

# Borough of Garwood

## Meeting of the Mayor and Council

### MINUTES

September 11, 2018

Start Time: 8:20 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

Also present Borough Administrator/Municipal Clerk Christina M. Ariemma and Borough Attorney Robert F. Renaud.

#### **MINUTES:**

Regular, Workshop and Executive Minutes of the Mayor and Council held on August 28, 2018.

A motion was made by Councilwoman Todisco, second by Councilwoman Cuccaro, to accept minutes as presented.

#### **COMMUNICATIONS:**

- 1) **NEW JERSEY STATE LEAGUE OF MUNICIPALITIES –**
  - a. Mayor's Advisory –
    - i. 09/04/18, RE: Daily Update
    - ii. 09/04/18, RE: Weekly Round-Up
    - iii. 09/04/18, RE: Daily Update
    - iv. 09/06/18, RE: Daily Update
    - v. 09/07/18, RE: Weekly Round-UP

#### **RECEIVED AND FILED**

#### **ORDINANCES:**

Public Hearing on Ordinance 18-21, 18-22, 18-23 and 18-24 as advertised in the Westfield Leader.

#### **ADOPTION:**

Municipal Clerk to read Ordinance 18-21 by title only:

##### **ORDINANCE NO. 18-21**

**AN ORDINANCE TO AMEND ARTICLE VII (MAINTENANCE AND REPAIR OF RESIDENTIAL PROPERTIES SUBJECT TO FORECLOSURE) IN CHAPTER 67 (BUILDINGS AND STRUCTURES) OF THE CODE OF THE BOROUGH OF GARWOOD TO REQUIRE REGISTRATION OF CERTAIN PROPERTIES AND TO PRESCRIBE REQUIREMENTS PERTAINING TO SAME**

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

**Section 1.** Article VII (formerly Maintenance and Repair of Residential Properties subject to Foreclosure) in Chapter 67 (Buildings and Structures) of the Code of the Borough of Garwood is hereby amended to read as follows:

##### **Article VII. Maintenance Registration and Repair of Residential Properties Subject to Foreclosure**

##### **§ 67-17. Notice and Registration required.**

A. A creditor serving a summons and complaint in an action to foreclose on a mortgage on residential property in the Borough of Garwood shall, within 10 days of serving the summons and complaint, notify the Borough Clerk that a summons and complaint in an action to foreclose on a mortgage has been filed, and shall register such residential property with the Borough Clerk. The registration shall contain the name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations. The registration may contain information about more than one property, but a separate registration fee shall be paid for each property. The notice and registration statement shall be provided by mail or by electronic communication, at the discretion of the Borough Clerk. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person twenty-one (21) years of age or older, designated by the creditor as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceedings on behalf of such creditor in connection with the enforcement of any applicable code; and the name, street address, telephone number, and email (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a twenty-four (24) hour per day, seven (7) day per week basis. The two

(2) entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey as applicable. In the event the creditor is located outside the State of New Jersey, the notice shall also contain the full name and contact information of an in-state representative or agent who shall be responsible for the care, maintenance, security and upkeep of the exterior property if it becomes vacant and abandoned.

B. The registration shall remain valid for one (1) year from the date registration, except for the initial registration, which shall be prorated on a monthly basis through December 31. The creditor shall be required to renew the registration annually as long as the building remains a vacant and abandoned property and shall pay a registration or renewal fee in the amount prescribed in subsection 19-6.7, of this section for each vacant property registered.

C. The annual renewal shall be completed by January 1 each year.

D. The creditor shall notify the Municipal Clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement.

E. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the creditor or the owner or owners of the building.

**§ 67-18. Notification to Chief of Police.**

The Borough Clerk shall forward a copy of registrations received pursuant to this article to the Chief of Police and the Property Maintenance Officer.

**§ 67-19. Notice concerning affordable units.**

In the event that the property being foreclosed on is an affordable unit pursuant to the Fair Housing Act, N.J.S.A. 52-27D-301 et seq., then the creditor shall identify in the registration that the property is subject to the Fair Housing Act.

**§ 67-20. Content of notice.**

In addition to the foregoing information, the registration shall also include the street address, lot and block of the property, and the full name and contact information of an individual located within the State of New Jersey who is authorized to accept service on behalf of the creditor. The notice shall be provided to the Borough Clerk within 10 days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property.

