

# Borough of Garwood Meeting of the Mayor and Council

## AGENDA

November 14, 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 Benoit** \_\_\_\_\_

**Councilwoman Blumenstock** \_\_\_\_\_

**Councilman Graham** \_\_\_\_\_

**Councilman Ince** \_\_\_\_\_

**Councilman McCormack** \_\_\_\_\_

**Council President Lazarow** \_\_\_\_\_

Motion to suspend the regular order of business to hold public hearing on the Union County Community Development Block Grant Proposal for the Year 46 as advertised on October 31, 2019.

Mayor Todisco asks the Clerk if she has received any applications or correspondence.

Mayor Todisco asks if any one wishes to be heard concerning CDBG applications.

Motion to close public hearing, followed by a second:

Motion to submit applications, followed by a second:

### **Borough of Garwood's Year 46 Applications:**

Senior Citizen Social Service Programs      \$ 40,000.00

### **MINUTES:**

Regular and Workshop Minutes of the Mayor and Council held on October 24, 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. 10/23/19, RE: State Releases Significant Transitional Aid Funding, Weekly Round-Up
    - ii. 10/23/19, RE: Daily Update, October 21
    - iii. 10/24/19, RE: Daily Update, October 24
    - iv. 10/25/19, RE: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25
    - v. 10/28/19, RE: Daily Update, October 28
    - vi. 10/31/19, RE: Daily Update, October 31
    - vii. 11/01/19, RE: Executive Order Issued, OPRA/OPMA, Weekly Round-Up, November 1
- 2) **TOWN OF WESTFIELD** – 10/24/19, RE: Ordinances 2144, 2150 and 2151.
- 3) **TOWNSHIP OF CRANFORD** – 10/24/19, RE: Ordinance 2019-12.
- 4) **GARWOOD RECREATION COMMISSION** – 10/24/19, RE: Minutes of the meeting held on September 9, 2019
- 5) **GARWOOD PLANNING BOARD** – 10/24/19, RE: Minutes of the meeting held on September 25, 2019

**ORDINANCES:**

NONE

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

**POLICE: Councilman Ince, Chr.**

**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:**

Judy Mack, Property Maintenance Officer monthly report for: October 2019  
Sandy Bruns, CFO/Treasurer report regarding Bond Anticipation Note Sale

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. 19-280**

**RESOLUTION CALLING FOR STUDY COMMISSION TO REVIEW THE OPEN PUBLIC RECORDS ACT**

**WHEREAS**, the Borough of Garwood strongly believes in and supports open transparent government, and that **citizens and residents** have the right to be informed about the workings of government in order to best participate in a democracy; and

**WHEREAS**, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

**WHEREAS**, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

**WHEREAS**, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an **unanticipated financial cost to the taxpayers** of New Jersey; and

**WHEREAS**, the Borough of Garwood has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

**WHEREAS**, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

**WHEREAS**, the Borough of Garwood received and responded to approximately 120 OPRA requests in 2017, 175 OPRA requests in 2018, and to date has received and responded to 255 OPRA requests as of September 1, 2019; and

**WHEREAS**, the Borough of Garwood's extremely limited municipal staff has spent approximately 255 hours responding to OPRA requests received in 2019 to date, and a yearly average of approximately 200 hours since 2017; and

**WHEREAS**, while for some municipalities those numbers may seem low; the Borough of Garwood does not have a Deputy Municipal Clerk nor excess staff therefore all OPRA requests are completed by the Municipal Clerk herself who also serves as the Administrator; and

**WHEREAS**, the requirements of Municipal Clerk's role in the law are broad and complex; the requirements of OPRA, time to respond, what to redact, the redacting process, denial of records, failure to be able to local records; and the consequences to the clerk in this law are unfair; and

**WHEREAS**, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Borough of Garwood must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees in response to OPRA requests in response to OPRA requests; and

**WHEREAS**, requests for records that must be located via IT staff have costed thousands of dollars and taken countless hours of the Municipal Clerks time, prohibiting and affecting all of her other many responsibilities; and

**WHEREAS**, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

**WHEREAS**, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

**NOW, THEREFORE BE IT RESOLVED** that the governing body of the Borough of Garwood appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

**BE IT FURTHER RESOLVED** that copies of this resolution be forwarded to Assembly Representatives Bramnick and Munoz, Senator Thomas Kean Jr., Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

**RESOLUTION NO. 19-281**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF GARWOOD, IN THE COUNTY OF UNION, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF GARWOOD AND AUTHORIZING THE MAYOR, MUNICIPAL CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$3,545,691 BOND ANTICIPATION NOTE AND A \$112,000 SPECIAL EMERGENCY NOTE, BOTH ISSUES DATED NOVEMBER 8, 2019 AND PAYABLE NOVEMBER 6, 2020, AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.**

**WHEREAS**, the Borough of Garwood, in the County of Union, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

**WHEREAS**, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

**WHEREAS**, the Borough intends to issue a \$3,545,691 Bond Anticipation Note and a \$112,000 Special Emergency Note, both issues dated November 8, 2019 and payable November 6, 2020 (collectively, the "Notes"); and

**WHEREAS**, the Borough desires to designate the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Garwood, in the County of Union, New Jersey, as follows:

**SECTION 1.** The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Notes) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

**SECTION 2.** The Mayor, Municipal Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

**SECTION 3.** The Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

**SECTION 4.** It is hereby determined and stated that (1) said Notes are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2019.

