

**BOROUGH OF GARWOOD**

**ORDINANCE NO. 16-02**

Adopted: March 8, 2016

Introduced: February 23, 2016

Public Hearing: March 8, 2016

Motion: Councilman Sarno

Motion: Councilman Sarno

Seconded: Councilwoman Cuccaro

Seconded: Councilwoman Cuccaro

**AN ORDINANCE TO AMEND CHAPTER 30 (PERSONNEL POLICIES) OF THE CODE OF THE BOROUGH OF GARWOOD TO LIMIT ELIGIBILITY FOR HEALTH INSURANCE BENEFITS AND OTHER BENEFITS.**

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

SECTION 1. §30-1. (Purpose and disclaimers) in Article I, (General Provisions) in Chapter 30 (Personnel Policies) of the Code of the Borough of Garwood is hereby amended by amending subsection G and subsection M to read as follows:

G. Regular part-time employees of the Borough of Garwood include all employees whose regular hours of employment are at least 20 hours per week, during normal business hours, and are generally employed in the office of the Borough Administrator/Clerk or Municipal Court and who are not employed full-time at another municipality. All elected and appointed officials and, as such, do not qualify for health benefits or other employment benefits except statutorily required pension benefits.

M. Any other part-time employee not specified by description in this section are not considered regular part-time employees concerning benefits in this policy for regular part-time employees, however they are required to comply with standards and regulations contained in this policy. All other employees are considered part-time employees. All elected and appointed officials and, as such, do not qualify for health benefits or other employment benefits except statutorily required pension benefits.

SECTION 2. § 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 is hereby amended by amending subsection B(1) to read as follows:

B(1). The Borough offers medical insurance to regular full-time employees and eligible dependents, provided through the State Health Benefits Program, and dental benefits, in accordance with P.L. 2011, c. 78. Employees are required to contribute towards health care premiums in accordance with P.L. 2011, c. 78, and contribute towards health care as directed by the laws of the State of New Jersey. Employees working less than 30 hours per week and all elected and appointed Borough officials, including but not limited to those elected or appointed prior to May 21, 2010, shall not be eligible for benefits as provided in this section, specifically including, but not limited to, hospital, medical, dental and major medical insurance benefits, and any other benefits not afforded to employees other than full-time employees as set forth in this Chapter as made and provided from time to time.

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.

**APPROVED:**

**ATTEST:**

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**CHARLES P. LOMBARDO, Mayor**

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**CHRISTINA M. ARIEMMA, Municipal Clerk**

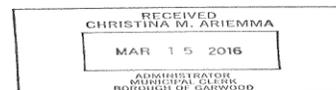
<b>RECORDED VOTE</b>	<b>INTRODUCTION (2/23/16)</b>	<b>ADOPTION (3/8/16)</b>
<b>COUNCILWOMAN CUCCARO</b>	<b>AYE</b>	<b>AYE</b>
<b>COUNCILMAN MARTIN</b>	<b>NAY</b>	<b>NAY</b>
<b>COUNCILMAN MATHIEU</b>	<b>AYE</b>	<b>AYE</b>
<b>COUNCILMAN SARNO</b>	<b>AYE</b>	<b>AYE</b>
<b>COUNCILWOMAN TODISCO</b>	<b>NAY</b>	<b>NAY</b>
<b>COUNCIL PRESIDENT PETRUZZELLI</b>	<b>ABSTAIN</b>	<b>ABSTAIN</b>

I am vetoing Ordinance 16-02 because I have always been supportive of our Councilman retaining his health insurance. The statute in question has been stated many times before and I will take this stand until the law is changed. We have had two legal professional opinions state that our Councilman is entitled to health insurance, as he is grandfathered under the law.

He has a legal right to maintain his insurance through the Borough. If brought to a suit, the insurance company covering Garwood will not defend it. I cannot jeopardize, or put at risk, our community for another potential lawsuit that we cannot win, costing the taxpayers more money, for something that is obviously governed by state law.

Thank you.

  
Charles P. Lombardo  
Mayor of Garwood



"I HEREBY CERTIFY that the above ordinance adopted by the Council of the Borough of Garwood on the 8<sup>th</sup> day of March, 2016, was delivered to me on the 15<sup>th</sup> day of March, 2016, together with the Mayor's statement of the reasons for which the Mayor was constrained to withhold approval of such ordinance, item or part thereof. On reconsideration thereof, on the 22<sup>nd</sup> day of March, 2016, the Mayor's veto was sustained because the council did not move to overturn the Mayor's Veto.

Dated: March 22, 2016

Christina M. Ariemma, Municipal Clerk