**§ 67-21. Notice to creditor.**

If the owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated, or if a residential property becomes vacant at any point subsequent to the creditor's filing of the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the creditor or any other third party, and the exterior of the property is found to be a nuisance or in violation of any applicable state or local code, the Chief of Police, Borough Clerk, Property Maintenance Officer or any other municipal official authorized by the Mayor and Council shall notify the creditor or the representative or agent of any out-of-state creditor, as applicable, which creditor shall have the responsibility to abate or correct the violation in the same manner and as to the same extent as the title owner of the property, to the standard and specification required by state law and by municipal ordinance. The notice shall include a description of the condition which gave rise to the violation with the notice of violation, and shall provide a period of not less than 30 days of the creditor's receipt of the notice for the creditor to remedy the violation. If the creditor fails to remedy the violation within that time period, the Borough may impose penalties allowed for the violation of its ordinances pursuant to N.J.S.A. 40:49-5.

**§ 67-22. Recourse of municipality.**

No change.

**§ 67-23. "Vacant and abandoned" defined.**

No change.

**§ 67-24. Responsibility of creditor.**

No change.

**§ 67-25. Standard of maintenance.**

No change.

**§ 67-26. Notice to correct violation.**

No change.

**§ 67-26.1 Registration Fee Schedule.**

The initial registration fee for each building, subject to subsection § 67-17 shall be \$500.00 per annum. The fee for the first renewal is \$1,500.00 per annum; the fee for the second renewal is \$3,000.00 per annum; and the fee for any subsequent renewal beyond the second renewal is \$5,000.00 per annum. The initial registration fee shall apply upon initial registration of a building qualified by this section, or upon transfer of ownership to another creditor.

**§ 67-27. Violations and penalties.**

No change.

**§ 67-28 Effect**

This provisions of this Article shall be effective immediately. All properties to which it applies shall be registered by the creditor within 30 days of the effective date of the amendments to this Article, notwithstanding that the foreclosure action may have been instituted prior to such date.

**Section 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 3.** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 4.** This ordinance shall become effective 90 days after final passage and publication in accordance with law.

List correspondence concerning Ordinance 18-21. NONE

Does anyone present wish to be heard concerning Ordinance 18-21. NONE

A motion was made by Councilman Lazarow, second by Council President Blumenstock, to close Public Hearing on Ordinance 18-21.

A motion was made by Councilwoman Cuccaro, second by Councilwoman Todisco, to adopt Ordinance 18-21.

Discussion: NONE

Roll Call:

<b>Councilwoman Bianco</b>	<b>AYE</b>	<b>Councilman McCormack</b>	<b>AYE</b>
<b>Councilwoman Cuccaro</b>	<b>AYE</b>	<b>Councilwoman Todisco</b>	<b>AYE</b>
<b>Councilman Lazarow</b>	<b>AYE</b>	<b>Council President Blumenstock</b>	<b>AYE</b>

6-AYE, 0-NAY, Ordinance 18-21 was adopted

Municipal Clerk to read Ordinance 18-22 by title only:

**ORDINANCE NO. 18-22**

**BOND ORDINANCE TO AMEND SECTIONS 4, 5, 8, 9, 10 AND 13 OF THE BOND ORDINANCE (ORD. NO. 17-13) ENTITLED: "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 \$433,000 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, 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," ADOPTED ON JULY 11, 2017.**

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. Section 4 of Ordinance No. 17-13 entitled:

"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 \$433,000 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, 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"

adopted by the Borough Council of the Borough of Garwood, in the County of Union, New Jersey (the "Borough") on July 11, 2017 (the "Prior Ordinance") is hereby amended to: (A)(i) increase the appropriation and estimated cost in Section 4.A. from \$316,500 to \$430,000 (an increase of \$113,500); (ii) increase the down payment appropriated in Section 4.A. from \$4,600 to \$10,050 (an increase of \$5,450); and (iii) increase the bonds and notes authorized in Section 4.A. from \$91,900 to \$199,950 (an increase of \$108,050); (B)(i) increase the appropriation and estimated cost in Section 4.B. from \$116,500 to \$133,000 (an increase of \$16,500); (ii) increase the down payment appropriated in Section 4.B. from \$3,000 to \$3,800 (an increase of \$800); and (iii) increase the bonds and notes authorized in Section 4.B. from \$58,500 to \$74,200 (an increase of \$15,700); (C) add a new Section 4.C. authorizing various improvements to Spruce Avenue (from East Street to Oak Street), appropriating \$97,000 therefor consisting of a \$4,750 down payment appropriated and \$92,250 in bonds and notes authorized, and stating the period of usefulness of 10 years; and (D)(i) increase the aggregate appropriation and estimated cost for Section 4 from \$433,000 to \$660,000 (an increase of \$227,000); (ii) increase the aggregate down payment appropriated for Section 4 from \$7,600 to \$18,600 (an increase of \$11,000); and (iii) increase the aggregate amount of bonds and notes authorized in Section 4 from \$150,400 to \$366,400 (an increase of \$216,000); and shall hereafter read as follows:

