

**BOROUGH OF FANWOOD
MAYOR AND COUNCIL REGULAR MEETING
OCTOBER 21, 2014**

The Regular Meeting of the Mayor and Council was held on October 21, 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, Dennis Estis arrived at 7:30 pm

MINUTES

Krantz/Mitchell moved to adopt the following minutes as presented. Katherine Mitchell abstained on these minutes. Motion carried.

Agenda Meeting	October 7, 2014
Special Meeting	October 7, 2014
Regular Meeting	September 16, 2014

APPOINTMENTS/RESOLUTIONS/PROCLAMATIONS/PRESENTATIONS

Presentations:

1. Volunteer of the Month
Environmental Commission: Margaret Chowdhury
Phyllis Sandrock
David Schwarzburg

Colleen Mahr presented a Devlin Print of the Community House to Margaret Chowdhury and Phyllis Sandrock who were present to receive it. David Schwarzburg was in Florida. The Mayor commended the efforts of the Environmental Commissioners on environmental matters but especially the “Rain Garden” planted outside the front of the Municipal Building this month. Gary Szelc Chair of the Environmental Commission was present and offered a few words.

COUNCIL REPORTS

A. Administration and Finance (Councilman Levine)
Levine/Mitchell moved to accept the Tax Collector Report for the month of September. Motion carried.

Levine/Boris moved to adopt the Payment of Claims for the month of October. Motion carried on the

following roll call vote.

PAYMENT OF CLAIMS

BE IT RESOLVED that claims in the amount of \$2,555,131.91 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, Boris, Huegel, Kranz, Mitchell, Molenaar
AGAINST: None
ABSENT: None
ABSTAINED: None

B. Public Safety (Councilwoman Mitchell)
Councilwoman Mitchell gave reports for the Police Department, Senior Citizens and the Ministerium.

C. Public Works (Councilman Huegel)
Councilman Huegel gave reports on Public Works and engineering.

D. Land Use and Historic Preservation (Councilman Molenaar)
Councilman Molenaar gave reports on the rezoning of South Avenue and the Consolidation Commission. Don Parisi was also present to report on the Consolidation Commission.

E. Recreation and Community Services (Councilman Boris)
Councilman Boris reported for the Fire Department, Recreation Commission and the Historic Preservation Commission.

F. Health and Senior Citizens (Councilman Kranz)
Councilman Kranz reported on the ebola crisis and recommended that everyone get the flu shot. The rabies inoculations will be offered on November 5, 2014, at 6-7 pm, LaGrande Park Recreation Building.

Mayor Mahr reported on a meeting that is being held at the Cranford Community Center on October 27, 2014, 6 to 8 pm relevant to the one seat ride to New York. Representatives from NJ Transit will be present.

MEETING OPEN TO THE PUBLIC (Agenda Items Only)

Mitchell/Huegel moved to open the meeting to the public. Motion carried.
No one spoke.
Mitchell/Huegel moved to close the meeting to the public. Motion carried.

OLD BUSINESS

None

NEW BUSINESS

A. Administration and Finance (Councilman Levine)
Resolution 14-10-149
Levine/Boris moved to adopt Resolution 14-10-149. Motion carried.

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A COOPERATIVE AGREEMENT WITH THE COUNTY OF UNION FOR FISCAL

YEARS 2015 - 2017

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) provides a mechanism through which counties and municipalities may enter into agreements for the provision of joint services; and

WHEREAS, Title I of the Housing and Community Development Act of 1974 provides for substantial federal funds being made to certain urban counties for use therein through the Community Development Block Grant (“CDBG”) Entitlement Program, HOME Investment Partnerships (“HOME”) Program and Emergency Solutions Grants (“ESG”) Program; and

WHEREAS, a Cooperative Agreement between the County of Union and the Borough of Fanwood shall be utilized to establish a legal mechanism through which the County government may apply for, receive and disburse federal funds from federal fiscal year 2015, 2016 and 2017 appropriations; and

WHEREAS, it is the desire of the Borough of Fanwood to enter into a Cooperative Agreement with the County of Union to reflect the following changes:

- Page 2, Section E – Add the following language to the very end of the last paragraph, “and that such failure to comply will void the automatic renewal for such qualification period.”
- Page 3, Section G – Add the following language in a new item, numbered 4 – “The County and the Borough of Fanwood are obligated to comply with all other applicable laws.”
- Page 3, Section I – In the first paragraph in sentence three, change the word “Subsection (d) to read Section (d):”

NOW THEREFORE BE IT RESOLVED that the Borough of Fanwood hereby authorizes the above amendments to the Cooperative Agreement previously authorized and executed between the Borough of Fanwood and the County of Union.

