

Borough of Garwood Meeting of the Mayor and Council

MINUTES

April 10, 2018

Start time 8:42 p.m.
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	P		
Councilwoman Blumenstock	P	Councilman McCormack	P
Councilwoman Cuccaro	P	Councilman Sarno	P
Councilman Lazarow	P	Council President Todisco	P

MINUTES:

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

A motion was made by Council President Blumenstock, second by Councilman Lazarow, 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

ALL RECEIVED AND FILED

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.

WHEREAS, §134-15 of the Code of the Borough of Garwood provides for an industrial user charge; and

WHEREAS, §134-16 of the Code of the Borough of Garwood, provides for the adoption by ordinance of the Mayor and Council of the rate schedule for said industrial user charge;

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

SECTION 1. The rate schedule for the industrial user charge established under §134-16 of the Code of the Borough of Garwood, for the year 2018 and until such time as the new rate schedule shall be adopted by ordinance shall be as follows:

FLOW:

Per Million Gallons **\$3,768.50**

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 18-04. NONE

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

Bruce Paterson, 325 Willow Avenue commented on the ordinance. Mr. Renaud answered Mr. Paterson's questions.

Steve Greet, 409 Brookside Place asked what an industrial user is and Mr. Renaud responded.

A motion was made by Councilman Lazarow, second by Councilwoman Todisco, to close Public Hearing on Ordinance 18-04.

A motion was made by Council President Blumenstock, second by Councilwoman Todisco, to adopt Ordinance 18-04.

Discussion: NONE

Roll Call:

Councilwoman Cuccaro	AYE	Councilman Sarno	AYE
Councilman Lazarow	AYE	Councilwoman Todisco	AYE
Councilman McCormack	AYE	Council President Blumenstock	AYE

6-AYE, 0-NAY, Ordinance 18-04 was adopted

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

WHEREAS, by Ordinance Number 17-21, the Governing Body of the Borough of Garwood enacted Article XIV (Affordable Housing) in Chapter 106 (Land Use) of the Code of the Borough of Garwood to address the requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) regarding compliance with the Borough's affordable housing obligations; and

WHEREAS, certain amendments to the affordable housing provisions are required by the Special Master serving in the declaratory judgment action entitled In re Borough of Garwood, Docket No. UNN-L-2406-15; and

WHEREAS, this Ordinance addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985;

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

SECTION 1. The following sections of Article XIV (Affordable Housing) in Chapter 106 (Land Use) of the Code of the Borough of Garwood are hereby amended to read as follows:

§ 106-172 Applicability

The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Garwood pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan, including those that are funded through Low Income Tax Credits.

§ 106-175 New Construction

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

The set aside requirement shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all affordable rental units in any development shall be affordable to very low income households. The very low income units shall be counted as part of the required number of low income units within the development.

2. No change

3. No change

4. No change

5. Multi-Family Developments Not Anticipated in Fair Share Plan and Multi-Family Units in Mixed Use Developments in the Central Business Zone:

a. With the exception of mixed use developments containing multi-family residential units in the Central Business Zone, this Section does not affect the requirements for the production of affordable housing on sites that are zoned for inclusionary development as part of the Fair Share Plan, for which the affordable housing set-aside requirements have been established by the zoning regulations and for which any calculated fraction of an obligation shall be rounded up. In the Central Business Zone and in all other cases, a mandatory set-aside requirement of 20% (if the affordable units will be for sale) and 15% (if the affordable units will be for rent) shall be imposed on any townhouse, garden apartment or other multi-family residential development or multi-family units in a mixed use development created through any Borough or Board action involving a rezoning, use variance, density variance, redevelopment plan or rehabilitation plan permitting development or redevelopment that provides an incentive in the form of an increase in the density on a site, provided the new density is at least twice the previously permitted density and results in the construction or creation of five or more new dwelling units over the number of dwelling units previously permitted to be built. This requirement does not give any developer the right to any such rezoning, redevelopment plan or rehabilitation plan, variance or other relief, or establish any obligation on the part of the Borough of Garwood to grant such rezoning, redevelopment or rehabilitation plan approval, variance or other relief. All affordable units created by this mechanism shall be family affordable housing units (i.e., non-age-restricted) and shall comply with all other requirements of the Borough's Affordable Housing Ordinance, including the requirement that at least 50 percent of the affordable units be affordable to low income households and that at least 13 percent of the affordable units shall be affordable to very low income households (earning 30 percent or less of the regional median household income by household size), which very low income requirement shall be included as part of the low income housing requirement; the remaining affordable units may be moderate income units.

