

# BOROUGH of GARWOOD

## *Regular MINUTES of the COUNCIL MEETING*

July 14, 2015

The Regular Meeting of the Mayor and Council was held in Council Chambers and called to order at 7:25 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 Robert Renaud.

### **MINUTES:**

Regular Meeting of the Mayor and Council held on June 23, 2015.

Workshop Session of the Mayor and Council held on June 23, 2015.

**Motion: Action:** Approve, **Moved by** Councilwoman Todisco **Seconded by** Councilwoman Tarantino

### **COMMUNICATIONS:**

- 1) **NEW JERSEY STATE LEAGUE OF MUNICIPALITIES –**
    - a. Mayor's Advisory –
      - i. 06/22/15, RE: A. Weekly Policy Update B. Regional Coastal Resiliency Grants Program
      - ii. 06/23/15, RE: Federal Update
      - iii. 06/23/15, RE: Niagara Bottled Water Recall Information
      - iv. 06/24/15, RE: Important Legislative Update
      - v. 06/25/15, RE: Sunset of certain provisions of c. 78 Pension and Healthcare Reforms
      - vi. 06/25/15, RE: Weekly Policy Update
      - vii. 06/30/15, RE: New NJ Taxpayer's Dollar Demonstrates Need for Property Tax Relief and Reform
      - viii. 07/02/15, RE: League of Municipalities Appoints New Executive Team
      - ix. 07/06/15, RE: Weekly Policy Update
  - 2) **UNION COUNTY BOARD OF CHOSEN FREEHOLDERS** – 06/23/15, RE: Ordinances 0765-2015 and 0766-2015.
  - 3) **BRUCE PATERSON** – 06/30/15, RE: My concerns on DPW
  - 4) **KEITH SLUKA** – 07/08/15, RE: Letter in support of the Shared Service
  - 5) **RAHWAY VALLEY SEWERAGE AUTHORITY** – 06/23/15, RE: Approved minutes of the meeting held on May 14, 2015.
  - 6) **GARWOOD PLANNING BOARD** – 06/26/15, RE: Minutes of the meeting held on May 27, 2015
- ALL WERE RECEIVED AND FILED**

### **ORDINANCES:**

Public Hearing on Ordinance 15-12 and 15-13 as advertised in the Westfield Leader on July 2, 2015.

Municipal Clerk read Ordinance 15-12 by title only:

#### **ORDINANCE NO. 15-12**

**AN ORDINANCE FIXING SALARIES AND WAGES OF CERTAIN OFFICIALS AND EMPLOYEES OF THE BOROUGH OF GARWOOD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY.**

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

**SECTION 1.** The following named officials and employees of the Borough of Garwood shall be entitled to an annual salary or wages hereinafter set forth opposite each respective classification:

	S A L A R Y	R A N G E
<b>POSITION</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
Accounts Payable Clerk – Part time	17 ph	22 ph
Accounts Payable Clerk	35,000	41,000
Administrator/Municipal Clerk	85,000	100,000
Board of Health Secretary	1000	1500
Board of Health Licensing Official	1500	1800
Chief Financial Officer/Treasurer/Assistant Administrator	78,000	88,000
Clerk/Stenographer	37,000	42,000
Clerk/Typist/Payroll Part Time	17.00 per hour	23.00 per hour
Council Members (6)	1,500	2,000
Deputy Tax Collector/Tax Search Officer	39,000	44,000
Fire Safety Inspectors	17.00 per hour	23.00 per hour
Mayor	1,800	2,200
Municipal Alliance Coordinator	3,500	7,500
Municipal Court Administrator	42,000	50,000
Municipal Engineer	14,495	14,495
Municipal Judge	18,000	23,000
Network Administrator Police Computers	2,500	3,500
Office of Emergency Management/Secretary	200	500
Office of Emergency Management/Director	1,000	5,000
P/T Clerical Municipal Office	8.38 per hour	12.00 per hour
P/T Deputy Court Administrator	14.00 per hour	18.00 per hour
P/T Tax Collector	2,000	2,300
Planning Board Planner/Engineer	2,000	5,000
Planning Board Secretary	11,000	14,000
Police Chief	120,000	132,000
Recreation Aides	8.38 per hour	15.00 per hour
Recreation Director	6,000	10,000
Recreation Director/Summer Program	21.00 per hour	26.00 per hour
Recreation Supervisors	9.00 per hour	20.00 per hour
Registrar of Vital Statistics	4,000	5,200
School Crossing Guards	13.00 per hour	17.00 per hour
Seasonal Help DPW	9.00 per hour	13.00 per hour
Senior Citizen Bus Driver	19.00 per hour	23.00 per hour
Senior Citizen Director	5,000	9,000
Senior Citizen Handyman	17.00 per hour	20.00 per hour
Shade Tree Officer	4,000	6,000
Special Police Officer, Matron – Class “C”	12.00 per hour	18.00 per hour
Superintendent of Public Works/Recycling Coordinator	70,000	78,000
Tax Assessor Part-time	12,000	15,000
Tax Collector	50,000	58,000
Zoning Code Review Official	8,000	13,000
Zoning Code Enforcement Official	6,000	10,000

	S A L A R Y	R A N G E
<b>POSITION</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
Police Dispatcher: RANGE	26,163	46,500
Probationary	26,163	26,163
Class IV	27,341	27,341
Class III	28,825	28,825
Class II	30,309	30,309
Class I	31,793	31,793

**SECTION 2.** The salaries fixed pursuant to Section 1 hereof for the Borough Tax Collector, Treasurer, Assessor, Judge, Engineer, Borough Clerk, Police Chief, Superintendent of Public Works and Court Administrator shall be in lieu of all fees which may be collected by said Officer or Employees and all said fees shall be turned over to the Borough Treasurer.

**SECTION 3.** The salaries and wages provided for in Section 1 hereof shall be payable bi-weekly unless otherwise ordered by resolution of the Mayor and Council.

