.

The staff would like to remind Garwood's school students that we have set aside the required reading books for the middle school and high school. They will be available all summer and may be placed on reserve if already checked out.

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 except that 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** Council President Palmer

SCHOOL BOARD LIAISON: Councilwoman Todisco No Report

CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON: Councilman Martin No Report

UNION COUNTY AIR TRAFFIC NOISE ADVISORY BOARD REPRESENTATIVE: Councilman Mathieu
Report given by Councilwoman Todisco

Thank you, Mayor. I filled in for Councilman Mathieu since he could not make the meeting last night and oddly enough they mistakenly mailed me the agenda even though I haven't officially been on the Advisory Board in 2 years. The meeting was relatively short and began by electing officers. All three kept their positions: Jerry Feder as Chairman, John Nicolas as Vice Chairman, and Rick Obrock as Secretary. The Board first discussed the pretty surprising development out of the FAA that they are halting the airspace redesign project without giving a particular reason. We also learned that the Port Authority is setting up a meeting for June 30th about a Part 150 noise study of JFK, LaGuardia, Newark, and Teterboro. Chairman Jerry Feder will be attending. The Newark Airport runway closure that has been going on since April and has recently ended was discussed and we determined that it did not appear as though complaints increased due to the closure. We also received an update on the Overlook Hospital helipad issue. It seems as though it has broken off in two main areas. One is that the DOT approved the helipad, but the language in the approval made it appear to be contingent on the City of Summit's approval, which its Zoning Board did not approve. The Summit Council is appealing the DOT's approval itself. On the other hand, Atlantic Health System is appealing Summit's original denial of its application for variances. The next meeting will be in September. That's all for my report, Mayor.

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

ATHLETIC FIELD COMPLEX PROJECT COMMITTEE REPRESENTATIVE:

Thank You Mayor

The monthly construction meeting was held today June 24th at borough hall. In attendance were Borough Administrator, DPW Superintendent, Professionals, and Flanagan's Construction.

Discussion took place on drainage for the baseball field, completing the roof for the main building, kitchen exhaust system, corners for the buildings and railings on the ramp area.

The exterior and interior doors are schedule to arrive June 30th

That's all for my report

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

Councilman Mathieu asked if an updated schedule has been provided. Councilman Petruzzelli said they didn't give a new schedule but perhaps another month. Brief discussion regarding the progress on the site.

OFFICER'S REPORTS:

Chief of Police Bruce Underhill: monthly reports for May 2014.

Municipal Tax Collector Aggie Kurzweil: monthly report for May 2014.

Municipal Court Administrator Martha Marino: monthly report for May 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. 14-221

BE IT RESOLVED, by the Mayor and Council of the Borough of Garwood, in the County of Union, State of New Jersey, that the licenses to conduct four Off Premise 50/50 raffles on September 14, 2014, December 7, 2014, May 8, 2015, June 7, 2015, all to be drawn at Church of St. Anne, 325 Second Avenue, Garwood, NJ at 1:00 p.m. on each occasion, is hereby granted to Church of St. Anne pursuant to RA#1017, RA#1018, RA#1019, and RA#1020.

RESOLUTION NO. 14-222

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 16, 2014, 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#1021, RA#1022 and RA#1023.

RESOLUTION NO. 14-223

BE IT RESOLVED that the ordinance entitled:

"BOND ORDINANCE TO AUTHORIZE THE 2014 ROAD AND DRAINAGE IMPROVEMENT PROJECT IN, BY AND FOR THE BOROUGH OF GARWOOD, IN THE COUNTY OF UNION, NEW JERSEY, TO APPROPRIATE THE SUM OF \$300,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, 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."

