

**Borough of Garwood**  
**MEETING OF THE MAYOR AND COUNCIL**  
**MINUTES**  
**September 8, 2022**

Time: 7:02

Moment of Silence

Salute to the Flag

Adequate notice of this meeting was provided to the Union County Hawk advertised on December 2, 2021. 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:**

<b>Mayor Todisco</b>	<b>P</b>		
<b>Councilman Graham</b>	<b>P</b>	<b>Councilwoman Loffredo</b>	<b>P</b>
<b>Councilman Kearney</b>	<b>P</b>	<b>Councilwoman Salmon</b>	<b>P</b>
<b>Councilman Lazarow</b>	<b>EXCUSED</b>	<b>Council President Blumenstock</b>	<b>P</b>

**Also Present:**

Kyle Harris, Borough Administrator

Adam Abramson, Borough Attorney

Catherine D. Cameron, Borough Clerk

Report of Borough Attorney NO REPORT

Report of Borough Administrator

1. Resolution 138: This is replacing resolution 100, as Beyer Ford was sold and become Nielson Ford. The price of the vehicle is still the same.
2. Resolution 139: This is for lawn mowing and a property clean up performed by our DPW.
3. Resolution 140: The DPW has had an employee resign in early July with a second employee on leave since July as well. These seasonal employees will help the regular DPW employees with garbage collection and leaf collection by working Monday through Friday 6:30AM to 11:30AM

**PRESENTATION:**

Mayor Todisco announced the Rahway Valley Sewerage Authority presentation via ZOOM.

The presentation was comprised of Steve Greet, Borough Representative, James Meehan, RVSA Executive Director, John Buonocore, RVSA Assistant Director/Chief Engineer, and Dennis Estis, RVSA General Counsel.

The purpose of the meeting was to specify two amendments that will be made to the 2021 Agreement between member municipalities and the RVSA via Ordinance.

The RVSA stated the documents will be forthcoming to member municipalities and requested Ordinance adoption in October.

At 7:20 P.M. the Municipal Clerk read the following:

**EXECUTIVE SESSION:**

**RESOLUTION NO. 22-137**

**CLOSED SESSION RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING CONTRACT NEGOTIATIONS 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 may be taken.

A motion was made by Councilman Kearney, second by Council President Blumenstock, to adopt Resolution 22-137. All in favor.

At 7:44 P.M. a motion was made by Councilman Kearney, second by Councilman Graham, to resume the regular session. All in favor.

### **Report of Mayor Sara Todisco**

**Back to School** - I hope all the Garwood students have had a great start to the school year. I want to extend best wishes to Mrs. Emmons as she embarks on this year as both Principal and Acting Superintendent of Garwood Schools. Also, I'd like to welcome back and thank our crossing guards for doing the important job of keeping the children safe as they walk to and from school.

**Gas Company Paving** - The Elizabethtown Gas Company has completed the milling and paving of the streets they agreed to in our swap agreement, including portions of Center Street, Myrtle Avenue from Center to Maple and West Street from Willow to Spruce. Also, they have paved Willow Avenue from Center to West due to it being under the 5 year moratorium. The gas company will be finishing with striping next week.

**Vermella Update** - I have a leasing update for Vermella. As of their latest report, 75.3% of the residential units are leased and 64.2% are occupied. Of the 164 total 1 Bedroom units, 130 are leased and 112 are occupied. Of the 125 total 2 Bedroom units, 87 are leased and 72 are occupied. The six 3 Bedroom units remain fully occupied as they have been for several months.

**Sewer Connection Fees Collected** - I am very happy to report that this year the Borough has collected a total of \$289,200 in sewer connection fees. This large number has come mainly from the two Vermella developments on South Avenue and Garden Homes at the Paperboard site on North Avenue.

### **Comments from the Council:**

Councilman Graham

UC TAB Meeting on 9/7:

Update on Elizabeth Fast Ferry - start up delayed by issues with the Coast Guard. Should be operational shortly.

Presentation by Keith Hamas of North Jersey Transportation Planning Authority regarding the Regional Active Transportation Plan.

The Plan intends to enhance biking and walking opportunities and promote safety.

They intend to hold public events, offer online activities and set up focus groups/interviews with the public to get feedback.

Their website: [NJTPA.org/activetransportation](http://NJTPA.org/activetransportation) will be open thru October for people to make suggestions. The main thrust of this effort is to create more bike lanes and connect trails and byways.