BE IT FUTHER RESOLVED that a copy of the Resolution shall be forwarded to the County of Union.

Resolution 14-10-164

Levine/Boris moved to adopt Resolution 14-10-164. Motion carried.

WHEREAS, the Mayor and Council o the Borough of Fanwood have determined to implement Recommendation No. 6 of the Best Practice requirements relating to an elected official attending on an annual basis one instructional course covering the responsibilities and obligations of Elected Officials, and

WHEREAS, every Elected Official will be obligated to attend such an instructional course on an annual basis.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fanwood, County of Union, State of New Jersey, that every Fanwood Elected Official shall be obligated to attend an instructional course covering his/her responsibilities and obligations, which instructional course may be provided by the Borough of Fanwood or appropriate alternative such as the League of Municipalities.

Resolution 14-10-165

Levine/Boris moved to adopt Resolution 14-10-165. Motion carried.

WHEREAS, Sgt. Russell Yeager has submitted his application for service retirement effective November 1, 2014.

NOW, THEREFORE, BE IT RESOLVED that this Council acknowledges Sgt. Yeager’s retirement/resignation and wishes him good luck in his future endeavors.

Resolution 14-10-150

Levine/Mitchell moved to adopt Resolution 14-10-150. Motion carried on the following roll call vote.

WHEREAS, the following Capital Improvement Authorization balances remain unexpended against a completed project.

WHEREAS, it is necessary to formally cancel said balances.

Ordinance	Funded	Unfunded
06-13/06-10		\$63,379.00

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 above listed unexpended balances of the Capital Improvement authorizations be canceled.

Resolution No. 14-10-165

Offered by Levine

Seconded by Mitchell

Adopted: 10/21/2014

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

Resolution 14-10-151

Levine/Mitchell moved to adopt Resolution 14-10-151. Motion carried on the following roll call vote.

WHEREAS, the following grants receivable and appropriated reserve be cleared of the record.

WHEREAS, it is necessary to formally cancel said balances.

Grant Name	Receivable	Reserve
Smart Future Planning Grant		\$ 22.00
Pocket Park grant		\$5,404.00
Municipal Alliance-Local Match		\$6,246.00
Storm Water Infrastructure Grant		\$6,351.00
Storm Water Infrastructure Grant		\$2,117.00

Municipal alliance 2010	\$4,247.50
Municipal alliance 2011	\$2,313.75
Click it or Ticket	\$50.00

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 above listed grant Receivable and reserves be canceled.

Resolution No. 14-10-151

Offered by Levine

Seconded by Mitchell

Adopted: 10/21/2014

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

Resolution 14-10-152

Levine/Mitchell moved to adopt Resolution 14-10-152. 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 **\$500.00** which is now available from the **2014 Rahway River Association** in the amount of **\$500.00**

BE IT FURTHER RESOLVED, that the like sum of **\$500.00** is hereby appropriated under the caption **2014 Rahway River Assoc.-Rain Garden,** and

BE IT FURTHER RESOLVED that the above is the result of funds from the Rahway River Association in the amount of **\$500.00**

Resolution No. **14-10-152**

Offered by Levine

Seconded by Mitchell

Adopted: 10/21/2104

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

Resolution 14-10-153

Levine/Boris moved to adopt Resolution 14-10-153. Motion carried on the following roll call vote.

WHEREAS, overpayments and/or duplicate payments exist on the following line items:

OWNER	ADDRESS	AMOUNT	BLK/LOT
Legros, C & A	80 Shady Lane	\$3,012.77	117/9
Wahl, P.	150 Farley Avenue	\$2,481.29	27/46

BE IT RESOLVED the Tax Collector is hereby authorized to refund these overpayments to the respective homeowners or mortgage companies per requests on file.

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

Resolution 14-10-154

Levine/Boris moved to adopt Resolution 14-10-154. Motion carried on the following roll call vote.

