

Borough of Garwood

Meeting of the Mayor and Council

MINUTES

August 14, 2018

Start time: 8:36 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 Bianco	P	Councilman McCormack	P
Councilwoman Cuccaro	P	Councilwoman Todisco	P
Councilman Lazarow	P	Council President Blumenstock	P

MINUTES:

Regular and Workshop Minutes of the Mayor and Council held on July 24, 2018.

A motion was made by Councilwoman Todisco, second by Council President Blumenstock, to accept minutes as presented.

COMMUNICATIONS:

- 1) **NEW JERSEY STATE LEAGUE OF MUNICIPALITIES** –
 - a. Mayor's Advisory –
 - i. 07/23/18, RE: URGENT ALERT
 - ii. 07/27/18, RE: Weekly Round-Up
 - iii. 08/03/18, RE: Weekly Round-Up
- 2) **RAHWAY VALLEY SEWERAGE AUTHORITY** – 07/23/2018, RE: Minutes of the meeting held on June 21, 2018.

ALL RECEIVED AND FILED

ORDINANCES:

Public Hearing on Bond Ordinance 18-18 and Ordinance 18-19 as advertised in the Westfield Leader.

ADOPTION:

Municipal Clerk read Bond Ordinance 18-18 by title only:

BOND ORDINANCE NO. 18-18

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF GARWOOD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$302,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Borough of Garwood, in the County of Union, State of New Jersey (the "Borough") is hereby authorized to make various public improvements in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the State grant and the down payment appropriated, by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the State grant hereinafter appropriated, and (3) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (4) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (5) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Resurfacing of the following roads in the Borough as the 2018 Road Improvement Project (including drainage, sidewalk, curb and driveway apron improvements, where necessary):

Anchor Place (from North Avenue to Second Avenue)

Oak Street (from North Avenue to Second Avenue)

Spruce Avenue (from Maple Street to the Westfield border)

Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$295,000
State Grant Appropriated	\$216,000
Down Payment Appropriated	\$ 3,765
Bonds and Notes Authorized	\$ 75,235
Period of Usefulness	10 years

B. Undertaking of storm sewer improvements at the 400 block of Union Avenue.

Appropriation and Estimated Cost	\$ 7,000
Down Payment Appropriated	\$ 335
Bonds and Notes Authorized	\$ 6,665
Period of Usefulness	15 years
Aggregate Appropriation and Estimated Cost	\$302,000
State Grant Appropriated	\$216,000
Aggregate Down Payment Appropriated	\$ 4,100
Aggregate Amount of Bonds and Notes Authorized	\$ 81,900

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$36,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. The sum of \$216,000 received or to be received as a grant from the State of New Jersey Department of Transportation is hereby appropriated to the payment of the cost of the improvements authorized in Section 4.A hereof.

Section 7. It is hereby determined and stated that moneys exceeding \$4,100, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$4,100 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 8. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$81,900 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 9. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$81,900 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 10. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Municipal Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 11. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 10.40 years computed from the date of said bonds.

Section 12. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Municipal Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$81,900 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 13. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes (other than the State grant hereinbefore appropriated which shall be applied to the cost of such purposes, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 14. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of

the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 16. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Municipal Clerk and is available for public inspection.

Section 17. This ordinance shall take effect twenty days after the first publication thereof after final passage.

List correspondence concerning Ordinance 18-18, NONE

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

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

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

Discussion: NONE

Roll Call:

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

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

Municipal Clerk to read Ordinance 18-19 by title only:

ORDINANCE NO. 18-19

AN ORDINANCE TO AMEND SUBSECTION (H) IN §106-118 (FENCES AND WALLS) IN ARTICLE VIII (ZONE REGULATIONS) IN CHAPTER 106 (LAND USE) OF THE CODE OF THE BOROUGH OF GARWOOD TO AMEND RESTRICTIONS ON FENCES ON CORNER LOTS.

BE IT ORDAINED by the Mayor and Council of the Borough of Garwood:

SECTION 1. Subsection H in §106-118 (Fences and Walls) in Article VIII (Zone Regulations) in Chapter 106 (Land Use) of the Code of the Borough of Garwood is hereby amended to read as follows:

H. On a corner lot, no fence other than an open or closed fence not more than six feet in height shall be permitted in the side yard closest to the street, that is, beyond the side line of the principal building. On a vacant corner lot, no fence other than an open or closed fence not more than six feet in height shall be allowed beyond the permitted building envelope on the side closest to the street. No closed fence or fence in excess of four feet permitted by this § 106-118H on a corner lot shall be erected any closer than three feet to a side yard property line in the side yard closest to the street.