Presentation by Liza Betz regarding the Union County Electric Vehicles Infrastructure Study.

The study is concerned with making EVs a more viable choice, provide needed infrastructure, ensure that sufficient charging equipment is installed at apartments and large rental locations. They also want to expand awareness of state and federal incentives for EV purchase and installation of charging equipment.

TAB will introduce an online survey in a couple of weeks to find out where people would like to see chargers installed.

**Short Term Rentals:**

Two concerns constantly crop up during conversations with residents, traffic and parking. Parking is obviously the issue that could be most affected by transient use. Another concern that I have is the extreme closeness of our houses. We are literally living within 10 feet of each other. I believe our residents are much more comfortable knowing who they are living in such close proximity to. This is especially true for our senior citizens.

Councilman Kearney

Just a brief comment tonight, Mayor. On tonight's Consent Agenda, Resolution 22-139 is placing a lien on a property because our DPW had to respond and do extensive cleanup because of a failure of the owner to maintain it, including large amounts of trash and debris in the backyard. I had contact with a neighboring resident, who had to suffer through this going on next door to them. While I'm happy to report the Borough was able to resolve the issue (thank you to Mr. Harris for all his help with that), and without getting into great detail right now, I'm concerned we may have some loopholes in the Property Maintenance code which allowed the situation to drag on a bit. I've been in discussion with the Borough Administrator on this, and he referred me to the Borough Attorney. I'm hopeful with Mr. Abramson back in the saddle from his well-deserved vacation, we can spend some time on this prior to the next meeting. If there's anything that can be done, I'll ask Mayor Todisco to move it to subcommittee or full Council discussion for a possible future Ordinance.

**Short Term Rentals:**

Thank you, Mayor. There has been quite a bit of commentary on this topic, both by members of the Council and the public, some the loudest of which amounts to: "We shouldn't tell people what to do with their homes or property".

I'd like to point out the entirety of Chapter 106 of the Garwood Borough Code, which is what the proposed Ordinance would amend, tells people what they can and cannot do with their homes and properties.

For example:

§ 106-108 sets forth 12 restrictions on the use of a dwelling by a resident as a "home office", a few of which correspond to complaints I know Mayor Todisco and some of the other Council members have received as well. For example, the Code states (in part) a home office use can't create noise or vibration, cause guests to visit the residence for business purposes, and that vehicular traffic to and from the home office is limited in volume, type and frequency to "normal residential use".

§ 106-114, section B4, states structures with two or more dwelling units must have equitable distribution of off-street parking, and that each dwelling unit must have one parking space.

The reason I landed on both of these examples I just cited could be very problematic if a property owner decided to do multiple short-term rentals at the same residence, say, renting multiple rooms or floors, and those renters all have guests coming and going.

The Borough also regulates the number and placement of satellite dishes, requires certain types of fencing and gates for properties with pools, and dozens of other examples.

Chapter 106 was not enacted into law by prior Councils on a whim, or to needlessly infringe on what people do with their homes because the Council Members back then enjoyed “government overreach”. These well-considered regulations were put in place to help ensure we all live in a safe and enjoyable community, which is one of our core responsibilities on this governing body.

As Council Members, I feel the question we should be asking about this new (to our town) use of residential properties is: “Is this good for Garwood?”, and in determining the answer, we can then determine the best action for this Council to take, or not take. While some Council Members appear to be comfortable making decisions via anecdotes, or what they’re hearing on Facebook, our job on this Council is to consider the facts and then act in the best interest of our entire community, not in the interests of individual residents or property owners.

I did extensive research on this topic, showing interesting trends surrounding short-term rentals over the last few years: Both individuals and companies are buying up available residential properties for the sole purpose of short-term rental, essentially turning a profit off places meant to be homes and part of a community. This is causing numerous issues in both cities and small towns, from police responses to quality-of-life issues, to a lack of homes available for traditional renting and/or purchase.

This sharply contrasts with the original concept of “internet sharing services”, which had homeowners renting out part of a home they also generally lived in (or perhaps an entire home while they were away for a short period), and frankly seems counter-intuitive to the entire concept of zoning. As an example, Is my own home really in a “single family residential zone” if I can rent out each floor, or even each room? This also, to me, touched on fire safety issues. We could have a lot of changes of occupancy in a short period of time, and there’s not any inspections going along with that, unlike when a home is sold.

