

BOROUGH of GARWOOD

Regular MINUTES of the COUNCIL MEETING

November 24, 2015

The Regular Meeting of the Mayor and Council was held in Council Chambers and called to order at 7:43 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, Councilwoman Todisco and Council President Nierstedt.

Also Present: Clerk/Stenographer Kathleen J. Wierzbinski, Borough Attorney Robert Renaud. Borough Administrator/Clerk Ariemma was excused.

MINUTES:

Regular Meeting of the Mayor and Council held on November 10, 2015.

Executive Session of the Mayor and Council held on November 10, 2015.

Workshop Session of the Mayor and Council held on November 10, 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. 11/09/15, RE: Weekly Policy Update
 - ii. 11/10/15, RE: Daily Update
 - iii. 11/16/15, RE: Weekly Policy Update
- 2) **UNION COUNTY BOARD OF CHOSEN FREEHOLDERS** - 11/16/15, RE. Ordinance 767-2015
- 3) **TOWNSHIP OF UNION** – 11/18/15, RE: Resolution 2105-344, strongly supporting the Gateway Trans-Hudson Tunnel Project
- 4) **RAHWAY VALLEY SEWERAGE AUTHORITY** – 11/09/15, RE: Finance Committee Meeting to be held Thursday, November 12, 2015 at 6:30 p.m. to discuss the proposed 2016 Budget
- 5) **GARWOOD LIBRARY BOARD OF TRUSTEES** – 11/10/15, RE: Minutes of the meetings held on May 6, 2015, June 3, 2015, September 9, 2015 and October 7, 2015

All received and filed.

ORDINANCES:

Public Hearing on Ordinance 15-22, 15, 23 and 15-24 as advertised.

ADOPTION:

Clerk/Stenographer read Ordinance 15-22 by title only:

ORDINANCE NO. 15-22

AN ORDINANCE CONCERNING THE CARE, MAINTENANCE, SECURITY AND UPKEEP OF THE EXTERIOR OF VACANT AND ABANDONED RESIDENTIAL PROPERTY.

WHEREAS, the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties which are subject to foreclosure are a concern of municipalities of the State of New Jersey; and

WHEREAS, municipalities are permitted by N.J.S.A. 40:48-2.12, by N.J.S.A. 46:10B-51, and by N.J.S.A. 2A:50-73 to enact and enforce ordinances concerning the maintenance of residential properties which are subject to foreclosure proceedings; and

WHEREAS, the Mayor and Council of the Borough of Garwood desires to adopt such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Garwood:

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SECTION 1. Article VII (Maintenance and Repair of Residential Properties Subject to Foreclosure) in Chapter (67) (Buildings and Structures) of the Code of the Borough of Garwood is hereby enacted to read as follows:

ARTICLE VII MAINTENANCE AND REPAIR OF RESIDENTIAL PROPERTIES SUBJECT TO FORECLOSURE.

§67-17. Notice required.

A creditor serving a Summons and Complaint in an action to foreclose on a mortgage on residential property in the Borough of Garwood shall, within ten days of serving the Summons and Complaint, notify the Borough Clerk that a Summons and Complaint in an action to foreclose on a mortgage has been filed. The notice shall contain the name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations. The notice may contain information about more than one property. The notice shall be provided by mail or by electronic communication, at the discretion of the Borough Clerk. In the event the creditor is located outside the State of New Jersey, the notice shall also contain the full name and contact information of an in-state representative or agent who shall be responsible for the care, maintenance, security and upkeep of the exterior property if it becomes vacant and abandoned.

§67-18. Notification to Chief of Police.

The Borough Clerk shall forward a copy of notices received pursuant to this Article to the Chief of Police.

§67-19. Notice Concerning Affordable Units.

In the event that the property being foreclosed on is an affordable unit pursuant to the Fair Housing Act, *N.J.S.A. 52-27D-301, et seq.*, then the creditor shall identify in the notice that the property is subject to the Fair Housing Act.

§67-20. Content of Notice.

