

Borough of Garwood Meeting of the Mayor and Council

AGENDA

June 23, 2015

Moment of Silence.....

Salute to the Flag.....

Adequate notice of this meeting was provided to the Cranford Chronicle, advertised on January 16, 2015, 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 Lombardo asks at this time please turn your cell phones to off or vibrate.

ROLL CALL:

Mayor Lombardo _____

Councilman Martin _____

Councilman Mathieu _____

Councilman Petruzzelli _____

Councilwoman Tarantino _____

Councilwoman Todisco _____

Council President Nierstedt _____

MINUTES:

Regular Meeting of the Mayor and Council held on June 9, 2015.

Workshop Session of the Mayor and Council held on June 9, 2015.

COMMUNICATIONS:

1) NEW JERSEY STATE LEAGUE OF MUNICIPALITIES –

a. Mayor's Advisory –

- i. 06/08/15, RE: Weekly Policy Update
- ii. 06/10/15, RE: URGENT LEGISLATIVE ALERT S-781 and S-782
- iii. 06/10/15, RE: NJ Supreme Court Ruling on Pension Payment Obligation
- iv. 06/10/15, RE: Update on Federal Developments
- v. 06/11/15, RE: I. NJ Supreme Court Case on Pension Funding (“Chapter78”) II. Federal Highway Administration Memo on Roadside Safety Hardware III. “The Making of our Nation’s Laws”
- vi. 06/11/15, RE: REVISED NJ Supreme Court Case on Pension Funding (“Chapter78”)
- vii. 06/11/15, RE: Federal Law Enforcement Body-Worn Camera Program
- viii. 06/15/15, RE: Weekly Policy Update

- ix. 06/17/15, RE: Impact on Property Taxes When Implementing an Element of Pension and Benefits “Roadmap” Report
 - x. 06/19/15, RE: Status Report on Addressing the “Roadmap to Resolution”
- 2) **RAHWAY VALLEY SEWERAGE AUTHORITY** – 06/09/15, RE: Personnel Committee Meeting to be held Thursday, June 11, 2015 at 6:30 p.m.

ORDINANCES:

INTRODUCTION:

Municipal Clerk to read Ordinance 15-12 by title only:

ORDINANCE NO. 15-12

AN ORDINANCE FIXING SALARIES AND WAGES OF CERTAIN OFFICIALS AND EMPLOYEES OF THE BOROUGH OF GARWOOD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY.

Motion to introduce Ordinance 15-12. Roll Call.

Municipal Clerk to read Ordinance 15-13 by title only:

ORDINANCE NO. 15-13

AN ORDINANCE TO AMEND ARTICLE XII (COMMUTER PARKING) IN CHAPTER 21 (TRAFFIC AND PARKING) OF THE REVISED ORDINANCES OF THE BOROUGH OF GARWOOD, 1974, TO ESTABLISH A COMMUTER PARKING AREA AT BLOCK 211, LOT 3 AND TO ESTABLISH REGULATIONS THEREFOR.

Motion to introduce Ordinance 15-13. Roll Call.

COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:

POLICE: Councilwoman Tarantino, Chr.

PUBLIC HEALTH: Council President Nierstedt

STREETS AND ROADS/ECOLOGY: Councilwoman Todisco, Chr.

FIRE: Council President Nierstedt, Chr.

FINANCE: Councilman Petruzzelli, Chr.

BUILDINGS AND GROUNDS: Councilman Mathieu, Chr.

LAWS AND LICENSES: Councilman Martin, Chr.

RECREATION: Councilwoman Todisco Chr.

COMMITTEE ON AGING: Councilwoman Tarantino

LIBRARY, MAYOR'S REPRESENTATIVE: Councilman Petruzzelli

SCHOOL BOARD LIAISON: Councilman Mathieu

CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON:
Council President Nierstedt

UNION COUNTY AIR TRAFFIC NOISE ADVISORY BOARD REPRESENTATIVE:
Councilman Mathieu

PARKING COMMITTEE: Councilwoman Tarantino

POLICE NEGOTIATIONS COMMITTEE: Councilwoman Tarantino

ADMINISTRATIVE REVIEW COMMITTEE: Councilwoman Tarantino

HISTORICAL COMMITTEE: Councilwoman Todisco

OFFICER'S REPORTS:

Municipal Court Administrator Martha Marino: monthly report for May 2015

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. 15-210

WHEREAS, the Borough of Garwood has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey Union County 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 desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") 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, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter "the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC ("Surenian") will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

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

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Borough of Garwood for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. 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.
4. The Mayor and Municipal Clerk be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Borough of Garwood in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Borough of Garwood hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Borough of Garwood the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Borough of Garwood will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately.

