

Borough of Garwood

Meeting of the Mayor and Council

AGENDA

February 14, 2019

Moment of Silence.....

Salute to the Flag.....

Adequate notice of this meeting was provided to the Westfield Leader, advertised on January 3, 2019, notification was sent to the Star Ledger and prominently posted on the municipal public bulletin board and filed in the office of the municipal clerk informing the Public of the time and place according to the Provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

ROLL CALL:

Mayor Todisco	_____	Councilman Ince	_____
Councilman Benoit	_____	Councilman McCormack	_____
Councilwoman Blumenstock	_____	Council President Lazarow	_____
Councilman Graham	_____		

MINUTES:

Regular and Workshop Minutes of the Mayor and Council held on January 24, 2019.

A motion was made by _____, second by _____, to accept minutes as presented.
All in favor, opposed?

COMMUNICATIONS:

- 1) **NEW JERSEY STATE LEAGUE OF MUNICIPALITIES** –
 - a. Mayor's Advisory –
 - i. 01/23/19, RE: Daily Update
 - ii. 01/24/19, RE: Daily Update
 - iii. 01/25/19, RE: Weekly Round-Up
 - iv. 01/31/19, RE: Daily Update
 - v. 02/01/19, RE: Daily Update
 - vi. 02/01/19, RE: Weekly Round-Up
 - vii. 02/04/19, RE: Daily Update
 - viii. 02/08/19, RE: Weekly Round-Up
- 2) **RAHWAY VALLEY SEWERAGE AUTHORITY** - 01/23/19, Minutes of the meetings held on December 6, 2018 and December 13, 2018
- 3) **UNION COUNTY BOARD OF CHOSEN FREEHOLDERS** – 01/28/19, Ordinances 804-2019 and 805-2019.

4) **GARWOOD BOARD OF HEALTH** – 01/23/18, Minutes of the meeting held on January 16, 2019

ORDINANCES:

Public Hearing on Ordinance 19-01 and 19-02, as advertised in the Westfield Leader:

ADOPTION:

Municipal Clerk to read Ordinance 19-01 by title only:

ORDINANCE NO. 19-01

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW STREET SWEEPER IN, BY AND FOR THE BOROUGH OF GARWOOD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$280,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

List correspondence concerning Ordinance 19-01.

Does anyone present wish to be heard concerning Ordinance 19-01.

A motion was made by _____, second by _____, to close Public Hearing on Ordinance 19-01.

A motion was made by _____, second by _____, to adopt Ordinance 19-01.

Discussion:

Roll Call:

Councilman Benoit	_____	Councilman Ince	_____
Councilwoman Blumenstock	_____	Councilman McCormack	_____
Councilman Graham	_____	Council President Lazarow	_____

Municipal Clerk to read Ordinance 19-02 by title only:

ORDINANCE NO. 19-02

ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF GARWOOD, COUNTY OF UNION, NEW JERSEY ADOPTING AN AMENDMENT TO CERTAIN PROVISIONS OF THE LAND USE ORDINANCE TO REVISE ZONING REGULATIONS PERTAINING TO EATING AND DRINKING ESTABLISHMENTS.

List correspondence concerning Ordinance 19-02.

Does anyone present wish to be heard concerning Ordinance 19-02.

A motion was made by _____, second by _____, to close Public Hearing on Ordinance 19-02.

A motion was made by _____, second by _____, to adopt Ordinance 19-02.

Discussion:

Roll Call:

Councilman Benoit	_____	Councilman Ince	_____
Councilwoman Blumenstock	_____	Councilman McCormack	_____
Councilman Graham	_____	Council President Lazarow	_____

COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:

POLICE: Councilman Ince, Chr.

PUBLIC HEALTH: Councilman Ince

STREETS AND ROADS/ECOLOGY: Councilwoman Blumenstock Chr.

FIRE: Councilman McCormack, Chr.

FINANCE: Council President Lazarow, Chr.

BUILDINGS AND GROUNDS: Councilman Graham

LAWS AND LICENSES: Councilman Benoit

RECREATION: Councilman Benoit

GARWOOD SENIOR CITIZEN LIAISON: Councilwoman Blumenstock

LIBRARY, MAYOR'S REPRESENTATIVE: Council President Lazarow

SCHOOL BOARD LIAISON: Councilwoman Blumenstock

CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON: Councilman Benoit

HISTORICAL COMMITTEE: Councilman Graham

OFFICER'S REPORTS:

Sandy Bruns, Tax Collector/Treasurer/CFO: 4th Qtr. Tax Collection Reports for 2018

Len DiStefano, Zoning Code Enforcement Officer: monthly report for January 2019

Judy Mack, Property Maintenance Officer: report for the month January 2019

A motion was made by _____, second by _____, to accept Officer's reports.

