

BOROUGH of GARWOOD

Regular MINUTES of the COUNCIL MEETING October 13, 2015

The Regular Meeting of the Mayor and Council was held in Council Chambers and called to order at 7:25 p.m. by Mayor Lombardo. He asked all present to participate in a moment of silence, followed by a 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).

ROLL CALL:

Present: Mayor Lombardo, Councilwoman Kearney, Councilman Martin, Councilman Mathieu, Councilman Petruzzelli, and Councilwoman Todisco.

Also Present: Borough Administrator/Clerk Christina M Ariemma and Borough Attorney Robert Renaud.

Council President Nierstedt was excused.

Ms. Ariemma read the following resolution.

RESOLUTION NO. 15-268.1

CLOSED SESSION RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING A PERSONNEL MATTER AND POTENTIAL LITIGATION BETWEEN THE BOROUGH OF GARWOOD AND EQUIPMENT RENTAL SERVICES RELATING TO THE CONTRACT FOR USER FEE BASED RESIDENTIAL CLEANUP PROGRAM OF TYPE 13 SOLID WASTE, AND MATTERS OF ATTORNEY-CLIENT PRIVILEGE RELATING TO THE ABOVE AND IN ACCORDANCE WITH N.J.S.A., 10:4-12, Closed session, Meetings open to public; exclusion of public; subject of matter.

WHEREAS, it is necessary for the Mayor and Council of the Borough of Garwood to conduct an executive session closed to the public in order to discuss the above listed matters.

NOW THEREFORE BE IT RESOLVED that the Council of the Borough of Garwood hereby move to go into executive session in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. seq., for the purpose of discussing the subjects stated above; and
BE IT FURTHER RESOLVED that the matters discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

At 7:27 p.m., a motion was made by Councilman Petruzzelli, seconded by Councilman Martin to enter executive session.

At 8:07 p.m., a motion was made by Councilman Mathieu, seconded by Councilwoman Todisco to resume the regular session.

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.

Motion: Action: Approve, **Moved by** Councilwoman Todisco, **Seconded by** Councilman Martin

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

All received and filed.

ORDINANCES:

INTRODUCTION:

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

BOND 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: Action: INTRODUCE ORDINANCE 15-19, **Moved by** Councilman Martin, **Seconded by** Councilwoman Todisco

Discussion: None

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5)

Yes: Councilwoman Kearney, Councilman Mathieu, Councilman Martin, Councilman Petruzzelli, and Councilwoman Todisco. Ordinance No. 15-19 was introduced.

Municipal Clerk 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: Action: INTRODUCE ORDINANCE 15-20, **Moved by** Councilwoman Todisco, **Seconded by** Councilman Petruzzelli

Discussion: None

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5)

Yes: Councilwoman Kearney, Councilman Mathieu, Councilman Martin, Councilman Petruzzelli, and Councilwoman Todisco. Ordinance No. 15-20 was introduced.

COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:

POLICE: Chr. Councilwoman Kearney

The Police Dispatch consoles have been installed and the outside vender work is complete. Barring any little tweaks that might need to be made, and some minor cosmetic issues, the project is done. Chief Underhill invites Council to you to stop by after the meeting and take a look.

As we head into the final quarter, Chief Underhill reports that to date, the Police Department has logged 16,885 service calls this year. In September alone police responded to 1,675 calls. 28 were motor vehicle accidents while 39 were medical calls. Since the last Council meeting the police have answered 1,254 calls for service. We are on pace to meet or exceed last year's total of 20,121 calls for service.

With these facts in mind it is easy to see that the Borough is becoming a busy place. Replacing the old dispatch console is a major upgrade and one that was much needed. Chief Underhill wishes to thank Mayor and Council for understanding this and funding the project. We are in a great position to meet the needs of a growing town and insure quality services to our residents.

PUBLIC HEALTH: Council President Nierstedt ABSENT

STREETS AND ROADS/ECOLOGY: Councilwoman Todisco, Chr.

Perform residential household waste pickup twice weekly on the North and South side(s) of the Borough on Monday, Tuesday, Thursday and Friday. Dispose of all materials at the Covanta Incinerator in Rahway.

Perform grass and brush pickup on the North and South side(s) of the Borough every Wednesday. Dispose of all materials at Reliable Wood Products in Springfield, NJ.

