

**BOROUGH OF FANWOOD
MAYOR AND COUNCIL REGULAR MEETING
AUGUST 15, 2016**

The Regular Meeting of the Mayor and Council was held on August 15, 2016 at Borough Hall, 75 North Martine Avenue, Fanwood, NJ 07023 at 7:05 PM.

Mayor Colleen Mahr presided and stated: I hereby announce and request that such be included in the minutes of the meeting that notice of time, place and date of this meeting has been prominently posted on the bulletin board at Borough Hall; mailed to the Times, The Star Ledger, Courier News, PATCH, Alternate Press by January 10, 2016 filed with the Borough Clerk and mailed to any person requesting same in accordance with the requirements of the Open Public Meeting Act

The Pledge of Allegiance was led by Mayor Mahr.

Eleanor McGovern, Borough Administrator, gave the invocation

- Present: Kevin Boris, Russell Huegel, Tom Kranz, Erin Mcelroy-Barker, Katherine Mitchell, Jack Molenaar
- Absent: None
- Also Present: Colleen Mahr, Eleanor McGovern, Daniel McCarthy

MINUTES

Boris/Mitchell moved to accept the following minutes as presented. Motion carried.

Regular Meeting	July 18, 2016
Agenda Meeting	August 1, 2016
Special Meetings	August 1, 2016
DRA Meeting	August 1, 2016

APPOINTMENTS/RESOLUTIONS/PROCLAMATIONS/PRESENTATIONS

Presentation:

Mayor Colleen Mahr presented a Devlin print of the Community House to Jennifer-Coppock-Huegel in recognition of her volunteer service to the Fanwood Memorial Library.

CORRESPONDENCE

1. Township of Clark
Re: Resolution supporting the fairness Formula Equal School Funding and Property Tax Relief
Disposition: Note and File
2. PSE&G
Re: Petition of PSE&G for approval of second extension of a solar generation

Investment program. Notice of Meeting Dates.
Disposition: Note and File

Boris/Mitchell moved to accept the correspondence as presented. Motion carried.

COUNCIL REPORTS

A. Administration and Finance (Councilman Huegel)

Huegel/Kranz moved to accept the Tax Collector Report. Motion carried.

Huegel/Mitchell moved to adopt the payment of claims. Motion carried on the following roll call vote.

BE IT RESOLVED that claims in the amount of \$1,019,577.58 having been listed on the Bill List and recorded in the files of the Borough Hall, and approved by the Chairman of the appropriate Committee, be paid.

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

B. Public Safety (Councilman Boris)

Councilman Boris reported for the Environmental Commission and the Open Space Tax.

C. Public Works (Councilman Molenaar)

Councilman Molenaar reported for Public Works and Recycling.

D. Land Use and Historic Preservation (Councilwoman Mcelroy-Barker)

Councilwoman McElroy-Barker reported for the Recreation Commission.

E. Recreation and Community Services (Councilman Kranz)

Councilman Kranz reported for Recycling, the website and the Board of Health.

F. Health and Senior Citizens (Councilwoman Mitchell)

Councilwoman Mitchell reported for the Library and the Rescue Squad.

MEETING OPEN TO THE PUBLIC

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

Harry McNally, Second Street had many questions on the status of recycling in the Borough.

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

OLD BUSINESS

None

NEW BUSINESS

A. Administration and Finance (Councilman Huegel)

Resolution 16-08-113

Councilman Huegel/Boris moved to adopt Resolution 16-08-113. Motion carried.