**SECTION 4.** The within salaries shall be retroactive and take effect January 1.

**SECTION 5.** All ordinances or parts of ordinances inconsistent herewith shall be and they are hereby repealed.

**SECTION 6.** This ordinance shall take effect at the time and in the manner prescribed by law.

List correspondence concerning Ordinance 15-12. NONE.

Does anyone present wish to be heard concerning Ordinance 15-12?

Bruce Paterson 325 Willow Avenue asked if the Shared Service matter passes will council remove the Superintendent position from this ordinance. Ms. Ariemma replied that not all the positions on that ordinance are filled.

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

**Motion: Action:** ADOPT ORDINANCE 15-12, **Moved by** Councilwoman Tarantino, **Seconded by** Councilwoman Todisco

**Discussion: NONE.**

**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. 15-12 was adopted.

Municipal Clerk read Ordinance 15-13 by title only:

**ORDINANCE NO. 15-13**

**AN ORDINANCE TO AMEND ARTICLE XII (COMMUTER PARKING) IN CHAPTER 21 (TRAFFIC AND PARKING) OF THE REVISED ORDINANCES OF THE BOROUGH OF GARWOOD, 1974, TO ESTABLISH A COMMUTER PARKING AREA AT BLOCK 211, LOT 3 AND TO ESTABLISH REGULATIONS THEREFOR.**

**BE IT ORDAINED by the Mayor and Council of the Borough of Garwood:**

**SECTION 1.** Article XII (Commuter Parking) in Chapter 21 (Traffic and Parking) of the Revised Ordinances of the Borough of Garwood, 1974, is hereby amended by amending § 21-20, § 21-21 and § 21-22 to read as follows:

**ARTICLE XII. COMMUTER PARKING**

**§ 21-20. Establishment of commuter parking areas.**

Commuter parking areas as regulated herein are hereby established as follows:

- A. No change
- B. No change
- C. On part of Block 211, Lot 3 on the Tax Map of the Borough of Garwood, commonly known as the upper Burger King parking lot. Said commuter parking area is more particularly described in a Parking Space Lease Agreement between the Borough of Garwood and Parade Enterprises LLC, which Agreement is on file in the Office of the Borough Clerk.

**§ 21-21. Description of parking area.**

A. The commuter parking areas shall consist of the following:

- (1) No change.
- (2) No change.

(3) At Block 211, Lot 3, commonly known as the upper Burger King parking lot, on the 34 parking spaces provided for in the Parking Space Lease Agreement between the Borough of Garwood and Parade Enterprises LLC, which Agreement is on file in the Office of the Borough Clerk, which parking spaces shall be so designated by the Chief of Police by appropriate signage.

Said parking spaces shall be clearly marked for permit parking only.

- B. No change.

**§ 21-22. Regulations for commuter parking by permit.**

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. The permit fee shall be as follows:

(1) For Garwood residents:

- (a) No change.
- (b) No change.

(c) At Block 211, Lot 3 on the Tax Map of the Borough of Garwood, commonly known as the upper Burger King parking lot, \$75 per quarter.

(2) For nonresidents:

- (a) No change.
- (b) No change.

(c) At Block 211, Lot 3 on the Tax Map of the Borough of Garwood, commonly known as the upper Burger King parking lot, \$100 per quarter.

(3) Lost tag fee/replacement tag: \$25.

- F. No change.

- G. No change.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

**SECTION 4.** This ordinance shall take effect upon final passage and publication in accordance with law.

**SECTION 5.** The Chief of Police is hereby authorized and directed to post appropriate signs.

List correspondence concerning Ordinance 15-13. NONE.

Does anyone present wish to be heard concerning Ordinance 15-13?

Bruce Paterson 325 Willow Avenue asked council to explain the ordinance. Councilwoman Tarantino explained this ordinance sets the rate for commuter parking spaces at Burger King.

R. McCormick 101 Fourth Avenue asked if this arrangement is an expense to the taxpayers. Councilwoman Tarantino said no, the commuter pays for the parking; also this arrangement brings in revenue because the borough leases the spaces for more than they cost.

Michelle Abbaticola 557 Willow Avenue asked if Garwood residents get first choice at the spaces. Councilwoman Tarantino said spaces are available for Garwood and non-Garwood residents.

Evelyn Archibald 520 Spruce Avenue asked if the owner of Burger King is aware of this arrangement. Councilwoman Tarantino said the borough has a signed lease with Burger King.

Andrew Blumenstock 315 Spruce Avenue commented on commuter parking matters and Councilwoman Tarantino and Council President Nierstedt responded.

John Lies 229 Third Avenue mentioned the storage of parking at the senior housing complex. Councilwoman Tarantino responded that the spillover of cars will park on the street. Council President Nierstedt said that adequate parking was provided for in the development.

Valerie Delevante 410 Oak Street said people are in the hallway and can't hear and can't participate. She asked council to move the meeting to the school. Mr. Renaud advised the meeting cannot be moved as it was not noticed that way.

Donald Mutz 647 Myrtle Avenue asked the capacity of the room. No one including the Chief of Police knew the answer. The Chief of Police notified the Fire Chief who came to the meeting and asked that exists not be blocked for emergency purposes.

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

**Motion: Action:** ADOPT ORDINANCE 15-13, **Moved by** Councilwoman Tarantino, **Seconded by** Councilwoman Todisco

**Discussion: NONE.**

**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. 15-13 was adopted.

#### **INTRODUCTION:**

Municipal Clerk to read Ordinance 15-14 by title only:

##### **ORDINANCE NO. 15-14**

**AN ORDINANCE PROVIDING FOR THE COMPENSATION OF REGULAR POLICE OFFICERS OF THE BOROUGH OF GARWOOD.**

**Motion: Action:** INTRODUCE ORDINANCE 15-14, **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. Ordinance No. 15-14 was introduced.