All in favor, opposed?

PUBLIC COMMENT:

Is there anyone in the audience who wishes to address the mayor and council please step to the microphone, and state your full name and address. Please limit your comments to five minutes.

Mayor Todisco requests a motion followed by a second to close public comment.

All in favor, opposed?

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. 19-157

BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby approves the list of members eligible for 2018 LOSAP Benefits from the Garwood Fire Department.

BE IT FURTHER RESOLVED, that the list attached be and is hereby made part of this resolution.

RESOLUTION NO. 19-158

WHEREAS, on December 6, 2018 in accordance with procedure LOSAP Administrator Christina Ariemma provided a memo to the qualifying agencies of the adopted rules and procedure for submission of members names that reached the acceptable points in accordance with Chapter 19, Section 5 of the Code of the Borough of Garwood for receipt of LOSAP benefits for year 2018; and

WHEREAS, lists are to be submitted to the LOSAP Administrator for review no later than January 31, 2019 as indicated in the instructions provided; and

WHEREAS, the Garwood First Aid Squad (GFAS) is a qualifying agency for LOSAP for its members who reach the point schedule in accordance with code; and

WHEREAS, I, Christina M. Ariemma, Borough Administrator/Clerk, LOSAP Administrator hereby certify that **no list was received** from the GFAS for 2018.

THEREFORE, BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby certify that no list was received and no members qualified for LOSAP benefits from the GFAS for 2018.

BE IT FURTHER RESOLVED, that Ms. Ariemma is hereby directed to forward a copy of this Resolution to the GFAS.

RESOLUTION NO. 19-159

Resolution of Support from Local Governing Body Authorizing the Sustainable Jersey Grant Application

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Garwood strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Garwood is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, the Mayor and Council of the Borough of Garwood have determined that the Borough of Garwood should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Council of the Borough of Garwood, in the State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

RESOLUTION NO. 19-160

WHEREAS, the Greater Westfield Area Chamber of Commerce is hereby requesting authorization to close Center Street from South Avenue to Unami Park and subsequent cross streets between the hours of 7:00 a.m. to 7:00 p.m., for the purpose of conducting Garwood Rocks!! Music, Cars, Shopping & Family Fun on Sunday, June 2, 2019 (with a rain date of September 8, 2019) between 10:00 a.m. to 6:00 p.m.; and

WHEREAS, the Greater Westfield Area Chamber of Commerce is also requesting that Municipal parking lots #1 and #2 be barricaded for use during the event; and

WHEREAS, the Greater Westfield Area Chamber of Commerce has also requested that police officers be present during this event.

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorize the closing of said streets and Municipal parking lots for the purpose of conducting the Garwood Rocks!! Music, Cars, Shopping & Family Fun on Sunday, June 2, 2019 (with a rain date of September 8, 2019) between 10:00 a.m. to 6:00 p.m.

BE IT FURTHER RESOLVED that the Governing Body authorizes that Police Officers be present during this event in accordance with the recommendations of Chief of Police James H. Wright.

RESOLUTION NO. 19-161

NJ Local Government Week

A RESOLUTION OF THE BOROUGH OF GARWOOD, RECOGNIZING NJ LOCAL GOVERNMENT WEEK, APRIL 7-13, 2019, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES.

WHEREAS, local government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, local government provides services and programs that enhance the quality of life for residents, making their municipality their home; and

WHEREAS, local government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, local government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and

WHEREAS, NJ Local Government Week offers an important opportunity for elected officials and local government staff to spread the word to all citizens of New Jersey that they can shape and influence this branch of government; and

WHEREAS, the NJ State League of Municipalities and its member municipalities have joined together to teach citizens about municipal government through a variety of activities.

NOW, THEREFORE, BE IT RESOLVED BY GOVERNING BODY AS FOLLOWS:

Section 1. That the Mayor and Council encourage all citizens, local government officials, and employees to participate in events that recognize and celebrate NJ Local Government Week.

Section 2. That Garwood encourages educational partnerships between local government and schools, as well as civic groups and other organizations.

Section 3. That Garwood supports and encourages all New Jersey local governments to actively promote and sponsor NJ Local Government Week.

