

Borough of Garwood

Meeting of the Mayor and Council

AGENDA

October 28, 2014

Moment of Silence.....

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:

Mayor Quattrocchi _____

Council President Tarantino _____

Councilman Martin _____

Councilman Mathieu _____

Councilman Nierstedt _____

Councilman Petruzzelli _____

Councilwoman Todisco _____

MINUTES:

Regular Meeting of the Mayor and Council held on October 14, 2014.

Workshop Session of the Mayor and Council held on October 14, 2014.

Executive Session #1 of the Mayor and Council held on October 14, 2014.

Executive Session #2 of the Mayor and Council held on October 14, 2014.

COMMUNICATIONS:

1) **NEW JERSEY STATE LEAGUE OF MUNICIPALITIES –**

a. Mayor's Advisory –

- i. 10/14/14, RE: Concerns with Potential Recommendations of Pension & Benefit Study Commission
- ii. 10/14/14, RE: A. Weekly Policy Update B. Mayors' Summit on Resilient Design C. Member Benefit – Resource for Seeking Grants
- iii. 10/14/14, RE: Draft Resolution on Transportation Infrastructure Funding Available
- iv. 10/14/14, RE: I. "Jeans for Troops" Drive II. RECOMMENDED FIRE STATION PRECAUTIONS DURING ELECTION III. Important Conference Sessions Vendors Solutions
- v. 10/20/14, RE: NJLM Weekly Update - October 17, 2014

- vi. 10/20/14, RE: Weekly Policy Update
 - vii. 10/21/14, RE: COAH deadlocks and does not advance proposed regulations
 - viii. 10/21/14, RE: S-264, Public Safety Workers' Compensation
 - ix. 10/22/14, RE: I. Important Conference Sessions: Environmental Protection, Project Funding & Energy Issues II. Two Years Later: Lessons & Opportunities in a Post-Sandy/Irene World III. Upcoming Webinar
- 2) COMCAST-**
a. 10/14/14, RE: Billing and Channel Changes.
- 3) COLEEN MAHR, MAYOR OF FANWOOD** - 10/22/14, RE: Raritan Valley Rail Coalition - Special Meeting Invitation
- 4) TOWNSHIP OF CRANFORD** – 10/14/14, RE: Ordinance 2014-15, and 10/23/14, RE: Ordinance 2014-25

ORDINANCES:

NONE.

COMMITTEE REPORTS:

POLICE: Councilman Martin, Chr.

PUBLIC HEALTH: Councilwoman Todisco

STREETS AND ROADS/ECOLOGY: Councilman Nierstedt, Chr.

FIRE: Councilman Mathieu, Chr.

FINANCE: Councilwoman Todisco, Chr.

BUILDINGS AND GROUNDS: Councilman Petruzzelli, Chr.

LAWS AND LICENSES: Council President Tarantino, Chr.

RECREATION: Councilman Petruzzelli, Chr.

COMMITTEE ON AGING: Council President Tarantino

LIBRARY, MAYOR'S REPRESENTATIVE: Mayor Quattrocchi

SCHOOL BOARD LIAISON: Councilwoman Todisco

CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON:

Councilman Martin

UNION COUNTY AIR TRAFFIC NOISE ADVISORY BOARD REPRESENTATIVE:

Councilman Mathieu

ATHLETIC FIELD COMPLEX PROJECT COMMITTEE REPRESENTATIVE:

Councilman Petruzzelli

OFFICER'S REPORTS:

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

Municipal Court Administrator Martha Marino: monthly report for September 2014.

PUBLIC COMMENT:

Is there anyone in the audience who wishes to address the mayor and council please step to the microphone, sign in and state your full name and address. Please limit your comments to three minutes.

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. 14-272

RESOLUTION REQUESTING THAT THE COUNTY OF UNION UNDERTAKE A STUDY TO INVESTIGATE COMBINING THE EXISTING COUNTY SHERIFF AND POLICE DEPARTMENTS TO FORM ONE COUNTY OF UNION LAW ENFORCEMENT AGENCY

WHEREAS, the County of Union is one of the last counties in the State of New Jersey to force its residents/taxpayers to pay for both a Sheriff and a Police Department; and

WHEREAS, most of the 21 county governments in the State of New Jersey have found that having a combined sheriff and county police law enforcement agency or having only a sheriff's department has proven to be a cost savings measure without loss of safety and security for residents; and

WHEREAS, the County of Union has the dubious distinction of raising taxes every year for County government with an example of just the last 10 years. A merger of these two departments could represent a major cost savings to county taxpayers at no loss to safety and security.

BE IT RESOLVED, that the Mayor and Council of the Borough of Garwood fully bi-partisan in structure and nature and representing the voters, residents, and taxpayers of the Borough of Garwood hereby request that the Freeholders of the County of Union strongly consider, and take action to advance a study of the merger of the County of Union Sheriff and Police Departments for the purpose of saving county taxpayers millions of dollars; and

BE IT FURTHER RESOLVED, that the Borough of Garwood hereby requests that the Freeholders report back in a reasonable time period of 3 (three) months to the 21 constituent municipalities of the County of Union with its report on the appropriateness of this merger; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the Clerk of the Board and Freeholders of the County of Union, and the 20 constituent municipal mayors and governing bodies of the County of Union with a request that each of the 20 constituent municipal governing bodies consider adopting such a resolution within the next month and using this as a model, and forwarding it to the County of Union Freeholders to show that there is a consensus within the county for this action, and that a copy of this resolution be filed in the office of the Municipal Clerk.