Municipal Clerk to read Ordinance 15-15 by title only:

##### **BOND ORDINANCE NO. 15-15**

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF GARWOOD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$395,000 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, 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.**

**Motion: Action:** INTRODUCE ORDINANCE 15-15, **Moved by** Councilman Petruzzelli, **Seconded by** Councilwoman Todisco

**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. 15-15 was introduced.

#### **COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:**

**POLICE:** Councilwoman Tarantino, Chr.

1. Chief Underhill is proud to announce that Captain Stoffer has been promoted to a "Team Leader" position with the Union County SWAT Team. He now holds one of three leadership posts with the SWAT team and is directly responsible for the units Snippers and Breaching team. As a senior member of the unit, he has responded to numerous "situations" over the years and has been recognized for his distinguished service on several occasions. He brings back a wealth of knowledge, training and resources to our agency and we congratulate him on a job well done!
2. Chief Underhill also reports that Lieutenant James Wright applied for and received a grant to fund the purchase of two Defibrillator units. This Grant was obtained through the Statewide Insurance Fund with which we are a part of. Additionally, two metal protective display cases were obtained at no cost, through the Military LESO program which will allow these AED units to be hung on a wall and prominently displayed. One unit will be placed in main hallway here at Borough Hall and the other will be placed at the Sports and Athletic Field Complex.
3. Regarding other Grants, we are still waiting to hear back about funding for two solar powered Speed Signs to be placed on Fourth Avenue. This grant also covers two solar powered stop signs for Spruce and West. We were expecting to hear back by June of this year but we will keep council posted as soon as we know more.

**PUBLIC HEALTH: Council President Nierstedt**

The board has scheduled a special hearing tomorrow to review violations at a local restaurant. Their next regularly scheduled meeting is September 16.

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

**FIRE: Council President Nierstedt, Chr.**

Thank you Mayor. The Garwood Fire Department responded to 12 incidents in the month of June constituting 132 man hours. Also, 35 man hours for meetings, 46 man hours for drills. The department visited the Village at Garwood senior housing and performed hydrant hook-ups to yard hydrants and hose evolutions at the Point, from both Maple and Chestnut Streets. Extra duty for June included driver training and pump drills for a total of 44 man hours and public service at Garwood Rocks for a total of 140 man hours. That is all for my report.

**FINANCE: Councilman Petruzzelli, Chr. NO REPORT**

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

**LAWS AND LICENSES: Councilman Martin, Chr.**

Tonight there are 3 applications for Raffle Licenses.

The Laws & License Committee recommends the following:

The adoption of Resolution No. 15-219, for the application of three **on premise 50/50 raffle licenses**, to be drawn on November 11, 2015, March 9, 2016 and June 1, 2016, at The Westwood, 438 North Avenue, Garwood, NJ, by UNION CATHOLIC REGIONAL HIGH SCHOOL.

That is all for my report Mayor.

**RECREATION: Councilwoman Todisco Chr.**

Thank you, Mayor. Summer Recreation is underway and off to an incredible start. Over 100 children signed up this summer and the program averaged over 75 children per day for the first two weeks. The Recreation Complex is working out very well as the children have much more space to play and do activities from the basketball courts to the playground. Recreation added a 5<sup>th</sup> trip this year. The children went bowling last week. They will be going to a Somerset Patriots game tomorrow. They also have trips to Trailside, Cranford Canoe Club, and Turtleback Zoo this summer. The annual Senior Citizen Dinner will be Saturday, August 15<sup>th</sup> from 1pm to 4pm at the Knights of Columbus, not August 16<sup>th</sup> as previously reported. The theme will be Senior Game Day. That's all for my report, Mayor.

**COMMITTEE ON AGING: Councilwoman Tarantino**

Thank you Mayor

The Senior Citizens had their annual picnic at the Garwood Sports and Rec Complex on June 25<sup>th</sup>. It was a great day outdoors, games and music was played. Prizes were given out. Besides myself, Councilwoman Todisco and Council President Nierstedt made an appearance as well as the Mayor and his wife. It was a very successful picnic and a great time was had by all.

The next Senior Meeting will be held Thursday, July 16<sup>th</sup>.

**LIBRARY, MAYOR'S REPRESENTATIVE: Councilman Petruzzelli**

Maryanne Duffy officially became the new Director of the Library, July 1, 2015. The transition is going smoothly thanks to the preparation, training and continued assistance provided by Carol Lombardo, the retired Director.

Summer events at the Garwood Public Library include its 21st annual Summer Reading Club. One hundred and thirty two children are registered for the club, themed "Every Hero has a Story". It is open to all Garwood children, from pre-reader through grade 8. All participants are requested to log in the amount of time that they read to be eligible for prizes and surprises at the end of the program. The grand prize this year is 4 tickets to Great Adventure. The calendar logs and instructions are available at the Circulation Desk of the Library. The last day to log in is August 7<sup>th</sup>.

There will be craft events on July 7, 14, 21, 28, and August 4, all Tuesdays at 3:00 PM, for children who have completed 2<sup>nd</sup> grade and older. Registration is required as space is limited to 20 youngsters.

Movies for kids will be shown on Thursday afternoons at 2:00 PM on July 2, 9, 16, 23, and 30<sup>th</sup>. Registration is not required to attend the movies, however, any child eight years and younger must be accompanied by an adult caregiver. Movie goers may bring their own snacks and drinks in closeable containers.

Toddler story-time will take a break during the summer and resume after Labor Day on September 16<sup>th</sup>. The Monday book club will resume its meetings on Monday, September 21<sup>st</sup>. The Thursday book club will continue to meet through the summer on the first Thursday of the month at 7:00 PM.

Summer hours for the library began on Monday, June 30<sup>th</sup>. 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

At the Board of Education's June 25<sup>th</sup> meeting they unanimously adopted a new three-year contract with the Garwood teachers union approving a 7.5% increase over the length of the deal. The board approved \$84,800 for construction of a lavatory out of an existing storage room on the second floor of Lincoln School.

**CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON:** Council President Nierstedt

The movie for "Under the Stars" on September 18 at Washington School is still Paddington Bears'. This year's sponsors are the Greater Westfield Area Chamber of Commerce, the Greater Westfield Ares YMCA, the Garwood branch of Spencer Savings bank and the Borough of Garwood. We hope to see everyone there.

