

**BOROUGH OF FANWOOD  
MAYOR AND COUNCIL SPECIAL MEETING  
JUNE 6, 2016**

A Special Meeting of the Mayor and Council was held on June 6, 2016 at Borough Hall, 75 North Martine Avenue, Fanwood, NJ 07023 at 7:35 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, Fred Tomkins, Antonios Panogopoulos, Dan McCarthy

Mayor Mahr stated that this Special Meeting was being held to adopt three ordinances, award a contract and authorize a Chapter 159.

**OLD BUSINESS**

**A. Land Use and Historic Preservation (Councilwoman McElroy-Barker)**

**Ordinance 16-03-R**

McElroy-Barker/Molenaar moved to adopt Ordinance 16-03-R. Motion carried on the following roll call vote.

**AN ORDINANCE ADOPTING A REVISION TO THE REDEVELOPMENT PLAN FOR THE BLOCK BOUNDED BY SOUTH AVENUE, MARTINE AVENUE, LAGRANDE AVENUE AND SECOND STREET IN THE BOROUGH OF FANWOOD, NEW JERSEY PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET SEQ.**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Fanwood, County of Union, State of New Jersey, as follows:

**BE IT ORDAINED** by the Mayor and Council of the Borough of Fanwood, County of Union, State of New Jersey, as follows:

**Section I.** Introduction.

A. On June 14, 2001, the Mayor and Council of the Borough of Fanwood adopted Resolution No. 01-06-91, declaring that a one block area in downtown Fanwood shown as Block 64 on the Tax Map of the Borough, bounded by South Avenue, Martine Avenue, LaGrande Avenue and Second Street (the "Redevelopment Area"), qualified under the statutory criteria for designation as "an area in need of redevelopment" as set forth in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-5.

B. A redevelopment plan, entitled "Redevelopment Plan for Downtown Fanwood, Block 64" ("Redevelopment Plan") has been and shall continue to be maintained in the offices of the Fanwood Borough Clerk.

C. On March 12, 2002, the Mayor and Council of the Borough of Fanwood adopted Ordinance 02-01-R, adopting the Redevelopment Plan for the Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. The Redevelopment Plan was subsequently amended by adoption of the Governing Body on: February 24, 2005; November 8, 2005; September 14, 2010; December 14, 2010, and June 6, 2016.

G. Section 7 of the Local Redevelopment and Housing Law states that “[p]rior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan. . . . The governing body, when considering the adoption of a redevelopment plan or revision or amendment thereof, shall review the report of the planning board and may approve or disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following the recommendations.”

**SECTION II.** Whereas, the proposed amendment has been reviewed by the Planning Board pursuant to the Local Redevelopment and Housing Law; the Fifth Revision to the Redevelopment Plan is hereby adopted with the following changes (attached hereto as exhibit A):

Article III, entitled General Land Use Plan, “Land Use Regulations for the Downtown Residential District is amended as follows (added language is shown as underlined and deletions shown as ~~strikethroughs~~):

Article III, entitled General Land Use Plan, “Land Use Regulations for the Downtown Residential District is amended as follows (added language is shown as underlined and deletions shown as ~~strikethroughs~~):

- The section titled “Purpose” on page 18, is amended to add the following line to the end of the section titled “Purpose”: Additionally, the Borough desires to take the opportunity to provide for affordable housing in this district.
- The section titled “Principal Uses” on page 18, is amended to include For market-rate residences at the beginning of #1. A number 2 is added to read For affordable residences: multi-family dwellings including flats, duplexes, and any other multi-family configurations.
- On pages 19- 20, “Area, Yard and Bulk Requirements,” the following numbered paragraphs are hereby amended as follows:
  3. The maximum yield has been changed from 24 dwelling units to 28 market rate dwelling units and 7 affordable dwelling units.
  4. The sentence reading “If off-street parking is provided, it shall be internalized including garage and carports so that it is separated from view from a public street to the extent feasible with carports by the new residential buildings of the project” has been amended to include the underlined.
  3. The sentence reading “All new residential buildings shall be oriented so that they face either a common open space, ~~or a public street,~~ or parking.” has been amended to include the underlined.
  7. The sentence reading “The maximum front yard setback shall be the average setback of other buildings on Second Street and La Grande Avenue on this facing the block, but not less than 10 feet and such setback may include and sidewalks and lead walks and shall be landscaped with trees, shrubs, and/or turf or groundcovers, except for access driveways.” has been amended to include the underlined and remove the strike-through.
  8. The minimum distance from a principal building to any other lot line shall be ten (10) feet, provided that all sides of a building fronting on a street, interior road or parking area must have entrances connected to a pedestrian sidewalk as part of an integrated

pedestrian walkway for the redevelopment area, except for the northern lot line, which minimum distance shall be an average of five (5) feet and need not include any sidewalk.

