

Borough of Garwood Meeting of the Mayor and Council

AGENDA

September 26, 2019

Moment of Silence.....

Salute to the Flag.....

Adequate notice of this meeting was provided to the Westfield Leader, advertised on January 3, 2019, notification was sent to the Star Ledger and prominently posted on the municipal public bulletin board and filed in the office of the municipal clerk informing the Public of the time and place according to the Provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

ROLL CALL:

Mayor Todisco	_____	Councilman Ince	_____
Councilman Benoit	_____	Councilman McCormack	_____
Councilwoman Blumenstock	_____	Council President Lazarow	_____
Councilman Graham	_____		

MINUTES:

Regular and Workshop Minutes of the Mayor and Council held on September 12, 2019.

A motion was made by _____, second by _____ to accept minutes as presented.
All in favor, opposed?

COMMUNICATIONS:

- 1) NEW JERSEY STATE LEAGUE OF MUNICIPALITIES –
 - a. Mayor's Advisory –
 - i. 09/12/19, RE: Important Conference Sessions, Daily Update for September 12, 2019
 - ii. 09/13/19, RE: 2020 Pension Bills Released: Weekly Round-Up, September 13, 2019
 - iii. 09/17/19, RE: Vaping Information, Daily Update for September 17, 2019
 - iv. 09/20/19, RE: Weekly Round-Up, September 16 - 20, 2019
- 2) RAHWAY VALLEY SEWERAGE AUTHORITY – 09/12/19, RE: RVSA Personnel Committee Meeting Notice.
 - a. 09/20/19, RE: Minutes
- 3) COUNTY OF UNION – 09/13/19, RE: 2018 summary audit
- 4) ROSA SANTOS – 09/13/19, RE: CDBG YR 46 Application Process - MEMO

ORDINANCES:

INTRODUCTION:

Municipal Clerk to read Ordinance 19-16 by title only:

ORDINANCE NO. 19-16

**ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF GARWOOD,
COUNTY OF UNION, NEW JERSEY ADOPTING AN AMENDMENT TO CERTAIN
PROVISIONS OF THE LAND USE ORDINANCE TO REVISE REGULATIONS
PERTAINING TO SUBMISSION OF PLANNING/ZONING APPLICATIONS**

A motion was made by _____, second by _____ to introduce Ordinance 19-16.

Roll Call:

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

COUNCIL STANDING COMMITTEE REPORTS AND OTHER REPORTS:

POLICE: Councilman Ince, Chr.

PUBLIC HEALTH: Councilman Ince

STREETS AND ROADS/ECOLOGY: Councilwoman Blumenstock Chr.

FIRE: Councilman McCormack, Chr.

FINANCE: Council President Lazarow, Chr.

BUILDINGS AND GROUNDS: Councilman Graham

LAWS AND LICENSES: Councilman Benoit

RECREATION: Councilman Benoit

GARWOOD SENIOR CITIZEN LIAISON: Councilwoman Blumenstock

LIBRARY, MAYOR'S REPRESENTATIVE: Council President Lazarow

SCHOOL BOARD LIAISON: Councilwoman Blumenstock

CELEBRATION OF PUBLIC EVENTS AND HOLIDAYS LIAISON: Councilman Benoit

HISTORICAL COMMITTEE: Councilman Graham

OFFICER'S REPORTS:

Chief of Police James Wright monthly report for August 2019.

A motion was made by _____, second by _____ to accept Officer's reports.

All in favor, opposed?

PUBLIC COMMENT:

Is there anyone in the audience who wishes to address the mayor and council please step to the microphone, and state your full name and address. Please limit your comments to five minutes.

Mayor Todisco requests a motion followed by a second to close public comment.
All in favor, opposed?

UNFINISHED BUSINESS:

CONSENT AGENDA

(Adoption upon Roll Call)

“Consent agenda items are considered to be routine and will be enacted with a single motion; any items requiring expenditure are supported by a Certification of Availability of funds; any item requiring discussion will be removed from the Consent Agenda; all Consent Agenda items will be reflected in the full minutes.”

