

# BOROUGH of GARWOOD

## *Regular MINUTES of the COUNCIL MEETING*

December 9, 2014

The Regular Meeting of the Mayor and Council was held in Council Chambers and called to order at 8:20 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 Tarantino, Councilman Martin, Councilman Mathieu, Councilman Nierstedt, Councilman Petruzzelli, Councilwoman Todisco.

Also Present: Borough Administrator/Clerk Christina M. Ariemma and Borough Attorney Robert Renaud.

### **MINUTES:**

Regular Meeting of the Mayor and Council held on November 18, 2014.

Workshop Session of the Mayor and Council held on November 18, 2014.

Special Meeting of the Mayor and Council held on November 13, 2014.

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

### **COMMUNICATIONS:**

- 1) **NEW JERSEY STATE LEAGUE OF MUNICIPALITIES –**
  - a. Mayor's Advisory –
    - i. 11/14/14, RE: A. Weekly Policy Update B. Two Issues
    - ii. 12/01/14, RE: Your Legislators Must Hear From You on Transportation Funding
    - iii. 12/01/14, RE: URGENT REMINDER! Municipal Strategies for Supporting Military Installations
    - iv. 12/01/14, RE: Upcoming Sustainable Jersey events
    - v. 12/03/14, RE: Transition
    - vi. 12/05/14, RE: 23<sup>rd</sup> Annual Mayor's Legislative Day, February 4, 2015.

**RECEIVED AND FILED**
- 2) **UNION COUNTY BOARD OF CHOSEN FREEHOLDERS –** 12/2/14, RE: Ordinance 761-2014.  
**RECEIVED AND FILED**
- 3) **BRUCE PATERSON –** 12/3/14, RE: Open Space Trust Fund Grant from Union County  
**RECEIVED AND FILED**
- 4) **RAHWAY VALLEY SEWERAGE AUTHORITY –** 11/18/14, RE: Minutes of the meeting held on October 14, 2014.  
**RECEIVED AND FILED**
- 5) **RAHWAY VALLEY SEWERAGE AUTHORITY –** 12/02/14, RE: Resolution #14-53 and Resolution #14-59  
**RECEIVED AND FILED**

### **ORDINANCES:**

Public Hearing on Ordinance 14-13, 14-14 and 14-15 as advertised in the Westfield Leader on November 20, 2014

### **ADOPTION:**

Municipal Clerk to read Ordinance 14-13 by title only:

#### **ORDINANCE NO. 14-13**

This ordinance repeals the existing Chapter 126 of the Code of the Borough of Garwood pertaining to Parks, Facilities, Playgrounds and Recreation and replaces it with a new Chapter 126 pertaining to Park, Facilities, Playgrounds and Recreation. The ordinance governs use of the parks, facilities and playgrounds, establishes a permit procedure and fees for parks, facilities and playgrounds, sets forth requirements for criminal history background checks for volunteers and public employees and establishes a procedure for the setting of fees for recreation programs and activities.

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

SECTION 1. CHAPTER 126 (Parks, Facilities, Playgrounds and Recreation) of the Code of the Borough of Garwood is hereby repealed and replaced by the following, which is hereby enacted:

**ARTICLE I. Use of Parks, Facilities and Playgrounds**

**§ 126-1. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

ATTENDANT -- A person employed to provide a service to the public in a particular place, a person who is present at an event, meeting, or function.

NIGHT HOURS -- Those hours between dusk to 9:00 p.m. for parks without lighting and dusk to 10:00 p.m. for parks with lighting, for consideration in the rental process. For other considerations night hours are from dusk to dawn in all parks. (Night hours are when parks are closed to the general public)

MINI BIKE OR MINICYCLE -- a small, lightweight motorcycle with a low frame and designed generally for off-highway use.

PARENTS or GUARDIAN -- The adult person having the care and custody of a minor child whether by virtue of parentage, court order, or otherwise.

PUBLIC PARK, FACILITY OR PLAYGROUND -- Shall include the following:

- A. Harry Hartman Park, located at the westerly end of Second Avenue.
- B. Garwood Sports and Recreation Complex heretofore known as Athletic Field Complex, Garwood Memorial Park, James V. Guerriero Memorial Field and Garwood Little League Field, located at the easterly end of Myrtle Avenue, shall hereby be known for the purpose of this code as Garwood Sports and Recreation Complex.
- C. Georgiana Gurrieri Memorial Park, located at the westerly end of Fourth Avenue.
- D. All public parks, fields, playgrounds, facilities, or recreation areas and places owned by the Borough of Garwood and operated by the Borough of Garwood and/or the Recreation Commission under the direction of the Mayor and Council.

NON-PROFIT ORGANIZATION -- A corporation or an association that conducts business for the benefit of the general public without shareholders and without a profit motive.

NON-PROFIT YOUTH-SERVING ORGANIZATION -- A corporation, association or other organization established pursuant to Title 15 of the Revised Statutes, Title 15A of the New Jersey Statutes, or other law of this State, which provides recreational, cultural, charitable, social, or other activities or services for persons younger than 18 years of age, and is exempt from federal income taxes.

**§ 126-2. Hours for the use of public parks, facilities and playgrounds.**

A. Hours for use of public parks, facilities and playgrounds within the Borough of Garwood are as follows: Garwood Sports and Recreation Complex, located at the easterly end of Myrtle Avenue, 7:00 a.m. to dusk, daily. Hartman Park, located at the westerly end of Second Avenue, 7:00 a.m. to dusk, daily.

B. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during the designated hours. The opening and closing hours for each individual park shall be posted therein for public information.

C. The hours for use of the public parks, facilities and playgrounds within the Borough of Garwood as set forth in 126-2, A., shall not be applicable to those recreational activities and programs sponsored or sanctioned by, or under the auspices of the Recreation Commission and/or the Mayor and Council of the Borough of Garwood. Recreational activities and programs established by the Recreation Commission of the Borough of Garwood shall include specific hours and be contained in a resolution forwarded to the Mayor and Council.