b. For any developments to which paragraph a. above applies, if the calculation of the total number of affordable units required to be provided yields a fraction that is less than 0.5 percent of a whole unit, then the developer shall have the option of either making a payment in lieu of the fraction of one unit or providing one additional unit. If the calculation of the total number of affordable units required yields a fraction that is greater than 0.5, the obligation shall be rounded up to the next whole unit. The option of making a payment in lieu or providing an additional whole unit shall not apply to any parameter other than the total number of affordable units required to be provided.

c. For any payment in lieu of a fraction of an affordable unit authorized by § 106-175(5)(b) above, the payment for the fraction of the affordable unit shall be pro-rated based upon the Subsidy Required/Payment In Lieu Amount set forth for COAH Region 2 in N.J.A.C. 5:97-6.4(c), unless the developer can demonstrate to the reasonable satisfaction of the Borough of Garwood that the payment amount, using the methodology set forth in N.J.A.C. 5:97-6.4(c), should be a different amount. All payments in lieu of constructing fractions of

affordable units shall be placed in the Borough's affordable housing trust fund and shall be used for the creation of additional affordable housing units, subject to the regulations and restrictions pertaining to same.

6. No Subdivision Permitted:

The subdivision of properties proposed for multi-family residential developments or mixed use developments that will include multi-family housing and are thus required to provide an affordable housing set-aside is prohibited as a means to circumvent the mandatory set-aside requirement in § 106-175(5)(a).

§ 106-178 Control Periods for Restricted Ownership Units and Enforcement Mechanisms

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Garwood takes action to release the unit from such requirements. Prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for a period of at least 30 years.

§ 106-183 Control Periods for Restricted Rental Units

1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Garwood takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for a period of at least 30 years.

§ 106-188 Affirmative Marketing Requirements

2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 2 and is required to be followed throughout the period of restriction. The Borough shall add to the list of the community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5): Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Supportive Housing Association of New Jersey, and the New Jersey Housing Resource Center, and shall, as part of its regional affirmative marketing strategies, provide direct notice to those organizations of all available affordable housing units, along with copies of affordable housing application forms. The Borough shall require any other entities, including developers or persons or companies, retained to do affirmative marketing, to comply with this Section.

§ 106-191 Monitoring and reporting requirements

1. The Borough shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
2. The Borough shall provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
3. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
4. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of March 28, 2020, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency, provided that all provisions of Article XIV (Affordable Housing) in Chapter 106 (Land Use) of the Code of the Borough of Garwood not amended herein shall remain in effect.

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 18-05. NONE

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

Bruce Paterson, 325 Willow Avenue commented on many ordinances. Mr. Renaud responded.

A motion was made by Council President Blumenstock, second by Councilman Sarno, to close Public Hearing on Ordinance 18-05.

A motion was made by Council President Blumenstock, second by Councilwoman Todisco, to adopt Ordinance 18-05.

Discussion:

Roll Call:

Councilwoman Cuccaro	NAY	Councilman Sarno	AYE
Councilman Lazarow	AYE	Councilwoman Todisco	AYE
Councilman McCormack	NAY	Council President Blumenstock	AYE

4-AYE, 2-NAY, Ordinance 18-05 was adopted

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.