RESOLUTION NO. 19-261

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR MARTIN LUTHER KING JR. DAY OF SERVICE DONATIONS REQUIRED BY N.J.S.A. 40A:5-29

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of Martin Luther King Jr. Day of Service Donations by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from Martin Luther King Jr. Day of Service Donations are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Garwood, County of Union, as follows

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Martin Luther King Jr. Day of Service (N.J.S.A. 40A:5-29)
2. The Clerk of the Borough of Garwood, County of Union is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

RESOLUTION NO. 19-262

BE IT RESOLVED that based on the recommendation of the Administrator/Clerk the Council of the Borough of Garwood County of Union, State of New Jersey, hereby appoint the following people as Co-Senior Citizen Directors in the Borough of Garwood, each at an annual salary of \$2,250.00, and effective October 1, 2019.

Kathleen J. Wierzbinski – Director of Programs

Katelyn Christopher – Director of Accounts/Treasurer

BE IT FURTHER RESOLVED that these positions are based on successful continuation of funding from CDBG.

RESOLUTION NO. 19-263

WHEREAS by the Council of the Borough of Garwood, County of Union, State of New Jersey the Municipal Clerk was authorized to advertise for a bid entitled “FOR THE RESURFACING OF SECTIONS OF ANCHOR PLACE, OAK STREET (NORTH SIDE) AND SPRUCE AVENUE IN THE BOROUGH OF GARWOOD, UNION COUNTY, N.J.”; and

WHEREAS on September 12, 2019, at the advertised time of 11:00 a.m., Denbar Construction, 625B North Michigan Avenue, Kenilworth, NJ 07033, submitted a base bid amount of \$260,304 plus Alternate 1 for \$7,700, Alternate #2 for \$4,200, and Alternate #3 for \$9,590, which is determined the lowest responsible bidder.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Garwood that the contract be hereby awarded to Denbar Construction, Inc., for \$268,004, which includes the base bid, plus Alternate #1 for \$7,700, pending New Jersey State Department of Transportation approval.

BE IT FURTHER RESOLVED that upon approval from DOT, the Mayor and Municipal Clerk be and are hereby authorized to execute an agreement in the form approved by the Borough Attorney.

RESOLUTION NO. 19-264

WHEREAS, DiMilia, Inc., PO Box 3366, Upper Montclair, NJ 07043, has satisfactorily completed on July 22, 2019, the project known as “Basketball Court Repaving at Hartman Park Project”; and

WHEREAS, the work included milling and paving of the Basketball Court at Hartman Park, Second Avenue, Garwood, NJ; and

WHEREAS, Maintenance Bond No. CSC-225409M has been received for two-year period concluding on July 22, 2021, for \$3,356.40; and

WHEREAS, the as built construction cost is \$21,503.58.

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 DiMilia, Inc., PO Box 3366, Upper Montclair, NJ 07043, for final payment in the amount of \$4,260.72.

RESOLUTION NO. 19-265

WHEREAS, a proposal has been received from Spartan Motors USA, INC., 1541 Reynolds Road, Charlotte, MI, 48813-2015, for the purchase specific equipment for the Spartan 100' Mid Mount Aerial Platform Fire Truck stock unit #217227 for use by the Garwood Fire Department in accordance with proposal CH-1R3 from Spartan Motors USA, INC., and attached hereto and made part hereof in the Borough of Garwood; and

WHEREAS, said contractor represents to the Borough of Garwood that it is in accordance with the H-GACBuy Cooperative Purchasing, 3555 Timmons Lane, Suite 120, Houston, Texas 77027, Co-op #ILC19-7828 for the purchase of said equipment at the price offered to the Borough of Garwood, to wit; \$16,848.87; and

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

WHEREAS, said equipment is purchased under Bond Ordinance No. 19-12 for the amount of \$16,848.87.

NOW, THEREFORE BE IT RESOLVED by the Council of the Borough of Garwood hereby award the aforementioned purchase of equipment for use by the Garwood Fire Department in accordance with proposal CH-1R3 from Spartan Motors USA, INC., 1541 Reynolds Road, Charlotte, MI, 48813-2015, attached hereto and that the Clerk be and is hereby authorized to enter such order on behalf of this Borough and to sign such documents as may be required to consummate this transaction.