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 22ND day of July, 2014, at 7:15 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

RESOLUTION NO. 14-224

WHEREAS, it has pleased Almighty God in his infinite wisdom to take unto himself, on Monday, June 9, 2014, Robert "Bob" B. Froat; and

WHEREAS, Bob lived in Garwood his whole life and served on the Garwood Police Department for 25 years, and retired in 1989 as Lieutenant; and

WHEREAS, Bob served in The United States Military and was a Navy veteran, serving on the USS Intrepid; and

WHEREAS, Bob was a peacemaker, an avid fisherman and enjoyed countless hours by a lake. He enjoyed spending time outdoors with the family; and

WHEREAS, the Mayor and Council of the Borough of Garwood wishes to express their deepest sympathy and condolences to his wife Matilda and the entire family of Robert B. Froat.; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Garwood that this resolution expressing the recognition and appreciation of Bob's citizenry and hard work for the borough be adopted and spread upon the permanent records of the Borough of Garwood; and

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the family of Robert B. Froat.

RESOLUTION NO. 14-225

BE IT RESOLVED, by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorize the Mayor and Municipal Clerk to sign the contract with County of Union, Community Development Block Grant, Year 40, September 1, 2014 to August 31, 2015.

FOR THE FOLLOWING:

Senior Citizen Transportation Program	\$ 3,700.00
Senior Citizen Program	\$13,250.00
Senior Citizen Handyman Program	\$ 3,000.00

RESOLUTION NO. 14-226

BE IT RESOLVED, by the Mayor and Council of the Borough of Garwood, in the County of Union, State of New Jersey, that renewal Plenary Retail Consumption Licenses be granted to the following, said Licenses to be effective July 1, 2014 and to terminate June 30, 2015.

2006-33-001-006 BPC RESTAURANT MANAGEMENT, LLC, a Limited Liability Co., t/a The Station Bar & Grill, for the premises at 95-99 Center Street, Garwood, New Jersey.

2006-33-004-003 THE GARWOOD REST, INC., a Business Corporation of New Jersey, t/a Garwood Restaurant, for premises at 259 South Avenue, Garwood, New Jersey.

2006-32-006-005 LAXMEE, LLC, a Limited Liability Co., t/a Dittrick's Wines and Liquors, for premises at 2 North Avenue, Garwood, New Jersey. (Broad Package Privilege)

2006-33-007-004 B & D RECREATION, INC., a Business Corporation of New Jersey, t/a Garwood Lanes, for premises at 346 North Avenue, Garwood, New Jersey.

2006-33-011-006 RUDY'S OF GARWOOD, LLC, a Limited Liability Co., t/a Rudy's Ristorante & Pizzeria, for premises at 300 South Avenue, Garwood, New Jersey.

2006-33-012-002 WESTWOOD LANES, INC., a Business Corporation of New Jersey, t/a The Westwood, for premises at 438 North Avenue, Garwood, New Jersey.

2006-33-013-011 ROSEWINE, LLC, a Limited Liability Co., t/a Rosie's Wine Bar, for premises at 514 North Avenue, Garwood, New Jersey.

2006-33-009-007 WGAFFZ, INC., a Business Corporation of New Jersey, t/a The Crossroads, for premises at 78 North Avenue, Garwood, New Jersey.

BE IT RESOLVED that the Municipal Clerk be and she is hereby directed to issue said licenses.

RESOLUTION NO. 14-227

BE IT RESOLVED, by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, that renewal of Plenary Retail Distribution License be granted to the following, said License to be effective July 1, 2014 and to terminate June 30, 2015.

2006-44-002-004 L & J Wine & Liquors, Inc., a Business Corporation, t/a L & J Wines & Liquors, for premises at 109 Center Street, Garwood, New Jersey.

BE IT FURTHER RESOLVED, that the Municipal Clerk be and she is hereby directed to issue said license.

RESOLUTION NO. 14-228

BE IT RESOLVED, by the Mayor and Council of the Borough of Garwood, in the County of Union, State of New Jersey, that renewal Club Licenses be granted to the following, said Licenses to be effective July 1, 2014 and to terminate June 30, 2015.