My original reaction to this when we first started discussing it last month is and remains: License and regulate. We kicked that around in the Police Committee for quite a while, I’m sure I kept that conversation going about half an hour longer than anyone else wanted it to, and I still landed on that. If it’s something that we’re going to do, licensing and regulation is better than a free-for-all, but I do also see a benefit to the community from not allowing the practice at all. There are examples of local ordinances in New Jersey which go both ways, some regulate short-term rentals, and they have favorable court rulings backing them up. As I said in our first meeting discussion on this, it is well within the authority of the Council to legislate.

I do look forward to further discussion and constructive feedback from our residents and the Planning Board to inform my final decision on this topic, but I don’t think that doing nothing is the correct answer. Thank you.

Councilman Lazarow

Mayor Todisco read the following on behalf of Councilman Lazarow:

I apologize for not being able to be there tonight but I have my Back to School night at my school this evening. I wanted to use this council comment period to address the ordinance on short term rentals that is being introduced tonight. I have decided in the interest of full transparency and for the purpose of having an open and honest conversation by my fellow council members that I will be abstaining on this ordinance. While I do not feel my opinions on the issue fairly represent any conflict of interest, I don’t want my involvement to cloud the ultimate outcome on this ordinance. However, I would request that Councilwoman Salmon also abstain, as she clearly has a financial conflict of interest. She claimed at the first August meeting that she has completed short term rental sales in neighboring towns. Given the fact that she stands to gain financially from renting out these short term rentals, it is clear she would not be making a decision without bias. Therefore, I feel it best to leave it in the capable hands of the 4 remaining council members to make a decision on this ordinance.

Discussion ensued regarding short term rentals.

Councilwoman Salmon stated she would recuse herself from voting on the Ordinance upon presentation.

Mayor Todisco stated the Ordinance would be tabled to allow review by the Planning Board.

Councilwoman Loffredo

I have relayed my thoughts on this subject in past meetings. My answer today on this subject still stands firm. As of today, we have not received any information to any violations that this particular property in question has received. I also think that, to my knowledge, the owner has no notice of any violation and all of this conversation and introduction of an ordinance has been done without first speaking with the homeowner. That in itself is not right. If this is a small town with a big heart, wouldn't at least a phone call suffice?

In the meantime, I have looked at the property's air bnb listing. The first thing I noticed was the rules policy:

House rules

Check-in: After 4:00 PM

Checkout: 11:00 AM

Not suitable for children (2-12 years)

No smoking

No pets

No parties or events

Additional rules

Due to my experience with being an air bnb host for over 30 different guests, we have decided that our guests are not to hold any events, parties, etc. during their stay at our home. This is our home-not a vacation place that we are never at. We can only allow people that will treat it as their own home.

Air BnB also has contracts and regulations that the Renter needs to abide by. I am also sure there is some sort of Occupancy control, which I know is the opposition's reasoning behind this ordinance.

In addition, Garwood has its own local ordinances regarding property maintenance, noise, and snow removal as well as laws against public drunkenness, disorderly conduct and drug usage. It seems as if between the homeowners' rules and town ordinances, the resident's surrounding the home will be protected with normal surveillance with no additional manpower or hours.

Garwood, while typically not a vacation destination, keep in mind, we are not far from many hotspots such as New York City, the Poconos, and the shore. There are many reasons people may need to use a Air BNB such as

- Death in a family member or caretaking for a family members long-term illness

- Family reunions, parties or weddings

- New babies

- In between the sale and buying of homes

- During Construction

- On Business trips, if you prefer the comforts of home – We do have some of the largest pharmaceutical companies surrounding us and I am sure you could attract a business clientele.

- Relocation/neighborhood exploration

One last reason, that I believe the police committee failed to recognize was a commonly used agreement known as a "use and occupancy" A Use and Occupancy is a short-term rental where a homeowner who is under contract for the sale of their home closes the transaction prior to vacating the property. This is used in a multitude of cases, from homeowners needing more time to move, to their next home not being available, or to a buyer's rate expiring if closing doesn't happen by a certain date. This ordinance will now make this common practice illegal.

When you buy a home and pay local taxes, that is your property, isn't it enough that the government tells you how much land use coverage you can have or how tall your grass can be or what garbage cans you need to use. Now, you want to tell someone that you can't make money on a non-primary residence or limited use property? This is complete government overreach and I cannot support this and I hope that other council members will join me in this decision. Thank you.