WHEREAS, New Jersey law, specifically N.J.S.A. 54:4-67, permits a governing body by resolution to fix a penalty to be charged taxpayers with delinquencies in excess of \$10,000 and who fail to pay such delinquencies prior to the end of the fiscal year; and to authorize a 10 day grace period for the payment of taxes, and

WHEREAS, N.J.S.A. 54:4-67 permits the holder of an outstanding tax sale certificate to receive the aforementioned penalty as part of the amount required to be paid by the taxpayer to redeem such certificates(s) of tax sale if said certificate holder has fully paid and satisfied such taxes; and

WHEREAS, N.J.S.A. 54:4-67 permits the governing body by resolution to fix the rate of interest to be charged for the non-payment of taxes or assessments, so long as it is fixed on or before the date when the taxes or assessments become delinquent; and

WHEREAS, N.J.S.A. 54:44-67 requires a municipality wishing to effectuate the terms of said statute to adopt a resolution prior to the date on which such taxes or assessments become delinquent.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fanwood, as follows:

1. Authorizes a 10-day grace period of the payment of taxes.
2. The Collector of Taxes shall charge interest at the rate of eight (8%) percent per annum on the first \$1,500.00 of the delinquency, which term is defined in N.J.S.A. 54:4-67, and eighteen (18%) percent per annum on any amount of the delinquency, as that term is defined in N.J.S.A. 54:4-67, in excess of the \$1,500.00, to be calculated from the date the taxes and/or assessments were payable until the date that actual payment; and
3. The Tax Collector shall also charge a penalty of an additional six (6) percent of the amount of the delinquency, as that term is defined by N.J.S.A. 54:4-67, to a taxpayer with such a delinquency in excess of \$10,000 and who fails to pay that delinquency prior to the end of the fiscal year.
4. If such taxes and/or assessments are fully paid and satisfied by the holder of an outstanding tax sale certificate, such holder shall be entitled to receive the six (6%) percent penalty as part of the amount required to be paid by the taxpayer in order to redeem such tax sale certificate; and
5. Pursuant to N.J.S.A. 38:23C-18 (the Soldiers & Sailors Relief Act):
 - a) Owners of property in the Borough who are on active duty in the military are protected from tax sale.
 - b) Rate of interest on delinquent payments lowered to 6% for all persons on active duty in U. S. military.

BE IT FURTHER RESOLVED that the Collector of Taxes of the Borough of Fanwood is

hereby authorized to conduct the annual sale of delinquent taxes for the calendar year 2015.

Resolution 16-08-114

Councilman Huegel/Boris moved to adopt Resolution 16-08-114. Motion carried.

WHEREAS, N.J.S.A. 40A:5-17.1 permits the governing body to adopt a resolution authorizing a municipal employee to cancel, without further action on the part of the governing body, any property tax overpayment or delinquency of less than \$10.00.

NOW, THEREFORE, BE IT RESOLVED the Tax Collector is hereby authorized to process such overpayments or delinquencies.

Resolution 16-08-115

Councilman Huegel/Boris moved to adopt Resolution 16-08-115. Motion carried.

WHEREAS, Michael Rusin has completed the necessary requirements for an in-grade promotion to Patrolman Class B, and

WHEREAS, the Chief of Police certifies that the prerequisites for in-grade promotion have been accomplished and has recommended that Michael Rusin be promoted to Patrolman Class B, on August 17, 2016.

NOW, THEREFORE, BE IT RESOLVED, the Borough Council hereby authorizes Michael Rusin's promotion to Patrolman Class B on August 17, 2016.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Borough Treasurer to make the necessary salary adjustment.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Borough Treasurer and the Borough Tax Collector.

Resolution 16-08-129

Councilman Huegel/Boris moved to adopt Resolution 16-08-129. Motion carried.

WHEREAS, our climate is rapidly changing, leaving New Jersey families and businesses vulnerable to the impacts of more frequent and severe storms, and

WHEREAS, Fanwood is extremely vulnerable to the effects of extreme weather events that are more common as a result of a changing climate, and

WHEREAS, our community is deeply concerned about the adverse impacts of climate change, and

WHEREAS, major hurricanes alone have cost the state of New Jersey billions in the last decade, and

WHEREAS, the Governor and Legislature of New Jersey have a responsibility to address climate change in the Garden State by improving energy efficiency, addressing the cumulative impacts of concentrated industrialization, promoting adaption to climate change and sea-level rise, increasing our production of clean energy, and promoting renewable installations in brownfields and landfills, and

WHEREAS, immediate action on climate change is needed to prevent the loss of property and life and ensure continued economic success.

