

Borough of Garwood Meeting of the Mayor and Council

****AMENDED****

AGENDA

April 12, 2016

Moment of Silence.....

Salute to the Flag.....

Adequate notice of this meeting was provided to the Westfield Leader and Union County Local Source, advertised on January 7, 2016, 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 Lombardo	_____		
Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Martin	_____	Councilwoman Todisco	_____
Councilman Mathieu	_____	Council President Petruzzelli	_____

MINUTES:

Regular and Workshop Minutes of the Mayor and Council held on March 22, 2016.

Motion _____ Second _____, to accept minutes as presented.

COMMUNICATIONS:

- 1) **NEW JERSEY STATE LEAGUE OF MUNICIPALITIES –**
 - a. Mayor's Advisory –
 - i. 03/21/16, RE: Weekly Update
 - ii. 03/21/16, RE: Daily Update
 - iii. 03/29/16, RE: Weekly Update
 - iv. 03/29/16, RE: Daily Update
 - v. 04/01/16, RE: Weekly Update
 - vi.
- 2) **NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, LOCAL FINANCE BOARD –**
03/22/16, RE: Proposed Amendments to N.J.A.C. 5:30-17.1 through 17.6
- 3) **UNION COUNTY BOARD OF CHOSEN FREEHOLDERS –** 04/05/16, RE: Resolution 2016-25, Hazard Mitigation Plan and 04/07/16, RE: Ordinance 773-2016, Fixing Salaries
- 4) **RAHWAY VALLEY SEWERAGE AUTHORITY, JAMES MEEHAN, EXC DIRECTOR –**
03/07/16, RE: Written report from Garwood Workshop Meeting from 01/26/16
- 5) **RAHWAY VALLEY SEWERAGE AUTHORITY –** 03/29/16, RE: Approved minutes of the meetings held on February 11, 2016 and February 18, 2016

- 6) **RAHWAY VALLEY SEWERAGE AUTHORITY** - 04/05/16, RE: RVSA Meeting Notice
- 7) **STEPHEN F. HEHL, ESQ.** – 03/22/16, RE: Lordan Estate - 484 4th Avenue, Garwood
- 8) **BRUCE PATERSON** – 04/08/16, RE: Email communication to Mayor and Council regarding RVSA.
- 9) **GARWOOD HISTORICAL COMMITTEE** – 04/05/16, RE: Re-Dedication Ceremony, 06/12/16
- 10) **GARWOOD PLANNING BOARD** – 03/29/16, RE: Minutes of the meeting held on 03/09/16 and agenda for 04/18/16 and 04/27/16 meetings

ORDINANCES:

Public Hearing on Ordinance 16-03 and 16-04 as advertised on March 24, 2016.

ADOPTION:

Municipal Clerk to read Ordinance 16-03 by title only:

ORDINANCE NO. 16-03

AN ORDINANCE TO PROVIDE FOR A REVISED RATE SCHEDULE FOR 2016 PURSUANT TO §134-16 (RATE SCHEDULE) IN ARTICLE V (INDUSTRIAL WASTE & FEES) IN CHAPTER 134 (SEWERS) OF THE CODE OF THE BOROUGH OF GARWOOD, FOR THE INDUSTRIAL USER CHARGE PROVIDED FOR IN §134-15.

List correspondence concerning Ordinance 16-03.

Does anyone present wish to be heard concerning Ordinance 16-03.

Motion _____ Second _____, to close Public Hearing on Ordinance 16-03.

Motion _____ Second _____, to adopt Ordinance 16-03.

Discussion:

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Martin	_____	Councilwoman Todisco	_____
Councilman Mathieu	_____	Council President Petruzzelli	_____

Municipal Clerk to read Ordinance 16-04 by title only:

ORDINANCE NO. 16-04

**CALENDAR YEAR 2016
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

List correspondence concerning Ordinance 16-04.

Does anyone present wish to be heard concerning Ordinance 16-04.

Motion _____ Second _____, to close Public Hearing on Ordinance 16-04.