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 and upon filing with the Union County Planning Board.

List correspondence concerning Ordinance 18-19, NONE

Does anyone present wish to be heard concerning Ordinance 18-19

Bruce Paterson, 325 Willow Avenue commented and asked for a synopsis of the ordinance.

A motion was made by Councilman Lazarow, second by Council President Blumenstock, to close Public Hearing on Ordinance 18-19.

A motion was made by Councilwoman Cuccaro, second by Councilwoman Todisco, to adopt Ordinance 18-19.

Discussion: Councilwoman Cuccaro commented on the passage of the ordinance.

Roll Call:

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

6-AYE, 0-NAY, Ordinance 18-19 was adopted

INTRODUCTION:

Municipal Clerk read Ordinance 18-20 by title only:

ORDINANCE NO. 18-20

ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF GARWOOD, COUNTY OF UNION, NEW JERSEY ADOPTING THE 'GARWOOD PAPERBOARD REDEVELOPMENT PLAN – BLOCK 211, LOT 6 – 75 NORTH AVENUE,' PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 et seq.

Mr. Renaud commented that the plan will be amended in accordance with the recommendation by the Planning Board. He further commented that the amendment does not affect the ordinance.

A motion was made by Councilman Lazarow, second by Council President Blumenstock, to introduce Ordinance 18-20.

Roll Call:

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

4-AYE, 2-NAY, Ordinance 18-20 was introduced.

COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:

POLICE: Councilwoman Bianco, Chr.

The Garwood Police Department has partnered with The Rite Aid Foundation and their Safe Medication Disposal Program ensuring that borough residents have a safe way to dispose of expired or unwanted medications. The Rite Aid Foundation has generously donated the medication drop box which has been installed in the Thomas P. Haughton Plaza directly outside of the police department entrance.

Officer Herz is finalizing plans with the Dunkin Donuts of Garwood located in the Garwood Plaza on North Ave for our first ever Coffee With a Cop day. The event is scheduled to coincide with National Coffee With-A Cop Day on Wednesday October 3, 2018 between 9:00 a.m. and 12:00 p.m. Coffee With-A Cop Day is a way to encourage communication and positive interactions between law enforcement and the public

PUBLIC HEALTH: Councilwoman Cuccaro **NO REPORT**

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

No official report tonight Mayor, but I know the rain has been keeping our DPW busy. I know some blocked sewers have been taken care of with the help of Fanwood's equipment and there's been plenty of roadwork and maintenance. I'll have a full report for you at the next meeting. Let's hope the rain lets up a little. That's all for my report, Mayor.

FIRE: Councilman McCormack, Chr. **NO REPORT**

FINANCE: Councilwoman Todisco, Chr. **NO REPORT**

BUILDINGS AND GROUNDS: Councilman Lazarow **NO REPORT**

LAWS AND LICENSES: Councilwoman Cuccaro

The Chief has had the opportunity to speak with several residence impacted by the influx of vehicle parking around the Athletic Field Complex on those days when leagues have booked the facility. They concur with me that the main issue is during the weekends between the hours of 10:00 a.m. and 2:00 p.m. I would therefore make the recommendation to council to restrict parking on the 100 block of Myrtle Ave and 100 block of Spruce Ave between the hours of 10: a.m. and 3:00 p.m., on Saturdays and Sundays to vehicles displaying Garwood Resident Permits.

Amend the ordinance for the Maintenance and repair of residential properties subject to foreclosure (chapter 67 Buildings and structures). This ordinance would implement fees to vacant properties to have them registered as well as the maintaining of the property.

We are proposing to revisit the regulations pertaining to eating and drinking establishments in town. Since the numerical limitation is being deleted, it is no longer necessary to have these establishments be considered a conditional use. Basically we surpass the limitations already. The proposed ordinance makes them permitted uses and retains most of the regulations.

Laws and License is sending this to the PB before it is going to be introduced on council.