D. Any section or part of any park may be declared closed to the public by the Mayor and Council or the Recreation Commission at any time and for any interval of time, either temporary or at regular and stated intervals (daily or otherwise) and either entirely or merely for certain uses, as the Mayor and Council or Recreation Commission shall find reasonably necessary.

**§ 126-3. Permit for use during night hours.**

A. The Recreation Commission shall regulate all parks, facilities and playgrounds within the Borough as provided by statute and/or this chapter. Permits shall be issued to individuals or groups for the use of park, facilities and playground property during night hours, provided a formal application is made for such use and by the providing of sufficient security or other guarantee as the Recreation Commission or Mayor and Council shall deem appropriate to assure the care, maintenance and safety of the public parks, facilities and playgrounds.

B. It shall be unlawful for any person to enter or remain upon a public park, facility or playground in the Borough of Garwood during night hours without permit issued by the Recreation Commission or the Mayor and Council.

**§ 126-4. Prohibited activities.**

Bicycles, skateboards, roller-skates, roller-blades and other similar wheeled recreational conveyances and the use of same are prohibited at Georgiana Gurrieri Memorial Park, Fourth Avenue. No person shall be in possession of or shall use any of the above in said park at any time.

A. No person in a public park, facility and recreation area shall:

1. Willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, pavings or paving materials, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stake posts or other boundary markers or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;
2. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six years shall use the restrooms and washrooms designated for the opposite sex;
3. Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials or make any excavation by tool, equipment, blasting or other means or agency;
4. Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder;
5. Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant, dig in or otherwise disturb grass areas or in any other way injure the natural beauty or usefulness of any area;
6. Climb any tree or walk or stand upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes;
7. Tie or hitch an animal or person to any tree or plant;
8. Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall he or she remove or have in his or her possession the young of any wild animal or the eggs or nest or

young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous, or deadly reptiles, may be killed on sight;

9. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park or any tributary stream, storm sewer or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters;
10. Have brought in or shall dump in, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or shall be left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere;
11. Drive any vehicle on any area except the paved park roads or parking areas, or such areas as may on occasion be specifically designated as temporary areas by the Recreation Commission;
12. Park a vehicle in other than an established or designated parking area, and such shall be in accordance with posted directions thereat and with the instruction of any attendant who may be present;
13. Leave a vehicle standing or parked at night in established parking areas or elsewhere in the park areas;
14. Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available;
15. Ride a bicycle without reasonable regard to the safety of others;
16. Leave a bicycle lying on the ground or paving or set against trees or in any place or position where other persons may trip over or be injured by it;
17. Ride or bring a mini bike into any park or recreational area;
18. Carry or possess firearms of any description or air rifles, spring guns, bows and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety or any instrument that can be loaded with and fire blank cartridges or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden;
19. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate that activity in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end;
20. Set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor any movable structure or special vehicle to be used or that could be used for such purpose, such as a house trailer, camp trailer, camp wagon or the like, except in those areas designated by the Recreation Commission for those purposes and with permission;
21. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, horseshoes, quoits or model airplanes except in those areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball, softball, hockey, soccer, basketball, lacrosse or other sport is prohibited except on the fields and courts or areas provided therefor. Roller skating is prohibited unless directed and permitted by the Recreation Commission;
22. Horseback riding is prohibited;
23. Vandalize a natural grass or turf sport field; and further, motor vehicles, snowmobiles, mini bikes, dirt bikes and all other motorized vehicles shall be considered to be unauthorized vehicles, and they are not permitted on athletic fields, park areas or recreation areas within the public parks and/or recreation areas in the Borough of Garwood.

**§ 126-5. Conduct.**

While in a public park, facility or recreation area, all persons shall conduct themselves in a proper and orderly manner and, in particular, no person shall:

1. Bring alcoholic beverages or drink the same in a public park or recreation area unless permission is granted for special events by the Recreation Commission and the special event is approved by the Mayor and Council in accordance with this chapter and/or code of the Borough;
2. Have in his or her possession or set or otherwise cause to explode or discharge or burn any firecrackers, torpedo rockets or other fireworks, firecrackers or explosives of flammable material or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition includes any substance, compound, mixture or article that, in conjunction with any other substance or compound, would be dangerous from any of the foregoing standpoints;
3. Be responsible for the entry of a dog or other domestic animal into areas clearly marked by the Recreation Commission by signs bearing the words domestic animals prohibited in this area. Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than six feet in length;
4. In accordance with Chapter 58, Section 27 of the code of the Borough of Garwood, pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person;
5. Proper disposal of pet waste is as follows placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal;
6. Build or attempt to build a fire except in such areas and under such regulations as may be designated by the Recreation Commission. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material within any part or on any highways, roads or streets abutting or contiguous thereto;
7. Enter an area posted as closed to the public nor shall any person use or abet in the use of any area in violation of posted notices;
8. Gamble or participate in or abet any game of chance except in such areas and under such regulations as may be designated by the Recreation Commission;
9. Sleep or protractedly lounge on the seats or benches or other areas or engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace;
10. Fail to produce and exhibit any permit from the Recreation Commission he or she claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any statute,

chapter or local ordinance or rule;

11. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit;
12. Expose or offer for sale any article or thing, nor shall he or she station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Recreation Commission;
13. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.
14. Any act that is deemed to be in violation of the criminal or traffic laws of the State of New Jersey and/or of the code of the Borough of Garwood.

**ARTICLE II. Fees/Permits of Parks, Facilities and Playgrounds**

**§ 126-6. Fees/Permits for special events.**

A. Permits for special events at the **Garwood Sports and Recreation Complex** shall be obtained by submitting an application to the Recreation Commission through the office of the Borough Administrator/Clerk in accordance with the following procedure:

1. A person seeking issuance of a permit for use hereunder shall file an application with the Recreation Commission on the form prepared by the Borough Administrator/Clerk and provided by the Borough of Garwood to include the following information:
  - a. The name and address of the applicant; proof of residency if applicable;
  - b. The name and address of the person, persons, corporation, association or the non-profit organization sponsoring the activity, if any;
  - c. The day and hours for which the permit is desired;
  - d. The area of the park, facility or playground or portion thereof for which such permit is desired;
  - e. Any other information which the Recreation Commission shall find reasonably necessary to make a fair determination as to whether a permit should be issued hereunder.
2. Standards for issuance of a use permit by the Recreation Commission shall include the following findings:
  - a. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
  - b. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
  - c. That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct;
  - d. That the proposed activity will not entail extraordinary or burdensome expense or police operation by the Borough;
  - e. That the facilities desired have not been reserved for other use at the date and hour requested in the application.