Motion _____ Second _____, to adopt Ordinance 16-04.

Discussion:

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Martin	_____	Councilwoman Todisco	_____
Councilman Mathieu	_____	Council President Petruzzelli	_____

INTRODUCTION:

Municipal Clerk to read Ordinance 16-05 by title only:

ORDINANCE NO. 16-05

**AN ORDINANCE TO ESTABLISH A RESTRICTED PARKING ZONE PURSUANT TO N.J.S.A. 39:4-197.6
IN FRONT OF 505 CENTER STREET, IN THE BOROUGH OF GARWOOD.**

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Martin	_____	Councilwoman Todisco	_____
Councilman Mathieu	_____	Council President Petruzzelli	_____

Municipal Clerk to read Ordinance 16-06 by title only:

ORDINANCE NO. 16-06

**AN ORDINANCE TO ESTABLISH A RESTRICTED PARKING ZONE PURSUANT TO N.J.S.A. 39:4-197.6
IN FRONT OF 207 SPRUCE AVENUE, IN THE BOROUGH OF GARWOOD.**

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Martin	_____	Councilwoman Todisco	_____
Councilman Mathieu	_____	Council President Petruzzelli	_____

Municipal Clerk to read Ordinance 16-07 by title only:

ORDINANCE NO. 16-07

**AN ORDINANCE TO ESTABLISH A RESTRICTED PARKING ZONE PURSUANT TO N.J.S.A. 39:4-197.6
IN FRONT OF 547 THIRD AVENUE, IN THE BOROUGH OF GARWOOD.**

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Martin	_____	Councilwoman Todisco	_____
Councilman Mathieu	_____	Council President Petruzzelli	_____

COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:

POLICE: Councilman Sarno, Chr.

PUBLIC HEALTH: Councilwoman Cuccaro

STREETS AND ROADS/ECOLOGY: Councilman Petruzzelli, Chr.

FIRE: Councilwoman Cuccaro, Chr.

FINANCE: Councilwoman Todisco, Chr.

BUILDINGS AND GROUNDS: Councilman Mathieu, Chr.

LAWS AND LICENSES: Councilman Martin, Chr.

RECREATION: Councilman Martin Chr.

GARWOOD SENIOR CITIZEN LIASON: Councilwoman Cuccaro

LIBRARY, MAYOR'S REPRESENTATIVE: Councilman Petruzzelli

SCHOOL BOARD LIAISON: Councilman Sarno

CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON:
Councilwoman Todisco

UNION COUNTY AIR TRAFFIC NOISE ADVISORY BOARD REPRESENTATIVE:
Councilman Mathieu

ADMINISTRATIVE REVIEW COMMITTEE: Councilwoman Todisco

HISTORICAL COMMITTEE: Councilwoman Todisco

OFFICER'S REPORTS:

Len Di Stefano, Zoning Code Enforcement Officer monthly report and addendum for March 2016
Len Spina, Fire Chief monthly report for February and March 2016
Sandy Bruns, CFO/Tax Collector monthly report for March 2016

Motion _____ Second _____, to accept Officer's reports.

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. 16-183

WHEREAS, the Borough of Garwood has filed a Declaratory Judgment Action in the Superior Court of New Jersey in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Borough of Garwood has previously authorized the execution of a Municipal Shared Service Defense Agreement and a contribution of \$2000 to be combined with the contributions of other municipalities for the purpose, among others, of participating in the preparation of a statewide fair share analysis in order to establish a rational and reasonable methodology for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, the Borough of Garwood and the other participating municipalities in the Municipal Shared Service Defense Agreement have been informed that the fund has been depleted and needs to be replenished in order for the municipalities to continue to act in concert in marshalling the resources necessary to counter the FSHC numbers;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Garwood, as follows:

1. The additional amount of \$2000 is hereby authorized to be expended by the Borough of Garwood in connection with the Municipal Shared Service Defense Agreement
2. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough of Garwood and is appended hereto.
3. The Mayor and Municipal Clerk be and are hereby authorized to execute any documents necessary to memorialize and confirm the continued participation of the Borough of Garwood in the preparation of a Fair Share Analysis and any other analyses and actions deemed appropriate to assist in the joint efforts of the municipalities participating in the Municipal Shared Service Defense Agreement and to take any and all actions reasonably required to effectuate said Agreement.
4. This Resolution shall take effect immediately.