NOW, THEREFORE, BE IT RESOLVED by the Fanwood Borough Council that Fanwood:

- Commits to facilitate and incentivize greater clean energy investment in the community
- Commits to install renewable energy technology on Borough facilities where feasible
- Commits to a broad energy efficiency goal that prioritizes reducing building energy use by developing a list of best practices for building
- Commits to reducing greenhouse gas emissions and pollution from vehicles by enacting legislation

Resolution 16-08-116

Councilman Huegel/Boris moved to adopt Resolution 16-08-116. Motion carried on the following roll call vote.

WHEREAS, a State Tax Court Judgment was entered to reduce the assessed value for multiple tax years on the following

346 South Avenue
Block 91 Lot 6

<u>2012 Original Assessment</u>	<u>Judgment</u>
558,200	441,100
<u>2013 Original Assessment</u>	<u>Judgment</u>
558,200	441,500
<u>2014 Original Assessment</u>	<u>Judgment</u>
558,200	460,900
<u>2015 Original Assessment</u>	<u>Judgment</u>
558,200	460,500

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the Borough of Fanwood hereby authorizes the Tax Collector to refund \$54,912.15 the total amount overpaid in taxes due to the successful appeal.

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

Resolution 16-08-117

Councilman Huegel/Boris moved to adopt Resolution 16-08-117. Motion carried on the following roll call vote.

**RESOLUTION OF THE BOROUGH OF FANWOOD AUTHORIZING SUBMISSION TO
 VOTERS OF A REFERENDUM QUESTION AUTHORIZING IMPOSITION OF AN OPEN
 SPACE TAX**

WHEREAS, N.J.S.A. 40:12-15.7 authorizes the Borough Council of the Borough of Fanwood (the “Borough Council”) to submit to the voters of the Borough of Fanwood (the “Borough”) in a general election a referendum question authorizing imposition of an annual levy for an amount or at a rate deemed appropriate for any or all of the following purposes: (a) acquisition, development and/or maintenance of lands for recreation and conservation purposes; (b) acquisition of farmland for farmland preservation purposes; (c) acquisition and/or historic preservation of historic properties, structures, facilities, sites, areas or object; or (e) payment of debt service on indebtedness issued or incurred by the Borough for any of the acquisition, development and/or historic preservation purposes set forth above; and

WHEREAS, the Borough Council has determined that it would be in the public interest to place a non-binding referendum question on the November 2016 general election ballot for the purpose of assessing voter preference with regard to the question as to whether the Borough shall create a municipal open space recreation and farmland preservation trust fund for the purposes aforesaid funded by an annual levy, i.e., a tax, at a rate not to exceed \$.01 per \$100.00 of assessed value of real property located in the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fanwood, County of Union, State of New Jersey, as follows:

1. The Borough shall cause the following referendum question to be placed on the November 2016 general election ballot:

Shall the Borough of Fanwood establish an annual levy at the rate of \$0.01 per \$100.00 of assessed value of real property located in the Borough and annually appropriate that revenue for any or all of the following purposes, or any combination thereof:

- a. acquisition of lands for recreation and conservation purposes;
- b. development of lands acquired for recreation and conservation purposes;
- c. maintenance of lands acquired for recreation and conservation purposes;
- d. acquisition of farmland for farmland preservation purposes;

- e. historic preservation of historic properties, structures, facilities, sites, areas or objects, and the acquisition of such properties, structures, facilities, sites, areas or objects for historic preservation purposes; or
- f. payment of debt service on indebtedness issued or incurred by the Borough for any of the purposes set forth in paragraphs (a), (b), (d), or (e) herein above?