B. Applications should be submitted to the Recreation Commission at least ninety (90) days prior to the date requested.

C. All non-profit organizations must submit proof of non-profit status with their application.

D. Fees are based on a four-hour minimum. Fees cover the use of the park grounds and facilities where applicable during hours set forth in this chapter. Each user shall file the application form with the applicable fees set forth below. The form should be submitted through the office of the Borough Administrator/Clerk. Deposit fees will be returned upon inspection that the park, facility or grounds, has not been damaged and has been cleaned by the permittee. The deposit shall be returned within thirty (30) days after conclusion of the event, less the cost of any repairs or cleaning necessary to be performed by the Borough to return the park, facility or grounds to its pre-event condition. A release form prepared by the Borough and signed by Recreation Commission indicating no damages have occurred is required for deposit refunds. Requests for refunds should be submitted in writing through the office of the Borough Administrator/Clerk, 403 South Avenue, Garwood, NJ. Application fees are non-refundable. Other fees will be refunded if application is not approved and are non-refundable in the event the application is withdrawn or canceled by the permittee.

E. The application, deposit and use fees for **Garwood Sports and Recreation Complex** are as follows:

1. Application fee: \$25.00
2. Security Deposit fee: \$250.00
3. Use fee for park grounds and facilities (does not include fields):
  - a. Garwood residents: \$125 for four hours; \$25 for each additional hour.
  - b. Nonresident or For Profit organizations: \$250 for four hours; \$50 for each additional hour.
  - c. Non-profit organizations: \$50 for four hours; \$10 for each additional hour.
4. Additional/Optional use fees:
  - a. James V. Guerriero Memorial Baseball Field:

Tier A (Garwood Resident or Non-profit):	\$40 per hour
Tier B (Nonresident or For Profit):	\$80 per hour
  - b. Multipurpose Turf Field with Stadium lighting:

Tier A (Garwood Resident or Non-profit):	\$50 per hour
Tier B (Nonresident or For Profit):	\$100 per hour

F. The Recreation Commission shall process applications within thirty (30) days after submission providing all fees have been paid and the application is complete. Incomplete applications or failure to submit required documentation may cause the process to be extended an additional thirty (30) days.

G. The process may include any other information which the Recreation Commission may require and, in the case for use at the Garwood Sports and Recreation Complex, easterly end of Myrtle Avenue shall find reasonably necessary to make a fair determination as to whether a permit should be issued hereunder.

H. Requests to serve alcoholic beverages at a special event will only be considered for the Garwood Sports and Recreation Complex, located at the easterly end of Myrtle Avenue. Such requests must be approved by Chief of Police and Borough Administrator/Clerk in accordance with law of the State of New Jersey, Division of Alcoholic Beverage Control and the Code of

the Borough of Garwood concerning the permitting of alcoholic beverages. In the event of approval, host liquor liability insurance naming, as additional insured, the Borough of Garwood, Recreation Commission, and NJ DEP Green Acres, in the amount determined by the Borough Administrator/Clerk, with recommendation from the insurance broker, shall be provided before the issuance of any permit. Under no circumstances will permits for serving alcoholic beverages be considered in any other park area in the Borough of Garwood.

I. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in such permits.

J. The person(s) or organization(s) to whom the permit is issued shall be liable for all loss, damage or injury sustained by reason of negligence, accident or any other reason of the person(s) or organization(s) to whom such permit shall have been issued. Generally an insurance certificate in the amount of \$1,000,000 naming, as additional insured, the Borough of Garwood, Recreation Commission, and NJ DEP Green Acres may be required and must be approved by the Borough Administrator/Clerk, and insurance broker prior to issuance of permits.

K. The Recreation Commission shall have the right to require any permittee to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined by the Borough Administrator/Clerk with recommendation from Insurance Broker prior to the commencement of any activity or issuance of any permit.

L. The permit application shall be reviewed and approved by the Recreation Commission. Applicants that are denied by the Recreation Commission may appeal the decision as outlined in Section §126-6, N.

M. The Recreation Commission shall have the authority to revoke a permit upon a finding of violation of any rule or statute or local ordinance or upon good cause shown.

N. Appeal.

1. Within thirty (30) days after the receipt of an application that is deemed complete, the Recreation Commission shall apprise an applicant in writing of its reasons for refusing a permit, and any aggrieved person shall have the right to appeal to the Mayor and Council by serving written notice thereof to the Borough Administrator/Clerk within five (5) days of such refusal.

2. A copy of such notice shall also be served on the Recreation Commission within the same time and the commission shall immediately forward the application and the reasons for its refusal to the Borough Administrator/Clerk in which the Mayor and Council shall consider the application under the standards set forth under this article and sustain or overrule the Recreation Commission's decision within fourteen (14) days from the receipt of the appeal by the Borough Administrator/Clerk. The decision of the Mayor and Council shall be final.

O. Harry Hartman Park, located at the westerly end of Second Avenue and Georgiana Gurrieri Memorial Park, located at the westerly end of Fourth Avenue are generally not available for special events and not included in the schedule in 126-6. Standards and regulations in Article I, Section 126-1:5 apply to Harry Hartman Park and Georgiana Gurrieri Memorial Park.

**§ 126-7. Enforcement.**

A. The Recreation Commission, staff and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

B. The Recreation Commission, staff and any park attendant shall have the authority to eject from the park area any person or persons acting in violation of this chapter.

C. The Recreation Commission, staff and any park attendant shall have the authority to seize and confiscate any property, thing or device in the park or used in violation of this chapter.