RESOLUTION NO. 16-184

BE IT RESOLVED, by the 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 and an On-Premise Merchandise Raffle on May 5, 2016, to be held at the Crossroads, 78 North Avenue, Garwood, NJ from 7:00 – 11:00 p.m., is hereby granted to PTA School One Scotch Plains, pursuant to Application Number RA #1078 and RA #1079.

RESOLUTION NO. 16-185

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION
BY RIDER FOR CELEBRATION COMMITTEE DONATIONS REQUIRED BY N.J.S.A. 40A:5-29

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of Celebration Committee Donations by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Celebration Committee Donations are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Garwood, County of Union, as follows

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Celebration Committee (N.J.S.A. 40A:5-29)
2. The Clerk of the Borough of Garwood, County of Union is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

RESOLUTION NO. 16-186

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION
BY RIDER FOR HISTORICAL COMMITTEE DONATIONS REQUIRED BY N.J.S.A. 40A:5-29

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and
WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of Historical Committee Donations by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Historical Committee Donations are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Garwood, County of Union, as follows

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Historical Committee (N.J.S.A. 40A:5-29)

2. The Clerk of the Borough of Garwood, County of Union is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

RESOLUTION NO. 16-187

WHEREAS, the Superintendent of Public Works solicited quotes from vendors for the disposal of Type 23 Vegetative Yard Waste which is Brush, Grass and Mixed Yard Waste combined. Quotes were received as follows:

Vendor	Description	Price
Natures Choice Corp.	Per cubic yard	\$15.00
Rotundi & Sons	Per cubic yard	\$22.50
Plainfield Municipal Utilities Authority	Failed to submit a quote	---

BE IT RESOLVED by the Council of the Borough of Garwood, County of Union, State of New Jersey, hereby awards the quote to the lowest vendor as follows:

CONTRACTOR: NATURES CHOICE CORPORATION
 398 LINCOLN BOULEVARD
 MIDDLESEX, NJ

PRICE & DESCRIPTION: **Type 23 Vegetative Waste**
 \$15.00 per cy mixed delivered to transfer station
 TERM: April 1, 2016 to April 1, 2017

RESOLUTION NO. 16-188

BE IT RESOLVED, by the 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 and an On-Premise Merchandise Raffle on April 21, 2016, to be held at the Westwood. 438 North Avenue, Garwood, NJ from 6:00 – 9:00 p.m., is hereby granted to Education Foundation of Garwood, pursuant to Application Number RA #1080 and RA #1081.

Motion _____ Second _____, to adopt Consent Agenda.

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Martin	_____	Councilwoman Todisco	_____
Councilman Mathieu	_____	Council President Petruzzelli	_____

RESOLUTIONS DELETED FROM THE CONSENT AGENDA:

Motion _____ Second _____.

Discussion:

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Martin	_____	Councilwoman Todisco	_____
Councilman Mathieu	_____	Council President Petruzzelli	_____

NEW BUSINESS:

PROCLAMATIONS:

Earth Day – April 22, 2016
 Arbor Day – April 29, 2016
 Preeclampsia Month – May 2016

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 _____ Second _____, to adopt Payment of Claims Resolution.

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Martin	_____	Councilwoman Todisco	_____
Councilman Mathieu	_____	Council President Petruzzelli	_____

ADJOURNMENT:

The Regular Meeting of the Mayor and Council will be held on, **TUESDAY, APRIL 26, 2016**, 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 THE 2016 MUNICIPAL BUDGET AND ORDINANCE NO. 16-05, 16-06, 16-07, ON TUESDAY April 26, 2016, AT 7:15 P.M. OR SOON THERE AFTER.

Motion _____ Second _____, to adjourn.

Time: _____