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

Section 1. Pursuant to N.J.S.A. 40A:4-53, the sum of \$140,000 is hereby appropriated for the preparation of an approved tax map and the preparation and execution of a program of revaluation of real property and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53 and 40A:4-55.

Section 2. The amount to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized, pursuant to N.J.S.A. 40A:4-55.

Section 3. A certified copy of this ordinance shall be filed with the Director of the Division of Local Government Services.

Section 4. This ordinance shall take effect at the time and in the manner provided by law.

List correspondence concerning Ordinance 18-06. NONE

Does anyone present wish to be heard concerning Ordinance 18-06. NONE

A motion was made by Council President Blumenstock, second by Councilwoman Todisco, to close Public Hearing on Ordinance 18-06.

A motion was made by Councilwoman Todisco, second by Council President Blumenstock, to adopt Ordinance 18-06.

Discussion:

Roll Call:

Councilwoman Cuccaro	AYE	Councilman Sarno	AYE
Councilman Lazarow	AYE	Councilwoman Todisco	AYE
Councilman McCormack	AYE	Council President Blumenstock	AYE

6-AYE, 0-NAY, Ordinance 18-06 was adopted

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)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Borough Council of the Borough of Garwood, County of Union, hereby determines that this difference in the amount of \$62,225.78 that is not appropriated as part of the final 2018 budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

List correspondence concerning Ordinance 18-07. NONE

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

Bruce Paterson, 325 Willow Avenue asked council not support the CAP Ordinance.

Councilwoman Todisco responded.

A motion was made by Councilman Lazarow, second by Council President Blumenstock, to close Public Hearing on Ordinance 18-07.

A motion was made by Council President Blumenstock, second by Councilman Lazarow, to adopt Ordinance 18-07.

Discussion: NONE

Roll Call:

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

4-AYE, 3-NAY, Ordinance 18-07 was adopted

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 Council President Blumenstock, second by Councilwoman Todisco, to introduce Ordinance 18-09.

Roll Call:

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

4-AYE, 3-NAY, Ordinance 18-09 was introduced.

COMMENT: It was commented that it should be after the budget.

COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:

POLICE: Councilman Sarno, Chr.

The Police Department in conjunction with the DEA will be participating in Operation Take Back on Saturday April 28th. During the hours of 10:00 am and 4:00 pm anyone wishing to safely dispose of expired or unwanted prescription medication can drop it off in the receptacle located in the police department lobby. Saturday April 14th is opening day for the Garwood Little League. Once again we will start the season with an opening day parade down Center St. The parade will commence at 9:00 am and travel from Lincoln School to the Athletic Field Complex. Motorists are advised to use alternative routes during that time.

There is still space available for the inaugural youth academy. The academy is open to children entering 6th through 8th grade of the upcoming year. Applications are available at the police desk in headquarters and also online at www.garwoodpd.org

PUBLIC HEALTH: Councilman McCormack **NO REPORT**

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

In addition to regular garbage pickup, the DPW performed salting and plowing operations on all Borough streets and Borough maintained sidewalks during the light winter storm on April 2nd during regular working hours. Garbage pickup was completed once plowing operations were done and all employees worked 2 hours of overtime. They also completed the chipping operations of all branches/shade trees from along all Borough streets within the right-of-way that fell due to the recent winter events. Fanwood's chipper is used for all chipping operations in Garwood.

The DPW also began to perform preventative maintenance on all Borough-owned landscaping equipment and removed brush and debris from the brook behind 252 Myrtle Avenue. Multiple pothole repairs were also completed in about 10 locations around the Borough. That's all for my report, Mayor.

FIRE: Councilman McCormack, Chr.

Reported on Fire Chief's report.

FINANCE: Councilwoman Todisco, Chr.