RECREATION: Councilman Lazarow NO REPORT

GARWOOD SENIOR CITIZEN LIAISON: Council President Blumenstock

At our last meeting, we had a high school Girl Scout from a neighboring town come to visit. She has started a program with seniors in the area to help them if they ever have a need for emergency services to come to their home. She designed a magnet with all the pertinent information a first responder might need from a person when treating him or her. That way if the senior is incapacitated or disoriented, the information they need is right at hand on the refrigerator or in another main place in the house. Magnets were handed out to everyone and very much appreciated. Lunch and bingo rounded out the afternoon. Our next meeting is this Thursday, August 16th. That's all for my report, Mayor.

LIBRARY, MAYOR'S REPRESENTATIVE: Councilman Lazarow

Last Tuesday was the Library's 24th annual summer reading ice cream party. Twenty eight children participated in the summer reading program and read over 500 hours. All participants received prizes and certificates. Sixth grader, Lauren Raftree, was the first place winner. She received 4 tickets to a UCPAC performance of *Beauty and the Beast*. Second place winner, Abigail Henkel, received a \$30 gift card. The third place winner, third grader, Courtney Kilmer received a \$20 gift card. All the participants had ice cream, did crafts and played games. (See our Facebook page for photos)

On August 9 at the County Freeholder's meeting the Library received a grant in the amount of \$3750. The Freeholder's Grant provides funds for children's programming. The Library will use the money to fund the Library Museum Pass Program and afterschool STEM programming.

On August 22th at 7:00 pm, the Library will present "*Finding Your Way in the Night Sky, Family Astronomy Night*". Robert Reichmann, avid astronomer, will show us how to appreciate the heavens from our own backyard. It will be followed by telescope observation from the Library parking lot. Registration is required.

Lego Club is held every Thursday in August. No registration necessary.

The library will be closed on Saturdays for the rest of August. Saturday hours will begin again on Saturday, September 8th.

SCHOOL BOARD LIAISON: Councilman McCormack NO REPORT

CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON:

Councilwoman Cuccaro

Movies Under the Stars is scheduled for August 17th. Rain date is August 19th

UNION COUNTY AIR TRAFFIC NOISE ADVISORY BOARD REPRESENTATIVE:

Councilman McCormack **NO REPORT**

**UNION COUNTY TRANSPORTATION ADVISORY REPRESENTATIVE: Councilwoman Bianco
NO REPORT**

HISTORICAL COMMITTEE: Councilwoman Todisco NO REPORT

PARKING COMMITTEE: Councilwoman Bianco NO REPORT

OFFICER'S REPORTS:

Chief of Police James H. Wright, monthly report for June 2018

Zoning Code Enforcement Officer Len DiStefano: monthly report for July 2018

Property Maintenance Officer Pete Picarelli: monthly report for July 2018

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

Bruce Paterson, 325 Willow Avenue commented on the Pilot and the Board of Education. He also commented on the resolution concerning Mr. Oatman.

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. 18-161

BE IT RESOLVED, by the Council of the Borough of Garwood County of Union, State of New Jersey, hereby authorize the Mayor and Municipal Clerk to sign the Indemnification Agreement with the County of Union for use of the Conservation Center for leaf disposal.

RESOLUTION NO. 18-162

BE IT RESOLVED, by the Council of the Borough of Garwood that Christina M. Ariemma, Administrator/Clerk, be and she is hereby authorized and directed to prepare specifications and to advertise for the provision of Recycling Contract Services in the Borough of Garwood.

RESOLUTION NO. 18-163

WHEREAS, at the Borough Tax Sale held on September 13, 2017 a lien was sold on 416 Locust Avenue, Block 409 Lot 19, owned by Kevin Bannon and this lien known as Tax Sale Certificate #17-00001 was sold to Christiana T C/F CE1 First Trust for a premium of \$35,100.00; and

WHEREAS, the owner has requested redemption of this tax title lien #17-00001 and has paid the Borough of Garwood all monies due in the amount of \$28,874.43; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, that the CFO/Treasurer be authorized to issue checks for the redemption and cancellation of Tax Title Lien Certificate #17-00001.

Issued to Lienholder: Christiana T C/F CE1 First Trust
 PO Box 5021
 Philadelphia, PA 19111-5021

Redemption Amount: \$28,874.43
 Premium Amount: \$35,100.00

RESOLUTION NO. 18-164

WHEREAS, at the Borough Tax Sale held on September 13, 2017 a lien was sold on 435 Locust Avenue, Block 411 Lot 3, owned by Kevin Bannon and this lien known as Tax Sale Certificate #17-00002 was sold to John Venutolo for a premium of \$22,000.00; and

WHEREAS, the owner has requested redemption of this tax title lien #17-00002 and has paid the Borough of Garwood all monies due in the amount of \$25,018.59; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, that the CFO/Treasurer be authorized to issue checks for the redemption and cancellation of Tax Title Lien Certificate #17-00002.

