

Borough of Garwood Meeting of the Mayor and Council

AGENDA

April 10, 2018

Moment of Silence.....

Salute to the Flag.....

Adequate notice of this meeting was provided to the Westfield Leader, advertised on January 4, 2018, 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 Lombardo	_____		
Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Lazarow	_____	Councilwoman Todisco	_____
Councilman McCormack	_____	Council President Blumenstock	_____

MINUTES:

Regular and Workshop Minutes of the Mayor and Council held on March 27, 2018.

A motion was made by _____, second by _____, to accept minutes as presented.

COMMUNICATIONS:

- 1) NEW JERSEY STATE LEAGUE OF MUNICIPALITIES –
 - a. Mayor's Advisory –
 - i. 03/27/18, RE: Daily Update
 - ii. 03/29/18, RE: Weekly Round-Up
 - iii. 04/04/18, RE: Daily Update
 - iv. 04/04/18, RE: New Email System from the League
 - v. 04/06/18, RE: Daily Update - Leagues New Email System
- 2) UNION COUNTY BOARD OF CHOSEN FREEHOLDERS – 03/26/18, RE: Adoption of Ordinance 793-2018

ORDINANCES:

Public Hearing on Ordinance 18-04, 18-05, 18-06 and 18-07, as advertised in the Westfield Leader.

ADOPTION:

Municipal Clerk to read Ordinance 18-04 by title only:

ORDINANCE NO. 18-04

AN ORDINANCE TO PROVIDE FOR A REVISED RATE SCHEDULE FOR 2018 PURSUANT TO §134-16 (RATE SCHEDULE) IN ARTICLE V (INDUSTRIAL WASTE & FEES) IN CHAPTER 134 (SEWERS) OF THE CODE OF THE BOROUGH OF GARWOOD, FOR THE INDUSTRIAL USER CHARGE PROVIDED FOR IN §134-15.

List correspondence concerning Ordinance 18-04.

Does anyone present wish to be heard concerning Ordinance 18-04.

A motion was made by _____, second by _____, to close Public Hearing on Ordinance 18-04.

A motion was made by _____, second by _____, to adopt Ordinance 18-04.

Discussion:

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Lazarow	_____	Councilwoman Todisco	_____
Councilman McCormack	_____	Council President Blumenstock	_____
Mayor Lombardo	_____		

Municipal Clerk to read Ordinance 18-05 by title only:

ORDINANCE NO. 18-05

AN ORDINANCE TO AMEND ARTICLE XIV (AFFORDABLE HOUSING) IN CHAPTER 106 (LAND USE) OF THE CODE OF THE BOROUGH OF GARWOOD TO FURTHER ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

List correspondence concerning Ordinance 18-05.

Does anyone present wish to be heard concerning Ordinance 18-05.

A motion was made by _____, second by _____, to close Public Hearing on Ordinance 18-05.

A motion was made by _____, second by _____, to adopt Ordinance 18-05.

Discussion:

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Lazarow	_____	Councilwoman Todisco	_____
Councilman McCormack	_____	Council President Blumenstock	_____
Mayor Lombardo	_____		

Municipal Clerk to read Ordinance 18-06 by title only:

ORDINANCE NO. 18-06

ORDINANCE OF THE BOROUGH OF GARWOOD, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$140,000 FOR THE PREPARATION OF AN APPROVED TAX MAP AND A PROGRAM OF REVALUATION OF REAL PROPERTY IN, BY AND FOR THE BOROUGH.

List correspondence concerning Ordinance 18-06.

Does anyone present wish to be heard concerning Ordinance 18-06.

A motion was made by _____, second by _____, to close Public Hearing on Ordinance 18-06.

A motion was made by _____, second by _____, to adopt Ordinance 18-06.

Discussion:

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Lazarow	_____	Councilwoman Todisco	_____
Councilman McCormack	_____	Council President Blumenstock	_____
Mayor Lombardo	_____		

Municipal Clerk to read Ordinance 18-07 by title only:

ORDINANCE NO. 18-07
CALENDAR YEAR 2018
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)

List correspondence concerning Ordinance 18-07.

Does anyone present wish to be heard concerning Ordinance 18-07.

A motion was made by _____, second by _____, to close Public Hearing on Ordinance 18-07.

A motion was made by _____, second by _____, to adopt Ordinance 18-07.

Discussion:

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Lazarow	_____	Councilwoman Todisco	_____
Councilman McCormack	_____	Council President Blumenstock	_____
Mayor Lombardo	_____		

INTRODUCTION:

Municipal Clerk to read Ordinance 18-09 by title only:

ORDINANCE NO. 18-09
AN ORDINANCE FIXING THE SALARIES AND WAGES FOR THE DEPARTMENT OF PUBLIC WORKS OF THE BOROUGH OF GARWOOD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY.

A motion was made by _____, second by _____, to introduce Ordinance 18-09.