"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 various grants 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 2017 Road Improvement Project (including drainage, sidewalk, curb and driveway apron improvements, where necessary):  
 Hickory Avenue (from Center Street to East Street)  
 Third Avenue (from Walnut Street to Cedar Street)  
 Spruce Avenue (from Oak Street to the Sports Complex)  
 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	\$430,000
State Grant Appropriated	\$220,000
Down Payment Appropriated	\$ 10,050
Bonds and Notes Authorized	\$199,950
Period of Usefulness	10 years
- B. Resurfacing of Center Street (Phase II). It is hereby determined and stated that said road being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.  

Appropriation and Estimated Cost	\$133,000
County Grant Appropriated	\$ 55,000
Down Payment Appropriated	\$ 3,800
Bonds and Notes Authorized	\$ 74,200
Period of Usefulness	10 years
- C. Undertaking of various improvements to Spruce Avenue (from East Street to Oak Street), including reconstruction of catch basins, installation of granite block curbing and restoration of driveway aprons and pavement.  

Appropriation and Estimated Cost	\$ 97,000
Down Payment Appropriated	\$ 4,750
Bonds and Notes Authorized	\$ 92,250
Period of Usefulness	10 years

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Aggregate Appropriation and Estimated Cost	\$660,000
Aggregate Grants Appropriated	\$275,000
Aggregate Down Payment Appropriated	\$ 18,600
Aggregate Amount of Bonds and Notes Authorized	\$366,400."

Section 2. Section 5 of the Prior Ordinance is hereby amended to increase the estimated amount of statutorily permitted expenses included in the amount appropriated from \$46,500 to \$70,000 (an increase of \$23,500), and shall hereafter read as follows:

"Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$70,000 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 3. Section 8 of the Prior Ordinance is hereby amended to increase the down payment appropriated from \$7,600 to \$18,600 (an increase of \$11,000), and shall hereafter read as follows:

"Section 8. It is hereby determined and stated that moneys exceeding \$18,600, 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 \$18,600 is hereby appropriated from such moneys to the payment of the cost of said purposes."

Section 4. Section 9 of the Prior Ordinance is hereby amended to increase the amount of bonds authorized from \$150,400 to \$366,400 (an increase of \$216,000), and shall hereafter read as follows:

"Section 9. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$366,400 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 5. Section 10 of the Prior Ordinance is hereby amended to increase the amount of bond anticipation notes authorized from \$150,400 to \$366,400 (an increase of \$216,000), and shall hereafter read as follows:

"Section 10. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$366,400 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 6. Section 13 of the Prior Ordinance is hereby amended to increase the amount of gross debt of the Borough shown on the Supplemental Debt Statement filed for the ordinance, as amended, from \$150,400 to \$366,400 (an increase of \$216,000), and shall hereafter read as follows:

"Section 13. 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 \$366,400 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 7. The capital budget is hereby amended to conform with the provisions of this amendatory bond 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 8. This ordinance shall take effect twenty days after the first publication thereof after final passage.

List correspondence concerning Ordinance 18-22. NONE

Does anyone present wish to be heard concerning Ordinance 18-22.

*Bruce Paterson, 325 Willow Avenue commented on the ordinance and the debt. Ms. Ariemma said she could provide that tomorrow. The Bond was discussed. Ms. Ariemma answered.*

A motion was made by Council President Blumenstock, second by Councilman Lazarow, to close Public Hearing on Ordinance 18-22.

A motion was made by Councilman Lazarow, second by Council President Blumenstock, to adopt Ordinance 18-22.