D. This chapter shall also be enforced by the Garwood Police Department.

**§ 126-8. Parking.**

No owner or driver shall cause or permit his or her vehicle to stand outside of designated parking spaces, except for a reasonable time to take up or discharge passengers or equipment. No motor vehicle shall be parked in the park outside the hours designated in this chapter or except as otherwise permitted.

**§ 126-9. Agreements.**

The Borough reserves the right with respect to any and/or all public park and recreation areas and any facilities located therein to enter into any agreement concerning the use thereof. Said agreement may include terms, conditions and fees as negotiated between two parties and must be in a form approved by the Borough Attorney, signed by the Mayor and Borough Administrator/Clerk. Agreements for use of the Garwood Sports and Recreation Complex must be approved by NJ DEP Green Acres forty-five (45) days prior to execution and must comply with NJ DEP Green Acres, Rules and Regulations contained in N.J.A.C. Title 7, Chapter 36 et. seq., and the code of the Borough of Garwood. Any such agreement that is executed without NJ DEP Green Acres approval is void and no legal effect.

**§ 126-10. Scope.**

This chapter is in addition to and not in derogation of any other ordinance involving or affecting any of the subject matters contained in the within chapter.

**§ 126-11. Violations.**

Any person being found in a public park, facility or playground in violation of this article, and upon being told to remove himself and/or herself from the area or to cease by a police officer of the Borough of Garwood and failing to do so forthwith, shall render said person subject to arrest.

**§ 126-12. Penalties.**

Any person found guilty of violating the within article shall be subject to a fine of not more than \$1,250, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof.

**Article III. Employees and Volunteers; Criminal History Background Checks**

**§ 126-14. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

BOROUGH-SPONSORED PROGRAMS -- Any program sponsored or in any way supported by the Borough, which provide and utilize Borough facilities and/or Borough property.

CRIMINAL HISTORY RECORD BACKGROUND CHECK -- A determination of whether a person has a criminal record by cross-referencing that person's name and/or fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and/or the State Bureau of Identification of the New Jersey State Police.

DEPARTMENT -- The Borough of Garwood Police Department.

NON-PROFIT YOUTH-SERVING ORGANIZATION -- A corporation, association or other organization established pursuant to Title 15 of the Revised Statutes, Title 15A of the New Jersey Statutes, or other law of this State, which provides recreational, cultural, charitable, social, or other activities or services for persons younger than 18 years of age, and is exempt from federal income taxes.

VOLUNTEER -- Any person involved with a non-profit youth-servicing organization that has direct access to minors as a result of their involvement with the organization.

**§ 126-15. Request for criminal background checks; costs.**

A. The Recreation Commission requires that all employees and volunteers of a non-profit youth-servicing organization request through the Department that the State Bureau of Identification in the Division of State Police conduct a criminal history record background check on each prospective and current employee or volunteer of the organization. No organization shall be permitted to utilize any Borough owned facilities, or no Borough-sponsored program shall be conducted, and no employee or volunteer shall be permitted to participate in any organization or Borough-sponsored program, except in accordance with this article.

B. The Division of State Police shall inform the Department whether the person's criminal history record background check reveals a conviction of a disqualifying crime or offense set forth in § 126-16 of this article.

C. The Department shall conduct a criminal history record background check only upon receipt of the written consent to the check from the prospective or current employee or volunteer.

D. The Recreation Commission shall bear the costs associated with conducting the criminal history record background checks for employees and volunteers of the Recreation Commission.

**§ 126-16. Conditions under which a person is disqualified from service.**

A. A person may be disqualified from serving as an employee or volunteer of a non-profit youth-servicing organization if that person's criminal history record background check reveals a record of conviction of any of the following crimes or offenses:

1. In New Jersey, any crime or disorderly person's offense:

a. Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., N.J.S.A 2C:12-1 et seq., N.J.S.A 2C:13-1 et seq., N.J.S.A. 2C:14-1 et seq., or N.J.S.A. 2C:15-1 et seq.

b. Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A 2C:14-1 et seq.

c. Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes.

d. Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except Paragraph (4) of N.J.S.A 2C:35-10.

2. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in Subsection A(1) of this section.

B. The determination of whether the information contained in the criminal history record is sufficient to disqualify an employee or volunteer shall be made by the Chief of Police, or his designee. Any employee or volunteer dissatisfied with the determination by the Department shall be entitled to file an appeal with the Criminal Background Check Appeal Panel created pursuant to § 126-20 of this article.

**§ 126-17. Submissions; exchange of background check information.**

A. Prospective or current employees and volunteers of non-profit youth-servicing organizations and/or employees and volunteers of the Recreation Commission, and Borough-sponsored programs involving minors shall submit their name, address, fingerprints and written consent to the organization for the criminal history record background check to be performed. The organization shall submit this documentation to the Chief of Police, or his designee, who shall coordinate the background check.

B. The Department shall act as a clearinghouse for the collection and dissemination of information obtained as a result of conducting criminal history record background checks pursuant to this article.

C. The Department may, in its discretion, engage the services of a third-party independent agency to conduct the criminal history record background checks authorized under this article.

D. The Chief of Police, or his designee, shall coordinate a criminal history background check every two years after the initial check.

E. The Director of the Recreation Commission shall be responsible to submit names to the Department for any new volunteer or employee of the Recreation Commission, Borough or non-profit youth-servicing organization prior to participation or employment.

**§ 126-18. Limitations on access and use of criminal history record background checks.**

A. Access to criminal history record information for noncriminal justice purposes, including licensing and employment is restricted to the Chief of Police, or his designee and any member of the appeal panel pursuant to § 126-20 of this article, as authorized by federal or state statute, rule or regulation, executive order, administrative code, local ordinance or resolution regarding obtaining and dissemination of criminal history record information obtained under this article.

B. The Chief of Police, or his designee and any member of the appeal panel pursuant to § 126-20 of this article, shall limit their use of criminal history record information solely to the authorized purpose for which it was obtained, and criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. Use of this record shall be limited solely to the authorized purpose for which it was given, and it shall not be disseminated to any unauthorized persons. The record shall be destroyed immediately after it has served its intended and authorized purpose. Any person violating federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.