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Lazarow	_____	Councilwoman Todisco	_____
Councilman McCormack	_____	Council President Blumenstock	_____
Mayor Lombardo	_____		

COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:

POLICE: Councilman Sarno, Chr.

PUBLIC HEALTH: Councilman McCormack

STREETS AND ROADS/ECOLOGY: Council President Blumenstock, Chr.
FIRE: Councilman McCormack, Chr.

FINANCE: Councilwoman Todisco, Chr.

BUILDINGS AND GROUNDS: Councilman Lazarow

LAWS AND LICENSES: Councilwoman Cuccaro

RECREATION: Councilman Lazarow

GARWOOD SENIOR CITIZEN LIAISON: Council President Blumenstock

LIBRARY, MAYOR'S REPRESENTATIVE: Councilman Lazarow

SCHOOL BOARD LIAISON: Councilman McCormack

CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON:
Councilwoman Cuccaro

UNION COUNTY AIR TRAFFIC NOISE ADVISORY BOARD REPRESENTATIVE:
Councilman McCormack

SPECIAL REVIEW COMMITTEE: Councilwoman Todisco

HISTORICAL COMMITTEE: Councilwoman Todisco

PARKING COMMITTEE: Councilman Sarno

OFFICER'S REPORTS:

Zoning Code Enforcement Officer Len DiStefano monthly report for March 2018

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

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 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. 18-098

WHEREAS, James H. Wright, Chief of Police has recommended that Patrolman Christopher Czachorowski, Police Officer in the Garwood Police Department be upgraded to Step 10 Patrolman, pending approval from Council.

NOW THEREFORE BE RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorize that Christopher Czachorowski be upgraded from a Step 9 Patrolman, to a Step 10 Patrolman in the Garwood Police Department, effective April 15, 2018, at an annual salary of \$92,392.00 in accordance with the existing P.B.A. Contract.

RESOLUTION NO. 18-099

BE IT RESOLVED, by the Mayor and Council of the Borough of Garwood, in the County of Union, State of New Jersey, that the license to conduct an Off-Premise 50/50 Raffle and an On-Premise Merchandise Raffle to be held on June 03, 2018, at the Westwood, 435 North Avenue, Garwood, NJ from 11:00 a.m. to 3:00 p.m., is hereby granted to Summit Animal Rescue Association., pursuant to Application Number RA #1144 and RA #1145.

RESOLUTION NO. 18-100

RESOLUTION AUTHORIZING CHANGE ORDER IN EXCESS OF 20% FOR THE GARWOOD SPORTS & RECREATION COMPLEX/EXTERIOR DOORS REMEDIATION PROJECT FOR THE BOROUGH OF GARWOOD, NEW JERSEY

WHEREAS, the Borough of Garwood did, on October 24, 2017 adopt Resolution No. 17-195, awarding a contract to Quality Roof Cleaning LLC, d/b/a Padovani Roofing & Construction, in the sum of \$47,325 for the project known as the Garwood Sports & Recreation Complex/Exterior Doors Remediation in the Borough of Garwood, New Jersey; and

WHEREAS, it has now been determined that the contract must be amended to include additional work due to additional uncovered damage to the Michael R. Crincoli Recreation Building having been found; and

WHEREAS, the cost of the additional remediation work will result in an additional amount of \$69,560; and

WHEREAS, this proposed Change Order will result in the net sum of Change Orders for this project in excess of the 20% limit for Change Orders which is allowed under the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the regulations (*N.J.A.C. 5:30-11.9*) of the State of New Jersey Department of Community Affairs permits change orders in excess of 20% where the following is present:

- 1) a written certification by the contractor containing the following:
 - i) an explanation of the factual circumstances which necessitate issuance of the change order;
 - ii) a statement indicating why these circumstances could not have been foreseen;
 - iii) a statement indicating why issuance of the change order would be in the best interest of the Borough and would not constitute an abuse of these rules;
 - iv) if the nature of the change order is technical, the certification shall include a certified statement from contractor's appropriate expert, explaining in detail the factual circumstances which necessitate the issuance of the change order;
- 2) a request from the Chief Executive Officer, or his designee, in this case, the Borough Administrator, to the governing body requesting the change order and explaining why this change order may be allowed pursuant to this provision; and

WHEREAS, the Borough of Garwood is in receipt of a certification from the Borough Engineer dated March 22, 2018, see copy attached hereto;

WHEREAS, in this particular case, the Borough Engineer has submitted a statement explaining in detail the factual circumstances which justify issuance of the proposed change order, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the project architect has submitted a certification, a copy of which is attached, explaining the need and justification for the change order; and

WHEREAS, due to the additional work, it is necessary to grant a time extension of 45 calendar days to the project; and

WHEREAS, the Borough Administrator has submitted a request, a copy of which is attached, to the governing body requesting the change order and explaining why this change order may be allowed pursuant to this provision and requesting that the governing body review this matter and consider adopting the attached Change Order; and

