

**BOROUGH OF FANWOOD  
MAYOR AND COUNCIL REGULAR MEETING  
JULY 15, 2014**

The Regular Meeting of the Mayor and Council was held on July 15, 2014 at Borough Hall, 75 North Martine Avenue, Fanwood, NJ 07023 at 7:05 PM.

Mayor Colleen Mahr 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, 2014 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, Daniel Levine, Katherine Mitchell  
Jack Molenaar  
Absent: None

Also Present: Mayor Colleen Mahr, Eleanor McGovern, Engineer Donald Norbett, Dennis Estis arrived later

**MINUTES**

Boris/Huegel moved to adopt the following minutes as presented. Motion carried.

Regular Meeting          June 17, 2014

**APPOINTMENTS/RESOLUTIONS/PROCLAMATIONS/PRESENTATIONS**

The Oath of Office was administered to Daniel Kranz as Fanwood's newest Police Officer by Mayor Mahr.

**Presentation:**

Mayor Mahr presented Volunteer of the Month Louise Meyler with a Devlin print for her many years of service to the Thrift Shop at the Fanwood Presbyterian Church.

**Proclamations:**

Girl Scout Gold Award Proclamations were given to the following recipients:

1. Meghan Costello
2. Jessica Fugett
3. Charlotte Peach
4. Megan Voorhees

Shannon Burns and Jessica Banasiak's proclamations were received by Regina Whitmer, Service Unit Manager FSPGS, for distribution to the Girl Scouts.

**CORRESPONDENCE**

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

- 1. Scarinci Hollenbeck/Comcast  
Re: Merger Petition Comcast/Time Warner Cable Inc.  
Disposition: Note and File
- 2. PSE&G  
Re: Resetting of the Company’s Electric and Gas Green Programs Recovery Charge  
Disposition: Note and File
- 3. PSE&G  
Re: Petition to BPU to recover maintenance costs and storm restoration related capital expenditures in its next base rate case.  
Disposition: Note and File
- 4. Borough of Kenilworth  
Re: Resolution rejecting zoning changes proposed by its Planning Board  
Disposition: Note and File

**COUNCIL REPORTS**

A. Administration and Finance (Councilman Levine)

Levine/Boris moved the Tax Collector Report for the month of June. Motion carried.

Levine/Mitchell moved to adopt the Payment of Claims for the month of July. Motion carried on the following roll call vote.

**PAYMENT OF CLAIMS**

**BE IT RESOLVED** that claims in the amount of \$3,733,037.47 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:	Levine, Mitchell, Boris, Huegel, Kranz, Molenaar
AGAINST:	None
ABSENT:	None
ABSTENTION:	None

B. Public Safety (Councilwoman Mitchell)

Councilwoman Mitchell commented on the activities of the Police Department, Pilgrim Pipeline, Cultural Arts Committee.

Mayor Mahr stated that she met with a representative of Pilgrim Pipeline and shared information on the progress of this project.

C. Public Works (Councilman Huegel)

Don Norbett of T & M Associates gave the engineering report for the month of June.

Councilman Huegel reported for Public Works.

D. Land Use and Historic Preservation (Councilman Molenaar)

Councilman Molenaar reported on the redevelopment of downtown with Elite Properties constructing the Fourth Floor of their newest building.

**E. Recreation and Community Services (Councilman Boris)**

Councilman Boris reported on the successful Party in the Park and the cancellation of the movie at LaGrande tonight due to rain.

**F. Health and Senior Citizens (Councilman Kranz)**

Councilman Kranz reported on the Rescue Squad activities and that National Night Out will be held on August 5, 2014 at LaGrande Park.

**MEETING OPEN TO THE PUBLIC**

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

Douglas Lane, 1129 Lincoln Avenue, Scotch Plains, petitioned the Council to provide for Transit Check Parking Cards on the Borough's credit program. This matter will be investigated.

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

**OLD BUSINESS**

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

**Ordinance 14-11-S**

Levine/Boris moved to open the Public Hearing on Ordinance 14-11-S. Motion carried.