**SECTION 5.** It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Notes) during the calendar year 2019.

**SECTION 6.** The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

**SECTION 7.** The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2019 dated as of the date of delivery of the Notes.

**SECTION 8.** This resolution shall take effect immediately upon its adoption.

**RESOLUTION NO. 19-282**

**BE IT RESOLVED**, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorizes the Mayor and Municipal Clerk to sign the agreement with the County of Union for the following grants.

**Kids Recreational Trust Fund Grant - \$16,000**  
**Greening Union County - \$5,000**

**RESOLUTION NO. 19-283**

**BE IT RESOLVED** by the Council of the Borough of Garwood, County of Union, State of New Jersey, hereby authorize the CFO/Treasurer to process salary for the Tax Assessor, Annmarie Switzer for additional work performed during the Revaluation of Taxation process in the amount of \$2,500 charged to Ordinance No. 18-06.

**RESOLUTION NO. 19-284**

**BE IT RESOLVED** by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorizes the Mayor and Municipal Clerk to sign the grant application for:

Community Development Block Grant "Year 46"  
 Senior Citizen Social Service Programs \$ 40,000.00

**RESOLUTION NO. 19-285**

**WHEREAS**, the following equipment/vehicles used by the Department of Public Works are no longer usable based on their condition and age, and it is in the best interest of the borough to sell the equipment/vehicles for auction on Muncibid, an online public auction for government agencies; and

1990 Ford Bucket Truck	2FDLF47G3LCA92333
1991 Mobi Sweeper	1AH23DF0MR059035
1996 International Dump	1HTSDAAN6TH298835
1996 Volvo Garbage Truck	4V5JCBME8TR844882

**THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby authorize the Chief Wright to list the items on Muncibid in accordance with law.

**RESOLUTION NO. 19-286**

**BE IT RESOLVED** by the Council of the Borough of Garwood, County of Union, State of New Jersey hereby set the date for the Reorganization meeting of the Mayor and Council for 2020 for Monday, January 6, 2020 at 6:00 p.m., in the Council Chambers of the Municipal Building, 403 South Avenue, Garwood.

**RESOLUTION NO. 19-287**

**2019 Budget Transfer #1**

<b>FROM:</b>	<b>Department</b>	<b>Account Name</b>	<b>Account Number</b>	<b>Amount</b>
	Unemployment Ins	State Unemployment Ins	9-01-23-225-200-2071	15,000.00
	Streets & Roads	S&W	9-01-26-290-100-0100	11,000.00
			Total	26,000.00
<b>TO:</b>	<b>Department</b>	<b>Account Name</b>	<b>Account Number</b>	<b>Amount</b>
	Buildings & Grounds	Misc Materials & Supplies	9-01-26-310-200-0325	8,750.00

Shade Tree	General Maintenance	9-01-26-313-200-0920	11,250.00
Sanitation	Landfill/Garbage	9-01-32-465-200-0570	6,000.00
Total			<u>26,000.00</u>

A motion was made by \_\_\_\_\_, second by \_\_\_\_\_ to adopt Consent Agenda.

Roll Call:

<b>Councilman Benoit</b>	_____	<b>Councilman Ince</b>	_____
<b>Councilwoman Blumenstock</b>	_____	<b>Councilman McCormack</b>	_____
<b>Councilman Graham</b>	_____	<b>Council President Lazarow</b>	_____

**RESOLUTIONS DELETED FROM THE CONSENT AGENDA:**

**NEW BUSINESS:**

**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:

<b>Councilman Benoit</b>	_____	<b>Councilman Ince</b>	_____
<b>Councilwoman Blumenstock</b>	_____	<b>Councilman McCormack</b>	_____
<b>Councilman Graham</b>	_____	<b>Council President Lazarow</b>	_____

**ADJOURNMENT:**

The Regular Meeting of the Mayor and Council will be held on, **MONDAY, NOVEMBER 25, 2019**, in Council Chambers at 7:15 p.m. Workshop Session to start at 7:00 p.m.

A motion was made by \_\_\_\_\_ second by \_\_\_\_\_ to adjourn. Time: \_\_\_\_\_