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

Councilman Mathieu *NO REPORT*

**PARKING COMMITTEE:** Councilwoman Tarantino

The Parking Committee has met a few times and had several discussions on the open issues. We have also met with Gene Kobliska of the First Aid Squad to get official permission of use of the First Aid Squad lot as parking for the BOE faculty and staff. The committee feels confident that we have resolved successfully all issues but one that is keeping us from making a recommendation to council on the Residential Permit Parking Ordinance. The members of the committee cannot come to an agreement on this one issue so at this time I recommend that we have an open discussion on this issue at the first meeting in August. I will explain the situation in detail at that time.

That is all for my report Mayor

**POLICE NEGOTIATIONS COMMITTEE:** Councilwoman Tarantino *NO REPORT*

**ADMINISTRATIVE REVIEW COMMITTEE:** Councilwoman Tarantino

Thank you, Mayor. The Administrative Review Committee met last Thursday after two informational sessions open to the public to learn more about the proposed shared service agreement with the Borough of Fanwood. As I understand there are some in the audience tonight that were unable to attend the last Council meeting or two informational sessions, please allow me to explain the proposal.

This shared service agreement would be for equipment, cooperative bidding and administrative duties.

In terms of equipment, we would benefit from using their sewer jet, street sweeper, bucket truck, recycling center, portable compressor for sewer and street repair, and crack seal machine. This saves Garwood hundreds of thousands of dollars in capital expenses.

We would also be able to go out for bid together, with the goal of getting better rates for the two towns by having greater economies of scale.

Currently, we have a full-time Superintendent of the DPW. If this agreement passes, then that position would become part-time and Fanwood's current Superintendent would fill that role here in Garwood. The agreement states that Fanwood's Superintendent would put in 15 hours per week for the first month and 10 hours per week for the months after that. It is very important to note that until Garwood needed to comply with an unfunded state mandate in 2003, Garwood's DPW successfully operated without a Superintendent, instead we utilized a foreman-laborer system.

This agreement, if passed, would save Garwood \$70,000 per year even after paying Fanwood \$40,000 per year, in addition to saving hundreds of thousands of dollars by sharing equipment.

There are rumors floating around that need to be dismissed as well. If this shared service agreement is made, the same DPW laborers will continue to pick up garbage, repair potholes, plow snow, landscape Borough properties, and so forth. The level of service to Garwood residents will NOT decline. This agreement would NOT mean that Garwood's DPW would report to Fanwood. They would continue to report to Garwood. They would report to their foreman and Superintendent as they presently do, with a part-time Superintendent in that role. The new Superintendent will report to the Garwood Borough Administrator as well as the Garwood Mayor and Council. In order to ensure proper contract management, the Superintendent will report to Garwood's Borough Administrator daily and meet with the Streets and Roads committee regularly as well as be available to attend meetings of the Mayor and Council.

Although I know talk of change is always difficult, this agreement would not result in a decline in DPW services to Garwood residents. Residents are concerned with costs rising and the Committee wants to make the Borough more efficient in order to provide residents the services they have come to expect at the best possible price. With that said, the Committee made up of the Mayor, Councilwoman Todisco, Borough Administrator, CFO, and myself unanimously recommends the Council adopt resolutions 15-230 and 15-231 tonight to enable Garwood to enter into this shared service agreement with Fanwood.

That's all for my report, Mayor.

**HISTORICAL COMMITTEE:** Councilwoman Todisco *NO REPORT*

**OFFICER'S REPORTS:**

Chief of Police Bruce Underhill: Monthly report for May 2015

Municipal Tax Collector Aggie Kurzweil: monthly report for June 2015

Municipal Court Administrator Martha Marino: monthly report for June 2015

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

**PUBLIC COMMENT:**

Valerie Delevante, 410 Oak Street expressed her reasons why Garwood should not have a shared service Fanwood. She mentioned businesses in Garwood should be taxed. Also mentioned this agreement should be up for vote by the public and the actual agreement should be available for the public.

212 Second Avenue expressed his support of keeping Fred Corbitt on staff.

Bill Worprecht, 429 Third Avenue expressed his opposition to the shared service agreement.

Jeff Sylvester, 554 Myrtle Avenue expressed his opposition to the shared service agreement and suggested the Mayor and Council to listen to the public.

Angelo Alimonti, 321 Hemlock Avenue expressed his opposition to the shared service agreement.

Kathleen Patterson, 416 Center Street expressed her opposition to the shared service agreement.

Joe Garritano, 425 Willow Avenue expressed his opposition to the shared service agreement. He mentioned Garwood would come second to Fanwood. He stated this should go before the public for a vote.

Jim Constandi, 653 Myrtle Avenue expressed his opposition to the shared service agreement. He read a note from Joe Sarno expressing his concerns with the agreement and with wasteful spending in Garwood. Mr. Constandi stated the public should vote on this matter.

John Lies, 229 Third Avenue expressed his opposition to the shared service agreement. He stated Garwood should have a full time CPWM.

Deb Banic, 421 Fourth Avenue expressed her opposition to the shared service agreement.

Michelle Abbaticola, 557 Willow Avenue asked how many towns were looked at before Fanwood was selected. She spoke about taxes rising. She expressed her opposition to the shared service agreement.

Don Mutz, 647 Myrtle Avenue expressed his opposition to the shared service agreement. He stated the job of the people on council is to be a liaison to the residents and keep them informed. He mentioned the town is opening up itself to a potential class action lawsuit by the residents if this vote goes through. He discussed the petition and asked to put this vote on the ballot.

Joe Sarno, 658 Willow Avenue mentioned a possible lawsuit by the DPW Superintendent. He urged everyone to vote no.

David Mullen, 605 Myrtle Avenue expressed his opposition to the shared service agreement.

Steve Greet, 409 Brookside Place stated he supports the shared service agreement.