- 9. The minimum distance from a principal building to a rear lot line shall be 15 feet, with the exception of the northerly property line, which shall be an average of five (5) feet.
  - 11. Vehicular access may be provided by means of privately-owned alleys to the rear of the residential building with a minimum width of eighteen (18) feet. Such alleys may provide access to rear entry enclosed garages, to carports, to private detached garages or to parking courts located to the rear of such units.
  - 13. The maximum height for townhouses and multi-family buildings shall be no greater than ~~two and a half~~ three stories, or ~~35~~ 40 feet; however, architectural features such as clock towers, cupolas, and the like may extend another 10 feet above the highest point of the roof, provided they do not exceed 500 square feet in area.
  - 14. The maximum floor area ratio permitted shall be ~~4.0;~~ 1.2, excluding parking garages.
- On page 21, the following section is added:

Access

The Borough shall provide access and required easements for access and utilities from and to the municipal parking lot on the block.

**SECTION III.** The Redevelopment Plan as revised by the Sixth Revision (the “Revised Redevelopment Plan”) shall supersede all provisions of Chapter 184 of the Fanwood Code (the Land Use Ordinance) specifically addressed in the Revised Redevelopment Plan. In situations where zoning matters are not specifically addressed in the Revised Redevelopment Plan, Chapter 184 of the Code of the Borough of Fanwood shall, however, remain in full force and effect.

**SECTION IV.** If any provision of this ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this ordinance, except so far as the provision so declared invalid shall be inseparable from the remainder of any portion thereof.

**SECTION V.** All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

**SECTION VI.** This ordinance shall take effect immediately upon final passage and publication as required by law and upon filing with the Union County Planning Board.

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

**B. Administration and Finance (Councilman Huegel)**

**Ordinance 16-04-S**

Huegel/Mitchell moved to open the public hearing on Ordinance 16-04-S. Motion carried.

No one spoke.

Huegel/Mitchell moved to close the public hearing. Motion carried.

Huegel/Mitchell moved to adopt Ordinance 16-04-S. Motion carried on the following roll call vote.

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,245,000 FOR VARIOUS CAPITAL IMPROVEMENTS FOR AND BY THE BOROUGH OF FANWOOD IN THE COUNTY OF UNION, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$1,182,750 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 \$1,245,000, such sum includes the sum \$62,250 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 \$1,182,750 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 \$1,182,750 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 MacLennan Place and Kempshall Terrace, including curbs and sidewalks, including milling and paving, including all work or materials necessary therefor or incidental thereto.	\$450,000	\$427,500	20 years
2. Acquisition of an ambulance.	200,000	190,000	5 years
3. Various improvements to municipal property, including but not limited to various parks throughout the Borough and the Borough library, including all work or materials necessary therefor or incidental thereto.	520,000	494,000	15 years

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
4. Various curb and sidewalk improvements throughout the Borough, including all work or materials necessary therefor or incidental thereto.	75,000	71,250	10 years
<b>TOTAL</b>	<b>\$1,245,000</b>	<b>\$1,182,750</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 \$1,182,750.

(c) The estimated cost of the Improvements is \$1,245,000 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 14.89 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 \$1,182,750 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$350,000 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 \$1,182,750.

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, Mitchell, Boris, Kranz, McElroy-Barker, Molenaar  
AGAINST: None

ABSTAIN: None  
ABSENT: None

**Ordinance 16-05-R**

Huegel/Mitchell moved to open the public hearing on Ordinance 16-05-R. Motion carried.

No one spoke.

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

Huegel/Mitchell moved to adopt Ordinance 16-05-S. Motion carried on the following roll vote.

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY, AMENDING CHAPTER 242 SANITARY SEWERS, ARTICLE III USER CHARGES, SECTION 242-9.2 USE OF TERMS, OF THE FANWOOD BOROUGH CODE REGARDING SEWER USER CHARGES**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Fanwood, County of Union, State of New Jersey, as follows:

Section 1. Chapter 242 Sanitary Sewers, Article III User Charges, Section 242-9.2, "Use of Terms", of the Code of the Borough of Fanwood, County of Union, State of New Jersey, is hereby deleted and amended as follows:

**SECTION 242-9.6. Use of Terms**

DELETE: CLASS B USERS means the owners and /or occupants of business, commercial, industrial, institutional and governmental uses that discharge less than 100,000 gallons of sewerage a year.