**§ 126-19. Employee or volunteer may challenge the accuracy of the report.**

If this criminal history record may disqualify an applicant or existing employee or volunteer for any purpose, the person making the determination shall provide the disqualified person with an opportunity to complete and challenge the accuracy of the information contained in the criminal history record. The disqualifying person shall be afforded a reasonable period of time to challenge and complete this record. A person is not presumed guilty of any charges or arrests for which there are no final dispositions indicated on the record.

**§ 126-20. Criminal background check appeal process and criminal background check appeal panel.**

A. Criminal background checks appeal process. If the Chief of Police or his designee disqualifies an employee or volunteer or denies the challenge concerning the accuracy of a criminal history report, the employee or volunteer may appeal that determination by filing a written notice of appeal with the Borough Administrator/Clerk of the Borough of Garwood no later

than 20 days after receiving the determination from the Chief of Police or his designee. Any appeal requested shall proceed before the criminal background check appeal panel.

B. Criminal background check appeal panel. In order to monitor and supervise the enforcement of this article by the Chief of Police or his designee, the Borough of Garwood hereby creates a criminal background check appeal panel, which shall consist of three members. The composition of the criminal background check appeal panel shall be as follows:

1. One member of the criminal background check appeal panel shall be the Chief of Police of the Borough of Garwood, or his designee.

2. One member of the criminal background check appeal panel shall be the Borough Administrator/Clerk of the Borough of Garwood.

3. One member of the criminal background check appeal panel shall be the Police Commissioner of the Borough of Garwood.

C. Powers. The criminal background check appeal panel is granted and shall have and exercise, in addition to other powers herein granted, all the powers necessary and appropriate to carry out and execute the purposes of this article, including but not limited to the following:

1. To hold hearings and adjudicate appeals by employees and volunteers dissatisfied with the determination of the Chief of Police or his designee concerning the disqualification of the employee or volunteer.

2. To hold hearings and adjudicate appeals by employees and volunteers dissatisfied with the determination of the Chief of Police or his designee concerning the accuracy of the criminal history record.

#### **Article IV. Recreation Fees**

##### **§ 126-21. Fee schedule.**

A. The Recreation Commission shall annually review fees for recreation programs/activities and by Resolution of the Commission adopt annually a fee schedule and forward the schedule to the Finance Department of the Borough of Garwood within ten days of adoption.

B. All participants in a recreation program offered by the Borough of Garwood Recreation Department shall be required, prior to the commencement of the program pay the fee set forth in the fee schedule. All fees shall be payable to the Borough of Garwood and processed by the Recreation and Finance Departments.

C. All applicants requesting use of **Garwood Sports and Recreation Complex** shall be required, prior to the commencement of the activity, to pay the fee set forth Article II, Section 126-6, E. All fees shall be payable to the Borough of Garwood and processed by the Recreation and Finance Departments.

##### **§ 126-22. New programs.**

For any program for which a fee has not been established, the Recreation Commission shall be authorized to establish a fee based on estimated costs for said program. Prior to the second offering of said program, this fee shall be incorporated into the annual fee schedule.

##### **§ 126-23. Trips and special events.**

For trips and other special events, the Recreation Commission shall be empowered to fix a fee with the intention that the total receipts reasonably projected for the event shall equal the approximate direct cost anticipated for sponsoring of said event. The Recreation Commission and/or Mayor and Council may reduce, waive or recommend fees for trips and other special events that vary from approximate direct cost with prior approval from the Finance Committee of the Governing Body.

##### **§ 126-24. Accounting of fees.**

All fees shall be received, kept and accounted for in accordance with statutory requirements and Borough financial procedures.

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.

List correspondence concerning Ordinance 14-13. NONE.

Does anyone present wish to be heard concerning Ordinance 14-13? NONE.

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

**Motion: Action:** ADOPT ORDINANCE 14-13, **Moved by** Council President Tarantino, **Seconded by** Councilman Petruzzelli.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Council President Tarantino, Councilman Martin, Councilman Mathieu, Councilman Nierstedt, Councilman Petruzzelli, Councilwoman Todisco. Ordinance No. 14-13 was adopted.

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

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

#### **AN ORDINANCE TO AMEND ARTICLE 6 (SMOKING) IN CHAPTER 99 (HEALTH AND SANITATION) OF THE CODE OF THE BOROUGH OF GARWOOD TO PROHIBIT SMOKING AT PUBLIC PARKS AND PLAYGROUNDS.**

**WHEREAS**, the Legislature of the State of New Jersey has found and declared that tobacco is the leading cause of preventable disease and death in the State and the nation, and that tobacco smoke constitutes a substantial health hazard to the non-smoking majority of the public; and

**WHEREAS**, the Mayor and Council of the Borough of Garwood concurs in these findings and declarations and determines that smoking at parks and playgrounds of the Borough of Garwood is inimical to the public health and safety; and

**WHEREAS**, enactment of this ordinance is authorized by N.J.S.A. 40:48-2 and N.J.S.A. 26:3D-63;

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

SECTION 1. Article VI (Smoking) in Chapter 99 (Health and Sanitation) of the Code of the Borough of Garwood is hereby amended to read as follows:

§99-38. Smoking prohibited in Borough Hall.

Smoking in the Garwood Borough Hall, 403 South Avenue, in the Borough of Garwood, is hereby prohibited.

§99-38.1. Smoking prohibited in parks and playgrounds.

Smoking is hereby prohibited in the following public parks or playgrounds of the Borough of Garwood:

- A. Harry Hartman Park, located at the westerly end of Second Avenue.
- B. Garwood Sports and Recreation Complex, located at the easterly end of Myrtle Avenue.
- C. Georgiana Gurrieri Memorial Park, located at the westerly end of Fourth Avenue.

§99-38.2. Definition.

As used in this article, "smoking" means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked.

SECTION 2. The posting of appropriate signs indicating that smoking is prohibited as provided in this article is hereby authorized and directed.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. 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 5. This ordinance shall take effect upon final passage and publication in accordance with law.

