

Borough of Garwood
MEETING OF THE MAYOR AND COUNCIL
AGENDA
April 26, 2022

Time:

Moment of Silence.....

Salute to the Flag.....

Adequate notice of this meeting was provided to the Union County Hawk advertised on January 20, 2022. Notification was sent to the Star Ledger, and is posted on the Municipal website, 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 Graham	_____	Councilwoman Loffredo	_____
Councilman Kearney	_____	Councilwoman Salmon	_____
Councilman Lazarow	_____	Council President Blumenstock	_____

Roll call staff and professionals:

Kyle Harris, Borough Administrator
Adam Abramson, Borough Attorney
Mike Disko, Borough Engineer
Sandy Bruns, Borough CFO/Treasurer
Robert Renaud, Tax Appeal Attorney

Report of Borough Engineer
Report of Borough Attorney
Report of Borough Administrator

RESOLUTION NO. 22-066

CLOSED SESSION RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING LITIGATION CONCERNING DOCKET NUMBER 004818-2022 AND MATTERS OF ATTORNEY-CLIENT PRIVILEGE RELATING TO THE ABOVE AND IN ACCORDANCE WITH N.J.S.A., 10:4-12, Closed session, Meetings open to public; exclusion of public; subject of matter.

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

NOW THEREFORE BE IT RESOLVED that the Council of the Borough of Garwood hereby move to go into executive session in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. seq., for the purpose of discussing the subject stated above; and

BE IT FURTHER RESOLVED that the matters discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

Action will not be taken after the Executive session.

A motion was made by _____, second by _____ to adopt Resolution 22-066.
All in favor, opposed?

A motion was made by _____, second by _____ to adjourn the executive session.
All in favor, opposed?

A motion was made by _____, second by _____ to resume the regular session.
All in favor, opposed?

Report of Mayor Sara Todisco

Comments from the Council:

Councilman Graham
Councilman Kearney
Councilman Lazarow
Councilwoman Loffredo
Councilwoman Salmon
Council President Blumenstock

MINUTES:

Minutes of the Special Meeting of the Mayor and Council held on March 31, 2022.

Minutes of the Executive Session held on March 31, 2022.

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) 04/08/2022, RE: Budget Testimony, APRA Scam, DOT Grants
<https://www.njlm.org/CivicSend/ViewMessage/Message/168522>
- b) 04/07/2022, RE::Lunch & Learn Cybersecurity Briefing
<https://www.njlm.org/CivicSend/ViewMessage/Message/168376>
- c) 04/14/2022,RE: Cannabis Sales Approved, Budget Testimony, ARPA Reports Due
<https://www.njlm.org/CivicSend/ViewMessage/Message/168890>

2) **TOWNSHIP OF SPRINGFIELD**

- a) 04/07/2022, RE: Resolutions
https://garwoodnj.govoffice3.com/vertical/Sites/%7B7F1088A0-CEC9-4505-80EE-1DF1BF7DFFBD%7D/uploads/Twp_of_Springfield_Res_2022-113.pdf

3) **UNION COUNTY BOARD OF COMMISSIONERS**

- a) 04/02/2022, RE: Resolutions
https://garwoodnj.govoffice3.com/vertical/Sites/%7B7F1088A0-CEC9-4505-80EE-1DF1BF7DFFBD%7D/uploads/UC_COMMISSIONERS.pdf

4) **TOWNSHIP OF CRANFORD**

- a) 04/14/2022, RE: Ordinance
https://garwoodnj.govoffice3.com/vertical/Sites/%7B7F1088A0-CEC9-4505-80EE-1DF1BF7DFFBD%7D/uploads/Clerk_to_UC_and_Surrounding_-_Introduced.pdf

5) **TOWNSHIP OF UNION**

- a) 04/18/2022. RE: Resolution
https://garwoodnj.govoffice3.com/vertical/Sites/%7B7F1088A0-CEC9-4505-80EE-1DF1BF7DFFBD%7D/uploads/TWP_OF_UNION_RESOLUTION.pdf

6) **BRUCE PATERSON, CITIZEN**

- a) 04/06/2022, RE: Letter to the GW Mayor and Council

ORDINANCES:

ADOPTION:

Municipal Clerk to read Ordinance 22-03 by title only:

**CALENDAR YEAR 2022
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

https://garwoodnj.govoffice3.com/vertical/Sites/%7B7F1088A0-CEC9-4505-80EE-1DF1BF7DFFBD%7D/uploads/22-03-02-Adopt-Cap_Bank.pdf

List correspondence concerning Ordinance 22-03

Does anyone present wish to be heard concerning Ordinance 22-03

A motion was made by _____ second by _____ to adopt Ordinance 22-03

Discussion:

Roll Call:

Councilman Graham	_____	Councilwoman Loffredo	_____
Councilman Kearney	_____	Councilwoman Salmon	_____
Councilman Lazarow	_____	Council President Blumenstock	_____

INTRODUCTION:

Municipal Clerk to read Ordinance 22-04 by title only:

AN ORDINANCE TO AMEND SECTION 21-1 (PARKING PROHIBITED) IN ARTICLE I (TRAFFIC AND PARKING) IN CHAPTER 21 (VEHICLES AND TRAFFIC) OF THE CODE OF THE BOROUGH OF GARWOOD.

https://garwoodnj.govoffice3.com/vertical/Sites/%7B7F1088A0-CEC9-4505-80EE-1DF1BF7DFFBD%7D/uploads/22-04-01_Intro_-_Traffic_and_Parking.pdf

A motion was made by _____ second by _____ to introduce Ordinance 22-04.