No one spoke.

Levine/Mitchell moved to close the Public Hearing. Motion carried.

Levine/Mitchell moved to adopt Ordinance 14-11-S. Motion carried on the following roll call vote.

**AN ORDINANCE AMENDING SALARY ORDINANCE  
NO. 13-16-S OF THE BOROUGH OF FANWOOD  
TO MANDATE DIRECT DEPOSIT**

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

Section 1. The salary ordinance of the Borough of Fanwood (the "Borough") is hereby amended to add the following Section II to provide for the direct deposit of salaries of full-time municipal employees of the Borough pursuant to P.L. 2013 c. 28, which authorizes local governments to mandate direct deposit for certain governmental employees effective July 1, 2014 and P.L. 2013 c. 28, which permits governing bodies to grant exemptions on such terms and conditions as they deem necessary, as follows:

- A. All full time employees of the Borough shall have their net pay as of July 1, 2014 directly deposited into the employee's applicable banking institution in accordance with N.J.S.A. 52:14-15f(b).
- B. Seasonal, temporary, and part-time employees of the Borough shall be exempt from the direct deposit mandate.

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

Section 4. This ordinance shall take effect upon second reading and final passage and publication in accordance with law.

Introduction: June 17, 2014

Public Hearing and Adoption: July 15, 2014

FOR: Levine, Mitchell, Boris, Huegel, Kranz, Molenaar

AGAINST: None

ABSENT: None

ABSTENTION: None

**Ordinance 14-12-R**

Levine/Huegel moved to open the Public Hearing on Ordinance 14-12-R. Motion carried.

No one spoke.

Levine/Mitchell moved to close the Public Hearing. Motion carried.

Levine/Huegel moved to adopt Ordinance 14-12-R. Motion carried on the following roll call vote.

**AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST CABLEVISION OF NEW JERSEY II, LLC TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF FANWOOD NEW JERSEY**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FANWOOD, as follows:**

**SECTION 1. PURPOSE**

The Borough hereby grants to Comcast of New Jersey II, LLC renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the Borough, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Borough of a cable television and communications system.

**SECTION 2. DEFINITIONS**

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Municipality" or "Borough" is the Borough of Fanwood, located in the County of Union, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of New Jersey

II, LLC.

- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities of the State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

### **SECTION 3. STATEMENT OF FINDINGS**

A public hearing *was* conducted by the Borough, concerning the renewal of Municipal Consent herein granted to the Company and was held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearing, having been fully open to the public, and the Borough, having received at said public hearing all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Borough hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

### **SECTION 4. DURATION OF FRANCHISE**

The non-exclusive Municipal Consent granted herein shall expire 15 years from the date of expiration of the previous Certificate of Approval issued by the Board (with a 10-year automatic renewal as provided by N.J.S.A. 48:5A-19 and 25, and N.J.A.C. 24:18-13.6).

In the event that the Borough shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Borough shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Borough shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

### **SECTION 5. FRANCHISE FEE**

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Borough 2% of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Borough, or any other amount required by the Act or otherwise allowable by law, whichever is greater. The current franchise fee amount for the Borough is 3.5% pursuant to NJSA 48:5A-30(d).

**SECTION 6. FRANCHISE TERRITORY**

The consent granted under this Ordinance to the renewal of the franchise shall apply to the entirety of the Borough and any property subsequently annexed hereto.

**SECTION 7. EXTENSION OF SERVICE**

The Company shall be required to proffer service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. The Company's Line Extension Policy, as set forth in the Company's Application, shall govern any extension of plant beyond the Primary Service Area.

**SECTION 8. CONSTRUCTION REQUIREMENTS**

- a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, and/or other surface in the nature topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.
- b. Relocation: If at any time during the period of Municipal Consent, the Borough shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Borough, shall remove, re-lay or relocate its equipment, at the expense of the Company.
- c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables and shall be performed with the authorization and approval of the Borough Shade Tree Commission, which approval shall not be unreasonably withheld.

