

Borough of Garwood

Meeting of the Mayor and Council

AGENDA

October 13, 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

Councilwoman Kearney

Councilman Martin

Councilman Mathieu

Councilman Petruzzelli

Councilwoman Todisco

Council President Nierstedt

MINUTES:

Regular Meeting of the Mayor and Council held on September 22, 2015.

Executive Session of the Mayor and Council held on September 22, 2015.

Workshop Session of the Mayor and Council held on September 22, 2015.

COMMUNICATIONS:

- 1) **NEW JERSEY STATE LEAGUE OF MUNICIPALITIES –**
 - a. Mayor's Advisory –
 - i. 09/18/15, RE: Weekly Policy Update
 - ii. 09/25/15, RE: Weekly Policy Update
 - iii. 09/29/15, RE: Urgent Alert
 - iv. 09/30/15, RE: Daily Update
 - v. 09/30/15, RE: Daily Update
 - vi. 10/02/15, RE: Daily Update
 - vii. 10/02/15, RE: Weekly Update
 - viii. 10/02/15, RE: Daily Update
- 2) **RAHWAY VALLEY SEWERAGE AUTHORITY –** 09/29/15, RE: Minutes of the meeting held on August 20, 2015.
- 3) **GARWOOD PLANNING BOARD –** 09/25/15, RE: Minutes of the meeting held on August 26, 2015

ORDINANCES:

INTRODUCTION:

Municipal Clerk to read Ordinance 15-19 by title only:

ORDINANCE NO. 15-19

AN ORDINANCE TO ENACT CHAPTER 77 (DUMPSTERS AND CONTAINERS) OF THE CODE OF THE BOROUGH OF GARWOOD TO REGULATE PLACEMENT AND MAINTENANCE OF DUMPSTERS AND CONTAINERS, AND TO REPEAL ARTICLE IX (DUMPSTERS AND CONTAINERS) IN CHAPTER 146 (STREETS AND SIDEWALKS) OF SAID CODE.

Motion to introduce Ordinance 15-19. Roll Call.

Municipal Clerk to read Ordinance 15-20 by title only:

ORDINANCE NO. 15-20

AN ORDINANCE TO AMEND §106-4 (DEFINITIONS) IN ARTICLE I (GENERAL PROVISIONS) IN CHAPTER 106 (LAND USE) AND § 5-49 (DUTIES AND POWERS) IN ARTICLE VIII (BOROUGH ENGINEER IN CHAPTER 3 (ADMINISTRATION) OF THE CODE OF THE BOROUGH OF GARWOOD TO DEFINE THE ROLES OF THE BOROUGH ENGINEER AND BOARD ENGINEER WITH RESPECT TO LAND USE APPLICATIONS AND DEVELOPMENTS.

Motion to introduce Ordinance 15-20. Roll Call.

COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:

POLICE: Councilwoman Kearney, 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 Kearney

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

ADMINISTRATIVE REVIEW COMMITTEE: Councilman Petruzzelli

HISTORICAL COMMITTEE: Councilwoman Todisco

OFFICER'S REPORTS:

Chief of Police Bruce Underhill: monthly reports for August 2015.

Len Di Stefano, Zoning Code Enforcement Officer monthly report for September 2015

Municipal Tax Collector Aggie Kurzweil: monthly report for September 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. 15-269

BE IT RESOLVED, by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorize the Mayor and Municipal Clerk to sign the contract with the County of Union Municipal Alliance, for the period of July 1, 2015 to June 30, 2016.

RESOLUTION NO. 15-270

BE IT RESOLVED, by the Mayor and Council of the Borough of Garwood, County of Union State of New Jersey hereby authorizes the Municipal Clerk to sign the FRA Technologies 2015-2016 Maintenance Contract for the Animal Licensing Software. Cost not to exceed \$720.00. Contract with FR Associates, 499 Ernston Road, Suite B-8, Parlin, NJ 08856

RESOLUTION NO. 15-271

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the 2016 DOT Various Road Improvement Project.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Garwood, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Garwood Borough-00502 to the New Jersey Department of Transportation on behalf of the Borough of Garwood.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Garwood and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorize the Municipal Clerk to utilize one service call for the installation of updates, cost not to exceed \$225.00.