Issued to Lienholder: John Venutolo
 25 Hughes Place
 Summit, NJ 07901

Redemption Amount: \$25,018.59
 Premium Amount: \$22,000.00

RESOLUTION NO. 18-169

WHEREAS, the Council of the Borough of Garwood entered into a contract with Waste Management of New Jersey, Inc., per Resolution No. 15-311, adopted on December 8, 2015, for a period of three (3) years, commencing January 1, 2016 to December 31, 2018, for the provision of User Fee Based Residential Cleanup Program of Type 13 Solid Waste collection services; and

WHEREAS, the applicable statute, N.J. Stat. 40A:11-15, provides that any price change included as part of an extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the 12 months preceding the most recent quarterly calculation available at the time the contract is renewed; and

WHEREAS, the “index rate” increase for last 12 months is 3.0%; and

WHEREAS, Borough Administrator/Clerk has contacted Waste Management of New Jersey, Inc., to extend the contract for a period of two (2) years from January 1, 2019 to December 31, 2020 with an increase of 3.0% of the final contract year; and

WHEREAS, the Borough of Garwood is satisfied with the services provided by Waste Management of New Jersey, Inc., and both parties have agreed to extend the contract for two-years; and

WHEREAS, the bid was received as follows:

BIDDER	Year 2016 Load and Transport fee Year 1	Year 2017 Load and Transport fee Year 2	Year 2018 Load and Transport fee Year 3
Waste Management of NJ, Inc.	\$49.95 per permit	\$51.95 per permit	\$53.95 per permit

WHEREAS, the rate for the extension for 2019 is 3% as follows:
 January 1, 2019 to December 31, 2019 \$55.57

WHEREAS, the rate for the extension for 2020 is TBD as follows:
 January 1, 2020 to December 31, 2020 2019 NJ Index Rate

BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey, hereby extend the contract with Waste Management of New Jersey, Inc., for two-year term commencing January 1, 2019 to December 31, 2020.

RESOLUTION NO. 18-170

WHEREAS, a proposal has been received from Route 23 Truck Center, 1301 Route 23, Butler, NJ 07405, for the purchase of one (1) 2019 Ford F-550 Chassis XL 4x4 SD Regular Cab 145” WB DRW vehicle for use in the Department of Public Works in accordance with the specifications attached hereto and made part hereof; and

WHEREAS, said vendor represents to the Borough of Garwood that it is under contract with the Morris County Cooperative Pricing Council (MCCPC), 502 Millbrook Avenue, Randolph, NJ, 07869-3799, contract #15-F for the supplying of said equipment at the price offered to the Borough of Garwood, to wit; \$63,871.00; and

WHEREAS, the clerk of the Borough of Garwood has received the Notice of Award concerning the supplier for the contract period 11/1/2017 to 10/31/2018, which states the supplier is under contract for such services with the Division of Purchase and Property, State of New Jersey and she has researched whether said supplier is under contract for such services with the Division of Purchase and Property and her inquiry has resulted in verification; and

WHEREAS, the contract is charged to Bond Ordinance #18-14 in the amount of \$63,871.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Garwood hereby authorize the award of the aforementioned purchase of one (1) 2019 Ford F-550 Chassis XL 4x4 SD Regular Cab 145" WB DRW vehicle for use in the Department of Public Works from Route 23 Truck Center, 1301 Route 23, Butler, NJ 07405, in accordance with the quote for \$63,871.00, attached hereto and that the Clerk be and she 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. 18-171

WHEREAS, a proposal has been received from Route 23 Truck Center, 1301 Route 23, Butler, NJ 07405, for the purchase of one (1) Western Pro-Plus 9' snow plow for use on the 2019 Ford F-550 Dump Truck in the Department of Public Works in accordance with the specifications attached hereto and made part hereof; and

WHEREAS, said vendor represents to the Borough of Garwood that it is under contract with the State of New Jersey, Division of Purchase and Property in the Department of the Treasury, #T-3063, State Contract #17-FLEET-00241 for the supplying of said equipment at the price offered to the Borough of Garwood, to wit; \$5,662.00; and