Roll Call:

Councilman Graham	_____	Councilwoman Loffredo	_____
Councilman Kearney	_____	Councilwoman Salmon	_____
Councilman Lazarow	_____	Council President Blumenstock	_____

COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:

FINANCE AND PERSONNEL: Councilman Lazarow, Chair

FIRE AND OEM: Councilman Kearney, Chair

FACILITIES, GROUNDS AND SHADE TREES: Councilwoman Loffredo, Chair

STREETS, ECOLOGY AND SUSTAINABILITY: Council President Blumenstock, Chair

POLICE AND PUBLIC SAFETY: Councilman Graham, Chair

COMMUNITY ENGAGEMENT: RECREATION, HISTORICAL AND CELEBRATIONS COMMITTEES:
Councilwoman Salmon, Chair

COMMUNICATIONS COMMITTEE: Councilman Kearney

LIBRARY, MAYOR'S REPRESENTATIVE: Councilman Lazarow

SCHOOL BOARD LIAISON: Councilman Kearney

GARWOOD SENIOR CITIZEN LIAISON: Council President Blumenstock

SMALL BUSINESS ADVISORY LIAISON: Councilman Kearney

OFFICER'S REPORTS:

CFO/Treasurer 1st Qtr. Report for 2022.

Chief of Police Monthly Reports for March, 2022.

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.

A motion was made by _____ second by _____ 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. 22-063

The 2022 Municipal Budget Resolution is attached hereto and made part hereof.

RESOLUTION NO. 22-067

WHEREAS, on or by January 31, 2022, participating volunteer fire company and first aid squad submitted certified lists to the Local Plan Administrator of those emergency service workers who have met the requirements of the plan as outlined in Code of the Borough of Garwood; and

WHEREAS, Resolutions No. 22-058 and 22-059, adopted on March 24, 2022 accepted the list of eligible members for the Garwood Fire Department and Garwood First Aid Squad and the Administrator directed the list be posted for a period of 30 days; and

WHEREAS, the Local Plan Administrator received no appeals from members of the Garwood Fire Department or Garwood First Aid Squad as presented.

THEREFORE BE IT RESOLVED, by the Council of the Borough of Garwood hereby authorizes the treasurer to draw a check for the 2021 LOSAP Benefits contribution as follows:

23 members of the Garwood Fire Department at \$1,705 each total: \$39,215.00
5 members of the Garwood First Aid Squad at \$1,705 each total: \$8,525.00
2 members of the Garwood First Aid Squad at \$852.50 each total: \$1,705.00
Total 2021 Contribution: \$49,445.00.

RESOLUTION NO. 22-068

WHEREAS, on April 13, 2022 the Borough Administrator received correspondence from Chief of Police James Wright dated April 13, 2022, advising that Maria Theresa Almeida is resigning from her position as Police Dispatcher with the Borough of Garwood; and

WHEREAS, Ms. Almeida has advised that her resignation shall be effective on April 27, 2022; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Garwood as follows:

- 1) The Borough of Garwood hereby accepts and relies upon the April 13, 2022 notice of resignation from Maria Theresa Almeida.
- 2) Effective April 27, 2022, Maria Theresa Almeida shall have resigned from her position as Police Dispatcher with the Borough of Garwood.
- 3) This resolution puts the Chief of Police and Borough Administrator on notice to immediately process this resignation.
- 4) This resolution shall take effect immediately.

RESOLUTION NO. 22-069

WHEREAS, it has pleased Almighty God in his infinite wisdom to take unto himself, on April 5, 2022, Albert William Toth, Jr. and

WHEREAS, Mr. Toth was born in Elizabeth, NJ and was a longtime resident of Garwood; and

WHEREAS, Mr. Toth joined the Garwood Fire Department in 1971, where he was a past Fire Chief and served the Garwood Fire Department for 46 years, retiring in 2017; and

WHEREAS, the Mayor and Council of the Borough of Garwood wishes to express their deepest sympathy and condolences to the family of Albert William Toth, Jr.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Garwood that this resolution expressing the sympathy of Albert William Toth, Jr.'s passing be adopted and spread upon the permanent records of the Borough of Garwood.

BE IT FURTHER RESOLVED that this Resolution be given to the family of Albert William Toth, Jr.