RESOLUTION NO. 15-272

WHEREAS, Local Finance Notice #2015-17 requires municipalities to complete and submit "Best Practice Inventory Worksheet" to determine the final 5% allocation of State Aid entitlement; and

WHEREAS, in accordance with LFN #2015-17 the completed form must be an agenda item for discussion at a public meeting of the Mayor and Council. The Municipal Clerk is required to certify that the inventory was presented to the Governing Body for public discussion.

THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey hereby acknowledge receipt of the Best Practices Worksheet CY2015; and

BE IT FURTHER RESOLVED, that the Municipal Clerk and Chief Financial Officer be and are hereby authorized to sign and submit the CY2015 Best Practice Inventory Worksheet presented at the meeting of the Mayor and Council held on Tuesday, October 13, 2015.

RESOLUTION NO. 15-273

WHEREAS, by Resolution No. 13-314, adopted September 24, 2013, the Borough Council of the Borough of Garwood authorized the Planning Board of the Borough of Garwood to undertake a preliminary investigation to determine whether the area in the Borough of Garwood, known and designated as Block 211, Lot 6, on the Tax Map of the Borough of Garwood, commonly known as 75 North Avenue, is an area in need of redevelopment and a noncondemnation redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, by Resolution No. 14-165, dated March 11, 2014, the Borough Council authorized Planner Harbor Consultants, Inc. to review the designated criteria and prepare a report to the Planning Board as to whether the area commonly known as 75 North Avenue, in the Borough of Garwood, County of Union and State of New Jersey, known and designated as Block 211, Lot 6 as shown on the official Tax Map of the Borough of Garwood, is an area in need of redevelopment as a non-condemnation redevelopment area, in accordance with N.J.S.A. 40A:12A-1, et seq.; and

WHEREAS, the said Planner prepared a report entitled "Preliminary and Investigation Report for the Redevelopment Study of the Garwood Paperboard Property (Block 211, Lot 6)" prepared by Harbor Consultants, Inc., dated February 2015; and

WHEREAS, the Planning Board received and reviewed the said report and conducted a public hearing on March 25, 2015, in accordance with N.J.S.A. 40A:12A-6; and

WHEREAS, the Planning Board found, and adopted the conclusions of the Planner, that the delineated area is an area of need of redevelopment because it meets the statutory criteria for redevelopment, including the following criteria as set forth in N.J.S.A. 40A:12A-5:

(b). The discontinuance of the use of buildings previously used for commercial, manufacturing or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable;

(d). Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout or any combination of these or other factors, or detrimental to the safety, health, morals or welfare of the community;

(h). The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation;

and

WHEREAS, the manner which the delineated area meets these criteria is more fully detailed in the aforementioned study, as adopted by reference by the Planning Board; and

WHEREAS, after completing its hearing on this matter, the Planning Board recommended, by resolution adopted June 24, 2015, that the aforementioned area be determined by the Borough Council to be a redevelopment area, in accordance with said report; and

WHEREAS, the Borough Council of the Borough of Garwood has found that the delineated area meets the criteria set forth in N.J.S.A. 40A:12A-5, as more fully set forth in the Planning Board Resolution dated June 24, 2015, and in the report entitled "Preliminary and Investigation Report for the Redevelopment Study of the Garwood Paperboard Property (Block 211, Lot 6)" dated February 2015; and

WHEREAS, the Borough Council of the Borough of Garwood has determined, based on the foregoing, that the delineated area is an area in need of redevelopment as a noncondemnation redevelopment area;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Garwood that, pursuant to N.J.S.A. 40A:12A-1 et seq., the area known and designated as Block 211, Lot 6, on the Tax Map of the Borough of Garwood, commonly known as 75 North Avenue, be and same is hereby determined to be a noncondemnation area in need of redevelopment; and