WHEREAS, the clerk of the Borough of Garwood has received the Notice of Award concerning the supplier commencing 08/17/2017, which states the supplier is under contract for such services with the Division of Purchase and Property, State of New Jersey and she has researched whether said supplier is under contract for such services with the Division of Purchase and Property and her inquiry has resulted in verification; and

WHEREAS, the contract is charged to Bond Ordinance #18-14 in the amount of \$5,662.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Garwood hereby authorize the award of the aforementioned purchase of one (1) Western Pro-Plus 9' snow plow for use on the 2019 Ford F-550 Dump Truck in the Department of Public Works from Route 23 Truck Center, 1301 Route 23, Butler, NJ 07405, in accordance with the quote for \$5,662.00, attached hereto and that the Clerk be and she 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. 18-174

BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorize the Borough Administrator/Clerk to prepare Request for Proposals for professional services for real estate appraisal services in conjunction with tax appeals in the Borough of Garwood.

BE IT FURTHER RESOLVED that the Municipal Clerk be and is hereby authorized to solicit proposals for the above services in accordance with law.

A motion was made by Council President Blumenstock, second by Councilman Lazarow, to adopt Consent Agenda as amended.

Roll Call:

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

RESOLUTIONS DELETED FROM THE CONSENT AGENDA:

RESOLUTION NO. 18-165

WHEREAS, the council of the Borough of Garwood, County of Union, have knowledge of this valid issue where Union County government has violated their own county laws and procedures to hire county manager, Mr. Edward Oatman; and

WHEREAS, council has found that Union County has not followed procedure as follows:

WHEREAS, the County of Union has ignored experienced personnel for the position as such, Mr. Oatman has no experience for the county manager position. He was a legislative aide to a Senator and did not oversee employees, and the county has 2500 employees, also Mr. Oatman has minimal financial experience particularly in budgets and the county budget is approximately \$500,000,000; and

WHEREAS, page 43, article 1-24A lists qualifications for the position to include, "to have administrative or executive and ability to serve". Mr. Oatman was a legislative aide, which did not include managing supervisors of large departments nor administered large budgets or large numbers of personnel therefore proving he does not have the "ability to serve" as county manager. Page 44 article 1-27 lists the duties of the county manager to which Oatman has no experience of similar duties such as paragraph B: operating and capital budgets, C: enforcing codes, D: supervise care and custody of property and institutions, H: review analyze forecast trends, et al, all pertinent to handling and operations of large entities; and

WHEREAS, the County of Union has ignored its own Residency requirements as such, per the county law, the county manager must be a resident of Union County. Edward Oatman lives in Woodbridge which is outside Union County. Page 43 article 1-24B: says "need not be" a resident, but gives the implicit acknowledgment that a resident should be the priority. By existing actions in the past for at least the last 4 county managers going back nearly 30 years to the late 80's/early 90's and possibly even before, this can be the basis of an overriding precedent that the county manager was always hired from within the county. Plus in the county bylaw pg 43 art 1-24B lines 3-6 refers to a waiver to be given ahead of time, the Freeholders created the waiver, under resolution 2018-165 dated February 8th, 2018, after the fact that he was already known to be hired as county manager, which

was an illegal procedure. In actually creating the waiver later on, the Freeholders tacitly by consent admit that a county manager should have been a resident and should be a resident; and

WHEREAS, ignored Promote from within: Normal county procedure is to promote someone with experience from within for all high level positions since the inside employee would already have experience and knowledge of the county. The County has a #2 person under the county manager. She is deputy county manager, Amy Wagner, which they passed over. A discrimination question also arises that: was this due to the county implicitly wanting a male in charge instead of a female. Again: easy to argue this point: By existing actions in the past for the last 4 county managers going back nearly 30 years and possibly even before this can be basis of an overriding precedent that the county manager was always hired or promoted from within the county. In addition, pg 47 article IV 1-33 lists the deputy county manager duties which the deputy county manager has presently ongoing executed so fits the experience for the county manager position and per para 1-33C also is allowed to fill in for the county manager when county manager is indisposed.