WHEREAS, the Borough is desirous of changing its telephone network provider from Verizon to Broadview Networks, under a State Contract, and

WHEREAS, by doing this change the Borough will save a substantial amount on its phone bills.

NOW, THEREFORE BE IT RESOLVED by the Borough Council that Broadview Networks is hereby awarded the contract as Fanwood’s telephone network provider as of November 1, 2014, for a monthly charge of \$1,094.04.

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

Resolution 14-10-158

Levine/Boris moved to adopt Resolution 14-10-158. Motion carried on the following roll call vote.

WHEREAS, in October 2014, the Tax Assessor determined that the owner of the following property will be eligible to be exempt from property taxes as a 100% disabled veteran in accordance with N.J.S.A. 54:4-3.30 and 54:4-3.6:

BLOCK/LOT	LOCATION	2014 ANNUAL TAXES
115/13	33 Shady Lane	\$10,215.66

and

WHEREAS, 2014 taxes have been paid though the 3rd quarter in the amount of \$7,578.87.

NOW, THEREFORE, BE IT RESOLVED the Tax Collector is hereby authorized to refund \$7,578.87 to the owner of this property.

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

Resolution 14-10-159

Levine/Molenaar moved to adopt Resolution 14-10-159. Motion carried on the following roll call vote.

WHEREAS, Donald and Deborah Close submitted a cash performance guarantee for a major subdivision, Block 10, Lots 27 and 28, in the amount of \$12,438, reduced to \$2,400 through Resolution 10-02-09, and

WHEREAS, this project is now complete.

BE IT FURTHER RESOLVED that a maintenance bond be submitted in the amount of \$1,865.70 (15% of original performance guarantee) to expire in two years, August 28, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that the performance guarantee in the amount of \$2,417.75 with interest be released to Donald and Deborah Close.

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

Resolution 14-10-160

Levine/Mitchell moved to adopt Resolution 14-10-160. 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 **\$1,933.97** which is now available from the **Body Armor Replacement Fund Grant** in the amount of **\$1,933.97**

BE IT FURTHER RESOLVED, that the like sum of **\$1,933.97** is hereby appropriated under the caption **Body Armor Replacement Fund**, and

BE IT FURTHER RESOLVED that the above is the result of funds from the **State of New Jersey** in the amount of **\$1,933.97**

Resolution No. **14-10-160**

Offered by Levine

Seconded by Mitchell

Adopted: 10/21/2014

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

AGAINST: None

ABSENT: None

ABSTAINED: None

Resolution 14-10-161

Levine/Boris moved to table Resolution 14-10-161. Motion carried.

Resolution 14-10-162

Levine/Mitchell moved to adopt Resolution 14-10-162. 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 **\$5,615.87.00** which is now available from Drunk **Driving Enforcement Grant** in the amount of **\$5,615.87**

BE IT FURTHER RESOLVED, that the like sum of **\$5,615.87** is hereby appropriated under the caption **Drunk Driving Enforcement Grant**, and

BE IT FURTHER RESOLVED that the above is the result of funds from the **State of New Jersey** in the amount of **\$5,615.87**

Resolution No. **14-10-162**

Offered by Levine

Seconded by Mitchell

Adopted: 10/21/2014

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

AGAINST: None
ABSENT: None
ABSTAINED: None

Resolution 14-10-163

Levine/Mitchell moved to adopt Resolution 14-10-163. Motion carried on the following roll call vote.

WHEREAS, the Borough Council is desirous of purchasing and installing security cameras at municipal owned locations in the Borough, and

WHEREAS, Johnston Communications Voice & Data submitted a proposal to install security cameras, in the Downtown Merchant Municipal Parking Lot, through State Contract No. T-1316 Contract 80802, in the amount of \$9,684.19.

NOW, THEREFORE, BE IT RESOLVED the contract for security cameras is hereby awarded to Johnston Communications Voice and Data in an amount not to exceed \$9,684.19.

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

B. Public Safety (Councilwoman Mitchell)

Resolution 14-10-166

Mitchell/Huegel moved to adopt Resolution 14-10-166. Motion carried.

WHEREAS, the Fanwood Fire Department has received the following membership application:

Maxwell Harper Jones
2341 Concord Road
Scotch Plains, NJ 07076

and

WHEREAS, the applicant has met the requirements for membership and has been recommended by the Fanwood Fire Department.