**SECTION 9. CUSTOMER SERVICE**

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report to the community upon written request of the Borough Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.

- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).
- d. Nothing herein shall impair the right of any subscriber or the Borough to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is appropriate under law.

**SECTION 10. BOROUGH COMPLAINT OFFICER**

The Office of Cable Television is hereby designed as the Complaint Officer for the Borough pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Borough shall have the right to request and obtain copies of records and reports pertaining to complaints by Borough customers from the OCTV.

**SECTION 11. LOCAL OFFICE**

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

The telephone number and address of the local office shall be listed in applicable telephone directories, company publications, web sites and in correspondence from the Company to the customer. The telephone number for the local office shall utilize an exchange that is a non-toll call for Borough residents.

**SECTION 12. PERFORMANCE BONDS**

During the life of the franchise the Company shall give to the Borough a *Surety Bond* in the amount of twenty-five thousand (\$25,000.00) dollars. Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

**SECTION 13. SUBSCRIBER RATES**

The rates of the Company shall be subject to regulation as permitted by federal and state law.

**SECTION 14. PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS**

- a. The Company shall continue to provide residents with a system-wide public access channel maintained by the Company. Qualified individuals and organizations may utilize public access for the purpose of cablecasting non-commercial access programming in conformance with the

Company's published public access rules.

- b. The Company shall continue to provide a system-wide leased access channel maintained by the Company for the purpose of cablecasting commercial access programming in conformance with the Company's guideline and applicable state and federal statutes and regulations
- c. The Company shall continue to provide the Borough with a dedicated, full-time, municipal government access channel for the sole use by the Borough and its designees for the purpose of cablecasting non-commercial governmental and educational programming in conformance with the Company's guidelines and applicable state and federal statutes and regulations. The Company shall also maintain the dedicated fiber optic return lines originating at the Borough's Municipal Building and Community House.
- d. The Company shall provide the Borough within 6 months of the issuance of the COA by the Board a one-time grant in the amount of \$60,000 for the purpose of promoting the Local Access Channel and the purchase of video production equipment as determined by the Borough.
- e. The Company shall take any steps that are necessary to ensure that the signals originated on the access channels are carried without material degradation, and with a signal whose quality is equal to that of the other standard channels that the Company transmits.
- f. The Communications Act of 1934, as amended (47 U.S.C. §543(b)(4)), allows the Company to itemize and/or identify the amount on the monthly bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, educational, and governmental channels, or the use of such channels or any other services required under the franchise. The Company reserves its external cost, pass-through rights to the extent permitted by law.
- g. The Company shall continue to make available to the Borough, a mobile production vehicle for the purpose of producing non-commercial community, governmental or educational access programming, consistent with the Company's written rules and regulations on the use of said vehicle. The Company shall continue to provide basic training to all users of said vehicle.

**SECTION 15. COMMITMENTS BY THE COMPANY**

- a. The Company shall provide standard installation and basic cable television service for one (1) outlet, at no cost, to each school in the Borough, including but not limited to the Goddard School and First Children, all other public and private, elementary, intermediate and secondary schools in the Borough, provided the school is within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting the additional service. Monthly service charges shall be waived on all additional outlets except for equipment
- b. The Company shall provide standard installation and basic cable television service at no cost for one (1) outlet for the police department, the fire company, the rescue squad, the emergency management facility, Municipal Building, Public Works, Carriage House and public library in the Borough Hall, the Public Works Garage, the Carriage House and the public library in the

Borough, provided the facility is located within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality. Monthly service charges shall be waived on all additional outlets except for equipment.

- c. The Company shall continue to provide free basic Internet service, via high-speed cable modem, to one (1) non-networked personal computer in the Borough's Public Library and each school in the Borough, public and private, elementary, intermediate and secondary, at no charge. The Internet service shall be installed on a personal computer that is accessible to the students and patrons and not for administrative use only.
- d. Company representatives shall appear, upon reasonable written request of the Borough, at a public hearing of the Mayor and Council or before the Borough's Cable Television Advisory Committee, to discuss matters pertaining to the provision of cable service to residents of the Borough and other related issues as the Borough and Company may see fit.