YES [] NO []

Interpretive Statement: A “yes” vote on this question would allow the Borough of Fanwood to preserve remaining tracts of open space which are rapidly being developed by establishing a “Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund” to be funded annually through the collection of a dedicated open space tax in the amount of one cent per one hundred dollars of assessed real property value. This tax would be dedicated to the acquisition, improvement and/or maintenance of land for recreation and conservation purposes, the acquisition of farmland for farmland preservation purposes, the acquisition and/or preservation of historic properties, structures, facilities, sites, areas or objects, or for payment of debt service or indebtedness issued or incurred by the Borough for any of these purposes. Approval would also enhance the Borough’s ability to qualify for NJ State Green Acres funds under the Planning Incentive Acquisition Program and enable the Borough to qualify for any future programs, presently not in existence, which might condition a municipality’s eligibility to receive open space funds on the adoption of a tax levy and the creation of a “Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund.”

- 2. A certified copy of this Resolution shall be filed immediately with the Clerk of the County of Union with direction that the aforesated question and explanatory statement be printed and appear on the Official Ballot to be used in the Borough of Fanwood in this November 2016 general election.
- 3. A copy of this Resolution shall be available for public inspection at the office of the Borough Clerk.
- 4. This resolution shall take effect immediately.

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

Resolution 16-08-118

Councilman Huegel/Mitchell moved to adopt Resolution 16-08-118. Motion carried on the following roll call vote.

WHEREAS, the Borough of Fanwood is desirous of partnering with the Township of Scotch Plains and the Scotch Plains Fanwood Board of Education in submitting an application to Union County for its 2016 Union County Kids Recreation Grant for field improvements at Terrill Middle School as a shared service, and

WHEREAS, a proposal was received by the Scotch Plains Fanwood Board of Education for surveying and civil engineering design services, for Phase I, in the amount of \$22,362.00, with Fanwood’s 20% share amounting to \$4,472.50.

NOW, THEREFORE, BE IT RESOLVED, the Borough Council of the Borough of Fanwood hereby authorizes Fanwood’s participation in this project, since playing fields are at a premium and this project will allow a new field to be added to the list that will enhance the sports programs of the three entities .

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

Resolution 16-08-119

Councilman Huegel/Mitchell moved to adopt Resolution 16-08-119. Motion carried on the following roll call vote.

BE IT RESOLVED by the Borough Council that T M Painting and Construction is hereby awarded the contract for the painting of the Municipal Building for an amount not to exceed \$14,800.00.

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

Resolution 16-08-120

Councilman Huegel/Boris moved to adopt Resolution 16-08-120. Motion carried on the following roll call vote.

WHEREAS, N.J.S. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A:4-85, the Council of the Borough of Fanwood, in the County of Union, State of New Jersey, hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget year 2016:

Appropriation will be made from Sanitation O&E \$5,000.00 to

An appropriation in the like amount of \$5,000.00 to Sanitation S&W

BE IT FURTHER RESOLVED, that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Borough for the reasons hereinafter set forth:

The Borough has hired as an employee a previously contractual person. Consequently funds need to be moved from the expense line to the other salary line.

BE IT FURTHER RESOLVED, that the Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

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

Resolution 16-08-121

Councilman Huegel/Molenaar moved to adopt Resolution 16-08-121. Motion carried on the following roll call vote.

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2014 AND 2015 TAX APPEAL ENTITLED, GASPARINO, ANTHONY V. BOROUGH OF FANWOOD, DOCKET NOS.: 010027-2014 AND 011007-2015, BLOCK 64, LOT 15 COMMONLY KNOWN AS 50 S. MARTINE AVENUE.

WHEREAS, an appeal of the real property tax assessment for tax year 2014 and 2015, Block 64, Lot 15 has been filed by the taxpayer, Anthony Gasparino.

