

# Borough of Garwood

## Meeting of the Mayor and Council

### AGENDA

March 14, 2019

Moment of Silence.....

Salute to the Flag.....

Adequate notice of this meeting was provided to the Westfield Leader, advertised on January 3, 2019, 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:**

Mayor Todisco	_____	Councilman Ince	_____
Councilman Benoit	_____	Councilman McCormack	_____
Councilwoman Blumenstock	_____	Council President Lazarow	_____
Councilman Graham	_____		

#### **MINUTES:**

Regular and Workshop Minutes of the Mayor and Council held on February 28, 2019.

A motion was made by \_\_\_\_\_, second by \_\_\_\_\_, to accept minutes as presented.  
All in favor, opposed?

#### **COMMUNICATIONS:**

- 1) **NEW JERSEY STATE LEAGUE OF MUNICIPALITIES** –
  - a. Mayor's Advisory –
    - i. 03/01/19, RE: Weekly Round-Up
    - ii. 03/04/19, RE: Daily Update
    - iii. 03/06/19, RE: Daily Update
    - iv. 03/08/19, RE: Weekly Round-Up
- 2) **RAHWAY VALLEY SEWERAGE AUTHORITY** – 02/27/19, RE: Minutes of the meetings held on January 17, 2019
- 3) **RAHWAY VALLEY SEWERAGE AUTHORITY** – 03/11/19, RE: RVSA Meeting Notice
- 4) **UNION COUNTY IMPROVEMENT AUTHORITY** – 03/05/19, RE: Resolution 12-2019
- 5) **TOWN OF WESTFIELD** – 02/22/19, RE: General Ordinance No. 2128 and General Ordinance No. 2129
- 6) **TOWNSHIP OF CLARK** – 02/26/19, RE: Resolution 19-43

**ORDINANCES:**

**INTRODUCTION:**

Municipal Clerk to read Ordinance 19-03 by title only:

**ORDINANCE NO. 19-03**

**AN ORDINANCE REPEALING AND AMENDING THE BOROUGH CODE OF THE BOROUGH OF GARWOOD BY AMENDING CHAPTER 30, ENTITLED "PERSONNEL POLICIES".**

A motion was made by \_\_\_\_\_, second by \_\_\_\_\_, to introduce Ordinance 19-03.

Roll Call:

<b>Councilman Benoit</b>	_____	<b>Councilman Ince</b>	_____
<b>Councilwoman Blumenstock</b>	_____	<b>Councilman McCormack</b>	_____
<b>Councilman Graham</b>	_____	<b>Council President Lazarow</b>	_____

**INTRODUCTION:**

Municipal Clerk to read Ordinance 19-04 by title only:

**ORDINANCE NO. 19-04**

**AN ORDINANCE REPEALING AND AMENDING THE BOROUGH CODE OF THE BOROUGH OF GARWOOD BY AMENDING CHAPTER 5, ARTICLE VIII B, ENTITLED "BOROUGH ADMINISTRATOR AND ASSISTANT BOROUGH ADMINISTRATOR".**

A motion was made by \_\_\_\_\_, second by \_\_\_\_\_, to introduce Ordinance 19-04.

Roll Call:

<b>Councilman Benoit</b>	_____	<b>Councilman Ince</b>	_____
<b>Councilwoman Blumenstock</b>	_____	<b>Councilman McCormack</b>	_____
<b>Councilman Graham</b>	_____	<b>Council President Lazarow</b>	_____

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

**POLICE: Councilman Ince, Chr.**

**STREETS AND ROADS/ECOLOGY: Councilwoman Blumenstock Chr.**

**FIRE: Councilman McCormack, Chr.**

**FINANCE: Council President Lazarow, Chr.**

**BUILDINGS AND GROUNDS: Councilman Graham**

**LAWS AND LICENSES: Councilman Benoit**

**RECREATION: Councilman Benoit**

**GARWOOD SENIOR CITIZEN LIAISON: Councilwoman Blumenstock**

**LIBRARY, MAYOR'S REPRESENTATIVE: Council President Lazarow**

**SCHOOL BOARD LIAISON: Councilwoman Blumenstock**

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

**HISTORICAL COMMITTEE: Councilman Graham**

**OFFICER'S REPORTS:**

Len DiStefano, Zoning Code Enforcement Officer: report for the month of February 2019

Jim Wright, Chief of Police: report for the month of February 2019

A motion was made by \_\_\_\_\_, second by \_\_\_\_\_, to accept Officer's reports.