RESOLUTION NO. 22-070

WHEREAS, the Borough of Garwood and the Township of Springfield are each one of eleven members of the Rahway Valley Sewerage Authority ("RVSA"); and

WHEREAS, pursuant to a January 11, 1995 agreement between the Member Municipalities, as revised as of November 1 (the "2021 RVSA Agreement"), each of the Member Municipalities possess certain authorized flow rights in the trunk sewer operated by the RVSA; and

WHEREAS, Garwood has determined that it has certain excess unused authorized flow rights with the RVSA, and wishes to sell a 300,000 gallon-per-day portion of these flow rights to Springfield in 2022; and

WHEREAS, Springfield has determined that it is in need of additional authorized flow rights with the RVSA, and wishes to enter into an Agreement with Garwood to purchase a portion of Garwood's excess flow rights at the rates set forth in the attached Agreement; and

WHEREAS, the 2021 RVSA Agreement contains certain conditions and procedural requirements for member municipalities regulating the manner by which such members may sell unused authorized flow rights; and

WHEREAS, the proposed sale and purchase of flow rights contemplated by the Agreement are contingent upon and subject to the provisions of Section 9.1 of the 2021 RVSA Agreement and any formal approval otherwise required by the RVSA.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Garwood as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough Council hereby approves the sale to the Township of Springfield of 300,000 gallons-per-day of flow rights in the amount \$243,000.
3. The Mayor is hereby authorized to execute an Agreement with the Township of Springfield, subject to the provisions of Section 9.1 of the 2021 RVSA Agreement and any formal approval otherwise required by the RVSA.
4. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.
5. The Borough Clerk is hereby directed to furnish a certified copy of this Resolution to the Township Clerk of the Township of Springfield and to the Chairman and the Board Secretary of the Rahway Valley Sewerage Authority Board of Commissioners.

6. This Resolution shall take effect immediately.

RESOLUTION NO. 22-071

WHEREAS by the Council of the Borough of Garwood, County of Union, State of New Jersey the Municipal Clerk was authorized to advertise for a bid entitled "**RESURFACING OF VARIOUS STREETS (MA2021) IN THE BOROUGH OF GARWOOD, UNION COUNTY, N.J.**"; and

WHEREAS the project consists of replacement of replacement of curbs, driveway apron restoration, partial sidewalk replacement, installation of curb ramp delineations, milling and echelon paving resurfacing of three street sections, including Hazel Avenue (Center to Westfield, Hemlock Avenue (East to Westfield), Spruce Avenue (East to Center) (Existing curbs remain) and Third Avenue (Maple to Westfield); and

WHEREAS on April 7, 2022, at the advertised time of 11:00 a.m., Midwest Construction Inc., 19 Dead River Road, Warren, NJ 07059, submitted a base bid amount of \$465,046.68 plus Alternate #1 in the amount of \$9,100.00 for TV Inspection of Sewers and Alternate #2 in the amount of \$22,085.00 for drainage improvements, totaling \$496,231.68 which is determined the lowest responsible bidder; and

WHEREAS, the project is being charged to Bond Ordinance No. 21-11.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Garwood that the contract be hereby awarded to Midwest Construction Inc., for \$496,231.68, which includes the base bid, plus Alternate #1 and #2, pending New Jersey State Department of Transportation approval.

BE IT FURTHER RESOLVED that the award of this quote be subject to the Borough Treasurer executing the appropriate Certification of Funds.

BE IT FINALLY RESOLVED that upon approval from DOT, the Mayor and Municipal Clerk be and are hereby authorized to execute an agreement in the form approved by the Borough Attorney.

RESOLUTION NO. 22-072

RESOLUTION FOR CONDUCTING ANNUAL BUDGET EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Garwood has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2022 budget year, so now therefore

BE IT RESOLVED, by the Mayor and Council of the Borough of Garwood that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

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

Roll Call:

Councilman Graham	_____	Councilwoman Loffredo	_____
Councilman Kearney	_____	Councilwoman Salmon	_____
Councilman Lazarow	_____	Council President Blumenstock	_____

RESOLUTIONS DELETED FROM THE CONSENT AGENDA:

A motion was made by _____, second by _____ to adopt Resolution No.

Discussion:

Roll Call:

Councilman Graham	_____	Councilwoman Loffredo	_____
Councilman Kearney	_____	Councilwoman Salmon	_____
Councilman Lazarow	_____	Council President Blumenstock	_____

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:

Councilman Graham	_____	Councilwoman Loffredo	_____
Councilman Kearney	_____	Councilwoman Salmon	_____
Councilman Lazarow	_____	Council President Blumenstock	_____

ADJOURNMENT:

The Regular Meeting of the Mayor and Council will be held on **Wednesday, May 11, 2022**, at 7:00 P.M. in Council Chambers.

Information for meetings is posted on the Borough website: https://garwood.org/gb_notices

A motion was made by _____ second by _____ to adjourn. Time: _____