In addition to the foregoing information, the notice shall also include the street address, lot and block of the property, and the full name and contact information of an individual located within the State of New Jersey, who is authorized to accept service on behalf of the creditor. The notice shall be provided to the Borough Clerk within ten days of service of a Summons and Complaint in an action to foreclose on a mortgage against the subject property.

§67-21. Notice to Creditor.

If the owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated, or if a residential property becomes vacant at any point subsequent to the creditors filing of the Summons and Complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the creditor or any other third party, and the exterior of the property is found to be a nuisance or in violation of any applicable state or local code, the Chief of Police, Borough Clerk, or any other municipal official authorized by the Mayor and Council shall notify the creditor or the representative or agent of any out-of-state creditor, as applicable, which creditor shall have the responsibility to abate or correct the violation in the same manner and as to the same extent as the title owner of the property, to the standard and specification required by state law and by municipal ordinance. The Notice shall include a description of the condition which gave rise to the violation with the notice of violation, and shall provide a period of not less than thirty days of the creditors receipt of the notice for the creditor to remedy the violation. If the creditor fails to remedy the violation within that time period, the Borough may impose penalties allowed for the violation of its ordinances pursuant to *N.J.S.A. 40:49-5*.

§67-22. Recourse of Municipality.

If the Borough expends public funds in order to abate a nuisance or correct a violation on a residential property in a situation in which the creditor was given notice pursuant to §67-21 but failed to abate the nuisance or correct the violation as directed, the Borough shall have the same recourse against the creditor as it would have had against the title owner of the property, including, but not limited to the recourse provided under *N.J.S.A. 55:19-100* of the Abandoned Properties Rehabilitation Act.

§67-23. "Vacant and Abandoned" defined.

For the purposes of this Article, residential properties shall be deemed "vacant and abandoned" where the property is not occupied by an owner or tenant and at least two of the following conditions exist:

- a. overgrown or neglected vegetation;
- b. the accumulation of newspapers, circulars, flyers or mail on the property;
- c. disconnected gas, electric, or water utility services to the property;
- d. the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- e. the accumulation of junk, litter, trash or debris on the property;
- f. the absence of window treatments such as blinds, curtains or shutters;
- g. the absence of furnishings and personal items;
- h. statements of neighbors, delivery persons, or government employees indicating that the residence is vacant and abandoned;
- i. windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
- j. doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- k. a risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- l. an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;

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m. the mortgagee or other authorized party had secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;

n. a written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property; and

o. any other reasonable indicia of abandonment.

For the purposes of this Article a residential property shall not be considered "vacant and abandoned" if, on the property:

a. there is an unoccupied building which is undergoing construction, renovation, or rehabilitation that is proceeding diligently to completion, and the building is in compliance with all applicable ordinances, codes, regulations, and statutes;

b. there is building occupied on a seasonal basis, but otherwise secure; or

c. there is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute.

§67-24. Responsibility of Creditor

Any creditor filing in Summons and Complaint in an action to foreclose on any residential property shall be responsible for the care, maintenance, security and upkeep of the exterior of any vacant and abandoned residential property, and, if located out-of-state shall be responsible for appointing an in-state representative or agent to act for the foreclosing creditor.

§67-25. Standard of Maintenance.

The creditor shall maintain such property to the standard required by Article V of this Chapter and according to all other standards for the care, maintenance, security and upkeep of the exterior of property contained in the ordinances of the Borough of Garwood.

§67-26. Notice to Correct Violation.

The Borough Clerk, Chief of Police or any other municipal official responsible for any property maintenance or public nuisance code for the Borough of Garwood or the State of New Jersey is hereby authorized to issue a notice to any creditor filing a Summons and Complaint in an action to foreclose, if the public officer or other authorized municipal official determines that the creditor has violated this Article by failing to provide for the care, maintenance, security or upkeep of the exterior of the property. Such notice shall require the person or entity to correct the violation within thirty days of receipt of the notice, or within ten days of receipt of the notice if the violation presents an imminent threat to the public health and safety. The issuance of a notice pursuant to this paragraph shall constitute proof that a property is "vacant" and "abandoned" for the purposes of *N.J.S.A. 2A:50-73*.