#### **SECTION 16. EMERGENCY USES**

The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.

The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the Borough is unable to make full use of the cable television system as contemplated herein.

#### **SECTION 17. LIABILITY INSURANCE**

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000, with the Borough named as an additional insured on both policies.

#### **SECTION 18. INCORPORATION OF THE APPLICATION**

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

#### **SECTION 19. COMPETITIVE EQUITY**

Should the Borough grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

#### **SECTION 20. SEPARABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

**SECTION 21. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Introduced: June 17, 2014

Passed and adopted: July 15, 2014

FOR: Levine, Huegel, Boris, Kranz, Mitchell, Molenaar  
AGAINST: None  
ABSENT: None  
ABSTENTION: None

**Ordinance 14-13-R**

Levine/Huegel moved to open the Public Hearing on Ordinance 14-13-R. Motion carried.  
No one spoke.  
Levine/Huegel moved to close the Public Hearing. Motion carried.  
Levine/Boris moved to amend Ordinance 14-13-R. Motion carried.  
Second Reading and Public Hearing on the amendment will be held on August 19, 2014.

**B. Public Safety (Councilwoman Mitchell)**

**Ordinance 14-10-R**

Mitchell/Huegel moved to open the Public Hearing on Ordinance 14-10-R. Motion carried.  
No one spoke.  
Boris/Huegel moved to close the Public Hearing. Motion carried.  
Mitchell/Huegel moved to adopt Ordinance 14-10-R. Motion carried on the following roll call vote.

**AN ORDINANCE AMENDING CHAPTER 34  
OF THE FANWOOD BOROUGH CODE RELATING TO THE  
LENGTH OF SERVICE AWARDS PROGRAM**

**BE IT ORDAINED** By the Mayor and Council of the Borough of Fanwood, County of Union, State of New Jersey (“Borough”) as follows:

Section I. Section 34-6 of the Fanwood Borough Code is hereby amended to add a new subsection (C) as follows:

- (C) On November 2, 1999, the voters of the Borough approved a ballot question providing for LOSAP in the Borough.

Section II. Section 34-8 of the Fanwood Borough Code is hereby amended as follows:

- (A) LOSAP shall provide for fixed annual contributions to a deferred income account for each active volunteer member of the FRS and the FFD who meets the criteria set forth below.
- (B) Such contributions shall be made in accordance with a plan established by the Borough and administered in accordance with the laws of the State of New Jersey, the United States Internal Revenue Code and this Article, and as previously approved by the voters of the Borough.

Section III. Section 34-9(F) is hereby amended as follows:

- (F) Any active volunteer member of the FRS or the FFD who obtains 50 points or more will receive \$500 deferred contribution for his/her active volunteer status on the FRS or FFD, as the case may be, together with automatic annual cost of living adjustments commencing in 2014. For purposes of the annual cost of living adjustment to be paid in 2014 for 2013, each applicable member was to have received the sum of \$600. For purposes of the annual cost of living adjustment to be paid in 2015 for 2014, the CPI between the year 2000 and the year 2014 shall apply and each applicable member shall receive for the year 2014 to be paid in 2015 the sum of \$713, and shall receive an automatic annual cost of living adjustment each year thereafter.

Section IV. Sections 34-9(G) and 34-11 of the Fanwood Borough Code are hereby deleted.

Section V. Section 34-13 of the Fanwood Borough Code is hereby amended and replaced as follows:

LOSAP became effective in calendar year 2000 as of January 1, 2000.

Section VI. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

Section VII. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

Section VIII. This ordinance shall take effect upon second reading and final passage and publication in accordance with law.