WHEREAS, ignored Interview process: Per county statute, the county is to have an interview process, advertising and then interviewing 5 candidates before hiring. The interview process was skipped over. Page 154 Chapter 42-1 A-E specifically delineates the interview process with advertisements and a select interview committee. Specifically pg 155 Chapter 42-1D&E also calls for background check by prosecutor. The freeholders did not notify, nor did the prosecutor not say anything while they were appointing the county manager. The Freeholders and prosecutor may be considered complicit; and

WHEREAS, politically connected: The above ignorance of county statute, laws and procedures exposes possible politics involved since Edward Oatman had worked for Senator Scutari who is also the Union County democratic chair, who is also considered the "political boss" of the area with implicit consent on county hiring practices and county election candidates. This goes back to Oatman having no experience except only as Senator Scutari's legislative aide, yet was selected by the Freeholders with no interview process, exposing a fact that: Senator Scutari who is the democratic political chair (aka "boss") of union county politics directly oversees the selection of the annual freeholder candidates and may have sway in how the freeholders suddenly picked Oatman with no interview and voted approval for him.. NJSA 40A:9-22.5(e) on page 5 under govt ethics law states, "no local government officer shall act in official capacity where he...has....indirectpersonal involvement that might reasonably be expected to impair hisindependence of judgment". This pertains both to the senator and the freeholders. And 22.5(c) "No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others". Note, Edward Oatman's salary jumped from \$50,000 as Senator Scutari's legislative aide to \$160,000 as Union County manager; and

WHEREAS, illegal freeholder vote: In the freeholders' voting approval for Edward Oatman to be our next Union County manager, it is found that freeholder Hudak is in conflict with his vote yet he voted. Freeholder Hudak has a job at Kean University and Edward Oatman is a trustee of Kean University. Under NJSA 40A:9-22.5(d): "No local govt officer or employee shall act in his official capacity in any matter where he...had direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgement" and 22.5(c) "No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others". Freeholder Hudak with an interconnecting relationship with Edward Oatman at Kean University voted to award the contract of county Manager to Mr Oatman thus benefiting Mr Oatman financially.

NOW THEREFORE BE IT RESOLVED THAT all the above points to an alleged significant malfeasance act to the public's interest by the Union County government and could be deemed a corrupt act. This is beyond any politics of democrat and republican councilors. We must act in concert with the public's interests in mind with the other towns on this outrage.

BE IT FURTHER RESOLVED that this council, and all other councils, now have had enough time going back to March of this year when this issue first arose to consider the above and therefore must act by the very least, by putting forth a consent resolution condemning the county's illicit action and demanding this be overturned and possibly reach out to the attorney general to investigate these actionable offenses.

A motion was made by Councilwoman Todisco, second by Councilwoman Cuccaro to TABLE Resolution No 18-165

Discussion: Councilman Lazarow feels the resolution needs to be more factual. Mayor Lombardo referred this matter to the Laws and License Committee. Councilwoman Todisco and Council President Blumenstock also commented on the matter.

Roll Call:

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

6-AYE, 0-NAY, Resolution 18-165 was TABLED

RESOLUTION NO. 18-166

BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorizes the Borough Administrator/Clerk to prepare, sign and submit a grant application for:

**2018 KIDS RECREATION TRUST FUND GRANT
FOR: WATER FOUNTAIN AND SHADE FOR HARTMAN PARK PROJECT
COST: \$40,000
GRANT REQUEST: \$20,000**

A motion was made by Council President Blumenstock, second by Councilwoman Todisco to adopt Resolution No 18-166

Discussion: Councilwoman Cuccaro commented on the procedure for Hartman Park. Discussion followed

Roll Call:

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

5-AYE, 1-NAY, Resolution 18-166 was adopted

RESOLUTION NO. 18-167

BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorizes the Mayor and Municipal Clerk to sign the escrow agreement with Garwood Developers Associates, LLC, 820 Morris Turnpike, Short Hills, NJ 07078, regarding escrow funds for the Redevelopment Plan for North Avenue.

A motion was made by Councilwoman Todisco, second by Councilman Lazarow to adopt Resolution No 18-167

Discussion: Mr. Renaud explained the agreement.