§67-27. Violations and Penalty.

a. A creditor subject to this Article found by the municipal court or by any other court of competent jurisdiction to be in violation of any requirement to correct a care, maintenance, security or upkeep violation cited in a notice pursuant to this Article shall be subject to a fine \$1,500 for each day of the violation. Any fines imposed pursuant to this section shall commence thirty-one days following the receipt of a notice sent pursuant to this Article, unless the violation presents an imminent risk to public health and safety in which case any fines shall commence eleven days following receipt of the notice.

b. An out-of-state creditor subject to this Article found by the municipal court or by any other court of competent jurisdiction to be in violation of the requirement to appoint an in-state representative or agent pursuant to this Article shall be subject to fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for failure to appoint an in-state representative or agent shall commence on the day after the ten-day period set forth in this Article for providing notice to the Borough Clerk that a Summons and Complaint in an action to foreclose on a mortgage has been served.

c. No less than 20% of any money collected pursuant to this Article shall be utilized by the Borough for municipal code of enforcement purposes.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 4. This ordinance shall take effect upon final passage and publication in accordance with law.

List correspondence concerning Ordinance 15-22. NONE.

Does anyone present wish to be heard concerning Ordinance 15-22? No Response.

Motion: Action: Close Public hearing, **Moved by** Council President Nierstedt, **Seconded by** Councilwoman Todisco

Motion: Action: Adopt ORDINANCE 15-22, **Moved by** Council President Nierstedt, **Seconded by** Councilman Martin.

Discussion: NONE.

Vote: Motion carried by roll call vote (summary: Yes = 5, Abstain=1)

Yes: Councilwoman Kearney, Council Martin, Councilman Petruzzelli, Councilwoman Todisco and Council President Nierstedt.

Councilman Mathieu: ABSTAINED

Clerk/Stenographer read Ordinance 15-23 by title only:

ORDINANCE NO. 15-23

AN ORDINANCE TO AMEND SUBSECTION (H) IN §106-118 (FENCES AND WALLS) IN ARTICLE VIII (ZONE REGULATIONS) IN CHAPTER 106 (LAND USE) OF THE CODE OF THE BOROUGH OF GARWOOD TO AMEND RESTRICTIONS ON FENCES ON CORNER LOTS.

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BE IT ORDAINED by the Mayor and Council of the Borough of Garwood:

SECTION 1. Subsection H in §106-118 (Fences and Walls) in Article VIII (Zone Regulations) in Chapter 106 (Land Use) of the Code of the Borough of Garwood is hereby amended to read as follows:

H. On a corner lot, no fence other than an open fence not more than four feet in height shall be permitted in the side yard closest to the street, that is, beyond the side line of the principal building, provided, however, that on any corner lot with a permitted swimming pool on which a six foot fence is required pursuant to § 106-119B, a six foot fence shall be permitted. On a vacant lot, no fence other than an open fence not more than four feet in height shall be allowed beyond the permitted building envelope on the side closest to the street.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 4. This ordinance shall take effect upon final passage and publication in accordance with law and upon filing with the Union County Planning Board.

List correspondence concerning Ordinance 15-23. NONE.

Does anyone present wish to be heard concerning Ordinance 15-23? No Response.

Motion: Action: Close Public hearing, **Moved by** Council President Nierstedt, **Seconded by** Councilwoman Todisco

Motion: Action: Adopt ORDINANCE 15-23, **Moved by** Council President Nierstedt, **Seconded by** Councilman Martin

Discussion: NONE.

Vote: Motion carried by roll call vote (**summary:** Yes = 6)

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

Clerk/Stenographer read Ordinance 15-24 by title only:

BOND ORDINANCE NO. 15-24

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$10,000 FOR THE UNDERTAKING OF SEWER IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF GARWOOD, IN THE COUNTY OF UNION, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

WHEREAS, the Borough Council of the Borough of Garwood has heretofore authorized the undertaking of sewer improvements in, by and for the Borough, including, but not limited to, the replacement of a portion of the sanitary sewer line on Center Street (south of Willow Avenue), and appropriated the sum of \$35,000 therefor pursuant to ordinance no. 15-16 adopted by the Borough Council of said Borough on August 25, 2015; and