2006-31-014-001 Columbian Club of Garwood-Cranford, Inc., t/a Garwood Knights of Columbus, for premises at 37-43 South Avenue, Garwood, New Jersey.

BE IT FURTHER RESOLVED, that the Municipal Clerk be and she is hereby directed to issue said license.

RESOLUTION NO. 14-229

WHEREAS, the State of New Jersey, Department of Law & Public Safety, Division of ABC, has granted a special ruling pursuant to N.J.S.A. 33:1-12.39; for the 2013/14 and 2014/15 license terms to:

License #2006-33-005-007
Polyak, Joseph M
No Premises
Mailing Address:
17 Ginesi Drive
Clark, NJ 07066

BE IT RESOLVED by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, hereby renews the Plenary Retail Consumption License for:

License #2006-33-005-007

License Period: Effective July 1, 2014 to June 30, 2015

BE IT FURTHER RESOLVED that the Municipal Clerk be and she is hereby directed to comply with the special ruling.

RESOLUTION NO. 14-230

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 24th, day of June 2014, 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 2014 taxes, in accordance with the provisions of N.J.S.A. 54:4-66.2 et seq.
2. The entire estimated tax levy for 2014 is hereby set at \$16,769,219.04
3. The estimated tax rate for 2014 is hereby set at 8.961

RESOLUTION NO. 14-231

WHEREAS, the Mayor and Council of the Borough of Garwood desire to contract for Professional Labor Attorney Services to provide Legal Counsel and other legal services to the Borough specifically related to the contract negotiations for the PBA #117; and

WHEREAS, the Mayor and Council of the Borough of Garwood posted in accordance with law and received proposals on June 12, 2014 under a fair and open process in accordance with P.L. 2004, c.19, as amended by P.L. 2005, c.51; and

WHEREAS, the said Governing Body has 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 Mayor and Council of the Borough of Garwood:

1. That the Mayor and Borough Clerk be and are hereby authorized and directed to execute an agreement with Matthew Giacobbe, Esq., of Cleary, Giacobbe, Alfieri, Jacobs, LLC, 169 Ramapo Valley Road, Upper Level 105, Oakland, NJ 07436, for the provision of professional labor attorney services for the Borough of Garwood; and
2. That said Contractor shall receive fees not to exceed \$10,000 in accordance with the 2014 Municipal Budget in accordance with the proposal dated June 11, 2014; and
3. 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
4. That the Borough Clerk is hereby authorized and directed to publish a copy of this notice as required by law.

RESOLUTION NO. 14-232

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

Dylan Cosgrove
72 Hutchinson Street
Clark, NJ 07066

As Patrolman Class E in the Garwood Police Department, effective August 1, 2014, at an annual salary of \$43,608 in accordance with existing P.B.A. contract.

BE IT FURTHER RESOLVED that he will be on probation for a period of one year.

RESOLUTION NO. 14-233

**RESOLUTION OF THE BOROUGH OF GARWOOD, COUNTY OF UNION, STATE OF NEW JERSEY,
AUTHORIZING THE ACCEPTANCE OF CREDIT CARD PAYMENTS FOR THE OLLECTION OF TAXES AND
MUNICIPAL COURT FEES IN ACCORDANCE WITH THE PROVISIONS OF N.J.A.C.5:30-9.1**

WHEREAS, the Department of Community Affairs, Division of Local Government Services has promulgated regulations, N.J.A.C. 5:30-9.1 et seq., authorizing municipalities to accept credit card payments in accordance with the provisions of the Administrative Code, and in regard to transactions related to municipal court, pursuant to the Rules of the Court promulgated by the New Jersey State Supreme Court; and

WHEREAS, in order for a municipality to accept credit card payments, a resolution must be adopted by the governing body authorizing the same and stating the type of obligations which can be paid by electronic receipt and the types of electronic receipt that will be permitted; and

WHEREAS, it is the desire of the Mayor and Council to authorize the payment of municipal tax bills, municipal court fees and fines, bail and other fees, costs or payments associated with the operation of the municipal court, tax, finance and police departments; and

WHEREAS, it is the intention of the Mayor and Council to authorize the Municipal Court Office, Tax Collector's Office, Finance Department and the Police Department to accept payment by credit cards for those fees, costs, or other payments associated with that department as set forth above; and

WHEREAS, the utilization of credit cards for payment of these taxes, fees, costs, or fines must be in accordance with the provisions of N.J.A.C. 5:30-9.1 et seq., and in regard to the municipal court, in compliance with the Rules of the Court adopted by the New Jersey Supreme Court.