Discussion: NONE

Roll Call:

<b>Councilwoman Bianco</b>	<b>AYE</b>	<b>Councilman McCormack</b>	<b>AYE</b>
<b>Councilwoman Cuccaro</b>	<b>AYE</b>	<b>Councilwoman Todisco</b>	<b>AYE</b>
<b>Councilman Lazarow</b>	<b>AYE</b>	<b>Council President Blumenstock</b>	<b>AYE</b>

6-AYE, 0-NAY, Ordinance 18-22 was adopted

Municipal Clerk to read Ordinance 18-23 by title only:

**ORDINANCE NO. 18-23**

**AN ORDINANCE TO AMEND ARTICLE I (TRAFFIC AND PARKING) AND ARTICLE XIV (RESIDENT PREFERENTIAL PERMIT PARKING) IN CHAPTER 21 (VEHICLES AND TRAFFIC) TO ESTABLISH RESIDENT PREFERENTIAL PERMIT PARKING ON MYRTLE AVENUE AND SPRUCE AVENUE NEAR THE GARWOOD SPORTS AND RECREATION COMPLEX.**

List correspondence concerning Ordinance 18-23. NONE

Does anyone present wish to be heard concerning Ordinance 18-23. NONE

A motion was made by Council President Blumenstock, second by Councilwoman Todisco, to close Public Hearing on Ordinance 18-23.

A motion was made by Councilwoman Cuccaro, second by Council President Blumenstock, to adopt Ordinance 18-23.

Discussion: NONE

Roll Call:

<b>Councilwoman Bianco</b>	<b>AYE</b>	<b>Councilman McCormack</b>	<b>ABSTAIN</b>
<b>Councilwoman Cuccaro</b>	<b>AYE</b>	<b>Councilwoman Todisco</b>	<b>AYE</b>
<b>Councilman Lazarow</b>	<b>AYE</b>	<b>Council President Blumenstock</b>	<b>AYE</b>

5-AYE, 1-ABSTAIN, Ordinance 18-23 was adopted

Municipal Clerk to read Ordinance 18-24 by title only:

**ORDINANCE NO. 18-24**

**AN ORDINANCE TO AMEND ARTICLE XIV (AFFORDABLE HOUSING) IN CHAPTER 106 (LAND USE) OF THE CODE OF THE BOROUGH OF GARWOOD TO FURTHER ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, by Ordinance Number 17-21, the Governing Body of the Borough of Garwood enacted Article XIV (Affordable Housing) in Chapter 106 (Land Use) of the Code of the Borough of Garwood (the Affordable Housing Ordinance) to address the requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) regarding compliance with the Borough's affordable housing obligations; and WHEREAS, by Ordinance Number 18-05, the Governing Body enacted amendments to the Affordable Housing Ordinance; and WHEREAS, certain further amendments to the Affordable Housing Ordinance are required by the Special Master serving in the declaratory judgment action entitled In re Borough of Garwood, Docket No. UNN-L-2406-15; and NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Garwood as follows:

SECTION 1. § 106-175 (New Construction) in Article XIV (Affordable Housing) in Chapter 106 (Land Use) of the Code of the Borough of Garwood are hereby amended to read as follows:

§ 106-175. New construction.

A. Low/moderate split and bedroom distribution of affordable housing units:

- (1) The set aside requirement shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all affordable rental units in any development shall be affordable to very low income households. The very low income units shall be counted as part of the required number of low income units within the development.
- (2) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
- (3) Affordable developments that are not age restricted shall be structured in conjunction with realistic market demands such that:
  - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
  - (b) At least 30% of all low- and moderate-income units shall be two-bedroom units;
  - (c) At least 20% of all low- and moderate-income units shall be three-bedroom units; and
  - (d) The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
- (4) Affordable developments that are age restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility requirements:

- (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7, and the following:
- (2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
  - (a) An adaptable toilet and bathing facility on the first floor; and
  - (b) An adaptable kitchen on the first floor; and
  - (c) An interior accessible route of travel on the first floor; and
  - (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
  - (e) If not all of the foregoing requirements in Subsection B(2)(a) through (d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of Subsection B(2)(a) through (d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
  - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.), and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that Garwood has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
    - [1] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
    - [2] To this end, the builder of restricted units shall deposit funds within the Borough of Garwood's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
    - [3] The funds deposited under Subsection B(2)(f)[2] above shall be used by the Borough of Garwood for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
    - [4] The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of Garwood for the conversion of adaptable to accessible entrances.
    - [5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- (g) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