WHEREAS, the Borough Council now finds and determines that the additional sum of \$10,000 is required for such improvement, NOW, THEREFORE,

BE IT ORDAINED by the Borough Council of the Borough of Garwood, in the County of Union, New Jersey (the "Borough"), as follows:

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Section 1. The additional sum of \$10,000 is hereby appropriated to the payment of the cost of the improvement authorized by ordinance no. 15-16 adopted by the Borough Council of the Borough on August 25, 2015 (the "Prior Ordinance"). Said additional appropriation shall be met from the down payment appropriated and from the proceeds of the sale of the bonds authorized by this ordinance. Said improvement has been and shall be made as a general improvement and no part of the cost thereof has been nor shall be assessed against property specially benefited.

Section 2. It is hereby determined and stated that (1) the making of such improvement (hereinafter referred to as "purpose") is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose authorized by the Prior Ordinance is \$45,000, including the sum of \$35,000 appropriated by the Prior Ordinance and the \$10,000 appropriated by this ordinance, and (4) \$2,200 of said sum is to be provided by the down payment, including the \$1,700 appropriated by the Prior Ordinance and the \$500 hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$42,800, including the \$33,300 authorized by the Prior Ordinance and the \$9,500 hereinafter authorized, and (6) the cost of such purpose includes the aggregate amount of \$5,000 stated in the Prior Ordinance, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 3. It is hereby determined and stated that moneys exceeding \$500, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$500 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 4. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$9,500 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 5. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$9,500 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Municipal Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Municipal Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$9,500 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 9. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 10. The Borough intends to issue the bonds or notes to finance the cost of the improvement authorized by the Prior Ordinance and described herein. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

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Section 11. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 12. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Municipal Clerk and is available for public inspection.

Section 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

List correspondence concerning Ordinance 15-24. NONE.

Does anyone present wish to be heard concerning Ordinance 15-24? No Response.

Motion: Action: Close Public hearing, **Moved by** Councilwoman Todisco, **Seconded by** Councilman Petruzzelli

Motion: Action: Adopt ORDINANCE 15-24, **Moved by** Councilwoman Todisco, **Seconded by** Councilman Petruzzelli **Discussion: NONE.**

Vote: Motion carried by roll call vote (**summary:** Yes = 6)

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

COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:

POLICE: Chr. Councilwoman Kearney *NO REPORT*

PUBLIC HEALTH: Council President Nierstedt.

I have taken note that the mayor is appointing a new member to the Board of Health tonight, and I look forward to a special December meeting at which time the site fee ordinance will be adopted.

STREETS AND ROADS/ECOLOGY: Councilwoman Todisco, Chr.

Thank you, Mayor. The DPW has been busy with its regular duties of garbage, white goods pickup, maintaining Borough properties, fall leaf pickup curbside, and more. I would like to remind residents that loose leaves are not permitted in the street, but may be placed curbside in covered receptacles no larger than 32 gallons or in leaf bags. Bagged or containerized leaves on the North side will be picked up for the remainder until tomorrow as well as from December 7th to 11th. The South side will be picked up from November 30th to December 4th. Leaves are taken by our DPW to the Union County Conservation Center in Springfield.

The DPW painted slow ahead alert and did striping on Second Avenue between Anchor and Winslow in accordance with the Police Chief's recommendation, which was in response to resident concerns over speeding on Second Avenue. Thank you to both the Police and DPW Departments for coordinating this effort. Also, various street signs were repaired around town. The DPW repaired broken sensors and outside lights here at the Municipal Complex.

On the DPW equipment front, two public works trucks needed to be delivered and picked up from Elizabeth for extensive front-end repairs, tire installation, and wheel alignment. Minor repairs and preventative maintenance have been done in house on other equipment.

Holiday decorations and lights were prepared and installed inside and outside of Borough Hall in preparation for the Tree Lighting ceremony this Saturday. Holiday decorations were prepared for the underpass and utility poles along Center Street and North and South Avenues. Last year, we received some complaints by residents that the decorations were not put up until mid-December last year. This year, we have some more to go as of this moment, but all decorations will be put up in advance of the Tree Lighting this Saturday.