RESOLUTION NO. 15-211

BE IT RESOLVED by the Council of the Borough of Garwood that Borough Attorney Robert F. Renaud be and is hereby authorized to file a Declaratory Judgment Action in the Superior Court of New Jersey Union County 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").

RESOLUTION NO. 15-212

A RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE MUNICIPALITY OF THE BOROUGH OF GARWOOD TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED JUNE 2011

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

WHEREAS, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Municipality of the Borough of Garwood and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Municipality of Garwood that the agreement entitled "COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES," dated June 2011, for the Purpose of Inserting a Description of Activities for Fiscal Year 2015-2016 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

RESOLUTION NO. 15-213

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 redemption of Lien Certificate #2015-08 for the following property.

LIEN REDEMPTION:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
0406	0016	Dolores Sullivan 307 Willow Avenue Garwood, NJ 07027	Lien Redemption Premium HI Trust \$15,000.00 \$10,051.38

REFUND TO: US BANK CUST FOR PHOENIX FUNDING
2 LIBERTY PLACE - TLSG
50 SOUTH 16TH ST – SUITE 1950
PHILADELPHIA, PA. 19102

EXPLANATION: TAX SALE CERTIFICATE REDEEMED BY OWNER, DOLORES A. SULLIVAN

RESOLUTION NO. 15-214

WHEREAS, the Mayor and Council of the Borough of Garwood currently participate in an Interlocal Shared Services agreement for the provision of Janitorial services with the Garwood Board of Education for the Borough of Garwood properties; and

WHEREAS, Municipal properties in this service include, Borough Hall at 403 South Avenue, Fire Department Building at 415 South Avenue and Department of Public Works at 10 South Avenue; and

WHEREAS, both parties have agreed to renew the agreement for a period of one year, commencing April 1, 2015 in accordance with the following:

Janitorial services to Municipal properties listed above for an annual cost of \$23,345.00, billed quarterly \$5,836.25; and

WHEREAS, both parties have agreed to include Janitorial services for the Garwood Sports and Recreation Complex, located at 140 Myrtle Avenue, as follows:

Janitorial services to the Garwood Sports and Recreation Complex for cost of \$25.00 per hour on an as needed basis not to exceed five (5) billable hours per week without prior approval from the Borough of Garwood.

BE IT RESOLVED by the Council of the Borough of Garwood that the above is hereby approved.

BE IT FURTHER RESOLVED that the Board of Education shall bill the Borough for the above services at the Garwood Sports and Recreation Complex at the conclusion of each month which will reflect the number of cleaning hours utilized per week at the Garwood Sports and Recreation Complex.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and are hereby authorized to sign the agreement between the Borough of Garwood and the Garwood Board of Education for the above provisions.

RESOLUTION NO. 15-215

WHEREAS Mayor Charles P. Lombardo hereby appoints Sandra Bruns as Assistant Borough Administrator in accordance with Chapter 5, Article VIII B, Section 5.51-26.

BE IT RESOLVED by the Council of the Borough of Garwood, County of Union hereby consent to the Mayor's appointment of Sandra Bruns as Assistant Borough Administrator, which shall be now titled Chief Financial Officer/Treasurer/Assistant Borough Administrator effective June 24, 2015, with the annual salary of \$4,500.00, added to the existing salary for her position(s).

RESOLUTION NO. 15-216

BE IT RESOLVED by the Council of the Borough of Garwood, County of Union, State of New Jersey, hereby awards the quote for the following:

CONTRACTOR: JB Ragonese Construction, Co., Inc.
PO Box 304
Garwood, NJ 07027
PRICE & DESCRIPTION: Repair 8" clay sewer main approximately 9' deep, and related work. As per quote dated June 18, 2015
Not to exceed: **\$6,450.00**

ROLL CALL

RESOLUTIONS DELETED FROM THE CONSENT AGENDA:

ROLL CALL

NEW BUSINESS:

Any new business the Mayor and Council may have:

PROCLAMATION – Acknowledging Library Director, Carol Lombardo's Retirement

PAYMENT OF CLAIMS:

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

ROLL CALL

ADJOURNMENT:

The Regular Meeting of the Mayor and Council will be held on, **TUESDAY, JULY 14, 2015**, 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. 15-12 AND 15-13, ON TUESDAY, JULY 14, 2015, AT 7:15 P.M. OR SOON THERE AFTER.