All in favor, opposed?

**PUBLIC COMMENT:**

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

Mayor Todisco requests a motion followed by a second to close public comment.

All in favor, opposed?

**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. 19-173**

**WHEREAS**, N.J.S.A. 40A:4-19 provides that the governing body may, and if any contracts, commitments or payments are to be made prior to the adoption of the Budget, shall, by resolution adopted prior to January 31, of the fiscal year, make appropriations to provide for the period between the beginning of the fiscal year and the adoption of the budget.

**NOW, THEREFORE, BE IT RESOLVED** that the amended list of temporary appropriations be made for the year 2019.

**RESOLUTION NO. 19-174**

**BE IT RESOLVED**, by the Council of the Borough of Garwood, County of Union State of New Jersey hereby authorizes the agreement with CGP&H, 101 Interchange Plaza Suite 301, Cranbury, NJ 08512, for professional services for Affordable Housing Administrative Agent Services in accordance with the proposal for the 2019 term.

**RESOLUTION NO. 19-175**

**WHEREAS**, the Council of the Borough of Garwood, County of Union, State of New Jersey, is required to establish and maintain a program of recognized public health activities and to meet the minimum standard of performance for such activities; and

**WHEREAS**, the Board of Health of the Borough of Garwood has recommended to the Mayor and Council that a contract be entered into with the Board of Health of the Town of Westfield in accordance with N.J.S.A. 26:A2-1, et. seq. and N.J.S.A. 40:8A-1, et. seq.; and

**WHEREAS**, an agreement has been agreed upon in Resolution No. 3330 dated, January 10, 1978, wherein the Board of Health of the Town of Westfield will provide certain health services of licensed personnel in the carrying out of public health activities in the Borough of Garwood:

**THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Garwood, that the Mayor and Municipal Clerk be and are hereby authorized to execute the attached a three-year contract on behalf of the Borough wherein the Borough agrees to pay the following:

- (a) Westfield Township the sum of \$52,613.00 for the Public Health Services provided by Westfield for 2019. Payments shall be made quarterly on the fifteenth day of February, May August and November during the term of this Agreement.
- (b) In 2020-2023 the annual fee shall be increased by the sum of (i) the lesser of: (A) two (2%) percent; or (B) the percentage increase in the salaries of Westfield Regional Health Department employees under the collective bargaining agreement over the prior year; and (ii) the cost of any additional services requested by Recipient that were not requested in the first year of the term of this Agreement.

**RESOLUTION NO. 19-176**

**WHEREAS**, the Council of the Borough of Garwood, County of Union, State of New Jersey, has heretofore adopted the Resolutions listed in paragraph 2 for the purpose of setting rates for hourly rates of pay for the hiring by profit making, not-for-profit, or governmental entities of off-duty police officers in the Borough of Garwood; and

**WHEREAS**, the Council of the Borough of Garwood, County of Union, State of New Jersey, has heretofore adopted Resolutions No. 81-179; 92-272; 92-319; 93-180; 96-295; 99-172; 00-138; 01-350; 06-273; 08-287, 10-222, 11-270 and 16-259 which set or amend hourly rates of pay for the hiring by profit, not-for-profit, or governmental entities of off-duty police officers in the Borough of Garwood; and

**WHEREAS**, the Chief of Police has recommended that a fee for use of police vehicles be included and set at \$100 per day; and

**WHEREAS**, said fee is to be paid to the Borough of Garwood, remitted to the Treasurer in accordance with this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Garwood that the daily rate for police vehicles that request the hiring of police officers of the Borough of Garwood for extra-duty employment by profit, not-for-profit and governmental entities be and hereby is set at \$100 per day, per vehicle.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

**RESOLUTION NO. 19-177**

**WHEREAS**, the Borough of Garwood (hereinafter referred to as the "Employer") by resolution previously adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

**WHEREAS**, the Economic Growth and Tax Relief Reconciliation Act of 2001, the 2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation §1.457-4, the Heroes Earnings Assistance and Relief Tax Act of 2008, the Worker, Retiree and Employer Recovery Act of 2008 and the Small Business Act of 2010 amended sections of the Internal Revenue Code (the "Code") and the rules and/or regulations issued thereunder affecting Section 457 Deferred Compensation Plans (cumulatively referred to as the "Acts and Regulations"); and

