

Borough of Garwood

Meeting of the Mayor and Council

MINUTES

August 8, 2019

Start Time: 8:31p.m.

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

Also present Clerk/Stenographer Kathleen J. Wierzbinski and Borough Attorney Thomas C. Jardim, Esq.

Borough Administrator/Clerk Christina M. Ariemma was excused.

MINUTES:

Regular and Workshop Minutes of the Mayor and Council held on July 25, 2019.

A motion was made by Councilman McCormack, second by Councilwoman Blumenstock to accept minutes as presented. All in favor.

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.

ALL RECEIVED AND FILED

ORDINANCES:

NONE.

COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:

POLICE: Councilman Ince, Chr.

To update everyone regarding the Police Department's 4-Way Stop sign study of Center Street and Locust Avenue the following has been determined:

- The existing traffic conditions **do not** meet the warrants for All-Way Stop operation.
- The use of Stop signs as speed control measures is expressly prohibited in the MUTCD (Federal Highway Administration's – Manual on Uniform Traffic Control Devices).

These results were the conclusion of a 20-page report compiled by the Garwood Police Department's Traffic Bureau. Please be aware that other lesser traffic control measures may still be considered for this intersection such as: rumble strips, enhanced parking controls to enhance driver visibility, and beacon lights which are now in use in some of our neighboring towns.

*The next Police Committee meeting will be held in early September.

PUBLIC HEALTH: Councilman Ince

The next scheduled Health Dept. meeting is on the calendar for 08/22/2019.

STREETS AND ROADS/ECOLOGY: Councilwoman Blumenstock Chr.

In addition to regular garbage pickup, the DPW weeded and trimmed the municipal complex, all Borough roadside flower pots, sections of the Sports Complex, and the former Casale's lot where there is Borough parking.

They also cleared the debris from the tops of all storm water drainage inlets on the North and South side of the Borough before and after all rain events. In addition, the department performed street sweeping operations on the North side of the Borough (with the exception of streets with bypass waterlines in the gutter) and also swept on the south side of the Borough from Hickory Avenue to Locust Avenue.

On that note, a mailer was sent to each residence with the schedule of the street sweeping. If for some reason it did not get delivered to you, please let me or Borough Hall know and we can get you a copy. We understand that the schedule is new to the town, but we had a streets and roads meeting last night and our foreman is reporting that compliance was definitely better this week with the schedule having been mailed out. As we move through the season, we're hoping to see even more compliance as residents become used to the routine. I'd also like to commend our DPW for the job they're doing with the sweeping. This being summer, vacation time and other circumstances have often left the department short-handed, but I think they've done a great job. And as I said our streets and roads committee met last night to discuss a number of things. They are looking to have the underpass painting completed before school starts, pending weather of course, and a new light at the Rec Complex was installed on the outside of the building to make it even safer there for our groups that meet there in the evening. That's all for my report Mayor.

FIRE: Councilman McCormack, Chr.

Read Fire Chief Tweedle's activity report for the month of July 2019

FINANCE: Council President Lazarow, Chr. No Report

BUILDINGS AND GROUNDS: Councilman Graham No Report

LAWS AND LICENSES: Councilman Benoit

L & L met and discussed amending LO 21-11(6) as recommended by our Police Department. We were all in favor of amending it, and voted unanimously to amend.

L & L also discussed implementing a pest infestation ordinance and amending the penalty ordinance found in Chapter 99 of the Garwood Code. We were all in favor of implementing a pest ordinance and in amending the penalty ordinance.

RECREATION: Councilman Benoit

No report. There is a meeting set for Monday August 12th, but I believe it may be cancelled due to people being on vacation during the month of August. If it is cancelled, the next meeting will be held Monday Sept. 9th at 6pm at the Recreation Complex, and it is open to the public.

GARWOOD SENIOR CITIZEN LIAISON: Councilwoman Blumenstock

We had our ice cream social today at the Firehouse. It was well-attended and very yummy. There was a DJ as well that got everyone up and dancing so I'd call this event a success. Our next meeting is next Thursday, August 15th. That's all for my report , Mayor.

LIBRARY, MAYOR'S REPRESENTATIVE: Council President Lazarow

On August 6th, at 2 pm we ended our Summer Reading Program with an **ice cream party**. All participants received prizes and certificates and enjoyed asteroid games and the black hole toss. Our top reader was sixth grader, Chase Trentacosta, reading 7,620 minutes. He won the top prize of 4 tickets to the Liberty Science Center.

Thursday, August 8th at 3:30 pm and each Thursday thereafter in August (15, 22 & 29,) will be Summer Lego. Come build what you want. No registration required.

Tuesday, August 13th at 2pm and each Tuesday thereafter in August (20 & 27) will be a kid's movie at 2 pm. The movies are "Wonder Park", "Lego Movie 2" and "How to Train Your Dragon: Hidden World.'

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. The Library will be closed on Saturdays in July and August. Saturday hours will resume **September 7th**.

SCHOOL BOARD LIAISON: Councilwoman Blumenstock No Report

CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON: Councilman Benoit

No report, the next meeting will be in September.

HISTORICAL COMMITTEE: Councilman Graham No Report

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 Councilman McCormack, second by Council President Lazarow to accept Officer's reports. All in favor.

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.

John Pritchard, 410 Spruce Avenue expressed feelings on Antifa and sang a song.

Krystal Zawoysky, 208 Myrtle Avenue expressed her gratitude for the Junior Police Academy that Garwood Police Department runs for the kids.

A motion was made by Council President Lazarow, second by Councilwoman Blumenstock to close public comment. All in favor.

Mayor Todisco thanked the residents for their comments.

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
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Robert & Carole Williams 436 Pine Avenue Garwood, NJ 07027	602/20	\$343.96
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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	AYE	Councilman Ince	AYE
Councilwoman Blumenstock	AYE	Councilman McCormack	AYE
Councilman Graham	AYE	Council President Lazarow	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 Councilman McCormack, second by Councilwoman Blumenstock to adopt Payment of Claims Resolution.

Roll Call:

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

ADJOURNMENT:

The Regular Meeting of the Mayor and Council will be held on, **TUESDAY, AUGUST 29, 2019**, in Council Chambers at 7:15 p.m. Workshop Session to start at 7:00 p.m.

A motion was made by Councilwoman Blumenstock, seconded by Council President Lazarow to adjourn.

Time: 8:51p.m.

Respectfully submitted:



CHRISTINA M. ARIEMMA, Municipal Clerk
Borough of Garwood