

Borough of Garwood

Meeting of the Mayor and Council

AGENDA

August 8, 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 July 25, 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. 07/23/19, RE: Weekly Round-Up for July 15 – 19.
 - ii. 07/23/19, RE: Municipal Salary Report Released, Daily Update for July 23, 2019.
 - iii. 07/26/19, RE: New Laws Signed by Murphy Administration, Weekly Round-Up for July 22 – 26.
- 2) **UNION COUNTY BOARD OF CHOSEN FREEHOLDERS** – 7/30/19, RE: Ordinance 808-2019, and Ordinance 809-2019.
- 3) **RAHWAY VALLEY SEWERAGE AUTHORITY** – 7/23/19, RE: Minutes of the meeting held June 20, 2019.
- 4) **GARWOOD PLANNING BOARD** – 07/26/19, RE: Minutes of the meeting held on May 22, 2019.

ORDINANCES:

NONE.

COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:

POLICE: Councilman Ince, Chr.

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:

Jim Wright, Chief of Police: report for the month of June 2019.

Len DiStefano, Zoning Code Enforcement Officer: report for July 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. 19-241

BE IT RESOLVED by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, hereby approve the CFO/Treasurer to issue a check to refund the tax overpayment on the following property:

PROPERTY OWNER/ADDRESS	BLK/LOT	AMOUNT
South Ave II Urban Renewal LLC 447 South Avenue Garwood, NJ 07027	403/3	\$324.90

REFUND TO:

South Ave II Urban Renewal LLC
570 Commerce Blvd
Carlstadt, NJ 07072

Amount of refund: \$324.90

EXPLANATION: Tax Assessor removed the improvement value from the assessment since the building was demolished in 2019. The remaining assessment on vacant land resulted in an overpayment of 2019 taxes.

RESOLUTION NO. 19-242

BE IT RESOLVED by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, hereby approve the CFO/Treasurer to issue a check to refund the tax overpayment on the following property:

PROPERTY OWNER/ADDRESS	BLK/LOT	AMOUNT
Joan Sedlak 225 Second Ave Garwood, NJ 07027	207/10	\$1,605.72

REFUND TO:

Joan Sedlak
225 Second Ave
Garwood, NJ 07027

Amount of refund: \$1,605.72

EXPLANATION: Tax Assessor granted a Disabled Veteran Exemption on February 28, 2019.

2019 Final taxes have been prorated to date of exemption resulting in an overpayment.

RESOLUTION NO. 19-243

WHEREAS, on July 25, 2019 the Governing Body adopted Resolution No. 19-236 authorizing the purchase of one (1) Spartan 100' Mid Mount Aerial Platform Fire Truck stock unit #217227 for use by the Garwood Fire Department; and

WHEREAS, Resolution No. 19-236 was prepared to award to CAMPBELL Supply Company however should have been as follows:

WHEREAS, a proposal has been received from Spartan Motors USA, INC., 1541 Reynolds Road, Charlotte, MI, 48813-2015, for the purchase of one (1) Spartan 100' Mid Mount Aerial Platform Fire Truck stock unit #217227 for use by the Garwood Fire Department in accordance with proposal dated 07/10/2019, attached hereto and made part hereof in the Borough of Garwood; and

WHEREAS, said contractor represents to the Borough of Garwood that it is in accordance with the H-GACBuy Cooperative Purchasing, 3555 Timmons Lane, Suite 120, Houston, Texas 77027, Co-op #ILC19-7828 for the purchase of one (1) Spartan 100' Mid Mount Aerial Platform Fire Truck stock unit #217227, at the price offered to the Borough of Garwood, to wit; \$1,140,894.00; and

WHEREAS, the clerk of the Borough of Garwood has researched whether said supplier is approved under contract for such equipment with Spartan Motors USA, INC., 1541 Reynolds Road, Charlotte, MI, 48813-2015, for said equipment as presented and her inquiry has resulted in verification; and

WHEREAS, said equipment is purchased under Bond Ordinance No. 19-12 for the amount of \$1,140,894.00.