NOW THEREFORE BE IT FURTHER RESOLVED by the Governing Body of the Borough of Garwood, County of Union, State of New Jersey, as follows:

1. That the Mayor and Council do hereby authorize the Tax Collector's Office and Finance Department to accept credit card payments for the payment of tax bills.
2. That the Mayor and Council authorize the Municipal Court Office to accept credit card payments for the Payment of municipal court fees, fines, and such other payments that may be due the municipal court. The Mayor and Council do further authorize the Police Department to accept credit card payment of bail and such other payments that are made to the Municipal Court as the Police Department is authorized to accept.
3. That the use of credit cards for payment is subject to the provisions of N.J.A.C. 5:30-9.1 et seq. In regard to the Municipal Court and the Police Department, where the Police Department is accepting payments require by the Municipal Court, these payments are subject to the provisions of N.J.A.C. 5:30-9.1 et seq., as well as the rules of the Court adopted by the New Jersey Supreme Court, and such guidelines as the Supreme Court may adopt in regard to the acceptance of credit card payments for municipal court obligations.

RESOLUTION NO. 14-234

WHEREAS, the Borough of Garwood advertised and received proposals for the furnishing of electronic credit/debit card and payment card services according to the competitive process for such services; and

WHEREAS, one Proposal was received and opened on June 19, 2014; and

WHEREAS, certain fees related to this service can be recovered from service users through a per/transaction convenience fee, except fines/costs paid to the Municipal Court per Administrative Code and Rules of the Court; and

WHEREAS, one vendor, Platinum Choice Bankcard, responded in the proper form with rates as follows:

SERVICE	FEE
Card Service Rate:	Interchange cost + .10 cents
Transaction Fee:	.10 cents / transaction
Application Fee/Set Up Fee:	\$99.00
Annual Fee:	\$79.00
Monthly minimum billing fee:	\$25.00
Chargeback handling fee:	\$25.00
Monthly statement fee:	\$10.00
Monthly IRS Regulatory Fee	\$8.95
Annual PCI compliance Fee:	\$99.00

NOW THEREFORE BE IT RESOLVED, the Council of the Borough of Garwood hereby awards this contract to Platinum Choice Bancard and authorize the Mayor and Municipal Clerk to sign the contract documents necessary to effectuate the award of this contract.

Councilman Nierstedt made a motion to remove Resolution No. 14-235. A second wasn't called for.

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

RESOLUTIONS DELETED OR REMOVED FROM THE CONSENT AGENDA:

RESOLUTION NO. 14-235

WHEREAS, an application has been filed by Javier Bautista, 258 Second Avenue, FL 1, Garwood, New Jersey, for a limousine/livery service vehicle license; and

WHEREAS, the submitted vehicle license application form is complete in all respects, the fees have been paid, and a favorable recommendation has been provided by the Chief of Police; and

WHEREAS, the applicant has complied with the provisions of N.J.S.A. 48:16-13 et seq. with respect to proof of insurance and delivery of power of attorney; and

WHEREAS, Mr. Bautista has also filed an application for a limousine/livery driver's license required by the Borough of Garwood; and

WHEREAS, no additional applications for a limousine/livery driver's license have been filed, which indicates that Mr. Bautista will be the sole driver of said vehicle for the purpose of providing limousine/livery services; and

WHEREAS, the submitted driver's license application form is complete in all respects, the fees have been paid, and a favorable recommendation has been provided by the Chief of Police; and

NOW, THEREFORE BE IT RESOLVED that the Council of the Borough of Garwood does hereby approve, effective June 24, 2014, the issuance of a limousine/livery service vehicle license for Javier Bautista for a license term ending December 31, 2014.