Roll Call:

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

6-AYE, 0-NAY, Resolution 18-167 was adopted

RESOLUTION NO. 18-168

WHEREAS, Marturano Recreation Company, Inc., PO Box 106, Spring Lake, NJ 07762 (MRC) is the supplier for the Hartman Park Project and Whirl Construction, (WHIRL) PO Box 110, Port Monmouth, NJ 07758 is the installer for the Hartman Park Project; and

WHEREAS, the installer is required to supply a maintenance bond concerning installation which has been received; and

WHEREAS, MRC and WHIRL have satisfactorily completed the project known as "The Hartman Park Project", on June 12, 2018; and

WHEREAS, the work included Playground/Concrete Curb/Stone Installation, Site Work, and Site Amenities Installation at Hartman Park, 412 Second Avenue, in the Borough of Garwood, NJ; and

WHEREAS, Maintenance Bond No. B-1204450 issued by Selective Insurance Company of America, 40 Wantage Avenue, Branchville, NJ 07890, for a one-year period concluding on June 12, 2019, for \$40,550.00.

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby accepts the Municipal Engineer's recommendation that the project is complete and authorizes the Treasurer to issue a check made payable to Marturano Recreation Company, Inc., PO Box 106, Spring Lake, NJ 07762, in the amount of \$131,127.52, final payment.

A motion was made by Councilwoman Todisco, second by Councilman Lazarow to adopt Resolution No 18-168

Discussion: Councilman McCormack asked about the resolution. Ms. Ariemma answered

Roll Call:

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

6-AYE, 0-NAY, Resolution 18-168 was adopted

RESOLUTION NO. 18-172

RESOLUTION ENDORSING THE JULY 2018 HOUSING ELEMENT AND FAIR SHARE PLAN

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"). In that decision, the New Jersey 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 ("The Borough") 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 Borough's Affordable Housing Consultant, Jill Hartmann, PP, prepared a HEFSP that addressed the Borough's affordable housing obligation (the "2017 HEFSP"); and

WHEREAS, the Borough reached agreement with the Fair Share Housing Center (FSHC) and 490 South Avenue, LLC, owner of certain properties on South Avenue in Garwood, as to the Borough's obligation for providing affordable housing and the methodology and strategies for meeting that obligation; and

WHEREAS, by resolution dated April 17, 2017, the Borough Planning Board endorsed, prior to the Fairness Hearing, the 3/28/17 Summary Plan which is the basis of the HEFSP; and

WHEREAS, the Planning Board, at a meeting held on April 17, 2017, reviewed the 3/28/17 Summary Plan and determined that implementation of the 3/28/17 Summary Plan is in the public interest and would promote the general welfare and, by Resolution dated April 17, 2017, endorsed the 3/28/17 Summary Plan and, resolved that if the 3/28/17 Summary Plan is

approved by the Court, the Planning Board will promptly adopt the 2017 HEFSP in accordance with the 3/28/17 Summary Plan as an amendment to the Master Plan of the Borough of Garwood; and

WHEREAS, the Planning Board recommended by said resolution that the Mayor and Council of the Borough of Garwood similarly endorse the 3/28/17 Summary Plan and, if the 3/28/17 Summary Plan was approved by the Court, that the Mayor and Council accept the 2017 HEFSP prepared in accordance with the 3/28/17 Summary Plan and adopt such legislation as is necessary to implement the 2017 HEFSP; and

WHEREAS, the Court held a Fairness Hearing on April 20, 2017, at which time the Court tentatively determined that the Borough's 3/28/17 Summary Plan satisfied the Borough's obligation to provide a realistic opportunity to satisfy its Rehabilitation, Prior Round and Third Round "fair share" of the regional need for housing affordable to low income and moderate income households pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., the substantive, applicable regulations of the New Jersey Council on Affordable Housing ("COAH"), Mount Laurel IV and other applicable laws; and

WHEREAS, by Resolution dated October 11, 2017, the Planning Board adopted the 2017 HEFSP as an amendment to the Master Plan of the Borough of Garwood and recommended that the Mayor and Council adopt and implement same; and

WHEREAS, by its October 11, 2017 resolution, the Planning Board reserved the right to amend the 2017 HEFSP, if necessary; and

WHEREAS, on October 24, 2017, the Borough Council adopted Resolution Number 17-197, endorsing the 2017 HEFSP and agreeing to implement same; and

WHEREAS, since the adoption of the 2017 HEFSP, certain proposed developments, namely what have been referred to as the South Avenue II site and the Paperboard site have evolved as a result of negotiations between the developers thereof and the Borough; and

WHEREAS, such changes in those developments have mandated changes in the HEFSP; and

WHEREAS, Jill Hartmann, P.P., has prepared a July 2018 HEFSP to reflect such changes; and