List correspondence concerning Ordinance 14-14. NONE.

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

Bruce Paterson of 325 Willow Avenue mentioned that smoking was allowed in certain areas and questioned if council understood they were making the entire area non-smoking, also if anyone has objected to this. Councilman Nierstedt said the council understands completely that they are making the Sports and Recreation Complex and other parks all non-smoking.

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

**Motion: Action:** ADOPT ORDINANCE 14-14, **Moved by** Council President Tarantino, **Seconded by** Councilman Petruzzelli.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Council President Tarantino, Councilman Martin, Councilman Mathieu, Councilman Nierstedt, Councilman Petruzzelli, Councilwoman Todisco. Ordinance No. 14-14 was adopted.

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

**ORDINANCE NO. 14-15**

**AN ORDINANCE FIXING THE SALARY FOR CHRISTINA M ARIEMMA, BOROUGH ADMINISTRATOR/MUNICIPAL CLERK AS PER THE SETTLEMENT AUTHORIZATION IN THE MATTER OF ARIEMMA V. BOROUGH OF GARWOOD AND AS DIRECTED IN RESOLUTION NO. 14-279 ADOPTED OCTOBER 28, 2014**

**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.** Christina M. Ariemma, Borough Administrator/Municipal Clerk of the Borough of Garwood shall be entitled to an annual salary hereinafter set forth opposite respective classification:

YEAR	CURRENT BASE	INCREASE	NEW BASE
2011	78,393	7,250	85,643
2012	85,114	7,250	92,364
2013	86,603	7,250	93,853
2014	88,119	7,250	95,369

**SECTION 2.** The within salary shall be retroactive and take effect January 1, 2011.

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith shall be and they are hereby repealed.

**SECTION 4.** This ordinance shall take effect immediately and in the manner prescribed by law.

List correspondence concerning Ordinance 14-15. NONE.

Does anyone present wish to be heard concerning Ordinance 14-15?

Bruce Paterson of 325 Willow Avenue commented on the settlement and Mr. Renaud said that the settlement agreement is outlined in the ordinance.

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

**Motion: Action:** ADOPT ORDINANCE 14-15, **Moved by** Council President Tarantino, **Seconded by** Councilman Nierstedt.

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

**Yes:** Council President Tarantino, Councilman Martin, Councilman Nierstedt, Councilman Petruzzelli, Councilwoman Todisco. Councilman Mathieu – Abstain Ordinance No. 14-15 was adopted.

**INTRODUCTION:**

Municipal Clerk to read Ordinance 14-16 by title only:

**ORDINANCE NO. 14-16**

**AN ORDINANCE TO AMEND §30-14 (GROUP MEDICAL INSURANCE) IN ARTICLE II (EMPLOYEE COMPENSATION AND BENEFITS) IN CHAPTER 30 (PERSONNEL POLICIES) OF THE CODE OF THE BOROUGH OF GARWOOD TO AMEND SUBSECTION B (STATEMENT OF POLICY) TO REFLECT THE PROVISIONS OF L.2011, C. 78, AND TO REPEAL SUBSECTION C (STIPEND ON WAIVER OF GROUP MEDICAL INSURANCE COVERAGE) TO REPEAL THE STIPEND FOR WAIVER OF GROUP MEDICAL INSURANCE COVERAGE.**

**Motion: Action:** INTRODUCE ORDINANCE 14-16, **Moved by** Councilwoman Todisco, **Seconded by** Council President Tarantino.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Council President Tarantino, Councilman Martin, Councilman Mathieu, Councilman Nierstedt, Councilman Petruzzelli, Councilwoman Todisco. Ordinance No. 14-16 was introduced.

**COMMITTEE REPORTS**

**POLICE:** Councilman Martin, Chr. **ABSENT** **NO REPORT**

**PUBLIC HEALTH:** Councilwoman Todisco, Chr. **NO REPORT**

**STREETS AND ROADS/ECOLOGY:** Councilman Nierstedt, Chr.

Last night the Streets & Roads Committee meet with a Certified Recycling Professional who is extremely familiar with Fanwood's operation to further discuss options available to the Boro to change our garbage and recycling operations to make them more efficient and cost effective. Discussion ensued about the costs/benefits of municipal vs private hauling systems, actual costs for Boro to manage its own facility similar to Fanwood's, market volatility of commodities, the current status of the state, national and actually international recycling processes, and the need to change with the times. The final recommendation was that we contact Rutgers University and then one of its professors who runs a business in the private sector as to what is needed to conduct an analysis of our current operation and how to best proceed. The committee continues to work towards recommendations to make our system more efficient, cost effective for our residents and actually results in materials being recycled.

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

**FIRE:** Councilman Mathieu, Chr. **NO REPORT**

**FINANCE:** Councilwoman Todisco, Chr. **NO REPORT**

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

**LAWS AND LICENSES:** Council President Tarantino, Chr.

Tonight there is one application for a Raffle License.

The Laws & License Committee recommends the adoption of Resolution No. 14-298, for the application of one On-Premise **50/50** raffle License, to be held on February 28, 2015, at The Westwood, 438 North Avenue Garwood, NJ, by **Junior Women's Club of Westfield**.

That is all for my report Mayor.

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

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

**COMMITTEE ON AGING:** Council President Tarantino **NO REPORT**

**LIBRARY, MAYOR'S REPRESENTATIVE:** Mayor Quattrocchi

The Garwood Public Library will be celebrating the Winter Holiday Season with two special programs in the month of December.

The first is "A Cracked Walnuts Christmas", which is a musical program performed by Jan and Jeff Ausfahl, known as "Cracked Walnuts" who entertain their audiences with unique Holiday/Christmas music. This husband and wife duo sing, accompanied by banjo and washboard. The program is Tuesday, December 16th at 7:00 PM and registration is required.

The second program is for the little children of Garwood, on Saturday, December 20th at 11:00 AM to 12:30 PM. Santa will be stopping by the library for a quick photo opportunity and a few stories. Light refreshments will be provided. Registration is limited to Garwood Residents only, with a limit of 50 children.