Thank you, Mayor. The Finance Committee met today and discussed the 5-year capital plan. Last year, as the Chair, I drafted a rough plan that our committee discussed, which was largely based on what our department heads recommended, and we gave it out to the rest of the Council and Mayor. Today, we focused on our recommendations for this year and also looked ahead at 2019 through 2022. We will provide the rest of Council the final draft once it's ready. Our committee also discussed how will are continuing to look at borough operations to look to streamline them and increase efficiency as we are always looking to save money. That's all for my report, Mayor.

BUILDINGS AND GROUNDS: Councilman Lazarow

The Rec Complex has an official start date for completion of the remediation project. Padavoni, the contractor is planning on starting work tomorrow with the rigorous surveillance of Falcon, our architect and designer of the specifications to make the proper changes. They have provided a timeline in which the work will be completed by the end of May. As the work commences I will provide an update.

The Hartman Park revitalization project will start as mentioned in workshop with our DPW workers removing all old equipment, the base layer of mulch, and the transportation of smaller trees that are in the way of the new installed equipment. This work by our DPW helped limit the total cost of the project. I will have a more exact timeline for the installation and completion by the end of the week with a report at our

next council meeting. As a result, Hartman Park will be closed starting Monday, April 16th until the completion of the park.

LAWS AND LICENSES: Councilwoman Cuccaro

There are FOUR applications for a raffle licenses. The Laws & License Committee recommends the following: The adoption of Resolution No. 18-099, for the application of one on premise merchandise raffle and on off premise 50/50 raffle license to be held June 03, 2018, at The Westwood, 438 North Avenue, Garwood, NJ, by Summit Animal Rescue Association; Also..... The adoption of Resolution No. 18-102, for the application of one on premise merchandise and one on premise 50/50 raffle license, event to be held April 26, 2018, at The Westwood, 438 North Avenue, Garwood, NJ, by Education Foundation of Garwood

RECREATION: Councilman Lazarow **NO REPORT**

GARWOOD SENIOR CITIZEN LIAISON: Council President Blumenstock **NO REPORT**

LIBRARY, MAYOR'S REPRESENTATIVE: Councilman Lazarow

The Garwood Library's programs for April include:

Knitting Club – Every Monday and Thursday at 10:30am

Kids Chess – Mondays in April at 3:00 pm

Book Clubs – Monday, April 16th @1:00 pm

Design It -STEM – Every Tuesday at 3:00 through April 24th

Adult Craft – tonight at 6:00 pm

Story Time - Every Wednesday at 10:30am,

Kid's Craft – Wednesday, April 19^t @ 3:00pm

Lego – Thursday, April 12th & 26th @ 3:00 pm

Movie Time - Every Friday at 10:00 am

Paws to Read – Saturday, April 14th at 10: am.

The Library will launch **hoopla** on April 18th. Hoopla is a digital media service that allows patrons to borrow movies, music, audiobooks, eBooks, comics and TV shows to enjoy on your computer, tablet, phone, smart TV and Amazon's Alexa! With no waiting, titles can be streamed immediately, or downloaded to phones or tablets for offline enjoyment later. Hoopla has hundreds of thousands of titles to choose from. Patrons just download the app. Use their library card number as their password, browse and click.

Last week, during **Spring Break** the Library showed the **movie "Ferdinand"** on Wednesday for young children and "**Jumanji: Welcome to the Jungle**" on Thursday for older kids. Both movies were well attended and were followed by a craft. Each child got to make and showcase their art in the Library display case. Come take a look.

Local author, Laura Sassi, will visit Storytime on **April 11th** with her puppets and her new book, *Diva Delores and the Opera House Mouse*. (She was snowed out on the 21st)

In honor of National Library week (**April 9th to April 14th**) the Garwood Public Library is granting **Amnesty** on fines. During this week, there will be no fines collected for any overdue items returned during this week, no matter how long the items are overdue.

The Garwood Library is open Monday through Thursday from 9:00 AM to 8:00 PM, Fridays from 9:00 AM to 4:30 PM, and Saturdays from 9:00 AM to 1:00 PM.