WHEREAS, after conducting a public hearing after giving public notice pursuant to N.J.S.A. 40:55D-13 on the proposed amendment of the Master Plan of the Borough of Garwood to include the proposed July 2018 HEFSP prepared by Jill Hartmann, P.P., the Planning Board determined to adopt said July 2018 HEFSP; and

WHEREAS, the Planning Board resolved on that date to adopt the July 2018 HEFSP as an amendment to the Master Plan of the Borough of Garwood and to recommend that the Mayor and Council adopt and implement same;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Garwood, Union County, New Jersey, on this 14th day of August 2018, that:

1. The Borough Council hereby agrees to implement the July 2018 HEFSP that has been adopted by the Planning Board; and
2. The Borough Council hereby endorses the July 2018 HEFSP as adopted by the Planning Board as an amendment to the Borough's Master Plan; and
3. The Mayor, Borough Administrator, and Borough Clerk, together with all other officers, professionals and employees of the Borough are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
4. This Resolution shall take effect immediately.

A motion was made by Council President Blumenstock, second by Councilwoman Todisco to adopt Resolution No 18-172

Discussion: NONE

Roll Call:

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

4-AYE, 2-NAY, Resolution 18-172 was adopted

RESOLUTION NO. 18-173

WHEREAS, on March 28, 2017, the Borough of Garwood entered into a Settlement Agreement in connection with its affordable housing litigation, In the matter of the Petition of the Borough of Garwood, Docket No. UNN-L-2406-15; and

WHEREAS, in connection with said litigation, several of the proposed projects have been modified, necessitating an amendment to the settlement agreement; and

WHEREAS, an amendment to the Settlement Agreement has been prepared in order to memorialize the agreements that have been made since the original Settlement Agreement was entered into;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute such amendment to the settlement agreement in the form approved of by the Borough Attorney.

A motion was made by Council President Blumenstock, second by Councilman Lazarow to adopt Resolution No 18-173

Discussion: NONE

Roll Call:

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

4-AYE, 2-NAY, Resolution 18-173 was adopted

RESOLUTION NO. 18-175

WHEREAS, the Borough Council of the Borough of Garwood, County of Union, State of New Jersey, authorized the Borough Engineer to prepare specifications and for the Borough Administrator/Municipal Clerk to advertise for bids for the Hartman Park Basketball Court Resurfacing Project in the Borough of Garwood (Work); and

WHEREAS, on August 14, 2018 the following bids were received for the Work by the Borough Administrator/Municipal Clerk; and

Bidder		Base Bid	Alt. #1	Alt#2	Total:
DiMilia, Inc.	* = corrected amount	\$21,881.00*	\$495.00	\$26,770.00	\$49,146.00
Halecon, Inc.		\$26,800.00	\$3,960.00	\$12,500.00	\$43,260.00
Denbar Construction		\$25,698.00	\$4,092.00	\$14,700.00	\$44,490.00

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Garwood that the bid of DiMilia, Inc., PO Box 3366, Upper Montclair, NJ, 07043, base bid sum of \$21,881.00, and Alternate #1 in the sum of \$495.00, be and is the lowest responsible bid; and

BE IT FURTHER RESOLVED that the contract is hereby awarded to DiMilia, Inc., PO Box 3366, Upper Montclair, NJ, 07043, for the Work as indicated on the bid proposal form attached hereto and made a part hereof for the lump sum total amount of \$22,376.00; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and hereby authorized to execute an agreement in the form prepared or approved by the Borough Attorney.

A motion was made by Councilman Lazarow, second by Councilwoman Todisco to adopt Resolution No 18-175

Discussion:

Roll Call:

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

5-AYE, 1-NAY, Resolution 18-175 was adopted

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 Council President Blumenstock, to adopt Payment of Claims Resolution.

Roll Call:

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

ADJOURNMENT:

The Regular Meeting of the Mayor and Council will be held on, **TUESDAY, AUGUST 28, 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. 18-20, ON TUESDAY, AUGUST 28, 2018, AT 7:15 P.M. OR SOON THERE AFTER

A motion was made by Councilwoman Cuccaro, Second by Council President Blumenstock, to adjourn.
 Time: 9:16 p.m.

Respectfully submitted:



CHRISTINA M. ARIEMMA, Municipal Clerk,
 Borough of Garwood