WHEREAS, a certification is attached hereto to reflect the availability of funds;

NOW, THEREFORE, BE IT RESOLVED THAT by the Borough Council of the Borough of Garwood that it hereby approves an amendment to the contract awarded to Quality Roof Cleaning LLC, d/b/a Padovani Roofing & Construction for the

project known as the Garwood Sports & Recreation Complex/Exterior Doors Remediation Project to include the additional amounts of services specified herein and extends the period of time for the completion of the work by 45 days; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute all necessary documentation on behalf of the Borough of Garwood; and

BE IT FURTHER RESOLVED, that the Borough Clerk is authorized and directed to publish a notice of this action indicating the additional amount to be expended, the original contract price, the nature of the original and additional work authorized by the within resolution and why it is necessary to expend the additional funds; said notice shall be filed by the Borough Clerk and shall be available for inspection by the public; and

BE IT FURTHER RESOLVED, the said Borough Clerk shall report this action to the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey in its annual audit on a form provided by the Director and a summary of the report shall be included as supplemental material in the annual audit of the Borough.

RESOLUTION NO. 18-101

RESOLUTION AUTHORIZING THE SALE OF \$140,000 SPECIAL EMERGENCY NOTES OF THE BOROUGH OF GARWOOD, IN THE COUNTY OF UNION, NEW JERSEY AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

BE IT RESOLVED by the Borough Council of the Borough of Garwood, in the County of Union, New Jersey (the "Borough") (not less than two-thirds of all members thereof affirmatively concurring), as follows:

Section 1. Pursuant to the Local Budget Law and an ordinance adopted by the Borough Council of the Borough on April 10, 2018 (the "Ordinance"), the Borough appropriated \$140,000 as a special emergency appropriation pursuant to N.J.S.A. 40A:4-53 for the preparation of an approved tax map and the preparation and execution of a program of revaluation of real property. Pursuant to N.J.S.A. 40A:4-55, \$140,000 principal amount of Special Emergency Notes are hereby authorized to be issued.

Section 2. Such notes are hereby authorized to be issued pursuant to the Ordinance and this resolution and shall be negotiable notes payable to bearer, and shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and such interest shall be payable at the maturity of such notes. The notes shall be dated on or about the date of their issuance and may be renewed from time to time, but at least 1/5 of the total amount of notes hereby authorized, and the renewals thereof, shall mature and be paid in each year, so that all notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution. The issuing officers are authorized to provide that the notes may be redeemable at the option of the Borough.

Section 3. The Mayor and the Chief Financial Officer are hereby authorized to execute said notes, and the Municipal Clerk is hereby authorized to affix the seal of the Borough to such notes and to attest such seal and said notes, and said officers are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said notes, and that said notes are within every debt and other limit prescribed by the Constitution or statutes of New Jersey.

Section 4. The Chief Financial Officer is hereby authorized to sell said notes and any renewals thereof from time to time, at not less than par and accrued interest and to determine within the limitations prescribed by this resolution, the date, principal amount, maturity date, and denomination of said notes, and the rate of interest said notes shall bear and to deliver such notes upon receiving the purchase price to be paid therefor.

Section 5. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Special Emergency Notes) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code").

Section 6. The Borough Council hereby designates the Special Emergency Notes as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code. It is hereby determined and stated that the Special Emergency Notes (1) are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2018. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Borough does not covenant to do so, and expressly states that a covenant is not made hereby.

Section 7. A certified copy of this resolution shall be filed with the Director of the Division of Local Government Services.

Section 8. This resolution shall take effect immediately upon its adoption.

RESOLUTION NO. 18-102

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 50/50 Raffle and an On-Premise Merchandise Raffle on April 26, 2018, to be held at the Westwood. 438 North Avenue, Garwood, NJ from 6:00 – 9:00 p.m., is hereby granted to Education Foundation of Garwood, pursuant to Application Number RA #1146 and RA #1147

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

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Lazarow	_____	Councilwoman Todisco	_____
Councilman McCormack	_____	Council President Blumenstock	_____
Mayor Lombardo	_____		

RESOLUTIONS DELETED FROM THE CONSENT AGENDA:

A motion was made by _____, second by _____.

Discussion:

Roll Call:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Lazarow	_____	Councilwoman Todisco	_____
Councilman McCormack	_____	Council President Blumenstock	_____
Mayor Lombardo	_____		

NEW BUSINESS:

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:

Councilwoman Cuccaro	_____	Councilman Sarno	_____
Councilman Lazarow	_____	Councilwoman Todisco	_____
Councilman McCormack	_____	Council President Blumenstock	_____
Mayor Lombardo	_____		

ADJOURNMENT:

The Regular Meeting of the Mayor and Council will be held on, **TUESDAY, APRIL 24, 2018**, 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. 18-09, ON TUESDAY, APRIL 24, 2018, AT 7:15 P.M. OR SOON THERE AFTER

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