RESOLUTION NO. 19-162

BE IT RESOLVED, by the Council of the Borough of Garwood that Sandra Bruns, CFO/Treasurer, be and she is hereby authorized and directed to sign agreement with A.D.P. for payroll services for 1/1/2019 to 12/31/2019 including the addendum to the agreement with A.D.P. payroll services in accordance with N.J.A.C. 5:30-17; and

BE IT RESOLVED, by the Council of the Borough of Garwood that Sandra Bruns, Chief Financial Officer/Treasurer, be and she is hereby appointed the approval officer and person responsible for authorizing and supervising the activities of the payroll service and shall further be charged with the reconciliation and analysis of all general ledger accounts affected by the activities of the disbursing organization; and

BE IT FURTHER RESOLVED that fees for this service for 2019 are \$10,307.38 of which \$10,000 is paid by Investor's Bank on behalf of the Borough of Garwood.

RESOLUTION NO. 19-163

WHEREAS, the Council of the Borough of Garwood wish to approve and adopt the Borough of Garwood's policy on "Use of Social Media"; and

WHEREAS, the Borough of Garwood's policy on use of Social Media was reviewed and approved by the Borough Attorney.

THEREFORE, BE IT RESOLVED, by the Council of the Borough of Garwood that it formally adopts as Policy the Borough of Garwood Policy on Social Media usage by all borough related pages and sites.

BE IT FURTHER RESOLVED, that a copy of said policy shall be distributed to all borough departments, committees, boards and commissions.

RESOLUTION NO. 19-164

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"); and

WHEREAS, in that decision, the Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Court and established a transitional process for municipalities like the Borough of Garwood to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans ("HEFSPs") to be constitutionally compliant and seeking similar protections to what they would have received if they had continued to proceed before COAH; and

WHEREAS, pursuant to N.J.S.A. 52:27D-313 and Mount Laurel IV, the New Jersey Superior Court has the authority to enter an Order granting protection and repose against exclusionary zoning litigation to a municipality that is in compliance with its affordable housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

WHEREAS, on July 2, 2015, the Borough of Garwood ("Borough") filed a declaratory judgment action under docket number UNN-L-2406-15 with the New Jersey Superior Court, Union County ("the DJ action") seeking to declare its HEFSP as

being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period; and

WHEREAS, the Superior Court of New Jersey has ordered that municipalities that have filed declaratory judgment actions must submit updated HEFSPs that address their affordable housing obligations as calculated by their respective municipal experts; and

WHEREAS, the Superior Court, after reviewing the Borough's HEFSP and other applicable documents, and after due notice was given to all interested parties and intervenors, and to the public, on October 10, 2018 entered a Declaratory Judgment of Compliance and Repose declaring the land use regulations and affirmative devices in place in the Borough to comply with the Borough's constitutional obligations with respect to affordable housing under the Mount Laurel Doctrine; and

WHEREAS, the Borough received approval of its Development Fee Ordinance by virtue of the Court's October 10, 2018 Declaratory Judgment of Compliance and Repose; and

WHEREAS, the Development Fee Ordinance establishes an Affordable Housing Trust Fund that may include development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or any other funds collected in connection with the Borough's affordable housing program; and

WHEREAS, the October 10, 2018 Declaratory Judgment of Compliance and Repose included a condition that the Borough prepare and adopt a Spending Plan, subject to the approval of the Special Master, prior to the expenditure of any funds collected in connection with the Borough's affordable housing program; and

WHEREAS, the Spending Plan attached hereto has been prepared by the Borough's affordable housing planner and approved of by the Special Master;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Garwood, County of Union, State of New Jersey that the Borough requests that the Superior Court review and approve the Borough of Garwood's spending plan.

A motion was made by _____, second by _____, to adopt Consent Agenda.

Roll Call:

Councilman Benoit	_____	Councilman Ince	_____
Councilwoman Blumenstock	_____	Councilman McCormack	_____
Councilman Graham	_____	Council President Lazarow	_____

RESOLUTIONS DELETED FROM THE CONSENT AGENDA:

NEW BUSINESS:

Green Team:

Robert Schilare

Diane Moxley

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.

A motion was made by _____, second by _____, to adopt Payment of Claims Resolution.

Roll Call:

Councilman Benoit	_____	Councilman Ince	_____
Councilwoman Blumenstock	_____	Councilman McCormack	_____
Councilman Graham	_____	Council President Lazarow	_____

ADJOURNMENT:

The Regular Meeting of the Mayor and Council will be held on, **THURSDAY, FEBRUARY 28, 2019**, in Council Chambers at 7:15 p.m. Workshop Session to start at 7:00 p.m.

A motion was made by _____ Second by _____, to adjourn. Time: _____