Introduction: June 17, 2014

Public Hearing  
And Adoption: July 15, 2014

FOR: Mitchell, Huegel, Boris, Levine, Molenaar  
 AGAINST: None  
 ABSENT: Kranz  
 ABSTENTION: None

**NEW BUSINESS**

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

**Resolution 14-07-111**

Levine/Huegel moved to adopt Resolution 14-07-111. Motion carried.

**WHEREAS**, an applications for a liquor license renewal for License Year 2014-2015 has been filed with the Clerk; the required fees paid; and a tax clearance certificate from the Department of the Treasury has been received for the following:

**Plenary Retail Consumption License:**

Donald Biase Trustee in Chapter 7 Bankruptcy of Fanwood Ale House Inc.  
15-19 South Avenue  
Fanwood, NJ 07023  
2005 33 003 012

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council that a liquor license be issued, for the period July 1, 2014 through June 30, 2015, for the licensee listed above.

**Resolution 14-07-112**

Levine/Huegel moved to adopt Resolution 14-07-112. Motion carried.

**WHEREAS**, Michael Rusin has completed the necessary requirements for an in-grade promotion to Patrolman D, 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 D, on August 17, 2014.

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council hereby authorizes Michael Rusin's promotion to Patrolman D on August 17, 2014.

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

**Resolution 14-07-113**

Levine/Huegel moved to adopt Resolution 14-07-113. Motion carried.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fanwood that the Fanny Wood Day Committee has permission to close Martine Avenue from South Avenue to LaGrande Avenue, and South Avenue from First Street to Second Avenue, 7 A.M. to 7 P.M. and to display a banner across Martine Avenue announcing the event that is scheduled for Sunday, September 28, 2014.

**Resolution 14-07-121**

Levine/Huegel moved to adopt Resolution 14-07-113. Motion carried.

**BE IT RESOLVED**, by the Borough Council that the Mayor and Clerk are hereby authorized to sign an Agreement with the Fanwood Scotch Plains Recycling Association approved by the Borough Attorney.

**Ordinance 14-14-R**

Levine/Boris moved to remove Ordinance 14-14-R from the agenda. Motion carried.

**Ordinance 14-15-R**

Levine/Boris moved to remove Ordinance 14-15-R from the table. Motion carried.

**Resolution 14-07-114**

Levine/Huegel move d to adopt Resolution 14-07-114. Motion carried on the following roll call vote.

**FORM OF RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:87**

**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 **2014** in the sum of **\$11,260.93** which is now available from the **State of New Jersey, Solid Waste Clean Communities Grant** in the amount of **\$11,260.93**

**BE IT FURTHER RESOLVED,** that the like sum of **\$11,260.93** is hereby appropriated under the caption **Clean Communities Grant**, and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the **State of New Jersey** in the amount of **\$11,260.93**.

Resolution No 14-07-114

Offered by: Levine

Seconded by: Huegel

Adopted: July 15, 2014

FOR:	Levine, Huegel, Boris, Kranz, Mitchell, Molenaar
AGAINST:	None
ABSENT:	None
ABSTENTION:	None

**Resolution 14-07-115**

Levine/Mitchell moved to adopt Resolution 14-07-115. Motion carried on the following roll call vote.

**FORM OF RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:87**

**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 2014 in the sum of \$937.50 which is now available from the Heart Grant Trust Fund in the amount of \$937.50

**BE IT FURTHER RESOLVED**, that the like sum of \$937.50 is hereby appropriated under the caption Heart Grant Trust Fund, and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the County of Union in the amount of \$937.50

Resolution No 14-07-115

Offered by: Levine

Seconded by: Mitchell

Adopted: July 15, 2014

FOR: Levine, Mitchell, Huegel, Boris, Kranz, Molenaar  
AGAINST: None  
ABSENT: None  
ABSTENTION: None

**Resolution 14-07-116**

Levine/Huegel moved to adopt Resolution 14-07-116. Motion carried on the following roll call vote.