C. Design:

- (1) In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- (2) In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. Maximum rents and sales prices:

- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH or a successor entity.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52% of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to very-low-income households, earning 30% or less of the regional median household income.
- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- (5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

- (a) A studio shall be affordable to a one-person household;
- (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household;
- (c) A two-bedroom unit shall be affordable to a three-person household;
- (d) A three-bedroom unit shall be affordable to a four-and-one-half-person household; and
- (e) A four-bedroom unit shall be affordable to a six-person household.
- (6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
  - (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household; and
  - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (10) The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

E. Multi-Family Developments Not Anticipated in Fair Share Plan:

This Section does not affect the requirements for the production of affordable housing on sites that are zoned for inclusionary development as part of the Fair Share Plan, for which the affordable housing set-aside requirements have been established by the zoning regulations. In all other cases, a mandatory set-aside requirement of 20% (if the affordable units will be for sale) and 15% (if the affordable units will be for rent) shall be imposed on any townhouse, garden apartment or other multi-family residential development or on multi-family units in a mixed use development, created through any Borough or Board action involving a rezoning, use variance, density variance, redevelopment plan or rehabilitation plan permitting development or redevelopment that provides an incentive in the form of an increase in the density on a site, provided the new density is at least twice the previously permitted density and results in the construction or creation of five or more new dwelling units over the number of dwelling units previously permitted to be built. This requirement does not give any developer the right to any such rezoning, redevelopment plan or rehabilitation plan, variance or other relief, or establish any obligation on the part of the Borough of Garwood to grant such rezoning, redevelopment or rehabilitation plan approval, variance or other relief. All affordable units created by this mechanism shall be family affordable housing units (i.e., non-age-restricted) and shall comply with all other requirements of the Borough's Affordable Housing Ordinance, including the requirement that at least 50 percent of the affordable units be affordable to low income households and that at least 13 percent of the affordable units shall be affordable to very low income households (earning 30 percent or less of the regional median household income by household size), which very low income requirement shall be included as part of the low income housing requirement; the remaining affordable units may be moderate income units.

F. Rounding, Payments in Lieu:

For any multi-family units in mixed use developments in the Central Business Zone and for all developments to which paragraph E. above applies, if the calculation of the total number of affordable units required to be provided yields a fraction that is less than 0.5 percent of a whole unit, then the developer shall have the option of either making a payment in lieu of the fraction of one unit or providing one additional unit. If the calculation of the total number of affordable units required yields a fraction that is greater than 0.5, the obligation shall be rounded up to the next whole unit. The option of making a payment in lieu or providing an additional whole unit shall not apply to any parameter other than the total number of affordable units required to be provided. The provisions of this paragraph F. shall not apply to the production of affordable housing on sites that are zoned for inclusionary development as part of the Fair Share Plan, other than sites in the Central Business Zone.

G. Calculation of Payments in Lieu:

For any payment in lieu of a fraction of an affordable unit authorized by § 106-175.F. above, the payment for the fraction of the affordable unit shall be pro-rated based upon the Subsidy Required/Payment In Lieu Amount originally set forth for COAH Region 2 in N.J.A.C. 5:97-6.4(c), which is \$ 148,633.00, unless the developer can demonstrate to the reasonable satisfaction of the Borough of Garwood that the payment amount, using the methodology set forth in N.J.A.C. 5:97-6.4(c), should be a different amount. All payments in lieu of constructing fractions of affordable units shall be placed in the Borough's affordable housing trust fund and shall be used for the creation of additional affordable housing units, subject to the regulations and restrictions pertaining to same.

(H) Mandatory Set Aside:

Any townhouse, garden apartment or other multiple-family residential development, including PURDS, containing five or more dwelling units shall comply with the following:

- (1) A minimum of 15% of the total number of units in a rental development shall be set-aside as affordable housing units with half being affordable to low-income households and 13% shall be affordable to very-low-income households. If the calculation of the total number of such affordable units yields a fractional unit of less than 0.5%, then a payment in lieu shall be provided or one additional unit. If the calculation of the total number of such affordable units yields a fractional unit of greater than 0.5, it shall count as one additional unit.
- (2) A minimum of 20% of the total number of units in a for-sale development shall be set-aside as affordable housing units. If the calculation of the total number of such affordable units yields a fractional unit of less than 0.5, then a payment in lieu shall be provided or one additional unit. If the calculation of the total number of such affordable units yields a fractional unit of greater than 0.5, it shall count as one additional unit.