NOW, THEREFORE, BE IT RESOLVED the Borough Council hereby approves Maxwell Harper Jones as a member of the Fanwood Fire Department.

Resolution 14-10-167

Mitchell/Boris moved to adopt Resolution 14-10-167. Motion carried.

WHEREAS, the Fanwood Fire Department has received the following membership application:

Michael Edward Walko
1581 Cooper Road
Scotch Plains, NJ 07076

and

WHEREAS, the applicant has met the requirements for membership and has been recommended by the Fanwood Fire Department.

NOW, THEREFORE, BE IT RESOLVED the Borough Council hereby approves Michael Edward Walko as a member of the Fanwood Fire Department.

C. Public Works (Councilman Huegel)

Resolution 14-10-155

Huegel/Boris moved to adopt Resolution 14-10-155. 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 related to the 2013 Road Program (2nd Street, South Glenwood Road, Shasta Pass) Administration and Inspection Services.

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 14-10-155

CONTRACTOR:	T & M Associates Eleven Tindall Road Middletown, NJ 07748
NATURE OF SERVICE:	Engineering Services For the administration and inspection services related to 2013 Road Program
DURATION:	Period ending December 31, 2014
AMOUNT:	Not to exceed \$27,950.

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: Huegel/Boris, Levine, Mitchell, Kranz, Molenaar
AGAINST: None
ABSENT: None
ABSTAINED: None

Resolution 14-10-156

Huegel/Boris moved to adopt Resolution 14-10-156. Motion carried on the following roll call vote.

WHEREAS, the Director of Public Works solicited three quotes from contractors to dispose of leaves, which includes loading, tucking and disposal at a certified licensed NJ Recycling Facility, as follows:

Messercola Excavating Inc., Plainfield, NJ	\$2.24 per cubic yard
S. Rotundi & Sons, Inc., Summit, NJ	\$2.94 per cubic yard
Nature’s choice Inc, Jersey City, NJ.	Non-responsive
Reliable Products, Jersey /City, NJ	Non-responsive
Riveredge, Phillipsburg, NJ	Non-responsive

WHEREAS, the Public Works Department recommends awarding the 2014 leaf transport/trucking contract to Messercola Excavating Inc. for a unit price of \$2.24 per cubic yard with a grand total of \$13,440.00 (based on an estimate of 6,000 cubic yards of leaf pickup for 2014).

NOW, THEREFORE, BE IT RESOLVED by the Council that Messercola Excavating Inc., be awarded the contract to dispose of the leaves in Fanwood, not to exceed \$13,440.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Messercola Excavating Inc. and the Director of Public Works.

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

Resolution 14-10-157

Huegel/Boris moved to adopt Resolution 14-10-157. Motion carried on the following roll call vote.

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE
A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT
OF TRANSPORTATION FOR THE RECONSTRUCTION OF
MADISON AVENUE**

NOW THEREFORE, BE IT RESOLVED that Borough Council of ?Fanwood formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-MADISON AVENUE-00154 to the New Jersey

Department of Transportation on behalf of the Borough of Fanwood.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Fanwood and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement

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

AGAINST: None

ABSENT: None

ABSTAINED: None

Resolution 14-10-168

Huegel/Boris moved to adopt Resolution 14-10-168. Motion carried.

WHEREAS, after the 2014 Union County Hazard Mitigation Plan Update draft plan is approved by the New Jersey Office of Emergency Management (NJOEM) and FEMA Region II, the UCHMP Update will be adopted by the Union County Board of Chosen Freeholders.

NOW, THEREFORE, BE IT RESOLVED when that occurs the Borough Council of the Borough of Fanwood will also adopt the updated HMP by resolution.

MEETING OPEN TO THE PUBLIC

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

Harold Clark, 216 Second Street, asked if the first payment for the Recycling Association was authorized at this meeting. The contract with the Recycling Association will save the Borough a million dollars over its term.

Harry McNally, 44 Second Street, had some questions on recycling and other resolutions on the agenda.

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

EXECUTIVE SESSION

None

ADJOURNMENT

Mitchell/Huegel moved to adjourn at 8:45 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern
Borough Clerk