FIRE: Council President Nierstedt, Chr.

There is a resolution on tonight's agenda to approve the clothing allowance for the members of the fire department for 2015.

FINANCE: Councilman Petruzzelli, Chr. *NO REPORT*

BUILDINGS AND GROUNDS: Councilman Mathieu, Chr. *NO REPORT*

LAWS AND LICENSES: Councilman Martin, Chr. *ABSENT*

There is one application for a Raffle License, and one application for Special Bingo License. The Laws & License Committee recommends the following: The adoption of Resolution No. 15-296, for the application of one on premise merchandise raffle license to be held February 26, 2015, at The Westwood, 438 North Avenue, Garwood, NJ, by PTO Tamaques School of Westfield. The committee also recommends the adoption of Resolution No. 15-297, for the application of a 2-Year "Special Bingo License" for the Garwood Senior Citizen Club from effective 1/1/2016 to 12/31/2017.

RECREATION: Councilwoman Todisco Chr. NO REPORT

COMMITTEE ON AGING: Councilwoman Kearney, NO REPORT

LIBRARY, MAYOR'S REPRESENTATIVE: Councilman Petruzzelli

The following is a list of the Library's upcoming programs and activities.

Saturday, December 5th – Santa is coming to the Library and bringing gifts for the good little girls and boys. 11:00AM. Registration required.

Tuesday, December 8th – Adult Craft Night. Participants will be making a holiday floral arrangement. 6:00PM. Registration required.

Monday, December 14th – Kids Craft. 3:00PM. Registration Required

Tuesday, December 15th – Kids Movie Night. Wear your PJs and bring a blanket. 6:00PM. Registration required.

Wednesday, December 16th – Local author Laura Sassi will join Story Time to read her new book *Goodnight Manger*. 10:30am.

In addition, we have many **ongoing programs**:

On Monday and Thursday mornings from 10:30AM to 11:45AM our new Knitting Club;

On Mondays and Fridays, ESL classes from 1PM to 2PM, through December;

On Wednesdays, Toddler Story Time at 10:30 AM for children age 4 and under;

Friday mornings at 10:00 AM, Movie Time.

Monday afternoon and Thursday evening book clubs.

Holiday closings for the rest of the year On Wednesday, Nov. 25th the Library will close early at 4:30 PM, and will remain closed Thursday and Friday, November 26th and 27th for the Thanksgiving holiday. In December, the Library will be closed on Thursday, Friday, and Saturday, December 24th and 25th and 26th for the Christmas holidays. The library will also be closed on Thursday, December 31st. The book drop box is always open for your convenience.

SCHOOL BOARD LIAISON: Councilman Mathieu

Kat Patterson and Amanda Langston hold the seats on the Board of Education. There is one seat that is in the process of being filled.

CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON: Council President Nierstedt

This Saturday, November 28 commencing at 5:00PM is the annual Christmas Tree lighting here at Boro Hall. We have confirmed that Santa Claus has placed us on his busy schedule for a 5:00PM appearance. Hot chocolate and donuts donated by Dunkin' Donuts will be served.

Also, you may have noticed that a single flag was left out on Center Street tonight – this flag is in memory of Garwood Police Officer Thomas Haughton, for whom the Boro Hall parking lot is named after.

UNION COUNTY AIR TRAFFIC NOISE ADVISORY BOARD REPRESENTATIVE:

Councilman Mathieu, NO REPORT

ADMINISTRATIVE REVIEW COMMITTEE: Councilwoman Todisco, NO REPORT

HISTORICAL COMMITTEE: Councilwoman Todisco, NO REPORT

OFFICERS REPORTS:

Chief of Police Bruce Underhill: monthly report for the month of October 2015

Municipal Court Administrator Martha Marino: monthly report of October 2015

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

PUBLIC COMMENT:

Bruce Paterson, 325 Willow Avenue expressed his concerns regarding the increase from Rahway Valley Sewerage Authority.

Councilwoman Todisco explained Garwood is in the fifth year of a rolling bubble and that possibly next year Garwood's rate would be flat.

Councilman Petruzzelli mentioned education of wasteful water use.