Fuel all vehicles and equipment at the Union County Public Works complex in Scotch Plains as needed throughout the week.

Provide residential white good/appliance pickup at various times weekly throughout the Borough.

Deliver and pick up barricades for block party on the 400 block of Locust Avenue.

FIRE: Council President Nierstedt, Chr.

There were 15 incidents in September with a total man-hours of 123 for all alarms. Meetings included 50 hours and 25 men.

Drill included 42 hours and 21 men. Driver training and pump drills include 9 hours and 3 men.

FINANCE: Councilman Petruzzelli, Chr.

The Finance Committee met to discuss the audit proposals that were received. The CFO will do an analysis of the proposals. The committee will meet again on October 28th. The proposals received were from Suplee Clooney and Holman, Frenia & Allison.

BUILDINGS AND GROUNDS: Councilman Mathieu, Chr. NO REPORT

LAWS AND LICENSES: Councilman Martin, Chr.

Thank you, Mayor. In response to resident concerns on Third Avenue about alternate side of the street parking, the Laws and License Committee reviewed Chapter 21, Section 8.7. It only affects the 100 block of Third Avenue. We would like to encourage the Council to review the ordinance as we support removing this ordinance from our code. If the majority of the Council agrees, we will advance its removal for introduction.

RECREATION: Councilwoman Todisco Chr.

Thank you, Mayor. The Recreation Commission has informed me of a couple dates to share with the public. Children's Halloween ceramics will be October 21st at Lincoln School after school. Holiday ceramics for adults and children will be on December 16th. That's all for my report, Mayor.

COMMITTEE ON AGING: Councilwoman Kearney *NO REPORT*

LIBRARY, MAYOR'S REPRESENTATIVE: Councilman Petruzzelli

The Library has a busy calendar of programs for October. The Thursday night **book club** met on October 1st and discussed *The Escape* by Baldacci. The **Knitting Club** started on Monday, October 5th and will continue on Mondays and Thursdays through December. **ESL Classes** also started on Monday, October 5th and will continue on Mondays and Fridays through December. The **Adult Education**, for those seeking to continue their elementary or secondary education started on October 6th and will continue on Tuesdays and Fridays through December. Children's **Book Signing** was held on October 6th at 3:30pm. Local author Lin Castaldo signed her book, "*A Lesson to be Learned*". **Immigrant ID Program Lecture** will take place on October 17th at 11:00am. The **Monday Afternoon Book Club**, will meet at 1pm, October 19th and discuss Amanda Eyre Ward's "*The Same Sky*". **Family Friendly Work Outs with Clementina** will resume on October 20th at 11:00am. A **Children's Halloween Craft** will be held at 3:00pm on October 26th. We will show *Hotel Transylvania* at a **Kid's Movie Night** at 6:30pm on October 29. We will supply the popcorn and the kids can come in their PJs. **Toddler Story Time** continues to meet Wednesday morning and Movies are shown every Friday morning. School children can also participate in our "I SPY", "Harry Potter" themed showcase contest and win a prize.

As always the library offers Wi-fi, copy services, notary services, and home delivery service for the disabled. We also recently added **fax services** to our list of amenities.

SCHOOL BOARD LIAISON: Councilman Mathieu *NO REPORT*

CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON: Council President Nierstedt

Read by Councilwoman Todisco

Celebrations will be having its 3rd Annual Pumpkin Decorating Contest on Saturday October 24th at 4:30 to 5:30 pm with winners announced soon thereafter. There are 4 categories - pre-k and kindergarten; 1st to 3rd grade; 4th to 8th grade and high school and up - to be held at first aid parking lot next to the PTA's Trick or truck event. Hershey Chocolate bars will be given to all participants. Don't forget to register your home for the Halloween House Decorating Contest. Judging will take place the weekend of October 24th. Register by emailing garwoodcelebrations@garwood.org.

UNION COUNTY AIR TRAFFIC NOISE ADVISORY BOARD REPRESENTATIVE:

Councilman Mathieu

Summit helipad project appears to be a done deal. Recent uptick noted in air traffic noise in surrounding communities. Discussion of redesign of FAA air traffic plan currently put on hold. Officer elected, Jerry Feder still Chairman, same officers as last year.