Joe Garritano, 425 Willow Avenue mentioned the possibility of a lawsuit the cost involved. He stated if this vote goes through the council should resign.

Sal Piarulli, 55 Fourth Avenue expressed his opposition to the shared service agreement. He discussed the petition and mentioned 350 signatures are on the petition. He reported many residents wouldn't sign it for fear of political backlash. He stated Councilwoman Todisco said this could not be put on the ballot. He stated it can be. He stated the council is trying to rush the shared service agreement through.

Bruce Paterson, 325 Willow Avenue discussed the outrage of the residents. He mentioned options the council should consider. He stated some concerns.

Connie Miller, 88 Second Avenue asked about Fanwood's equipment.

Linda Piela, 99 Fourth Avenue expressed her opposition to the shared service agreement.

Don Mutz, 647 Myrtle Avenue again spoke of the opposition to agreement.

June Bургaller, 340 Third Avenue expressed her opposition to the shared service agreement.

## **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. 15-219**

**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 Three Off Premise 50/50 raffles on November 11, 2015, March 09, 2016 and June 1, 2016, all to be drawn at The Westwood, 438 North Avenue, Garwood, NJ at between 6:30 and 9:00 p.m. on each occasion, is hereby granted to Union Catholic High Regional School pursuant to RA#1055, RA#1056 and RA#1057.

#### **RESOLUTION NO. 15-220**

BE IT RESOLVED that the ordinance entitled:

**"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF GARWOOD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$395,000 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, 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."**

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 28<sup>th</sup> day of July, 2015, 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. 15-221**

**BE IT RESOLVED** by the Council of the Borough of Garwood, County of Union, State of New Jersey, hereby authorize the Chief Financial Officer/Treasurer Sandy Bruns to attend the 2015 Annual Conference of the Government Finance Officer's Association of New Jersey from September 16<sup>th</sup> – 18<sup>th</sup>, 2015, at the Sheridan Convention Center in Atlantic City New Jersey.

#### **RESOLUTION NO. 15-223**

**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:

#### **2015 GREENING UNION COUNTY**

#### **RESOLUTION NO. 15-224**

**BE IT RESOLVED**, by the Council of the Borough of Garwood, in the County of Union, State of New Jersey, that the Mayor be and is hereby authorized to sign the Rights-of-Way and Use Agreement for Proposed Temporary Well Point Investigation/Center Street in the public Rights-of-Way with:

***Casale Industries, Inc.***

***490 South Avenue***

***Garwood NJ 07027***

***Russo Development, LLC***

***570 Commerce Blvd.***

***Carlstadt, NJ 07072***

***EcolSciences***

***75 Fleetwood Drive, Suite 250***

***Rockaway, NJ 07866***

***TPI Environmental***

***724 S. 27<sup>th</sup> Street***

***Easton PA 18045***

#### **RESOLUTION NO. 15-225**

**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 \$2,200.00 which item is now available as a revenue from the NJ DIVISION OF HIGHWAY TRAFFIC SAFETY, 2015 CLICK IT OR TICKET PROGRAM, in the amount of \$2,200.00;

**BE IT FURTHER RESOLVED**, that the sum of \$2,200.00 is hereby appropriated under the caption of "2015 CLICK IT OR TICKET PROGRAM".

**RESOLUTION NO. 15-226**

**WHEREAS**, on March 28, 2000, per Resolution No. 00-188, the Mayor and Council of the Borough of Garwood adopted a document entitled, "PURCHASING POLICY AND PROCEDURES MANUAL" which established a policy and procedure to govern the purchase of all materials supplies, services and expenditures exceeding \$100.00; and

**WHEREAS**, on February 24, 2009, per Resolution No. 09-159, and on April 24, 2012, per Resolution No. 12-196, the Mayor and Council of the Borough of Garwood adopted said resolutions amending the document entitled, "PURCHASING POLICY AND PROCEDURES MANUAL" implementing changes and updates; and

**WHEREAS**, the policy requires the elimination of Section 5.1, because it has become non- applicable with the current finance software.

**NOW THEREFORE BE IT RESOLVED** by the Council of the Borough of Garwood approves and adopts the amended document entitled, "PURCHASING POLICY AND PROCEDURES MANUAL", amended July 14, 2015; and

**BE IT FURTHER RESOLVED** that this policy becomes effective immediately and a copy of this resolution and policy be distributed to all Department Heads to insure all personnel follow procedures contained in this policy and cooperate fully with the Borough Administrator/Clerk and the Chief Financial Officer/Treasurer/Assistant Borough Administrator.

**RESOLUTION NO. 15-227**

**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 \$2,395.38 which item is now available as a revenue from the STATEWIDE INSURANCE FUND, for the AED UNITS, in the amount of \$2,395.38.

**BE IT FURTHER RESOLVED**, that the sum of \$2,395.38 is hereby appropriated under the caption of "AED UNITS".

**RESOLUTION NO. 15-228**

**WHEREAS**, a proposal has been received from Office Business Systems, Inc., 600M Ryerson Road, Lincoln Park, NJ, 07058, for the purchase of one (1) Revcord CYA Voice Logger and other related equipment in accordance with the specifications attached hereto and made part hereof; and

**WHEREAS**, the equipment will be utilized in the Garwood Police Department; and

**WHEREAS**, said supplier represents to the Borough of Garwood that it is under contract with the State of New Jersey, Division of Purchase and Property in the Department of the Treasury, State Contract #T-010983896 for the supplying of said equipment at the price offered to the Borough of Garwood, to wit; \$17,015.00 total; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Garwood hereby authorize the purchase of the aforementioned in accordance with the quote for \$17,015.00, attached hereto and that the Clerk be and she is hereby authorized to enter such order on behalf of this Borough and to sign such documents as may be required to consummate this transaction.

**BE IT FURTHER RESOLVED** that the award of this quote be subject to the Borough Treasurer executing the appropriate Certification of Funds.