Registration for either or both of these events may be done in person at the Library, by phone at 908-789-1670, or at the Library's interactive calendar found on their website.

The Library will be closed on Wednesday and Thursday, December 24th and 25. The library will be open on Friday and Saturday, December 26 and 27. The Library will also be closed on Wednesday December 31st and January 1st. The Wednesday Toddler story time will be held on December 3, 10, and 17th, resuming on Wednesday, January 14th.

Friday morning movies will be held on the 5th, 12th and 19th. Even though the Library is open, there will be no movies on Friday, December 26th or January 2nd. Movies will resume on January 9th.

The Director and the entire staff of the Garwood Public Library wishes everyone a happy holiday season and best wishes for the New Year.

**Motion: Action:** Approve, **Moved by** Councilman Nierstedt, **Seconded by** Councilman Martin

**SCHOOL BOARD LIAISON:** Councilwoman Todisco **NO REPORT**

**CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON:** Councilman Martin

ON NOVEMBER 29<sup>TH</sup>, GARWOOD HELD ITS ANNUAL TREE LIGHTING AND A VISIT FROM SANTA CLAUS WHICH WAS VERY WELL ATTENDED. EACH YEAR IT SEEMS THERE ARE MORE AND MORE CHILDREN. ALL THE CHILDREN WERE GIVEN CANDY CANES FROM SANTA AND A CHRISTMAS STUFF ANIMAL. IT WAS A BRISK NIGHT SO THE HOT CHOCOLATE WAS WELCOME, TOGETHER WITH THE DONUTS.

WE WISH TO THANK WALGREENS WHO DONATED THE PHOTOGRAPHER AND ONE PICTURE FOR EACH CHILD TO BE PICKED UP AT WALGREENS OF CRANFORD; AND TO DUNKIN DONUTS WHO DONATED HALF OF THE COST OF THE 15 DOZEN DONUTS. THE HOT CHOCOLATE AND THE OTHER HALF OF THE COST OF THE DONUTS WERE DONATED BY A RESIDENT.

CELEBRATIONS WILL BE STARTING ITS CALENDAR FOR NEXT YEAR AND ARE COORDINATING THE BEGINNINGS OF A GARWOOD COOKBOOK. THE LAST TIME WE HAD A COOKBOOK, WAS IN 2003 AT OUR CENTENNIAL CELEBRATION. MORE INFORMATION ON THIS WILL BE FORTHCOMING IN THE NEW YEAR AND WITH THE FIRST NEWSLETTER OF 2015.

ON BEHALF OF THE CELEBRATION'S COMMITTEE, WE WANT TO WISH Mayor Quattrocchi THE BEST AND THANK YOU FOR YOUR SUPPORT DURING HER TERM IN OFFICE.

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

**UNION COUNTY AIR TRAFFIC NOISE ADVISORY BOARD REPRESENTATIVE:** Councilman Mathieu  
**NO REPORT**

**ATHLETIC FIELD COMPLEX PROJECT COMMITTEE REPRESENTATIVE:**

Thank You Mayor

The monthly construction meeting was held today Dec. 9th at Borough Hall, in attendance were Borough Engineer, DPW Super, Musial Group and Flanagan Construction

As of Nov.25<sup>th</sup> the contractor was given a temporary certificate of Occupancy from the Cranford Building Dept.

On Dec 4<sup>th</sup> at 5pm a Musco Lighting rep. Bob Zoller took light level readings on both fields. A total of 85 readings were taken on the baseball field and 54 readings were taken on the soccer field.

Local residents were invited to the presentation to voice their concerns about the lighting and they will be addressed.

The lighting can be controlled 3 ways, thru internet if a schedule is provided and programmed by Musco, dial an 800 phone number or thru your I phone.

A list of individuals from the borough and baseball were present to hear the information.

A walk thru was done today for the building and a small punch list was made and will be addressed by weeks end

That's all for my report

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

Council President Tarantino reminded everyone that the Ribbon Cutting Ceremony is Sunday, December 14<sup>th</sup> at 1:30 p.m.

**OFFICER'S REPORTS:**

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

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

**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. 14-296**

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF GARWOOD, IN THE COUNTY OF UNION, NEW JERSEY, DESIGNATING A \$2,464,842 BOND ANTICIPATION NOTE, DATED NOVEMBER 10, 2014, PAYABLE APRIL 10, 2015, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Garwood, in the County of Union, New Jersey (the "Borough") desires to designate a \$2,464,842 Bond Anticipation Note, dated November 10, 2014, payable April 10, 2015 (the "Note"), as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code");

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

SECTION 1. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 2. It is hereby determined and stated that (1) said Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2014.

SECTION 3. It is further determined and stated that the Borough has, as of the date hereof, issued the following tax-exempt obligations (other than the Note) during the calendar year 2014:

AMOUNT	DATED – DUE
\$600,550 BAN	4/11/14 – 4/10/15
\$2,389,842 BAN	4/11/14 – 11/10/14

SECTION 4. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 5. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2014 dated as of the date of delivery of the Note.

SECTION 6. This resolution shall take effect immediately upon its adoption.

**RESOLUTION NO. 14-297**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, hereby approve the CFO/Treasurer to issue separate checks for the refund of 2014 sewer bill overpayment on the following property.

REFUND:

BLOCK	LOT	NAME & ADDRESS	AMOUNT
402	5	Jumbo Wash 300 South Avenue Garwood, NJ 07027	\$13.64

EXPLANATION: Payment on the balance of the sewer bill for Jumbo Wash was received. The check was written for \$300.00. Balance was \$286.36. This caused an overpayment on the account.

**RESOLUTION NO. 14-298**

**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 On-Premise 50/50 Raffle, to be held on February 28, 2015, to be held at the Westwood, 438 North Avenue, Garwood, NJ from 7:00 p.m. to 12:00 a.m., is hereby granted to Junior Woman's Club of Westfield, of Cranford NJ, pursuant to Application Number RA #1028.