I. No Subdivision Permitted:

The subdivision of properties proposed for multi-family residential developments or mixed use developments that will include multi-family housing and are thus required to provide an affordable housing set-aside is prohibited as a means to circumvent the mandatory set-aside requirement in § 106-175.E., F., G. and H. above.

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 18-24. NONE

Does anyone present wish to be heard concerning Ordinance 18-24. NONE

A motion was made by Councilman Lazarow, second by Council President Blumenstock, to close Public Hearing on Ordinance 18-24.

A motion was made by Councilwoman Todisco, second by Council President Blumenstock, to adopt Ordinance 18-24.

Discussion: NONE

Roll Call:

<b>Councilwoman Bianco</b>	<b>AYE</b>	<b>Councilman McCormack</b>	<b>AYE</b>
<b>Councilwoman Cuccaro</b>	<b>NAY</b>	<b>Councilwoman Todisco</b>	<b>AYE</b>
<b>Councilman Lazarow</b>	<b>AYE</b>	<b>Council President Blumenstock</b>	<b>AYE</b>

5-AYE, 1-NAY, Ordinance 18-24 was adopted

**INTRODUCTION:**

Municipal Clerk to read Ordinance 18-25 by title only:

**ORDINANCE NO. 18-25**

**ORDINANCE OF THE BOROUGH OF GARWOOD, COUNTY OF UNION, NEW JERSEY  
APPROVING THE APPLICATION FOR A LONG TERM TAX EXEMPTION AND  
AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH GARWOOD  
PAPERBOARD URBAN RENEWAL ASSOCIATES, LLC**

A motion was made by Councilman Lazarow, second by Councilwoman Todisco, to introduce Ordinance 18-25.

Roll Call:

<b>Councilwoman Bianco</b>	<b>AYE</b>	<b>Councilman McCormack</b>	<b>AYE</b>
<b>Councilwoman Cuccaro</b>	<b>NAY</b>	<b>Councilwoman Todisco</b>	<b>AYE</b>
<b>Councilman Lazarow</b>	<b>AYE</b>	<b>Council President Blumenstock</b>	<b>AYE</b>

5-AYE, 1-NAY, Ordinance 18-25 was introduced

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

**POLICE:** Councilwoman Bianco, Chr.

Hurricane season is upon us. The best way to protect yourself is to prepare yourself. For more information on planning for emergencies visit The NJ Office of Emergency Management at [www.ready.nj.gov](http://www.ready.nj.gov)

Residents with loved ones having special needs are encouraged to register through [www.registerready.gov](http://www.registerready.gov). Register Ready is a data based used by first responders to identify and assist people with special needs during natural disasters or other emergencies.

The first ever Garwood Police Department Coffee With a Cop event will be held on Wednesday October 3, 2018 between 9 am and 12 noon at Dunkin Donuts in the Garwood plaza. Everyone is welcome to come out and meet our officers.

**PUBLIC HEALTH:** Councilwoman Cuccaro **NO REPORT**

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

In addition to regular garbage pickup, the DPW performed shade tree pruning and/or removal in the following locations:

- 100 Block of 2<sup>nd</sup> Avenue
- 500 Block of Myrtle Avenue
- 500 Block of Locust Avenue
- Bushes in Hartman Park and Georgina Memorial

Fanwood's bucket truck was used for the tree work. They also performed sign maintenance/relocation in various areas of the Borough and continued to water the roadside flower pots on a daily basis. Repairs were completed to the Garwood street sweeper. Due to the age of the machine, parts for one of the hydraulic pumps had to be made by a machinist due to the unavailability of OEM parts that was on order since June. Once that was repaired, street sweeping operations were completed on the following Borough streets (with Garwood's sweeper):

- Around all of the school within the 400 Block of 2<sup>nd</sup> and 3<sup>rd</sup> Avenue.
- Center Street underpass
- Odd side of the streets on the North Side of the Borough
- Odd and even sides of the streets between Hickory and Locust Avenue

**FIRE:** Councilman McCormack, Chr.  
Read Fire Report.

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

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

**LAWS AND LICENSES:** Councilwoman Cuccaro **NO REPORT**

**RECREATION:** Councilman Lazarow **NO REPORT**

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

On September 6<sup>th</sup>, the Senior Club had the pleasure of a visit from Kathleen Hilbrandt, a Garwood resident who was a one of the first female pilots. She was born in 1924, lived on 4<sup>th</sup> Ave. and worked at Eastern making aircraft avenger bombers when men were overseas in World War II and mechanics were needed at home. She took flying lessons at Staten Island Airport and in Pennsylvania.