**RESOLUTION NO. 15-229**

**WHEREAS**, a proposal has been received from Mobile Techtronics Inc., 1127 Lake Avenue, Clark, NJ, 07066, for the purchase of one (1) Zetron Model 4010 Consoles and other related equipment in accordance with the specifications attached hereto and made part hereof; and

**WHEREAS**, the equipment will be utilized in the Garwood Police Department; and

**WHEREAS**, said supplier represents to the Borough of Garwood that it is under contract with the State of New Jersey, Division of Purchase and Property in the Department of the Treasury, State Contract #A83924 for the supplying of said equipment at the price offered to the Borough of Garwood, to wit; \$36,530.00 total; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Garwood hereby authorize the purchase of the aforementioned in accordance with the quote for \$36,530.00, attached hereto and that the Clerk be and she is hereby authorized to enter such order on behalf of this Borough and to sign such documents as may be required to consummate this transaction.

**BE IT FURTHER RESOLVED** that the award of this quote be subject to the Borough Treasurer executing the appropriate Certification of Funds.

**Motion: Action:** REMOVE Resolutions 15-222, 15-230, 15-231 from Consent agenda, **Moved by**, Council President Nierstedt **Seconded by** Councilman Mathieu

**Motion: Action:** Adopt consent agenda as amended, **Moved by** Councilwoman Todisco, **Seconded by** Councilman Martin

**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 as amended was adopted.

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

**RESOLUTION NO. 15-222**

**BE IT RESOLVED**, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorize the Borough Administrator/Clerk to prepare a Request for Proposals for professional services for the purpose of preparing a plan for redevelopment of South Avenue area, Block 401 and 403 in accordance with the recommendations from the Garwood Planning Board and the redevelopment study.

**BE IT FURTHER RESOLVED** that the Municipal Clerk be and is hereby authorized to solicit proposals for the above services in accordance with law.

**Motion: Action:** Delete Resolution No. 15-222, **Moved by** Council President Nierstedt, **Seconded by** Councilman Petruzzelli. Resolution No. 15-222 was deleted.

**RESOLUTION NO. 15-230**

**WHEREAS**, the Uniform Shared Services and Consolidation Act (the "Act"), N.J.S.A. 40A:65-1, et seq., permits, authorizes and encourages public bodies such as municipalities to enter into agreements with each other to contract for the provision of any service which the parties to such agreement are empowered to render under and within its own jurisdiction, whether administrative, educational, instructional or otherwise; and

**WHEREAS**, there is a mutually beneficial opportunity to further improve the efficiency of public works services for Fanwood and Garwood (each a "Municipality" and collectively, the "Municipalities"), while protecting the health, safety and welfare of the municipal residents; and

**WHEREAS**, the Borough Council of the Borough of Garwood has determined it to be in the best interests of the Borough of to provide for shared public works services with Fanwood serving as the lead agency; and

**WHEREAS**, in accordance with N.J.S.A 40A:9-154.6g, the governing body or chief executive officer of each municipality, as appropriate, shall appoint a principal public works manager for that municipality; and

**WHEREAS**, the Municipalities under the agreement will share management in which the Director of Public Works for the Borough of Fanwood will serve as Superintendent of Public Works for the Borough of Garwood as defined in the Code of the Borough of Garwood; and

**WHEREAS**, the shared service agreement will promote efficiency and economy and will satisfy the requirements of N.J.S.A 40A:9-154.6g, and cause the elimination of the need to employ a full time Superintendent of Public Works in the Borough of Garwood; and

**WHEREAS**, § 5-44 of the Garwood Code provides that the Superintendent of Public Works shall serve at the pleasure of the Council;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Garwood, County of Union, State of New Jersey, that the employment of Frederick W. Corbitt, Superintendent of Public Works in the Borough of Garwood, be and is hereby terminated, effective July 31, 2015.

**Motion: Action:** Adopt Resolution No. 15-230, **Moved by** Councilwoman Todisco, **Seconded by** Councilman Martin

**Discussion:** Mr. Renaud recommended the council adopt Resolution 15-231 before 15-230.

**Motion: Action:** Withdraw motion to adopt Resolution 15-230, **Moved by** Councilwoman Todisco, **Seconded by** Councilman Martin.

**RESOLUTION NO. 15-231**

**WHEREAS**, the Uniform Shared Services and Consolidation Act (the "Act"), N.J.S.A. 40A:65-1, et seq., permits, authorizes and encourages public bodies such as municipalities to enter into agreements with each other to contract for the provision of any service which the parties to such agreement are empowered to render under and within its own jurisdiction, whether administrative, educational, instructional or otherwise; and

**WHEREAS**, there is a mutually beneficial opportunity to further improve the efficiency of public works services for Fanwood and Garwood (each a "Municipality" and collectively, the "Municipalities"), while protecting the health, safety and welfare of the municipal residents; and

**WHEREAS**, the Municipalities have determined it to be in their mutual best interests to provide for shared public works services with Fanwood serving as the lead agency; and

**WHEREAS**, each Municipality has authorized the execution of this Agreement by duly adopted resolution of its respective governing body.

**BE IT RESOLVED** by the Borough Council of the Borough of Garwood that the Mayor and Municipal Clerk be and are hereby authorized to sign the agreement for Shared Service with the Borough of Fanwood for a three-year term commencing August 1, 2015; and

**BE IT FURTHER RESOLVED** that the agreement is substantially approved subject to final approval by the Borough Attorney and Insurance Carrier.

**Motion: Action:** Adopt Resolution No. 15-231, **Moved by** Councilwoman Todisco, **Seconded by** Councilman Martin

**Discussion:** Councilwoman Todisco responded to many questions presented. Council President Nierstedt commented on many concerns and questions. Councilman Mathieu commented he is not in support of the agreement. Councilman Petruzzelli stated this is the hardest thing to do, that he personally knows Fred and it is gut wrenching. He said the Mayor is looking at a more streamline and productive borough and this shared service does that. He further explained why this is the right decision.