**Councilwoman Salmon NO REPORT**

Councilwoman Salmon welcomed students back to School.

Councilwoman Salmon requested crosswalk painting at Oak Street and Fourth Avenue.

Councilwoman Salmon commented on short term rentals.

Mayor Todisco referred the request for crosswalks to the Streets, Ecology and Sustainability Committee for review.

**Council President Blumenstock NO REPORT**

Council President Blumenstock agreed to table the Ordinance to allow review by the Planning Board.

**MINUTES:**

Minutes of the Regular Meeting of the Mayor and Council held on August 25, 2022.

<https://garwoodnj.govoffice3.com/vertical/sites/%7B7F1088A0-CEC9-4505-80EE-1DF1BF7DFFBD%7D/uploads/08-25-2022-MINUTES.pdf>

A motion was made by Councilman Graham, second by Council President Blumenstock, to accept minutes as presented. All in favor.

**COMMUNICATIONS:**

**1) NEW JERSEY STATE LEAGUE OF MUNICIPALITIES**

a) 08/26/2022, MS4 Permit Update, DRE Report, Plan Design Meets, ARPA Use, New FCC Program

<https://www.njlm.org/CivicSend/ViewMessage/Message/179848>

b) 08/31/2022, LIHWAP Application Process Open

<https://www.njlm.org/CivicSend/ViewMessage/Message/180187>

c) 09/02/2022, NJDEP Tier A Comments; Alcohol Delivery Ruling; Biofuel Grants

<https://www.njlm.org/CivicSend/ViewMessage/Message/180370>

**2) GARWOOD PLANNING BOARD**

a) 08/25/2022, RE: Minutes: June, 2022

[https://garwoodnj.govoffice3.com/vertical/Sites/%7B7F1088A0-CEC9-4505-80EE-1DF1BF7DFFBD%7D/uploads/6\\_22\\_2022\\_PB\\_Minutes.pdf](https://garwoodnj.govoffice3.com/vertical/Sites/%7B7F1088A0-CEC9-4505-80EE-1DF1BF7DFFBD%7D/uploads/6_22_2022_PB_Minutes.pdf)

**3) RAHWAY VALLEY SEWERAGE AUTHORITY**

a) 08/19/2022, RE: Letter

[https://garwoodnj.govoffice3.com/vertical/Sites/%7B7F1088A0-CEC9-4505-80EE-1DF1BF7DFFBD%7D/uploads/RVSA\\_Letter\\_to\\_Municipalities\\_re\\_Collection\\_System.pdf](https://garwoodnj.govoffice3.com/vertical/Sites/%7B7F1088A0-CEC9-4505-80EE-1DF1BF7DFFBD%7D/uploads/RVSA_Letter_to_Municipalities_re_Collection_System.pdf)

ALL RECEIVED AND FILED

**ORDINANCE:**

**INTRODUCTION:**

Municipal Clerk read Ordinance No. 22- 13 by title only:

**ORDINANCE NO.22-13**

**AN ORDINANCE TO ENACT ARTICLE XV (SHORT TERM RENTALS) IN CHAPTER 106 (LAND USE) OF THE CODE OF THE BOROUGH OF GARWOOD.**

[https://garwoodnj.govoffice3.com/vertical/sites/%7B7F1088A0-CEC9-4505-80EE-1DF1BF7DFFBD%7D/uploads/22-13\\_-\\_INTRO\\_Short\\_Term\\_Rentals.pdf](https://garwoodnj.govoffice3.com/vertical/sites/%7B7F1088A0-CEC9-4505-80EE-1DF1BF7DFFBD%7D/uploads/22-13_-_INTRO_Short_Term_Rentals.pdf)

A motion was made by Councilman Graham, second by Council President Blumenstock, to table Ordinance No. 22-13.

Roll Call:

<b>Councilman Graham</b>	<b>AYE</b>	<b>Councilwoman Loffredo</b>	<b>AYE</b>
<b>Councilman Kearney</b>	<b>AYE</b>	<b>Councilwoman Salmon</b>	<b>ABSTAIN</b>
<b>Councilman Lazarow</b>	<b>ABSENT</b>	<b>Council President Blumenstock</b>	<b>AYE</b>

4- AYES, 1-ABSENT, 1-ABSTAIN Ordinance No. 22-13 was tabled.

**COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:**

**FINANCE AND PERSONNEL: Councilman Lazarow, Chair** NO REPORT

**FIRE AND OEM: Councilman Kearney, Chair**

Since our last Council meeting, I've followed up with both our Fire Chief and Fire Official, regarding long discussed updates to the Borough Code for the Fire Department and Fire Prevention Bureau. This is a carryover from 2021 that I'd love to cross off the to-do list. Pending a final pass by them, I'll have a redlined copy for the Fire Committee to review before our next meeting and I'm hoping from there to have something to present to the full Council in October so we can finally move an Ordinance.

The monthly Fire Department meeting was moved to next Tuesday, September 13th, I'll have more to report from there at our next meeting.

**FACILITIES, GROUNDS AND SHADE TREES: Councilwoman Loffredo, Chair**

Good evening, Mayor, Members of Council and Members of the Public

Few updates this week: Turf field maintenance is scheduled for Monday September 12; Tree removals scheduled for this week. Finally, and most exciting, the Purchase Order was submitted to commence work on the following: Door Replacements in Boro Hall, Boiler Room and Fire Dept, Recaulking of windows and Fixing rusted steel panels below windows

This was one of my first items I visited and reviewed this year and I am glad to see this thru. That's all for tonight. Thank you.

**STREETS, ECOLOGY AND SUSTAINABILITY: Council President Blumenstock, Chair**

In addition to regular garbage pickup, the DPW performed street sweeping operations in accordance with the annual Public Works Schedule. No parking signs were put up and taken down accordingly. They also performed the monthly nighttime street sweeping of the business district along Center and Walnut Street. The department also cleared debris from the tops of all stormwater drainage inlets on the North and South side of the Borough. They watered the flowers in the street side pots throughout the Borough 3 – 4 times a week and removed the weeds in the street side pots in various locations. In addition, the department elevated shade trees in miscellaneous areas of the Borough and completed the annual line striping program of crosswalks, stop bars, arrows and intersections in various areas of the Borough. New certified playground mulch was also installed under the swing sets at Hartman Park. That's all for my report, Mayor.

**POLICE AND PUBLIC SAFETY: Councilman Graham, Chair**

Since the last meeting of Mayor and Council on August 25, 2022 the Garwood Police Department has recorded the following activity: Initiated 40 motor vehicle stops; Conducted 32 building/property checks; Assigned to 5 fixed traffic posts (Radar, Stop Sign, Distracted Driving); Responded to 12 calls for medical assist; Responded to 6 business/residential alarms; Responded to 13 false 911/fire/co alarms.

**COMMUNITY ENGAGEMENT: RECREATION, HISTORICAL AND CELEBRATIONS COMMITTEES:**

**Councilwoman Salmon, Chair**

Councilwoman Salmon provided an update to the Recreation Department.

Mayor Todisco requested the status of the basketball league.

Councilwoman Salmon provided the status.

**COMMUNICATIONS COMMITTEE: Councilman Kearney**

Some exciting things are coming soon, but no report for tonight, Mayor.

**LIBRARY, MAYOR'S REPRESENTATIVE: Councilman Lazarow**

Mayor Todisco read the following:

September 14 from 10 to Noon - ASK- Aging Services Kiosk - - Union County Division of Aging Staff will be on hand to assist seniors (age 60+) or their caregivers with information on services, such as meal delivery, respite care, adult day care, support services for caregivers and more. No registration required.

September 14 at 7 pm – Basic Genealogy - Join Eric Midgal of "It's All Relative" for a fun and informative evening that will provide insight to help you start your journey into your family history. Once registered a Zoom link will be sent.

September 29 at 7 pm - SHIP - State Health Care Insurance Program - A representative from Sage Eldercare will explain the facts about the State Health Insurance Assistance Program (SHIP). SHIP provides free help to New Jersey Medicare beneficiaries who have questions about their health insurance. The presentation will be followed by a question-and-answer session. Registration is required.

**SCHOOL BOARD LIAISON: Councilman Kearney**

My best wishes to all the students, teachers and staff embarking on the adventure of a new school year this week! The first day of school for ALJ was this past Tuesday, and Lincoln School began today. I know all the moms and dads, and at least some of the students and teachers, are excited school is back!

The next Board of Education meeting is scheduled for Tuesday, September 20th, so I'll have a full report from that at our next meeting.