WHEREAS, the Borough of Fanwood desires to settle the tax appeal for the tax year 2014 and 2015, and the proposed settlement agreement has been reviewed and recommended by the Borough Special Tax Counsel and Tax Assessor; and

WHEREAS, settlement of said matter as more fully set forth below is in the best interests of the Borough of Fanwood;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Fanwood that the tax appeal settlement for the property and tax years herein are hereby authorized as follows:

1. Settlement of the 2014 and 2015 tax appeal is hereby authorized as follows:
50 S. Martine Avenue

<u>Year: 2014</u>	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 19,100	\$ 19,100	
Improvements	\$ 131,100	\$ 131,100	WITHDRAWN
Total	\$ 150,200	\$ 150,200	
<u>Year: 2015</u>	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 19,100	\$ 19,100	\$ 19,100
Improvements	\$ 131,100	\$ 131,100	\$ 117,900
Total	\$ 150,200	\$ 150,200	\$ 137,000

2. The Borough Special Tax Counsel and Tax Assessor are hereby authorized and directed to execute and deliver such agreements, pleadings stipulations or other documentation as is reasonably necessary and/or appropriate to memorialize the settlement authorized herein;

3. The assessment for Tax Year 2016 shall be \$118,900.

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

Resolution 16-08-122

Huegel/Boris moved to adopt Resolution 16-08-122. Motion carried on the following roll call vote.

**Declaration of Emergency
 Forest Road Park Mold Remediation/Repairs**

WHEREAS, the Mayor and Council of the Borough of Fanwood, County of Union, State of New Jersey have determined that an emergency conditions exists throughout the Borough as a result of the damage caused by HVAC leak; and

WHEREAS, this emergency consists of damage to ceiling tiles, wall board, insulation, wood beams and edging; including the development of black mold.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fanwood, in the County of Union, State of New Jersey, authorize the Borough Administrator and Director of Public Works to address this emergency in the most cost effective and efficient manner, securing quotes for work where practicable and making direct purchases without quotes where necessary, in order to reduce the environmental impact which might result from this emergency condition; and

BE IT FURTHER RESOLVED, that costs associated with this emergency shall be charged to the various emergency appropriation accounts to be established by this governing body in the current budget

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

Resolution 16-08-123

Huegel/Boris moved to adopt Resolution 16-08-123. Motion carried on the following roll call vote.

WHEREAS, the Borough of Fanwood will be initiating curbside pickup of recyclables with the Plainfield Municipal Utility Authority in the Fall of this year and is desirous of acquiring a smart phone app to assist with recycling information when the program begins, and

WHEREAS, Recycle Coach gave the Borough a proposal to provide an app in the amount of \$2500/year that is capable of providing recycling information and other notifications we may want to provide.

NOW, THEREFORE, BE IT RESOLVED the Fanwood Council hereby awards the contract, for a recycling app, to Recycle Coach, in the amount of \$2,500/year.

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

Resolution 16-08-124

Huegel/Boris moved to adopt Resolution 16-08-124. Motion carried on the following roll call vote.

BE IT RESOLVED by the Borough Council that Electric Time is hereby awarded the contract for the repair of the Memorial Clock in an amount not to exceed \$5,698.00.

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

Resolution 16-08-128

Huegel/Boris moved to adopt Resolution 16-08-128. Motion carried on the following roll call vote.

RESOLUTION OF THE BOROUGH OF FANWOOD AUTHORIZING TERMINATION OF CELL TOWER LEASE AGREEMENT WITH METRO PCS

WHEREAS, The Borough of Fanwood and MetroPCS New York, LLC (“Metro PCS”) entered into a Lease Agreement on August 17, 2009, to locate a communications tower on property owned by the Borough and located at 75 North Martine Ave., Borough of Fanwood, County of Union, State of New Jersey and further identified as Lot 4, Block 32 in the Borough of Fanwood; and

WHEREAS, Metro PCS provided written notice of termination on June 30, 2015 advising of a termination of the Agreement as of August 1, 2015; and

WHEREAS, the Borough and Metro PC desire to resolve any disputes regarding the termination of the Lease by entering into a Settlement Agreement which provides, in part, for the payment of \$55,000 by Metro PCS to the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fanwood, County of Union, State of New Jersey, as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a Settlement Agreement subject to approval by the Township Attorney, and, together with all other officers, professionals and employees of the Borough, are hereby further authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
2. A copy of this Resolution shall be available for public inspection at the office of the Borough Clerk.
3. This Resolution shall take effect immediately.

