

**BOROUGH OF FANWOOD  
MAYOR AND COUNCIL SPECIAL MEETING  
MARCH 7, 2016**

A Special Meeting of the Mayor and Council was held on March 6, 2016, at Borough Hall, 75 North Martine Avenue, Fanwood, NJ 07023 at 7:45 pm.

Mayor Colleen Mahr presided and stated: I hereby announce and request that such be included in the minutes of this meeting that notice of the time, place and date of the meeting has been prominently posted on the bulletin board at the Borough Hall, mailed to The Times, the Star Ledger, the Courier News, PATCH and Alternative Press, filed with the Borough Clerk and mailed to any person requesting the same in accordance with the requirements of the Open Public Meetings Act.

Present: Kevin Boris, Russell Huegel, Tom Kranz, Erin McElroy-Barker, Katherine Mitchell  
Jack Molenaar

Absent: None

Also Present: Colleen Mahr, Eleanor McGovern, Daniel McCarthy, Fred Tomkins, Peter Bondar

Mayor Mahr stated that this Special Meeting was being held to adopt a 2016 Bond Ordinance.

**NEW BUSINESS**

**Ordinance 16-01-S**

Huegel/Kranz moved to open the public hearing on Ordinance 16-01-S. Motion carried.

No one spoke.

Mitchell/Kranz moved to close the public hearing on Ordinance 16-01-S. Motion carried.

Huegel/Kranz moved to adopt Ordinance 16-01-S. Motion carried on the following roll call vote.

**BOND ORDINANCE PROVIDING AN APPROPRIATION  
OF \$965,000 FOR VARIOUS CAPITAL IMPROVEMENTS  
FOR AND BY THE BOROUGH OF FANWOOD IN THE  
COUNTY OF UNION, NEW JERSEY AND, AUTHORIZING  
THE ISSUANCE OF \$489,250 BONDS OR NOTES OF THE  
BOROUGH FOR FINANCING PART OF THE  
APPROPRIATION.**

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF FANWOOD, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough as general improvements. For the said Improvements there is hereby appropriated the amount of \$965,000, such sum includes the sum of (a) \$220,000 expected to be received from the New Jersey Department of Transportation in connection with the Improvement described in Section 3(a)(1), (b) \$200,000 expected to be received from the New Jersey Department of Transportation (via Federal Government) in

connection with the Improvement described in Section 3(a)(1), (c) \$30,000 expected to be received as a Union County Infrastructure Grant in connection with the Improvement described in Section 3(a)(3) and (d) \$25,750 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provisions in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by the application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$489,250 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$489,250 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
1. Various road improvements including but not limited to Madison Avenue, including curbs and sidewalks, including milling and paving, including all work or materials necessary therefor or incidental thereto.	\$750,000	\$313,500	20 years
2. Site remediation at the Department of Public Works garage, including all work or materials necessary therefor or incidental thereto.	55,000	52,250	15 years
3. Various road improvements, including but not limited to MacLennan Place, including curbs and sidewalks, including milling and paving, including all work or materials necessary therefor or incidental thereto.	60,000	28,500	10 years
4. Streetscape on South Avenue between Martine Avenue and Terrill Road, including all work or materials necessary therefor or incidental thereto.	100,000	95,000	15 years
<b>TOTAL</b>	<b>\$965,000</b>	<b>\$489,250</b>	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$489,250.

(c) The estimated cost of the Improvements is \$965,000 which amount represents the initial appropriation made by the Borough.

#### SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

#### SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form 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, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

#### SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 17.90 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department

of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$489,250 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$489,250.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

FOR: Huegel, Kranz, Boris, McElroy-Barker, Mitchell, Molenaar  
AGAINST: None  
ABSENT: None  
ABSTAINED: None

**MEETING OPEN TO THE PUBLIC**

Mitchell/Kranz moved to open the meeting to the public. Motion carried.

No one spoke.

Mitchell/Kranz moved to close the meeting to the public. Motion carried.

**ADJOURNMENT**

Mitchell/Kranz moved to adjourn at 7:55 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern  
Borough Clerk