Motion: Action: Adopt Resolution No. 14-235, Moved by Council President Palmer, Seconded by Councilman Martin.

Discussion: Councilman Nierstedt said he will not approve this resolution because it violates zoning law. Councilwoman Todisco asked Mr. Renaud for his opinion. He said this is a license for one vehicle which is a passenger vehicle. He provided further information on the matter, including examples. There was lengthy discussion.

Vote: Motion passed (**summary:** Yes = 5, No = 1, Abstain = 0).

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

No: Councilman Nierstedt.

Resolution No. 14-235 was adopted.

Ms. Ariemma read Resolution 14-236

RESOLUTION NO. 14-236

WHEREAS, an emergency has arisen with respect to repair/replacement of damaged leaking roof over the Municipal Court Office and Police Department, also replacement of water damaged carpet in offices and no adequate provision was made in the 2014 budget for the aforesaid purpose and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$70,000.00 and three (3) percent of the total operating appropriations in the budget for 2014 is \$205,850.00; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2014; and

NOW, THEREFORE BE IT RESOLVED, by 2/3 of all governing body members affirmatively concurring that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for Roof Repair, Buildings & Grounds, Contractual Services in the amount of \$70,000.00
2. That said emergency appropriation shall be provided for in full in the 2015 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1)
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

Motion: Action: Adopt Resolution No. 14-236, **Moved by** Councilman Petruzzelli, **Seconded by** Councilwoman Todisco.

Discussion: Councilman Nierstedt asked for more estimates and asked if this amount is worst case scenario. Discussion followed. Ms. Ariemma said more estimates are pending.

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. 14-236 was adopted.

Ms. Ariemma read Resolution 14-237

RESOLUTION NO. 14-237

WHEREAS, an emergency has arisen with respect to repair/replacement of traffic light station, pole, fixture and accessories at the corner of South Avenue and Center Street in the Borough of Garwood and no adequate provision was made in the 2014 budget for the aforesaid purpose and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$40,000.00 and three (3) percent of the total operating appropriations in the budget for 2014 is \$205,850.00; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2014; and

NOW, THEREFORE BE IT RESOLVED, by 2/3 of all governing body members affirmatively concurring that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for South Avenue Traffic Light, Buildings & Grounds, Contractual Services in the amount of \$40,000.00
2. That said emergency appropriation shall be provided for in full in the 2015 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1)
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

Motion: Action: Adopt Resolution No. 14-237, **Moved by** Councilman Martin, **Seconded by** Councilman Nierstedt.

Discussion: Councilman Nierstedt asked questions about the traffic light and the process.

Vote: Motion carried by roll call vote (**summary:** Yes = 6, No = 0).

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

Resolution No. 14-237 was adopted.

Ms. Ariemma read Resolution 14-238

Resolution No. 14-238

BE IT RESOLVED that the Council of the Borough of Garwood hereby accepts the proposal from CFO/Treasurer Sandra Bruns for a reduction in salary to \$30,000, without benefits for continued responsibility of the duties of the Office of the Chief Financial Officer and Treasurer in accordance with State Statutes and the Code of the Borough of Garwood.

Motion: Action: Adopt Resolution No. 14-238, **Moved by** Councilman Martin, **Seconded by** Councilwoman Todisco.