**GARWOOD SENIOR CITIZEN LIAISON: Council President Blumenstock**

We had our Senior Club meeting last Thursday, with lunch and bingo. We also had a speaker from the Brain Injury Alliance who spoke with the members about brain injury awareness and fall prevention. The Alliance supports individuals and families affected by brain injury and has a hotline for families that need help at 1-800-669-4323. Today, we had a special craft day where we made some fall sun catchers and tomorrow there is a movie screening at the Library of Some Like it Hot with Marilyn Monroe. That's at 12pm. Our next Club meeting is next Thursday, the 15<sup>th</sup> at 12pm at the Knights of Columbus.

**SMALL BUSINESS ADVISORY LIAISON: Councilman Kearney** NO REPORT



**OFFICER'S REPORTS:**

Property Maintenance Officer's Report for July, 2022.

[https://garwoodnj.govoffice3.com/vertical/Sites/%7B7F1088A0-CEC9-4505-80EE-1DF1BF7DFFBD%7D/uploads/Property\\_Maint.\\_July.pdf](https://garwoodnj.govoffice3.com/vertical/Sites/%7B7F1088A0-CEC9-4505-80EE-1DF1BF7DFFBD%7D/uploads/Property_Maint._July.pdf)

Zoning Enforcement Officer's Report for August, 2022.

[https://garwoodnj.govoffice3.com/vertical/Sites/%7B7F1088A0-CEC9-4505-80EE-1DF1BF7DFFBD%7D/uploads/Addendum\\_August\\_2022\(1\).pdf](https://garwoodnj.govoffice3.com/vertical/Sites/%7B7F1088A0-CEC9-4505-80EE-1DF1BF7DFFBD%7D/uploads/Addendum_August_2022(1).pdf)

A motion was made by Councilman Kearney, second by Councilman Graham, 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 Street, sang a song regarding veterans.

The following members of the public audience commented on short term rentals:

Genny Schwarzberg and Aaron Weinstein, 508 Spruce Street; Jennyfer Guerrero, 409 Myrtle Avenue; Tom Englese, 528 Locust Avenue; Linda DeVito, 436 Myrtle Avenue; Coleen Hay, 516 Fourth Avenue; Jill Brown, 507 Myrtle Avenue; Tom Evelina, 308 North Avenue; Kelly Ferrara, 428 Third Avenue; James Hart, 511 Myrtle Avenue; Ms. Pritchard, 410 Spruce Street; Mrs. Banic, 421 Fourth Avenue; Stephanie Bianco, 540 Fourth Avenue read a letter on behalf of David Beyers of 447 Fourth Avenue.

A motion was made by Councilman Graham, second by Councilman Kearney, to close public comment. All in favor.

Mayor Todisco thanked all in attendance to the Council meeting.

Mayor Todisco clarified the role of the Planning Board regarding their review of the short term rental Ordinance.

Mr. Abramson clarified the definitions listed under the Borough's land use code.

Mr. Abramson clarified review of the Ordinance by the Planning Board is necessitated by the Borough's Master Plan and Developmental Regulation.

**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. 22-139**

**RESOLUTION AUTHORIZING A LIEN AGAINST THE PROPERTIES LISTED HEREIN FOR THE COST OF REMOVING FROM THE PROPERTIES BRUSH, WEEDS, DEAD AND DYING TREES, STUMPS, ROOTS, OBNOXIOUS GROWTHS, FILTH, GARBAGE, LITTER AND DEBRIS IN ACCORDANCE WITH N.J.S.A. 40:48-2.14 AND THE BOROUGH OF GARWOOD CODE SECTION 99-17**

**WHEREAS**, N.J.S.A. 40:48-2.14 and Borough of Garwood Code Section 99-17 authorize municipalities by Ordinance to require the owners of the property to remove from their property or destroy brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage trash and debris within five (5) days after notice to remove or destroy same; and

**WHEREAS**, N.J.S.A. 40:48-2.14 and Borough of Garwood Code Section 99-17 provide that if owners fail to remove brush, stumps, debris, etc, from the property after receiving such notice, the Borough may do the removal and charge the costs to the owner; and if not paid, the governing body may cause the cost to become a lien against the properties; and