**WHEREAS**, the Mayor and Council of the Borough of Fanwood have determined that it is necessary to provide certain risk management and/or insurance program administration services; and

**WHEREAS**, the Mayor and Council previously determined through an open and fair process to select Brown & Brown Metro, Inc. as the Borough’s Insurance Broker for employee dental and life insurances as well as administration services; and

**WHEREAS**, Brown & Brown Metro, Inc. has submitted a response to the Borough’s RFQ and the Mayor and Council have determined to have the Brown & Brown Metro, Inc. perform such services.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fanwood that Brown & Brown Metro, Inc, 26 Columbia Turnpike, Florham Park, NJ 07932-0678 be, and hereby is, appointed for certain risk management and/or insurance program administration services without public bidding since this appointment is for professional services and has been approved previously in an open and fair process.

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

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

NOTICE OF AWARD  
OF CONTRACT FOR PROFESSIONAL SERVICES

**BY THE BOROUGH OF FANWOOD  
RESOLUTION 14-07-116**

**CONTRACTOR:** Brown & Brown Metro, Inc.  
26 Columbia Turnpike  
Florham Park, NJ 07932-0678

**NATURE OF SERVICE:** Risk Management/Insurance Program  
Administration and Insurance Broker for Dental  
And Life Insurances

**DURATION:** For a period ending no later than December 31, 2014

**AMOUNT:** Not to Exceed \$15,000.00

**FOR:** Levine, Huegel, Boris, Kranz, Mitchell, Molenaar  
**AGAINST:** None  
**ABSENT:** None  
**ABSTENTION:** None

**Resolution 14-07-117**

Levine/Huegel moved to adopt Resolution 14-07-117. Motion carried on the following roll call vote.

**WHEREAS**, MJC@South Avenue LLC is the owner of certain real property located in the Borough of Fanwood (the "Borough") at 278-282 South Avenue and known as Lot 3 in Block 65 on the Tax Map of the Borough ("the Premises");

**WHEREAS**, MJC@South Avenue LLC filed an appeal in the Tax Court of New Jersey (the "Tax Court") challenging the assessment of the Premises for tax years 2011 through 2014 ("the Assessment Appeals");

**WHEREAS**, MJC@South Avenue LLC has agreed to settle the Assessment Appeals on the terms and conditions set forth in the stipulation of settlement attached hereto (the "Stipulation"); and

**WHEREAS**, the Mayor and Council, upon the advice of the Tax Assessor and Borough Counsel, have determined that it is in the best interest of the Borough to settle the Assessment Appeals on the terms and conditions set forth in the Stipulation for a 2012 tax refund of \$4,156.56, and a 2013 tax refund of \$4,270.46;

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

- 1) The Borough Attorney is authorized to settle the Assessment Appeals on the terms and conditions set forth in the Stipulation and to execute and deliver the Stipulation for filing in the Tax Court; and
- 2) Certified copies of this Resolution shall be forwarded to the appropriate person(s) by the Borough Clerk.

Adopted: July 15, 2014

FOR: Levine, Huegel, Boris, Kranz, Mitchell, Molenaar  
 AGAINST: None  
 ABSENT: None  
 ABSTENTION: None

**Resolution 14-07-118**

Levine/Huegel moved to adopt Resolution 14-07-118. Motion carried on the following roll call vote.

**WHEREAS**, MJC@274 South Ave, LLC is the owner of certain real property located in the Borough of Fanwood (the "Borough") at 274 South Avenue and known as Lot 2 in Block 65 on the Tax Map of the Borough ("the Premises");

**WHEREAS**, MJC@274 South Ave, LLC filed an appeal in the Tax Court of New Jersey (the "Tax Court") challenging the assessment of the Premises for tax years 2011 through 2014 ("the Assessment Appeals");

**WHEREAS**, MJC@274 South Ave, LLC has agreed to settle the Assessment Appeals on the terms and conditions set forth in the stipulation of settlement attached hereto (the "Stipulation"); and

**WHEREAS**, the Mayor and Council, upon the advice of the Tax Assessor and Borough Counsel, have determined that it is in the best interest of the Borough to settle the Assessment Appeals on the terms and conditions set forth in the Stipulation for a 2012 tax refund of \$1,714.43 and a 2013 tax refund of \$1,761.41;

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

- 1) The Borough Attorney is authorized to settle the Assessment Appeals on the terms and conditions set forth in the Stipulation and to execute and deliver the Stipulation for filing in the Tax Court; and
- 2) Certified copies of this Resolution shall be forwarded to the appropriate person(s) by the Borough Clerk.