Councilman Mathieu stated this increase is lower now than in 2008. He explained The increase is our share of the entire budget and it is very complex. He stated the numbers are credible

Councilwoman Todisco explained budgeting for increases.

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. 15-296

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 Merchandise Raffle to be held on February 26, 2015, at the Westwood, 438 North Avenue, Garwood, NJ from 7:00 p.m. to 11:00 p.m., is hereby granted to PTO TAMAQUES SCHOOL OF WESTFIELD, pursuant to Application Number RA #1061.

RESOLUTION NO. 15-297

BE IT RESOLVED, by the Council of the Borough of Garwood, in the County of Union, State of New Jersey, hereby authorizes the issuance of a “Special Bingo License” pursuant to P.L. 1973, Chapter 324, to the Garwood Senior Citizen Club for a period of two years from January 1, 2016 to December 31, 2017.

BE IT FURTHER RESOLVED, that the said application filed by the Garwood Senior Citizen Club be made a part hereof by reference.

RESOLUTION NO. 15-298

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

**Certified Maintenance Support Services Agreement
 SV8100 Phone System for Borough Hall**

TERM: 12 Months
COST: Not to exceed \$1,505.52
INCLUDES: Certified Parts Replacement
 Software Assurance
 Certified Advanced Remote Monitoring
 Certified Remote Support
 Certified Onsite Repair
 Premium Service Level
VENDOR: NEC Corporation of America
 6535 N. State Highway 161
 Irving, TX 75039-2402

RESOLUTION NO. 15-299

2015 Budget Transfer #1				
Resolution #15-299				
FROM:	Department	Account Name	Account Number	Amount
	Library	S&W	5-01-29-390-100-0100	5,000.00
	M&C	S&W	5-01-20-110-100-0100	50.00
	Tax Assessor	Contractual Services	5-01-20-150-200-0315	10,000.00
	First Aid Organization	First Aid Fees	5-01-25-260-200-1130	9,000.00
	Streets & Roads	S&W	5-01-26-290-100-0100	12,000.00
	Salary Adjustment	Payroll	5-01-30-425-100-0100	8,415.00
	Snow Removal	Snow Removal Fees	5-01-26-290-201-1110	11,500.00
			Total	55,965.00
TO:	Department	Account Name	Account Number	Amount
	Library	Library Week Programs	5-01-29-390-200-0780	3,000.00
	Library	Supplies	5-01-29-390-200-0110	2,000.00
	M&C	Other Expenses	5-01-20-110-200-0265	50.00
	Legal	Legal Fees	5-01-20-155-200-0950	19,000.00
	Streets & Roads	Shared Service-Fanwood	5-01-26-290-200-0700	12,000.00
	Fin Admin/Treasurer	S&W	5-01-20-130-100-0100	5,900.00
	Admin & Exec	S&W	5-01-20-100-100-0100	1,000.00
	Tax Collector	S&W	5-01-20-145-100-0100	400.00
	Court	S&W	5-01-43-490-100-0100	800.00
	Planning Board	S&W	5-01-21-180-100-0100	315.00
	Sanitation Landfill	Recycling Fees	5-01-32-465-200-0580	11,500.00
			Total	55,965.00

RESOLUTION NO. 15-300

WHEREAS, the Tax Collector of the Borough of Garwood had previously issued a tax sale certificate to Jonathan Katz which certificate is dated July 14, 2010 covering premises commonly known and referred to as Block 108 Lot 2 as set out on the Borough tax map then in use which certificate bears number **2010-02**.

WHEREAS, the owner of the property redeemed this certificate on September 28, 2010.