There was a shortage of pilots and so a program was created called WASP, Women's Airforce Service Pilots. Over 12,000 women applied, only 2,000 were accepted. When Kathleen was just 19, after having completed over 85 hours of training, she joined the prestigious WASPS. They were the first women ever to fly American military aircraft.

The group was disbanded in 1945, and Kathleen went on to get her instructors rating and trained vets to become airline pilots. She even flew in the famous powderpuff derby of 1960, going from NJ to California and from California back to Delaware. In 2010, the WASPS were honored for their service with the Congressional Medal of Honor. Kathleen goes each year back to Texas for the WASP reunion and at 94, she still flies as often as she can.

Kathleen brought many pictures with her of her time as a WASP and the more recent ones of her Medal of Honor, and I have to say it was a honor for me and I know the rest of the club feels this way, to meet her and share in her story. She is a hero and paved the way for women in the military.

Our next meeting is on September 20<sup>th</sup>. That's all for my report Mayor.

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

School is back in session and the library is happy to welcome back classes during the day and afterschool ROBLOX (computer game) crew.

September's programs include:

**Knitting Club** – Every Monday and Thursday at 10:30am

**Kid's Chess** - Every Monday at 3:00pm, starting September 17.

**Book Clubs** - Monday afternoon at 1pm and Thursday evening at 7 pm.

**Story Time** - Every Wednesday at 10:30am, starting September 19

**Kid's Craft** – Wednesday, September 19 at 3:00pm

**Movie Time** - Every Friday at 10:00 am, starting September 14.

**Lego Club** - Thursday, September 20 at 3:00pm

On September 12 the Library will partner with the Mother's Center of Union County to provide "Books for Babies" Mothers with children under one year old will receive a bag with a board book, schedules of library Story times, list of the benefits of reading to young children, book recommendations and a flyer from the Mother's Center.

On September 13, a Union County Division of Aging staff member will be at the Library from 10 am to noon to provide information for adults 60 and older, or their caregivers on home-delivered meals, respite care, home care, adult day care, senior transportation, home energy assistance, pharmaceutical assistance, Medicaid and more.

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, and Saturdays from 9:00 AM to 1:00 PM.

**SCHOOL BOARD LIAISON:** Councilman McCormack **NO REPORT**

**CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON:**

Councilwoman Cuccaro **NO REPORT**

**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**

Thank you, Mayor. I would like to again invite everyone to the rededication of Georgiana Gurrieri Memorial Park on Saturday, September 29th at 11am. The rain date will be the next day, same time. Gurrieri Memorial Park, which is at the corner of Fourth and Walnut, was first installed in 1993 and dedicated in September of that year. We are looking forward to rededicating it this year, on its 25th anniversary. The Historical Committee has invited Mayor Gurrieri's family to the event, will have a couple guest speakers, and will be serving coffee and donuts after the short ceremony. For those that may not be aware, Georgiana Gurrieri served her fellow citizens on the Garwood Council from 1975 to 1986. Then, she was elected Garwood's first female mayor and served from 1987 until her passing in 1990.

Additionally, the second edition of the Historical Committee's newsletter has been printed and will be delivered to homes by volunteers over the next two weeks. This newsletter is designed, printed, and distributed at no cost to the Borough. Be sure to be on the lookout for that as it has interesting information and announces the September 29th rededication of Gurrieri Park. That's all for my report, Mayor.

**PARKING COMMITTEE: Councilwoman Bianco NO REPORT**

**OFFICER'S REPORTS:**

Chief of Police James H. Wright monthly reports for July 2018  
Zoning Code Enforcement Officer Len DiStefano monthly report for August 2018  
Property Maintenance Officer Peter Picarelli monthly report for August

A motion was made by Councilwoman Todisco, second by Council President Blumenstock, 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.