Adopted: July 15, 2014

FOR: Levine, Huegel, Boris, Kranz, Mitchell, Molenaar  
 AGAINST: None  
 ABSENT: None  
 ABSTENTION: None

**B. Public Works (Councilman Huegel)**

**Resolution 14-07-119**

Huegel/Boris moved to adopt Resolution 14-07-119. Motion carried on the following roll call vote.

**WHEREAS**, the Glenwood Road Area Drainage Improvements project was awarded to CRC General Contractors, on February 5, 2013, through Resolution 13-02-33, in an amount not to exceed \$918,365.00, and

**WHEREAS**, the original plans proposed the repaving of the utility trench only and not the full width of the roadway, and due to construction activities within the project limits of Tillotson Road and

the adjacent portion of the Tillotson Road, the roadway condition has deteriorated and the Borough proposes to mill and repave the roadway and repair any damaged curb and driveway as well as upgrade all drainage inlets on the roadway, and

**WHEREAS, this** Change Order #1 for the additional work will cost \$182,985.00, causing the total project cost to increase to \$1,101,350.00, and

**WHEREAS,** the Borough Engineer recommends Council approve Change Order #1 to complete the project.

**NOW, THEREFORE, BE IT RESOLVED** the Borough Council of the Borough of Fanwood does hereby approve Change Order #1 to the Glenwood Road Area Drainage Improvements project.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to CRC General Contractors, the Borough Engineer and the Chief Financial Officer.

FOR:	Huegel, Boris, Kranz, Levine, Mitchell, Molenaar
AGAINST:	None
ABSENT:	None
ABSTENTION:	None

**Resolution 14-07-120**

Huegel/Molenaar moved to adopt Resolution 14-07-120. 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 Engineering Services related to Vinton Circle for construction administration and inspection services - \$28,750.

**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 14-07-120**

**CONTRACTOR:** T & M Associates  
1373 Broad Street  
Clifton, NJ 07013-4231

**NATURE OF SERVICE:** To provide engineering services for Vinton Circle contract administration and inspection services.

**DURATION:** Period ending June 30, 2015

**AMOUNT:** Not to exceed \$28,750.00

**FOR:** Huegel, Molenaar, Boris, Kranz, Levine, Mitchell  
**AGAINST:** None  
**ABSENT:** None  
**ABSTENTION:** None

**MEETING OPEN TO THE PUBLIC**

Huegel/Boris moved to open the meeting to the public. Motion carried.  
Mike Lewis, Beech Avenue, questioned who was going to review the bid results on the Skate Park. Mayor Mahr addressed his inquiry. He also wanted to know about the painting of the crosswalks on LaGrande Avenue and Second Street. He was opposed to the closing of Stagaard Place. Mayor Mahr addressed his comment.

**COUNCIL COMMENTS**

Councilman Levine wished all a Good Night.  
Councilman Boris urged the public to attend the Summer Library Read Program.  
Councilman Huegel hoped that everyone would enjoy the summer.  
Councilman Mitchell wished Captain Edward White a happy retirement and commended the six girl scouts that received a proclamation at this meeting.  
Councilman Kranz reminded everyone that National Night Out will be held on August 5<sup>th</sup>, at LaGrande Park.  
Councilman Molenaar encouraged the public to attend the movies in LaGrande Park. He saw “Frozen” last week.  
Mayor Mahr announced the passing of resident Lynn Sorf who was a dedicated volunteer for the Borough.

**ADJOURNMENT**

Mitchell/Huegel moved to adjourn at 8:25 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern  
Borough Clerk