ADMINISTRATIVE REVIEW COMMITTEE: Councilwoman Todisco *NO REPORT*

HISTORICAL COMMITTEE: Councilwoman Todisco

Thank you. A couple of members of the Historical Committee, the Mayor, and myself met on September 23rd to tour part of the Paperboard Company. We toured the power house or back building of the Paperboard Company located on North Avenue. Eric Schulman provided the tour and shared some history with the group. His family purchased the property in the 1970s where the complex produced paper. According to the records at the Garwood Public Library, the main manufacturing building was built in 1900, followed by an addition in 1910 known as the machine shop. The power house building, which the Committee toured, was constructed from 1910 to 1911. The main Aeolian Company complex was then powered by steam via an underground tunnel system, which made the world famous Aeolian organs. The power house still contains two vintage boilers plus one that was installed in the 80's, the steam piping infrastructure, various blowdown tanks, a rare large steam powered pump, the smokestack brick base, and miscellaneous controls and devices. Many photos were taken and will be archived at the Garwood Public Library. An article and photo from the tour will be in the next edition of the Garwood Gazette. The Historical Committee is in need of new members. Please contact Mayor Lombardo or Borough Hall, if you are interested in becoming a member! That's all for my report, Mayor.

OFFICERS 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

Motion: Action: Approve, **Moved by** Councilman Martin, **Seconded by** Councilwoman Todisco.

PUBLIC COMMENT:

Bruce Paterson 325 Willow Avenue asked about a resident that removed a hornets nest and if anyone knows about this. Mentioned rumors about a tax abatement for the Casale properties. Commented on Resolution concerning redevelopment on South Avenue.

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. 15-275

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.

Motion: Action: Amend Consent agenda, remove Resolutions 15-273 and 15-274, **Moved by** Councilman Mathieu

Motion: Action: Adopt amended consent agenda, **Moved by** Councilwoman Todisco, **Seconded by** Councilman Petruzzelli

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5)

Yes: Councilwoman Kearney, Councilman Martin, Councilman Mathieu, Councilman Petruzzelli, and Councilwoman Todisco. Consent agenda as amended was adopted.

RESOLUTIONS DELETED OR REMOVED FROM THE CONSENT AGENDA:

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.

Motion: Action: Adopt Resolution No. 15-273, **Moved by** Councilman Martin, **Seconded by** Councilwoman Todisco

Vote: Motion carried by roll call vote (**summary:** Yes = 4, No = 1)

Yes: Councilwoman Kearney, Councilman Martin, Councilman Petruzzelli, and Councilwoman Todisco.

No: Councilman Mathieu

Resolution No. 15-273 was adopted.

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.

Motion: Action: Adopt Resolution No. 15-274, **Moved by** Councilman Petruzzelli, **Seconded by** Councilman Martin

Discussion: Councilman Mathieu expressed that he does not support the redevelopment because of the condemnation aspect and its relationship to private property being taken for private development vs. public use.

Vote: Motion carried by roll call vote (**summary:** Yes = 4, No = 1)

Yes: Councilwoman Kearney, Councilman Martin, Councilman Petruzzelli, and Councilwoman Todisco.

No: Councilman Mathieu

Resolution No. 15-274 was adopted.

Ms. Ariemma read the following:

RESOLUTION NO. 15-278

BE IT RESOLVED by the Council of the Borough of Garwood that the employment of Timothy Delgado, Laborer Department of Public Works be and is hereby terminated effective immediately.

Motion: Action: Adopt Resolution No. 15-278, **Moved by** Councilman Martin, **Seconded by** Councilman Mathieu

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5)

Yes: Councilwoman Kearney, Councilman Mathieu, Councilman Martin, Councilman Petruzzelli, and Councilwoman Todisco.

Resolution No. 15-278 was adopted.

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.

Capital Acct: \$110,287.78
Trust Acct: \$3,731.85
Current Acct: \$789,375.39

Developers Escrow Acct: \$5,655.00
Dog Tax Acct: \$51.20

Motion: Action: Adopt, Moved by Councilwoman Todisco, **Seconded by** Councilman Petruzzelli

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5)

Yes: Councilwoman Kearney, Councilman Martin, Councilman Mathieu, Councilman Petruzzelli, and Councilwoman Todisco. Payment of Claims was adopted.

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

Motion: Action: At 8:31 p.m., adjourn, Moved by Councilman Martin, Seconded by Councilman Petruzzelli.

CHRISTINA M. ARIEMMA, Municipal Clerk
Borough of Garwood