Discussion: Councilman Mathieu said that he does not like this arrangement and that the executive session made him very uncomfortable. He claimed to have legal questions that he felt were not answered. He suggested the mayor pursue the procedures committee to stop the clerk from presenting resolutions in this manner. He further suggested that any member that votes yes to this resolution is doing so without knowing the full impact of their vote. He said this is ridiculous and he further reminded everyone that when there are ramifications from their vote that the citizens can go after them because they didn't understand what is happening. Councilwoman Todisco requested the attorney comment regarding on the vote. Mr. Renaud didn't comment, however Ms. Ariemma said, "in defensive of myself regarding the councilman's comments about railroad resolutions, I try very hard to get everything to you before the council meeting. There are times when things come to me in between that time and I cannot get them to you before Friday, however if I don't tell you and don't advise you of the situation and then you find out and you say to me, Ms. Ariemma why didn't you tell us, I'm going to say because I was afraid of Councilman Mathieu accusing me of railroading resolutions. You have to understand that I have a responsibility as your administrator and municipal clerk and I will not... I try not to give you resolutions like this because I do feel that there is a lot in front of you to take in and make a decision on however that is your responsibility as elected officials because I can't make these decisions, they have to be done by you and if you don't have the information in front of you then I am being remiss in my responsibilities. This is not me railroading you or seducing you or tricking you, this is me being responsible to my responsibility." Councilwoman Todisco said we were made aware of this situation in our Friday mail packet and that it wasn't dropped on us a couple of hours ago or earlier today. Councilman Martin suggested that Councilman Mathieu has said too much in open session regarding the matters in executive session and he further suggested that Mr. Renaud not comment on the previous question asked. Mr. Renaud said he was not going to comment unless someone has a specific question. Council President Palmer said she is clear on what she is voting on and Councilman Martin suggested the council vote. Councilwoman Todisco asked Mr. Renaud if council is acting improper by voting on this resolution. Mr. Renaud said that this is not his decision to make and that there is not anything illegal in voting for the resolution and that it is not an improper resolution. He further stated that like the Administrator said, these are your decisions, not ours.

Vote: Motion carried by roll call vote (**summary:** Yes = 5, Abstain = 1, No = 0).

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

No: Councilman Mathieu abstain
Resolution No. 14-238 was adopted.

Ms. Ariemma read Resolution 14-239

Resolution No. 14-239

BE IT RESOLVED by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, that the FIRST regular meeting for the month of July 2014, scheduled for July 8, 2014, is hereby canceled.

BE IT FURTHER RESOLVED that the next meeting of the Mayor and Council will be held on July 22, 2014.

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

Discussion: Councilman Mathieu expressed his objection to canceling the next meeting because he feels there are too many pending issues before council. There was brief disagreement among council members on the matter and it was suggested council just vote instead of continuing to discuss. A vote was called for.

Vote: Motion passed (**summary:** Yes = 4, No = 2, Abstain = 0).

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

No: Councilman Mathieu, Councilwoman Todisco.

Resolution No. 14-239 was adopted.

NEW BUSINESS:

Any new business the Mayor and Council may have:

APPOINTMENTS:

Ryan Palmer-Municipal Alliance / Term expires 12/31/2014

Joanne Tharaldsen-Municipal Alliance / Term expires 12/31/2014

Appointment of Residential/Commercial Parking Investigation Committee

Council President Palmer, Laws and License

Councilman Petruzzelli, Police Committee

Kathleen Villaggio, Planning Board Member

Sergeant Mario Morelli, Traffic Safety Officer

Robert Ehrenbeck, Transportation on Advisory Committee

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** 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.

ADJOURNMENT

The Workshop Session and Regular Meeting of the Mayor and Council scheduled for, **TUESDAY, JULY 8, 2014**, is hereby canceled.

The Next Regular Meeting of the Mayor and Council will be held on, **TUESDAY, JULY 22, 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 BOND ORDINANCE NO. 14-11 ON TUESDAY, JULY 22, 2014, AT 7:15 P.M. OR SOON THERE AFTER.

Motion: Action: At 10:51 p.m., adjourn, **Moved by** Council President Palmer, **Seconded by** Councilwoman Todisco.

CHRISTINA M. ARIEMMA, Municipal Clerk
Borough of Garwood