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to, forthwith, transmit a copy of this resolution to the Commissioner of the Department of Community Affairs for review, in accordance with N.J.S.A. 40A:12A-6(b)(5)(c) and that this resolution shall take effect 30 days after submission unless sooner approved by the Commissioner, in which case it shall take effect upon approval, or unless disapproved by the Commissioner, in which case it shall not be effective; and

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to serve all record owners of property located within the delineated area, and to those whose names are listed on the tax assessor's records, and upon each person who filed a written objection, if any, within 10 days of the date of this resolution; and

BE IT FURTHER RESOLVED that upon the effectiveness of this resolution, the Planning Board of the Borough of Garwood be and is hereby authorized and directed to prepare a proposed redevelopment plan for the aforementioned designated noncondemnation redevelopment area; and

BE IT FURTHER RESOLVED that the Planning Board be and is hereby authorized and directed to transmit the proposed plan, after completion, to the Borough Council for adoption of the proposed plan, by ordinance; and

BE IT FURTHER RESOLVED that on receipt of the proposed plan, the Borough Council may amend or revise any portion of the proposed redevelopment plan by an affirmative vote of the majority of its full authorized membership, and shall record in its minutes the reasons for each amendment or revision.

RESOLUTION NO. 15-274

WHEREAS, by Resolution No. 14-220, adopted June 10, 2014, the Borough Council of the Borough of Garwood authorized the Planning Board of the Borough of Garwood to undertake a preliminary investigation to determine whether the area in the Borough of Garwood, known and designated as Block 401, Lots 1, 2, 3, 4 and 5 and Block 403, Lots 1, 2, 3, 4, 5, 6, 19, 20, 21 and 22, on the Tax Map of the Borough of Garwood, fronting on South Avenue, is an area in need of redevelopment and a condemnation redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, by Resolution dated September 24, 2014, the Planning Board authorized planners H2M Associates, Inc. to review the designated criteria and prepare a report to the Planning Board as to whether the area commonly known as South Avenue, in the Borough of Garwood, County of Union and State of New Jersey, known and designated as Block 401, Lots 1, 2, 3, 4 and 5 and Block 403, Lots 1, 2, 3, 4, 5, 6, 19, 20, 21 and 22 as shown on the official Tax Map of the Borough of Garwood, is an area in need of redevelopment as a condemnation redevelopment area, in accordance with N.J.S.A. 40A:12A-1, et seq.; and

WHEREAS, the said planners prepared a report entitled "South Ave. Blk 401 & 403/Area in Need of Redevelopment Investigation Report" prepared by H2M Associates, Inc., dated May 27, 2015; and

WHEREAS, the Planning Board received and reviewed the said report and conducted a public hearing on May 27, 2015, in accordance with N.J.S.A. 40A:12A-6; and

WHEREAS, the Planning Board found, and adopted the conclusions of the Planner, that the delineated area is an area of need of redevelopment because it meets the statutory criteria for redevelopment, including the following criteria as set forth in N.J.S.A. 40A:12A-5:

(a). The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.

(b). The discontinuance of the use of buildings previously used for commercial, manufacturing or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable;

(c). Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

(d). Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout or any combination of these or other factors, or detrimental to the safety, health, morals or wealth fare of the community;

(h). The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation;

and

WHEREAS, N.J.S.A. 40A:12-3 permits the inclusion in a redevelopment area of lands, buildings or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found to be necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part; and

WHEREAS, the Planning Board found that various parcels within the delineated area meet different criteria as set forth in the Local Housing and Redevelopment Law for inclusion in a redevelopment area, as more fully set forth on page 2 of the aforementioned "Area in Need of Redevelopment Investigation Report"; and

WHEREAS, after completing its hearing on this matter, the Planning Board recommended, by resolution adopted June 24, 2015, that the aforementioned area be determined by the Borough Council to be a redevelopment area, in accordance with said report; and

WHEREAS, the Borough Council of the Borough of Garwood has found that the delineated area meets the criteria set forth in N.J.S.A. 40A:12A-5, as more fully set forth in the Planning Board Resolution dated June 24, 2015, and in the report entitled "South Ave. Blk 401 & 403/Area in Need of Redevelopment Investigation Report" dated May 27, 2015; and