RESOLUTION NO. 14-273

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 as listed for year 2015 in the Borough of Garwood.

- Professional Legal Services - Borough Attorney
- Professional Engineering Services – Contractual Engineering
- Professional Legal Services – Bond Attorney
- Professional Planning/Engineering Services – Board Planner/Engineer
- Professional Legal Services for Planning/Zoning Board – Board Attorney
- Municipal Prosecutor

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

RESOLUTION NO. 14-274

WHEREAS, George A. Suggs, Police Officer in the Garwood Police Department has successfully completed Class D patrolman and Bruce D. Underhill, Chief of Police has recommended that Officer Suggs be upgraded to Class C Patrolman.

NOW THEREFORE BE RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorize that George A. Suggs be upgraded from a Class D Patrolman, to a Class C Patrolman in the Garwood Police Department, effective July 18, 2014, at a salary of \$69,750 in accordance with the existing P.B.A. Contract .

RESOLUTION NO. 14-275

BE IT RESOLVED, by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorizes the upgrading of Dispatcher Cassandra Crooks from Class III Dispatcher to Class II Dispatcher at the salary of \$30,309.00, effective November 5, 2014.

RESOLUTION NO. 14-276

BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorizes the Mayor and Municipal Clerk to sign the agreement with the County of Union for the following grants.

Kids Recreational Trust Fund Grant - \$20,000
Greening Union County - \$4,400

RESOLUTION NO. 14-277

BE IT RESOLVED by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, in accordance with Borough Code, Chapter 99-12.1-B,C, hereby set forth the following:

1. The bulk pickup program for 2015 will be held on June 15, 2015 and October 19, 2015 and run for as many days as necessary to complete the program in accordance with the number of permits sold.
2. The bulk permit program fee for 2015 is hereby set at \$85.00 per permit, per household for the disposal of up to 750 lbs. of bulk type waste

RESOLUTION NO. 14-278

WHEREAS, the Mayor and Council of the Borough of Garwood has determined that there exists a need for professional engineering services for the process of bringing to conclusion the Athletic Field Complex project located at Garwood Memorial Park in the Borough of Garwood; and

WHEREAS, L. John Belle, P.E., owner of Kinsey Associates in which the borough contracted with for professional engineering services has advised the borough that Kinsey Associates closed its doors as of September 20, 2014. Mr. Belle has joined Greene Engineering Inc., as Supervising Engineer and will continue to provide professional engineering on the AFC project.

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 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 Amy S. Greene Environmental Consultants D/B/A Greene Engineering Inc., 4 Walter E. Foran Boulevard, Suite 209, Flemington, NJ, 08822, for the provision of professional engineering services in connection with the above mentioned matter; and
2. That said Contractor shall receive fees not to exceed \$2,500; and
3. That this contract is awarded without competitive bidding as professional services pursuant to the Local Public Contracts Law; and
4. That the Borough Clerk be and is hereby authorized and directed to maintain this resolution and the professional services contract on file and available for public inspection in the Office of the Borough Clerk; and
5. That the Borough Clerk is hereby authorized and directed to publish a copy of this notice as required by law.

ROLL CALL

RESOLUTIONS DELETED FROM THE CONSENT AGENDA:

Action will be taken on the following resolution after the executive session at the end of the meeting.

RESOLUTION NO. 14-279

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF GARWOOD AUTHORIZING A SETTLEMENT IN THE MATTER OF ARIEMMA V. BOROUGH OF GARWOOD

WHEREAS, the Borough Clerk filed a lawsuit against the Borough entitled Ariemma v. Borough of Garwood under Docket No. UNN-L-447-12;

WHEREAS, the lawsuit alleged issues with the Clerk's salary, deductions, and benefits;

WHEREAS, the lawsuit also alleged other violations, including a violation of the Conscientious Employee Protection Act;

WHEREAS, the Borough has vigorously defended the lawsuit;

WHEREAS, the settlement calls for the Clerk to receive a salary increase of \$7,250 per year retroactive to 2011;

WHEREAS, the settlement also calls for a contribution towards her attorney's fees in the amount of \$46,000;

WHEREAS, the payment to her attorney will be funded through the Borough's insurance carrier;

WHEREAS, the Borough has determined that the settlement, including the salary increase for the Clerk, is in the Borough's best interests in that it avoids a trial in this matter and the salary is the result of the settlement which is consistent with the compensation levels for employees who are acting as both Clerk and Administrator;

WHEREAS, the settlement in the lawsuit does not involve any admission of wrong doing or liability by the Borough;

WHEREAS, the Borough Council believes that the settlement in total under the circumstances is in the best interests of the Borough and recommends that the Settlement Agreement be signed;

NOW THEREFORE IT BE RESOLVED by the Mayor and Council of the Borough of Garwood that the Mayor is hereby authorized to execute the attached Release settling the lawsuit;

NOW THEREFORE IT BE FURTHER RESOLVED that the Administration is directed to take all steps necessary to effectuate the terms of the settlement including the introduction of a new salary ordinance for 2014.

ROLL CALL

NEW BUSINESS:

Any new business the Mayor and Council may have:

PROCLAMATION: Domestic Violence Month – October 2014

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.

ROLL CALL

Motion to enter Executive Session. Second.

RESOLUTION NO. 14-280

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

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

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

ROLL CALL

ADJOURNMENT:

The Regular Meeting of the Mayor and Council will be held on, **TUESDAY, NOVEMBER 18, 2014**, in Council Chambers at 7:15 p.m. Workshop Session to start at 7:00 p.m.