**WHEREAS**, this lien may be enforced by the same officers and in the same manner as taxes; and

**WHEREAS**, pursuant to Borough of Garwood Code Section 99-17 a Notice and Order directed owners listed herein to remove from their property brush, weeds, debris, etc. within five (5) days of the date of Notice and Order; and

**WHEREAS**, the owners listed herein after receiving the after receiving the Notice and Order failed to remove brush, weeds, debris, etc. from their property; and

**WHEREAS**, as a result, the Department of Public Works (DPW) has removed the brush, stumps, weeds, etc. from the property; and

**WHEREAS**, the DPW has certified the cost of removal to the Council, and the Council has examined these costs and found them to be correct and reasonable.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Garwood, the Council hereby authorizes the Tax Collector of the Borough of Garwood to cause the cost as shown herein to be charged against said property as a lien:

341 Locust Avenue                      Block 412/Lot 6                      08/25/2022                      \$1,201.61

**RESOLUTION NO. 22-140**

**BE IT RESOLVED**, by the Council of the Borough of Garwood, County of Union, State of New Jersey, hereby hires the following as Seasonal Laborers in the Department of Public Works, effective September 12, 2022, at a salary of \$20.00 per hour:

Mark Wells                      Brandon Boucher

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

Roll Call:

<b>Councilman Graham</b>	<b>AYE</b>	<b>Councilwoman Loffredo</b>	<b>AYE</b>
<b>Councilman Kearney</b>	<b>AYE</b>	<b>Councilwoman Salmon</b>	<b>AYE</b>
<b>Councilman Lazarow</b>	<b>ABSENT</b>	<b>Council President Blumenstock</b>	<b>AYE</b>

**RESOLUTIONS DELETED FROM THE CONSENT AGENDA:**

**RESOLUTION NO. 22-138**

**WHEREAS**, per Resolution No. 22-110, adopted on July 28, 2022, the Borough of Garwood approved the award of purchase for one (1) 2021 Ford Police Interceptor Utility (K8A) AWD, in accordance with the specifications and quote from Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07960, dated June 9, 2022; and

**WHEREAS**, effective June 9, 2022, Nielson Ford of Morristown, 170 Ridgedale Avenue, Morristown, NJ 07960 has taken ownership of Beyer Ford;

**WHEREAS**, the Police Chief of the Borough of Garwood has confirmed approved purchase remains under contract and in accordance with New Jersey State Contract #88727 for such vehicle.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Borough of Garwood hereby amend Resolution 22-2110 to reflect the purchase for one (1) 2021 Ford Police Interceptor Utility (K8A) AWD from Nielson Ford of Morristown, 170 Ridgedale Avenue, Morristown, NJ 07960.

**BE IT FURTHER RESOLVED** that the appropriate documents reflecting said ownership will be forwarded to the Borough Treasurer for execution of the appropriate Certification of Funds.

A motion was made by Councilman Graham, second by Council President Blumenstock, to adopt Resolution No. 22-138.

Discussion: NONE

Roll Call:

<b>Councilman Graham</b>	<b>AYE</b>	<b>Councilwoman Loffredo</b>	<b>NAY</b>
<b>Councilman Kearney</b>	<b>AYE</b>	<b>Councilwoman Salmon</b>	<b>NAY</b>
<b>Councilman Lazarow</b>	<b>ABSENT</b>	<b>Council President Blumenstock</b>	<b>AYE</b>

3-AYES, 2 NAYS, 1 ABSENT Resolution No. 22-138 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 Councilman Graham, second by Councilman Kearney, to adopt Payment of Claims Resolution.

Roll Call:

<b>Councilman Graham</b>	<b>AYE</b>	<b>Councilwoman Loffredo</b>	<b>AYE</b>
<b>Councilman Kearney</b>	<b>AYE</b>	<b>Councilwoman Salmon</b>	<b>AYE</b>
<b>Councilman Lazarow</b>	<b>ABSENT</b>	<b>Council President Blumenstock</b>	<b>AYE</b>

### **ADJOURNMENT:**

The Regular Meeting of the Mayor and Council will be held on **Thursday, September 22, 2022**, at 7:00 P.M. in Council Chambers.

Information for meetings is posted on the Borough website: [https://garwood.org/gb\\_notices](https://garwood.org/gb_notices)

A motion was made by Council President Blumenstock, second by Councilman Kearney, to adjourn.  
Time: 9:50 P.M.

Respectfully submitted:

Catherine D. Cameron, R.M.C.  
Borough Clerk