AMEND BY REPLACING with the following:

CLASS B1 USERS means the owners and /or occupants of business, commercial, industrial, institutional and governmental uses that discharge less than 50,000 gallons of sewerage a year

CLASS B2 USERS means the owners and /or occupants of business, commercial, industrial, institutional and governmental uses that discharge between 50,000 and 100,000 gallons of sewerage a year

Section 2. All other provisions of Chapter 242 shall remain in full force and effect.

Section 3. If any part(s) of this Ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Section 4. This Ordinance shall take effect as provided by law.

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

**NEW BUSINESS**

**A. Administration and Finance (Councilman Huegel)**

**Resolution 16-06-74**

Huegel/Mitchell moved to adopt Resolution 16-06-74. Motion carried on the following roll call vote.

**FORM OF RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:87 (With Matching Funds for Grants)**

**WHEREAS,** NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS,** the Director may also approve the insertion of an item of appropriation for equal amount.

**NOW, THEREFORE, BE IT RESOLVED,** that the Mayor and Council of the Borough of Fanwood in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year **2016** in the sum of **\$20,000.00** which is now available from the **Recreation Opportunities for Individuals with Disabilities Grant** in the amount of **\$20,000.00**

**BE IT FURTHER RESOLVED,** that the like sum of **\$20,000.00** is hereby appropriated under the caption **Recreation Opportunities for Individuals with Disabilities Grant,** and

**BE IT FURTHER RESOLVED,** that the sum of \$4,000.00 represents the amount required for the municipality’s share of the aforementioned undertaking or improvement appears in the budget under the caption Matching Funds for Grants: and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the **State of New Jersey** in the amount of **\$20,000.00**

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

**B. Public Works (Councilman Molenaar)  
Resolution 16-06-73**

Molenaar/Kranz moved to adopt Resolution 16-06-73. Motion carried on the following roll call vote.

**WHEREAS,** the Mayor and Council have a need to acquire special engineering services (“Services”), by means of a fair and open contract procedure pursuant to the provisions of N.J.S.A. 19:44A-20.5, and

**WHEREAS,** the Borough Clerk has determined that the value of the Services may exceed \$17,500, and

**WHEREAS,** T & M Associates submitted a response to the RFQ issued by the Mayor and Council for the Services relating to Engineering Services and was determined to be a Qualified Respondent for the Services, and

**WHEREAS,** the Mayor and Council have determined to retain said firm.

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

Fanwood that T & M Associates, be, and hereby is, appointed to provide professional engineering services for survey, engineering, construction administration and inspection phases of the 2016 Road Improvement Program.

**BE IT FURTHER RESOLVED** that a copy of the attached notice be printed once in The Times of Scotch Plains within 10 days from this date.

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk be, and hereby are, authorized to enter into a contract in accordance with the terms of this Resolution and the attached Notice.

**NOTICE OF AWARD OF CONTRACT  
FOR PROFESSIONAL SERVICES BY THE BOROUGH OF FANWOOD  
RESOLUTION 16-06-73**

<b>CONTRACTOR:</b>	T & M Associates 1455 Broad Street Bloomfield, NJ 07003
<b>NATURE OF SERVICE:</b>	Professional engineering services relevant to the 2016 Road Improvement Program
<b>DURATION:</b>	Period ending May 31, 2017
<b>AMOUNT:</b>	Not to exceed \$60,000

A copy of this resolution and contract relating to the services are on file and available for public inspection in the Municipal Clerk's office.

<b>FOR:</b>	Molenaar, Kranz, Boris, Huegel, McElroy-Barker, Mitchell
<b>AGAINST:</b>	None
<b>ABSTAIN:</b>	None
<b>ABSENT:</b>	None

**MEETING OPEN TO THE PUBLIC**

Mitchell/Kranz moved to open the meeting to the public. Motion carried.  
Harry McNally, Second Street, asked various questions relevant to the above resolutions.  
Mitchell/Kranz moved to close the meeting to the public. Motion carried.

**ADJOURNMENT**

Mitchell/Kranz moved to adjourn at 7:40 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern  
Borough Clerk