WHEREAS, the Borough Council of the Borough of Garwood has determined, based on the foregoing, that the delineated area is an area in need of redevelopment as a condemnation redevelopment area;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Garwood that, pursuant to N.J.S.A. 40A:12A-1 et seq., the area known and designated as Block 401, Lots 1, 2, 3, 4 and 5 and Block 403, Lots 1, 2, 3, 4, 5, 6, 19, 20, 21 and 22, on the Tax Map of the Borough of Garwood, fronting on South Avenue, be and same is hereby determined to be a condemnation area in need of redevelopment; and

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to, forthwith, transmit a copy of this resolution to the Commissioner of the Department of Community Affairs for review, in accordance with N.J.S.A. 40A: 12A-6(b)(5)(c) and that this resolution shall take effect 30 days after submission unless sooner approved by the Commissioner, in which case it shall take effect upon approval, or unless disapproved by the Commissioner, in which case it shall not be effective; and

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to serve all record owners of property located within the delineated area, and to those whose names are listed on the tax assessor's records, and upon each person who filed a written objection, if any, within 10 days of the date of this resolution; and

BE IT FURTHER RESOLVED that upon the effectiveness of this resolution, the Planning Board of the Borough of Garwood be and is hereby authorized and directed to prepare a proposed redevelopment plan for the aforementioned designated condemnation redevelopment area; and

BE IT FURTHER RESOLVED that the Planning Board be and is hereby authorized and directed to transmit the proposed plan, after completion, to the Borough Council for adoption of the proposed plan, by ordinance; and

BE IT FURTHER RESOLVED that on receipt of the proposed plan, the Borough Council may amend or revise any portion of the proposed redevelopment plan by an affirmative vote of the majority of its full authorized membership, and shall record in its minutes the reasons for each amendment or revision.

RESOLUTION NO. 15-275

WHEREAS, the Borough of Garwood and the Township of Cranford have heretofore entered into an Interlocal agreement regarding the provision of certain Uniform Construction Code inspection and enforcement services performed by the Township for the Borough; and

WHEREAS, the Borough of Garwood and the Township of Cranford desire to extend and modify same as set forth at length in the agreement.

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Garwood that the Mayor and Borough Clerk be and are hereby authorized to enter into an Inter-local Services Agreement between the Borough of Garwood and the Township of Cranford for the provision of enforcing agency services in accordance with the New Jersey Uniform Construction Code, including all construction official services, and related services; and

BE IT FURTHER RESOLVED that said Agreement shall be effective January 1, 2016 and have a term of four years and shall be in a form approved of by the Borough Attorney.

RESOLUTION NO. 15-276

BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorize the Borough Administrator/Clerk to prepare a Request for Proposals for professional services as listed for year 2016 in the Borough of Garwood.

- Professional Legal Services - Borough Attorney
- Professional Engineering Services – Contractual Engineering
- Professional Legal Services – Bond Attorney
- Professional Planning/Engineering Services – Board Planner/Engineer
- Professional Legal Services for Planning/Zoning Board – Board Attorney
- Municipal Prosecutor

BE IT FURTHER RESOLVED that the Municipal Clerk be and is hereby authorized to solicit proposals for the above services in accordance with law.

RESOLUTION NO. 15-277

BE IT RESOLVED by the Council of the Borough of Garwood, County of Union, State of New Jersey, hereby accept and award the quote for the fall 2015 User Fee Based Residential Cleanup Program for the Disposal of Bulk Waste:

Hauler: Regional Industries, LLC
800 East Grand Street
Elizabeth, NJ 07201

For: Truck and crew to pick up bulk from 35 houses (permits) at 750 lbs. max per household for a cost not to exceed \$1,650.00 for one day. Tipping fees paid directly to NJSEA by the borough.

ROLL CALL

RESOLUTIONS DELETED FROM THE CONSENT AGENDA:

ROLL CALL

NEW BUSINESS:

Any new business the Mayor and Council may have:

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, OCTOBER 27, 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. 15-19 AND 15-20, ON TUESDAY, OCTOBER 27, 2015, AT 7:15 P.M. OR SOON THERE AFTER