NONE

**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. 18-184**

**WHEREAS**, the Council of the Borough of Garwood has determined that there exists a need for professional appraisal services for the Borough of Garwood's 2018/2019 tax appeals; and

**WHEREAS**, the Council of the Borough of Garwood directed the Borough Administrator/Clerk via Resolution No. 18-174, adopted on August 14, 2018, to prepare an RFQ which was posted in accordance with law on August 15, 2018, and received proposals on August 27, 2018, under a fair and open process in accordance with P.L. 2004, c.19, as amended by P.L. 2005, c.51; and

**WHEREAS**, the said Governing Body has determined that such services are professional services as defined in the Local Public Contracts Law of the State of New Jersey; and

**WHEREAS**, the Local Public Contracts Law requires that a notice stating the nature, duration, services and amount of each contract awarded as a professional services contract be printed once in the official newspaper of the municipality;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Garwood:

That the Mayor and Borough Clerk be and are hereby authorized and directed to execute an agreement with Timothy Hoffman Inc. Real Estate Appraisers and Consultants, P.O. Box 3030, Westfield, NJ 07090, for the provision of professional appraisal services in connection with the Borough of Garwood's 2018/2019 tax appeals; and

That said Contractor shall receive fees in accordance with the proposal dated August 22, 2018, and not to exceed \$10,000.00; and

That this contract is awarded without competitive bidding as professional services pursuant to the Local Public Contracts Law; and

That the Borough Clerk be and is hereby authorized and directed to maintain this resolution and the professional services contract on file and available for public inspection in the Office of the Borough Clerk; and

That the Borough Clerk is hereby authorized and directed to publish a copy of this notice as required by law.

**RESOLUTION NO. 18-185**

**WHEREAS**, the Borough of Garwood, Department of the Police is in need of a Civilian Police Dispatcher as defined in Chapter 34. Police Department, Article VI, Section 37-40 of the Code of the Borough of Garwood; and

**WHEREAS**, the Civilian Police Dispatcher shall serve at the pleasure of the Mayor and Council under the direction of James H. Wright, Chief of Police in the Department of the Police.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Garwood hereby hires:

Raymond J. Prato  
3 Bell Avenue  
Fords, NJ 08863  
Position: Civilian Police Dispatcher

**BE IT FURTHER RESOLVED**, by the Council of the Borough of Garwood that Raymond J. Prato shall be compensated \$28,779 per year as Civilian Police Dispatcher Probationary Class, effective September 13, 2018; and

**BE IT FURTHER RESOLVED** that his employment is subject to the terms and conditions of employment in the Borough of Garwood, including one-year probation commencing September 13, 2018.

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

Roll Call:

<b>Councilwoman Bianco</b>	<b>AYE</b>	<b>Councilman McCormack</b>	<b>AYE</b>
<b>Councilwoman Cuccaro</b>	<b>AYE</b>	<b>Councilwoman Todisco</b>	<b>AYE</b>
<b>Councilman Lazarow</b>	<b>AYE</b>	<b>Council President Blumenstock</b>	<b>AYE</b>

**RESOLUTIONS DELETED FROM THE CONSENT AGENDA:**

NONE

**NEW BUSINESS:**

**PROCLAMATION:**

POW/MIA Remembrance Day – September 21, 2018

**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 Cuccaro, second by Councilman Lazarow, to adopt Payment of Claims Resolution.

Roll Call:

<b>Councilwoman Bianco</b>	<b>AYE</b>	<b>Councilman McCormack</b>	<b>AYE</b>
<b>Councilwoman Cuccaro</b>	<b>AYE</b>	<b>Councilwoman Todisco</b>	<b>AYE</b>
<b>Councilman Lazarow</b>	<b>AYE</b>	<b>Council President Blumenstock</b>	<b>AYE</b>

**ADJOURNMENT:**

The Regular Meeting of the Mayor and Council will be held on, **TUESDAY, SEPTEMBER 25, 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. 18-25, ON TUESDAY, SEPTEMBER 28, 2018, AT 7:15 P.M. OR SOON THERE AFTER**

A motion was made by Councilwoman Cuccaro, Second by Councilman Lazarow, to adjourn.

Time: 8:47 p.m.

Respectfully submitted:



**CHRISTINA M. ARIEMMA, Municipal Clerk,**  
Borough of Garwood