Councilwoman Tarantino read this statement: When the shared services agreement with Fanwood discussion began in the Administrative Review Committee, I supported the idea, as did all the other members of the committee. When discussed in executive sessions, the entire Council supported it and we put it on the agenda for a vote at the last meeting. As you, all are well aware, we were confronted by some opposition because the public felt they did not get a fair chance to be educated on the agreement and have their voices heard. So I thought I took the appropriate action and tabled the resolution to give us time to have open discussion. In the past three weeks, we held two informational meetings, sent flyers door to door, answered many phone calls, emails, and had one on one conversations with residents on this topic. Anyone who wanted to express an opinion on this subject was certainly given the opportunity to do so before tonight's vote. Although I was not able to attend the first informational meeting, I did watch the video and I attended the second meeting. I listened to all the concerns of those opposing it and I also listened to many residents in support. I was glad we had that time between Council meetings to listen to the residents and take the time to regroup. It gave us time to look at this from a different angle. I questioned

the entire agreement and asked myself if we were doing the right thing. Were we doing what was best for Garwood? There are three parts to this Agreement, cooperative bidding, sharing equipment and administrative personnel. But while listening to those opposed, what I heard was mainly opposition focusing on one aspect, almost totally ignoring the other parts of the agreement. I saw the petition that was being floated around online by the Garwood Republican Club. That petition, in my opinion, was misleading because again, it only spoke about one aspect of the agreement and did not tell the whole story of that one aspect either. As elected officials, we have to do what is best for Garwood, not just for one person. As difficult as this decision has been, I feel confident tonight that supporting these two resolutions as entering this shared service agreement is the right thing to do for Garwood.

Councilwoman Todisco read the following statement: As I have mentioned before and as my actions on the Council have showed, I consider myself a big skeptic of shared services for Garwood. The reason being that I absolutely do not want Garwood to lose its identity. We became independent of our neighboring towns in 1903 and I intend to fight to keep us independent. However, as a member of the Council I have learned that costs keep rising and we cannot simply accept the status quo and raise taxes without trying to save taxpayer dollars. In walking door to door in this town on numerous occasions, I hear residents plead with us to save them money without cutting their services. I do not believe in cutting services. Although it can be debated whether or not a service was cut when bulk was taken out of the budget in 2010 and now is paid for by the user, I know that I am still hearing about that decision 5 years later when I was not even on the Council that did that. If I thought for one second that this shared service proposal would cut a service, I would not support it. Although a skeptic of shared services, I recognize the Borough already has shared services in place and it is a way to make Garwood competitive in a State with 565 municipalities. I have lived those shared services as a student here who went to Johnson High School because we are not big enough to have our own. We also share a Health Department and tax assessor with Westfield. We share a Building Department with Cranford. We share a cleaning contract with our Board of Education. Our Board of Education shares a Business Administrator with Mountainside. Shared services are not new to Garwood and they do not jeopardize our identity if done right. The proposed shared service with Fanwood is a great opportunity to save money without reducing services. I see it as two small towns sticking together to make sure we survive next to all these bigger towns. Just as shared services are not new to Garwood, downsizing is not new either as many of our residents have experienced it themselves in the private companies or public sector jobs they have worked in. In fact, the US Army is even cutting troops by 40,000 as USA Today and Fox News reported just 6 days ago. That is the sad reality of this agreement and it makes this a very difficult decision, but in thinking about what is best for Garwood, I am confident that entering this shared service agreement is right for Garwood.

Council President Nierstedt read the following statement: Years ago, my father was an elected Republican Councilman in Roselle. He sat in Councilman Mathieu's seat as the sole GOP representative with five Democratic councilmen. My wife Maria was appointed to the Garwood Library board long before I ran for my Council seat. I have been involved in numerous volunteer and elected positions here in my hometown of 27 years. I tell you this to show that community service has long been a part of my family. This service is not always easy. I am reminded of this each time I am castigate in print. I know that each one of us sitting on this dais has asked ourselves "I really wanted this position?" more than once in the past few weeks. Councilman Petruzzelli recently remarked to me that this decision tonight is the hardest one he has ever had to make on his seven Council years. Councilwoman Todisco reminded me recently of a comment that I had made to her after gaining this Council seat about making a decision on a matter that I thought was best for Garwood, but was not supported by the residents. I immediately responded that I would always vote what I thought was best for Garwood, regardless of my personal political future. Those who scorn me on social media refer to me as a '60's hippie' but I wear that badge with honor. I am a community activist, not a politician. This decision is not easy. But entering into this agreement is the best thing for Garwood. Regardless of how it has been framed, this is a financial issue, not a personnel or emotional decision. This agreement allows us to enter into a shared services agreement – which have long been pushed by our state leaders- both Republican and Democratic. An agreement that will assist us in keeping our beloved hometown an independent community. One that will allow us to save money, which Garwood's voters have asked us to do repeatedly. It will allow us to utilize equipment without making capital outlays for it. And to be able to obtain its use quicker than when borrowing equipment from Cranford, Westfield or the County, given their larger size and need than Fanwood – a town similar to us in so many ways. It will allow us to have larger purchasing power, thereby giving us an economy of scale that we currently do not have; thereby making purchases less expensive. It will allow us to utilize the Fanwood Recycling Center, which recycles more varied material than Garwood does. At a profit. It also comes with a major downside. The loss of a valuable member of our boro. That is what makes this decision so difficult; the financial reasoning is easy. But this has been turned into a political issue. One

with the inherent, hypocritical contradictions of a Republican party which has small government and public employee workforce reduction as a basic creed, supposedly supporting the retention of a public employee. Make no mistake about this; the current Garwood Republican Party could not care less about the loss of one Garwood employee; they are simply using this to make it appear that they have compassion, and to rile up voters. Up until this very issue, they have campaigned relentlessly to reduce Garwood's employee costs. And they will continue this call tomorrow. I had a boss once who went through five different jobs, and when I asked her about the impacts of those situations, she advised me that while it was always painful, she had always been able to find a better job. Each new job was better than her previous one in some way. I wish Fred Corbitt the best, and possessive of the abilities that those who oppose this measure state that you have, I know you will have no difficulty in finding another position of equal or better employment. I wish you the best. Based on this vote, I too may be without my current position with the Boro in November. But no one said elected service is easy. This agreement is a good one for Garwood, and my vote will be to support it.