**WHEREAS**, the Employer desires its Plan to conform with the changes in the Code and Treasury regulations brought about by the Acts and Regulations; and

**WHEREAS**, the Employer desires to adopt a restated Plan that conforms with the changes in the Code and Treasury regulations resulting from the Acts and Regulations; and

**WHEREAS**, such revised Plan shall supersede the previously adopted Plan; and

**NOW, THEREFORE BE IT RESOLVED** that the Employer hereby adopts a revised Plan 92-PD-Lincoln-121316.

**BE IT FURTHER RESOLVED** that Lincoln Retirement Services, LLC (hereinafter referred to as "Lincoln") has agreed to continue to be the provider of the Deferred Compensation Program for employees and elected officials; and

**BE IT FURTHER RESOLVED** that Lincoln will continue to provide, for the benefit of the participants the Multi-Fund Variable Annuity contract; and

**BE IT FURTHER RESOLVED** that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln in the selection of a provider pursuant to N.J.A.C. 5:37 - 5.7.

**BE IT FURTHER RESOLVED** that the Borough Administrator/Clerk be and is hereby authorized to execute an Administrative Services Agreement with Lincoln (94-SA-Lincoln-110217) and such other agreements as are necessary to implement the Deferred Compensation Program. It is implicitly understood that there is to be no cost or contribution by the Employer to the program; and

**BE IT FURTHER RESOLVED** that the Borough Administrator/Clerk be and is hereby authorized to serve as the "Administrator" of the plan, represent the Employer, and execute individual deferred compensation agreements with each said employee; and

**BE IT FURTHER RESOLVED** by the Employer that the Municipal Clerk forward a certified true copy of this resolution to the Chief Financial Officer; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803; Trenton, NJ 08625-0803.

**RESOLUTION NO. 19-178**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c:102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling program; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Garwood that the Borough of Garwood hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environment Protection and designates Clint Dickson to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a recycling trust fund to be used solely for the purposes of recycling.

**RESOLUTION NO. 19-179**

**BE IT RESOLVED** by the Council of the Borough of Garwood, County of Union, State of New Jersey, that the following is hereby appointed as Special Police Officer, Class "B" Alternate School Crossing Guard commencing March 18, 2019, at an hourly rate of \$17.00 per hour.

Dana Evelina  
300 Center Street  
Garwood, NJ 07027

**RESOLUTION NO. 19-180**

**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 Use Agreement between the Borough of Garwood and Garwood Baseball League, a non-profit organization, for the use of an area of land located at the Garwood Sports and Recreation Complex in order for the Garwood Baseball League to utilize the baseball field for baseball and/or softball programs for youth in the community.

A motion was made by \_\_\_\_\_, second by \_\_\_\_\_, to adopt Consent Agenda.

Roll Call:

<b>Councilman Benoit</b>	_____	<b>Councilman Ince</b>	_____
<b>Councilwoman Blumenstock</b>	_____	<b>Councilman McCormack</b>	_____
<b>Councilman Graham</b>	_____	<b>Council President Lazarow</b>	_____

**RESOLUTIONS DELETED FROM THE CONSENT AGENDA:**

**NEW BUSINESS:**

Appointment of Peter Demato to the Board of Health  
Un-expired term 03/14/2019 to 12/31/2019

**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.

A motion was made by \_\_\_\_\_, second by \_\_\_\_\_, to adopt Payment of Claims Resolution.

Roll Call:

<b>Councilman Benoit</b>	_____	<b>Councilman Ince</b>	_____
<b>Councilwoman Blumenstock</b>	_____	<b>Councilman McCormack</b>	_____
<b>Councilman Graham</b>	_____	<b>Council President Lazarow</b>	_____

**ADJOURNMENT:**

The Regular Meeting of the Mayor and Council will be held on, **THURSDAY, MARCH 28, 2019**, in Council Chambers at 7:15 p.m. Workshop Session to start at 7:00 p.m.

A motion was made by \_\_\_\_\_ Second by \_\_\_\_\_, to adjourn. Time: \_\_\_\_\_