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

RESOLUTION NO. 19-266

WHEREAS, N.J.A.C. 5:30-9A.6 and 5:31-4.1 allows for greater flexibility for local units when implementing requirements for claimant certifications set forth in N.J.S.A. 40A:516(a); and

WHEREAS, the local units are now given discretion to require a claimant certification as it deems necessary and appropriate; and

WHEREAS, the Chief Financial Officer of the Borough of Garwood recommends a claimant signature be required for all purchase orders with the exception of the below list; and

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Garwood, County of Union, State of New Jersey, that the below list will be exceptions to the claimant certification requirements:

- **Federal Express**
- **Amazon**
- **Home Depot**
- **Postage Machine USPS (CMRS-FP)**
- **Staples**
- **WB Mason**
- **McDonalds**
- **Prudential Retirement**

Premium/Installment payment to Insurance Company for Borough of Garwood Policies

Payments to local newspapers for advertising

Payments to Government Agencies-Federal, State, County, Local, BOE, Post Office

Payments to Utility Companies

Purchases/Contracts Authorized by Resolution

Prof. Ed courses including but not limited to where continuing education credits are awarded

Professional Membership Association Dues

Hotel and registration fees for professional conference or convention

Website hosting, including registration and maintenance of a domain name

RESOLUTION NO. 19-267

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 as listed for year 2020 in the Borough of Garwood.

- Professional Legal Services – Borough Attorney

- Professional Legal Service – Labor Attorney
- Professional Legal Service – Tax Appeals Attorney
- Professional Engineering Services – Contractual Engineering
- Professional Auditing Services - Auditor
- Municipal Prosecutor
- Municipal Public Defender

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

RESOLUTION NO. 19-267

RESOLUTION ENDORSING THE DECEMBER 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 March 28, 2017 Summary Plan which is the basis of the HEFSP; and

WHEREAS, the Planning Board, at a meeting held on April 17, 2017, reviewed the March 28, 2017 Summary Plan and determined that implementation of the March 28, 2017 Summary Plan is in the public interest and would promote the general welfare and, by Resolution dated April 17, 2017, endorsed the March 28, 2017 Summary Plan and, resolved that if the March 28, 2017 Summary Plan is approved by the Court, the Planning Board will promptly adopt the 2017 HEFSP in accordance with the March 28, 2017 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 March 28, 2017 Summary Plan and, if the March 28, 2017 Summary Plan was approved by the Court, that the Mayor and Council accept the 2017 HEFSP prepared in accordance with the March 28, 2017 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 March 28, 2017 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; and

WHEREAS, by resolution dated August 14, 2018, the Borough Council adopted a resolution endorsing the July 2018 HEFSP as adopted by the Planning Board as an amendment to the Master Plan; and

WHEREAS, prior to the compliance hearing on September 14, 2018, the Special Masters appointed by the court in connection with the DJ action submitted reports which included recommendations for revisions to the July 2018 HEFSP; and

WHEREAS, the Court in the DJ action entered a Judgment of Compliance and Repose on October 10, 2018 which contained certain conditions to be complied with, including, "The Borough shall revise, readopt and re-endorse the Borough's Housing Element and Fair Share Plan (HEFSP) to conform with the settlement agreement and with Recommendations 1 and 3 of Special Master McKenzie's report and the last paragraph of Section 3.0 and the second paragraph of Section 5.0 of Special Master Caton's report;" and

WHEREAS, Jill Hartmann, PP, has provided a December 2018 HEFSP conforming to the Settlement Agreement and to the recommendations of the Special Master; 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 December 2018 HEFSP prepared by Jill Hartmann, PP, the Planning Board determined on September 25, 2019 to adopt said December 2018 HEFSP;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Garwood, Union County, New Jersey, on this 26th day of September, 2019, that:

1. The Borough Council hereby agrees to implement the December 2018 HEFSP that has been adopted by the Planning Board; and
2. The Borough Council hereby endorses the December 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 _____, second by _____ to adopt Consent Agenda.

Roll Call:

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

RESOLUTIONS DELETED FROM THE CONSENT AGENDA:

NEW BUSINESS:

PROCLAMATIONS:

Metastatic Breast Cancer Awareness Day-October 13, 2019

Fire Prevention Week-October 6, 2019 – October 12, 2019

PAYMENT OF CLAIMS:

BE IT RESOLVED that the following claims as approved be and the same are hereby ordered paid when properly signed and verified; and the payment of payrolls as listed is hereby confirmed and ratified.

A motion was made by _____, second by _____ to adopt Payment of Claims Resolution.

Roll Call:

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

ADJOURNMENT:

The Regular Meeting of the Mayor and Council will be held on, **THURSDAY, OCTOBER 10, 2019**, 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. 19-16, ON THURSDAY, OCTOBER 10, 2019, AT 7:15 P.M. OR SOON THERE AFTER

A motion was made by _____ second by _____ to adjourn. Time: _____