NOW, THEREFORE BE IT RESOLVED by the Council of the Borough of Garwood hereby award the aforementioned purchase of one (1) Spartan 100' Mid Mount Aerial Platform Fire Truck stock unit #217227 for use by the Garwood Fire Department in

accordance with proposal dated 07/10/2019, from Spartan Motors USA, INC., 1541 Reynolds Road, Charlotte, MI, 48813-2015, attached hereto and that the Clerk be and is hereby authorized to enter such order on behalf of this Borough and to sign such documents as may be required to consummate this transaction.

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

RESOLUTION NO. 19-244

RESOLUTION AUTHORIZING THE TAX ASSESSOR AND TAX APPEAL ATTORNEY TO FILE A COUNTERCLAIM IN THE MATTER OF DESTEFANIS PROPERTIES, LLC v. GARWOOD BOROUGH, DOCKET NO: 011103-2019, BLOCK 402, LOT 4.01, COMMONLY KNOWN AS 99 CENTER STREET.

WHEREAS, Destefanis Properties, LLC has filed a tax appeal against the Borough of Garwood disputing their assessed valuation of 99 Center Street, Block 402, Lot 4.01, for the year 2019; and

WHEREAS, the Tax Assessor is of the opinion that said property, is undervalued and that the assessed value of said property should be increased and not decreased as the taxpayer seeks; and

WHEREAS, a method exists in the Tax Law for the Municipality to counterclaim against the property owner to seek an increase in the assessed value; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Garwood that the Tax Assessor, Ann Marie Switzer and the Tax Appeal Attorney of the Borough of Garwood, Robert F. Renaud, are authorized and directed to take whatever steps necessary and appropriate to file a counterclaim against the taxpayer in question seeking to raise the assessed value of said property to the value which the Tax Assessor deems to more properly reflect the value of said property for the year 2019.

RESOLUTION NO. 19-245

RESOLUTION AUTHORIZING THE TAX ASSESSOR AND TAX APPEAL ATTORNEY TO FILE A COUNTERCLAIM IN THE MATTER OF 4D REALTY, LLC v. GARWOOD BOROUGH, DOCKET NO: 011104-2019, BLOCK 111, LOT 24, COMMONLY KNOWN AS 346 NORTH AVENUE.

WHEREAS, 4D Realty, LLC has filed a tax appeal against the Borough of Garwood disputing their assessed valuation of 346 North Avenue, Block 111, Lot 24, for the year 2019; and

WHEREAS, the Tax Assessor is of the opinion that said property, is undervalued and that the assessed value of said property should be increased and not decreased as the taxpayer seeks; and

WHEREAS, a method exists in the Tax Law for the Municipality to counterclaim against the property owner to seek an increase in the assessed value; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Garwood that the Tax Assessor, Ann Marie Switzer and the Tax Appeal Attorney of the Borough of Garwood, Robert F. Renaud, are authorized and directed to take whatever steps necessary and appropriate to file a counterclaim against the taxpayer in question seeking to raise the assessed value of said property to the value which the Tax Assessor deems to more properly reflect the value of said property for the year 2019.

RESOLUTION NO. 19-246

BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorize Michael Disko of M. Disko & Associates to prepare specifications and for Municipal Clerk Christina M. Ariemma to advertise for the 2019 DOT Municipal Aid Program.

RESOLUTION NO. 19-247

BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorize Michael Disko of M. Disko & Associates to prepare specifications and for Municipal Clerk Christina M. Ariemma to advertise for the projects encompassed in Bond Ordinance 19-11.

RESOLUTION NO. 19-248

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.

RESOLUTION NO. 19-249

BE IT RESOLVED by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, hereby approve the CFO/Treasurer to issue a check to refund the tax overpayment on the following property:

PROPERTY OWNER/ADDRESS	BLK/LOT	AMOUNT
Robert & Carole Williams 436 Pine Avenue Garwood, NJ 07027	602/20	\$343.96

REFUND TO:

Robert & Carole Williams
 436 Pine Avenue
 Garwood, NJ 07027
 Amount of refund: \$343.96

EXPLANATION: Tax Assessor granted a Disabled Veteran Tax Exemption on September 22, 2018. The 2016 Homestead Benefit (2nd half) has now been applied to the 4Q 2019 taxes resulting in an overpayment.

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:

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, AUGUST 22, 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: _____