Mayor Lombardo thanked the Committee.

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

**Yes:** Councilman Martin, Councilman Petruzzelli, Councilwoman Tarantino, Councilwoman Todisco and Council President Nierstedt.

**No:** Councilman Mathieu

Resolution No. 15-231 was adopted.

#### **RESOLUTION NO. 15-230**

**WHEREAS**, the Uniform Shared Services and Consolidation Act (the "Act"), N.J.S.A. 40A:65-1, *et seq.*, permits, authorizes and encourages public bodies such as municipalities to enter into agreements with each other to contract for the provision of any service which the parties to such agreement are empowered to render under and within its own jurisdiction, whether administrative, educational, instructional or otherwise; and

**WHEREAS**, there is a mutually beneficial opportunity to further improve the efficiency of public works services for Fanwood and Garwood (each a "Municipality" and collectively, the "Municipalities"), while protecting the health, safety and welfare of the municipal residents; and

**WHEREAS**, the Borough Council of the Borough of Garwood has determined it to be in the best interests of the Borough of to provide for shared public works services with Fanwood serving as the lead agency; and

**WHEREAS**, in accordance with N.J.S.A 40A:9-154.6g, the governing body or chief executive officer of each municipality, as appropriate, shall appoint a principal public works manager for that municipality; and

**WHEREAS**, the Municipalities under the agreement will share management in which the Director of Public Works for the Borough of Fanwood will serve as Superintendent of Public Works for the Borough of Garwood as defined in the Code of the Borough of Garwood; and

**WHEREAS**, the shared service agreement will promote efficiency and economy and will satisfy the requirements of N.J.S.A 40A:9-154.6g, and cause the elimination of the need to employ a full time Superintendent of Public Works in the Borough of Garwood; and

**WHEREAS**, § 5-44 of the Garwood Code provides that the Superintendent of Public Works shall serve at the pleasure of the Council;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Garwood, County of Union, State of New Jersey, that the employment of Frederick W. Corbitt, Superintendent of Public Works in the Borough of Garwood, be and is hereby terminated, effective July 31, 2015.

**Motion: Action:** Adopt Resolution No. 15-230, Moved by Councilman Martin, Seconded by Councilwoman Tarantino

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

**Yes:** Councilman Martin, Councilman Petruzzelli, Councilwoman Tarantino, Councilwoman Todisco and Council President Nierstedt. Resolution No. 15-230 was adopted.

**No:** Councilman Mathieu

#### **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.

**Trust Acct: \$460.24**

**Capital Acct: \$20,199.60**

**Dog Tax Acct: \$ 702.40**

**Current Acct: \$1,237,624.03**

**Motion: Action:** Adopt, **Moved by** Councilwoman Todisco, **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. Payment of Claims was adopted.

At 9:45 p.m., Ms. Ariemma read the following resolution.

**RESOLUTION NO. 15-232**

CLOSED SESSION RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING POTENTIAL LITIGATION BETWEEN THE BOROUGH OF GARWOOD AND EQUIPMENT RENTAL SERVICES RELATING TO THE CONTACT FOR RECYCLING, 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 matters.

NOW THEREFORE BE IT RESOLVED that the Council of the Borough of Garwood hereby move 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

**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. Resolution 15-232 was adopted.

At 9:46 p.m., a motion was made by Councilwoman Todisco, seconded by Council President Nierstedt to enter executive session with respect to Potential Litigation and Attorney Client Privilege. At 10:15 p.m., a motion was made by Council President Nierstedt, seconded by Councilwoman Todisco to resume the regular order of business.

Ms. Ariemma read the following resolution.

**RESOLUTION NO. 15-233**

**BE IT RESOLVED**, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorizes the Borough Attorney to terminate the contract with Equipment Rental Services for the provision of recycling pickup for the remainder of 2015.

**BE IT FURTHER RESOLVED** that the reasons for the termination include, but are not limited to, breach of contract by failing to make the first scheduled collection, as well as other deficiencies in performance.

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

**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. Resolution 15-233 was adopted.

Ms. Ariemma read the following resolution.

**RESOLUTION NO. 15-234**

**BE IT RESOLVED**, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorize the Borough Administrator/Clerk to prepare specifications and to advertise for Recycling services in the Borough of Garwood for a term November 1, 2015 to December 31, 2016.

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

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5, Abstain=1).

**Yes:** Councilman Martin, Councilman Petruzzelli, Councilwoman Tarantino, Councilwoman Todisco and Council President Nierstedt. Resolution 15-234 was adopted.

**Abstain:** Councilman Mathieu

Ms. Ariemma read the following resolution.

**RESOLUTION NO. 15-235**

**BE IT RESOLVED**, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorize the Borough Administrator/Clerk to award the proposal for Recycling services in the Borough of Garwood for a period from July 23, 2015 to October 29, 2015, providing the proposals received to not exceed the bidding threshold.

**Motion: Action:** Adopt, **Moved by** Councilwoman Tarantino, **Seconded by** Councilman Martin.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5, Abstain=1).

**Yes:** Councilman Martin, Councilman Petruzzelli, Councilwoman Tarantino, Councilwoman Todisco and Council President Nierstedt. Resolution 15-235 was adopted.

**Abstain:** Councilman Mathieu

**ADJOURNMENT**

The Regular Meeting of the Mayor and Council will be held on, **TUESDAY, JULY 28, 2015**, 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. 15-14 AND 15-15, ON TUESDAY, JULY 28, 2015, AT 7:15 P.M. OR SOON THERE AFTER.**

**Motion: Action: At 10:19 p.m., adjourn, Moved by Councilman Martin, Seconded by Councilwoman Todisco.**