SCHOOL BOARD LIAISON: Councilman McCormack **NO REPORT**

CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON: **NO REPORT**

Councilwoman Cuccaro

UNION COUNTY AIR TRAFFIC NOISE ADVISORY BOARD REPRESENTATIVE: **NO REPORT**

Councilman McCormack

SPECIAL REVIEW COMMITTEE: Councilwoman Todisco **NO REPORT**

HISTORICAL COMMITTEE: Councilwoman Todisco **NO REPORT**

PARKING COMMITTEE: Councilman Sarno

Last night the parking committee with Police Chief James Wright, OEM Director Ken Capobianco, Mayor Lombardo, resident member Kathy Villaggio, and business liaison Carol Kearny. The goals at the meeting were to evaluate the following ordinances and ideas to address parking concerns throughout the borough:

- The 3" snow ordinance

- Alternate side parking
- The use of emergency streets
- Review latest from parking enforcement

It was determined after going over these issues in detail to keep the 3" snow ordinance and have cars off the roads, as without it our narrow streets would pose safety concerns to our first responders. Other concerns are that our roads would make it difficult for our residents to get around town and if were to allow for emergency streets (for parking) that would defeat the purpose of our ordinance. Furthermore, alternate side parking as determined to be too heavy of a lift due to communication concerns and neighboring towns having difficulty in having residents adhere to the towns ordinances.

Even with the recommendation of the committee not to change our ordinances, our police department is committed more than ever into assisting residents finding parking during major winter storms and will continue to do so in the future.

Our parking enforcement officer is still in the compliance stage in having our residents obtain the necessary permits if he/she reside in one of targeted parking zones. This will continue through the month April and it can be expected that in May that the compliance stage will end enforcement will begin of those found to be in violation. Additionally, we expect the mark-outs for our new parking signs to be completed soon, and to have our parking enforcement zone officially expanded.

Ms. Ariemma was directed to respond to the request at Shop-Rite lot regarding commuter parking.

OFFICER'S REPORTS:

Zoning Code Enforcement Officer Len DiStefano monthly report for March 2018

A motion was made by Council President Blumenstock, second by Councilwoman Todisco, 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.

Al DelConte, 545 Locust Avenue commented on LED stop signs. He commented that the catch basin is settling in the parking lot at the Municipal Building.

Bruce Paterson, 325 Willow Avenue commented on the catch basin sinking. He commented on the County Manager job. He commented on Resolution 18-100.

Jim Mathieu, 335 Hazel Avenue commented on the County Manager appointment. He also commented on the Mayor's against illegal guns and other related information. He commented on Mayor's campaign page regarding money and Councilwoman Todisco keeping money. Councilwoman Todisco commented this is a political matter. He commented on the Mayor's page and commented on how council votes.

The council responded to comments made by the citizens.

Jim Mathieu commented further.

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 Councilwoman Cuccaro, second by Councilman Sarno, to adopt Consent Agenda.

Roll Call:

Councilwoman Cuccaro	AYE	Councilman Sarno	AYE
Councilman Lazarow	AYE	Councilwoman Todisco	AYE
Councilman McCormack	AYE	Council President Blumenstock	AYE

RESOLUTIONS DELETED FROM THE CONSENT AGENDA:

NONE

NEW BUSINESS:

NONE

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 Councilwoman Todisco, second by Councilwoman Cuccaro, to adopt Payment of Claims Resolution.

Roll Call:

Councilwoman Cuccaro	AYE	Councilman Sarno	AYE
Councilman Lazarow	AYE	Councilwoman Todisco	AYE
Councilman McCormack	AYE	Council President Blumenstock	AYE

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 Councilwoman Cuccaro, Second by Councilman Sarno, to adjourn.

Time: 9:44 p.m.

Respectfully submitted:



CHRISTINA M. ARIEMMA, Municipal Clerk
Borough of Garwood