WHEREAS, the owner of this property has indicated to the Tax Collector that he has lost or otherwise misplaced the original tax sale certificate and has duly filed the appropriate Affidavit of Loss with the Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Garwood that the Tax Collector of the Borough be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of \$100.00 per certificate, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

RESOLUTION NO. 15-301

BE IT RESOLVED, by the Council of the Borough of Garwood County of Union, State of New Jersey hereby authorizes the Maintenance Agreement with:

**Air & Gas Technologies, Inc.
 42 Industrial Drive
 Cliffwood Beach, NJ 07735**

For annual preventative maintenance and service on Bauer VT5-E3 Breathing Air Compressor, for annual service contract in accordance with AGT Quote #01-042315 at a cost not to exceed \$1,385.51

Equipment: Model Bauer Capitano
 Basic Compressor: VT5 E3
 Serial #: 22442
 Block Number: 91-4292-07

Term: 11/01/2015 – 11/01/2016

RESOLUTION NO. 15-302

BE IT RESOLVED, by the Council that the treasurer be and she is hereby authorized to draw checks to the sum of \$22,075.00 to members of Garwood Fire Department for clothing allowances and salaries due for 2015; and

BE IT FURTHER RESOLVED, that the report of the Chief and Secretary of the Garwood Fire Department, which shows the amounts due to by said members for a period of one year from December 1, 2014 to November 30, 2015, be made a part hereof.

RESOLUTION NO. 15-303

BE IT RESOLVED, by the Council of the Borough of Garwood County of Union, State of New Jersey hereby accepts the terminal leave calculation for retirement benefits for employee Agnes Kurzweil, Tax Collector in the Borough of Garwood, as prepared by the Administrator and CFO, in accordance Chapter 30, Section 16. Retirement; in the Borough of Garwood

	Description	Hourly Rate	Amount
11.25	2015 vacation hours	28.30	318.38
31.75	2015 sick time hours due	28.30	898.53
5	2015 personal time due	28.30	141.50
116	terminal leave sick bank	28.30	3,282.80
2	pay cycles terminal leave pay	2,122.31	4,244.62
	TOTALS:		8,885.82

BE IT FURTHER RESOLVED that the CFO/Treasurer be and she is hereby authorized to execute to the above.

RESOLUTION NO. 15-304

BE IT RESOLVED by the Council of the Borough of Garwood, County of Union, State of New Jersey, hereby appoints the following person as Tax Collector:

**Sandra Bruns, Certified Tax Collector
 154 Hillcrest Avenue
 Cranford, NJ 07016**

BE IT FURTHER RESOLVED by the Council that she be appointed for the unexpired term commencing December 1, 2015 to December 31, 2015, at a salary of \$1,500.00.

RESOLUTION NO. 15-305

BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey, hereby hires:

**Christopher David Houghton
 293 Main Avenue
 Stirling, NJ 07980**

As part time Tax Clerk in the Office of the Tax Collector, effective December 1, 2015, in a temporary position at the hourly rate of \$15.00 per hour, not to exceed 25 hours per week and under the Direction of Sandy Bruns, CFO/Treasurer/Assistant Administrator/Tax Collector subject to the terms and conditions of employment in the Borough of Garwood.

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6)

Yes: Councilwoman Kearney, Councilman Martin, Councilman Mathieu, Councilman Petruzzelli, Councilwoman Todisco and Council President Nierstedt. Consent agenda was adopted.

RESOLUTIONS DELETED OR REMOVED FROM THE CONSENT AGENDA:

NONE

NEW BUSINESS:

Any new business the Mayor and Council may have:

PROCLAMATION:

Patrolman Thomas Haughton Remembrance Day, November 24, 2015

APPOINTMENTS:

Board of Health: Jane Tenore, Un-expired Term 11/24/15 to 12/31/2015

Historical Committee: Pat DiFabio, 11/24/15 to 12/31/15

Recreation Commission: Ann Tarantino, 11/24/15 to 12/31/15

Celebrations Committee: Deborah Acosta, Rozano Acosta. Michele Stoffer: 11/24/2015 to 12/31/15

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.

Developers Escrow Acct: \$2,124.28

Current Acct: \$961,274.44

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6)

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

ADJOURNMENT

The Regular Meeting of the Mayor and Council will be held on, **TUESDAY, DECEMBER 8, 2015**, in Council Chambers at 7:15 p.m. Workshop Session to start at 7:00 p.m.

Motion: Action: At 8:15 p.m., adjourn, **Moved by** Council President Nierstedt, **Seconded by** Councilwoman Todisco.

KATHLEEN J. WIERZBINSKI, Clerk/Stenographer
Borough of Garwood