**RESOLUTION NO. 14-299**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Garwood that Sandra Bruns, Chief Financial Officer, be and is hereby authorized to perform the following:

1. Cancel the following Grant Receivable Balances:

Grant	Amount
Municipal Alliance Grant / January 2013-June 2014	\$5,296.52

2. Cancel the following Grant Reserve Balances:

Grant	Amount
Municipal Alliance Grant / January 2013-June 2014	\$5,296.52

**RESOLUTION NO. 14-300**

RESOLUTION CANCELING UNEXPENDED BALANCE OF 2014 BUDGET APPROPRIATIONS PURSUANT TO N.J.S.A. 40A: 4-60

**WHEREAS**, N.J.S.A. 40A: 4-60 provides for the governing body to cancel unexpended budget appropriations prior to the end of the fiscal year; and

**WHEREAS**, the CFO/Treasurer has identified appropriations in the 2014 budget that she intends to cancel.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Garwood, County of Union, that the following unexpended balances of 2014 budget appropriations be canceled to the credit of Fund Balance:

**Operations – Within “CAPS”**

Sanitation Fees – Bulk Waste                      \$15,367.56

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer is hereby directed to record the effects of this resolution on the financial accounts of the Borough.

**RESOLUTION NO. 14-301**

RESOLUTION CANCELING UNEXPENDED BALANCE OF 2014 BUDGET APPROPRIATIONS PURSUANT TO N.J.S.A. 40A: 4-60

**WHEREAS**, N.J.S.A. 40A: 4-60 provides for the governing body to cancel unexpended budget appropriations prior to the end of the fiscal year; and

**WHEREAS**, the CFO/Treasurer has identified appropriations in the 2014 budget that she intends to cancel.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Garwood, County of Union, that the following unexpended balances of 2014 budget appropriations be canceled to the credit of Deferred Charges-Emergency authorizations

**Operations – Regular Emergency Appropriations**

Emergency Roof Repair \$33,590.00

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer is hereby directed to record the effects of this resolution on the financial accounts of the Borough.

**RESOLUTION NO. 14-302**

RESOLUTION CANCELING UNEXPENDED BALANCE OF 2014 BUDGET APPROPRIATIONS PURSUANT TO N.J.S.A. 40A: 4-60

**WHEREAS**, N.J.S.A. 40A: 4-60 provides for the governing body to cancel unexpended budget appropriations prior to the end of the fiscal year; and

**WHEREAS**, the CFO/Treasurer has identified appropriations in the 2014 budget that she intends to cancel.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Garwood, County of Union, that the following unexpended balances of 2014 budget appropriations be canceled to the credit of Fund Balance:

**Operations – Excluded from “CAPS”**

Debt Service – Interest on Notes \$9,212.50

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer is hereby directed to record the effects of this resolution on the financial accounts of the Borough.

**RESOLUTION NO. 14-303**

**WHEREAS**, the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, hereby directs the transfers of 2014 budget appropriations be and they are hereby made:

<b>2014 Budget Transfer #1</b>				
<b>Resolution #14-303</b>				
FROM:	Department	Account Name	Account Number	Amount
	Salary Adjustment	Other Expenses	10-14-1-5700-2-0980	1,200.00
	State Unemployment	Insurance	10-14-1-5304-2-2071	3,000.00
	Recreation	Summer Supplies	10-14-1-0800-2-0720	250.00
			Total	4,450.00
TO:	Department	Account Name	Account Number	Amount
	Admin & Exec	S&W	10-14-1-0100-1-0100	1,200.00
	Admin & Exec	Email Hosting	10-14-1-0100-2-0238	1,000.00
	Admin & Exec	Computer Hardware	10-14-1-0100-2-0245	1,000.00
	Building & Grounds	Repairs & Contractual	10-14-1-0400-2-0320	1,000.00
	Recreation	S&W	10-14-1-0800-1-0100	250.00
			Total	4,450.00

**RESOLUTION NO. 14-304**

**NOW THEREFORE BE RESOLVED**, by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey that Sandra Bruns, Chief Financial Officer, be and is hereby authorized to cancel various grants and reserve balances as follows:

Municipal Alliance Grant Local Match / January 2013-June 2014	\$0.48
Body Armor Replacement Fund 2006	\$0.17
Clean Communities Grant 2013	\$0.01

**Motion: Action:** Adopt consent agenda, **Moved by** Councilman Nierstedt **Seconded by** Councilwoman Todisco

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Council President Tarantino, Councilman Martin, Councilman Mathieu, Councilman Nierstedt, Councilman Petruzzelli, Councilwoman Todisco. Consent agenda was adopted.

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

**RESOLUTION NO. 14-305**

**WHEREAS** the Council of the Borough of Garwood adopted Resolution No. 14-294 setting the date for the annual reorganization meeting for January 2, 2015 at 6:00 p.m.; and

**WHEREAS** the Council desires to amend the reorganization date as follows:

**BE IT RESOLVED** by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby set the date for the Reorganization meeting of the Mayor and Council for 2015 for Friday, January 2, 2015 at 7:15 p.m., in the Council Chambers of the Municipal Building, 403 South Avenue, Garwood.

**Motion: Action:** Adopt Resolution No. 14-305, **Moved by** Council President Tarantino **Seconded by** Councilwoman Todisco

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Council President Tarantino, Councilman Martin, Councilman Mathieu, Councilman Nierstedt, Councilman Petruzzelli, Councilwoman Todisco. Resolution No. 14-305 was adopted.

**NEW BUSINESS:**

Any new business the Mayor and Council may have: NONE

**PAYMENT OF CLAIMS**

**BE IT RESOLVED** that the following claims as approved be and the same are hereby ordered paid when properly signed and verified; and the payment of payrolls as listed is hereby confirmed and ratified.

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

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

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

**ADJOURNMENT**

The Next Regular Meeting of the Mayor and Council will be held on, **TUESDAY, DECEMBER 23 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 ORDINANCE NO. 14-16 ON TUESDAY, DECEMBER 23, 2014, AT 7:15 P.M. OR SOON THERE AFTER.**

**Motion: Action: At 8:50 p.m., adjourn, Moved by Council President Tarantino, Seconded by Councilman Martin.**