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

Resolution 16-08-125

Molenaar/Boris moved to adopt Resolution 16-08-125. Motion carried on the following roll call vote.

WHEREAS, the Mayor and Council have a need to acquire special environmental consulting 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, Najarian Associates, One Industrial Way West, Eatontown, New Jersey 07724 submitted a response to the RFQ issued by the Mayor and Council for the Services relating to Professional 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 Najarian Associates, be, and hereby is, appointed to provide professional engineering services for the sidewalk replacement behind the Martine Avenue Shops.

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 16-08-125**

CONTRACTOR: Najarian Associates
One Industrial Way
Eatontown, NJ 07724

NATURE OF SERVICE: Engineering Services relevant to the sidewalk replacement Program behind the Martine Avenue Shops

DURATION: Period ending July 31, 2017

AMOUNT: Not to exceed \$27,000.00

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.

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

Resolution 16-08-126

Molenaar/Huegel moved to adopt Resolution 16-08-126. Motion carried on the following roll call vote.

WHEREAS, the three year contract for the Borough Engineer, appointed through Resolution 13-08-123, expired on July, 31, 2016 and the Borough Council desires to extend the contract.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that the aforesaid contract is hereby extended to October 31, 2016.

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

Resolution 16-08-127

Molenaar/Mitchell moved to adopt Resolution 16-08-127. Motion carried on the following roll call vote.

WHEREAS, Chapter 224 of the Fanwood Borough Code requires that: the owner and/or operator of every property in the Borough keep the exterior of the premises free of nuisances, which include but are not limited to (1) Garbage and/or refuse;(2) natural growth as defined in the Code; (3) overhanging objects which, by reason of their location above ground level, constitute a danger of falling on persons; (4) ground surface hazards; and (5) sources of infestation;

WHEREAS, Chapter 224 mandates that it is the duty of the owner and/or operator to keep and maintain the exterior of the premises and structures so that the appearance of the same shall not constitute a blighting factor, including but not limited to landscaping for which the premises shall be kept from becoming overgrown and/or unsightly;

WHEREAS, Chapter 224 mandates that the exterior of every structure be maintained in good repair for purposes of preservation and appearance and free of conditions reflective of deterioration or inadequate maintenance; and

WHEREAS, the Fanwood Public Officer (“Public Officer”) investigated complaints regarding property maintenance at the addresses listed hereafter;

WHEREAS, the required notices and letters were sent by the Public Officer pursuant to Chapter 224 both before and after obtaining the approval of the Mayor and Council pursuant to said Chapter;

WHEREAS, either no action was taken by and/or no responses were received from the property owner or operator to remediate the problems and bring the properties in conformance with Chapter 224;

WHEREAS, such failure to act and/or respond resulted in the subject properties being in violation of Chapter 224;

WHEREAS, Section 224-18C of the Borough Code provides that where abatement of any nuisance is accomplished and the premises brought into compliance with Chapter 224 through the expenditures of Borough funds, such costs shall be assessed against the premises cited as a lien in the same manner as real estate taxes; and

WHEREAS, the Public Officer and/or the Mayor and Council determined that to abate such nuisance, the Borough needed to take action to bring the properties in conformance with Chapter 224, and that the costs involved in such action be reimbursed to the Borough by adding the tax liability against the subject premises.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council, that liens shall be assessed against the properties set forth on Exhibit A in an amount not to exceed \$500 for each property, based upon the Department of Public Works submitting a Certification of the costs for each to the Borough to cure the maintenance issues at each of these properties, with the Mayor and Council determining such costs are

reasonable and necessary, and based upon Section 224-18C of the Borough Code, as well as N.J.S.A. 40:48-2.14.

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

MEETING OPEN TO THE PUBLIC

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

Harry McNally, Second Street, commented about the clock repairs, mosquitoes and the recycling operation.

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

COUNCIL COMMENTS

Mayor Colleen Mahr commented on the Open Space Referendum.

EXECUTIVE SESSION

None

ADJOURNMENT

Boris/Kranz moved to adjourn at 7:50 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern
Borough Clerk

