BOROUGH OF FANWOOD
MAYOR AND COUNCIL REGULAR MEETING
DECEMBER 15, 2014

The Regular Meeting of the Mayor and Council was held on December 15, 2014 at Borough Hall, 75 North Martine Avenue, Fanwood, NJ 07023 at 7:02 PM.

Council President Huegel 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 Council President Huegel.

Eleanor McGovern, Borough Administrator, gave the invocation

Present: Kevin Boris, Russell Huegel, Tom Kranz, Daniel Levine, Katherine Mitchell, Jack Molenaar

Absent: Mayor Colleen Mahr

Also Present: Eleanor McGovern, Dennis Estis

MINUTES
Mitchell/Kranz moved to adopt the following minutes as presented.

<table>
<thead>
<tr>
<th>Meeting Type</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agenda Meeting</td>
<td>December 2, 2014</td>
</tr>
<tr>
<td>Special Meeting</td>
<td>December 2, 2014</td>
</tr>
<tr>
<td>Regular Meeting</td>
<td>November 17, 2014</td>
</tr>
</tbody>
</table>

APPOINTMENTS/RESOLUTIONS/PROCLAMATIONS/PRESENTATIONS
Presentations:
Councilman Tom Kranz honored and presented Steve Siegal with a Devlin print of the Community House as Volunteer of the Month for his service to the residents of Fanwood, on the Rescue Squad, for 23 years.

CORRESPONDENCE
1. Linda Stender, Assemblywoman
   Re: Pilgrim Pipeline LLC
   Disposition: Note and File.

2. Borough of Watchung
   Re: Invitation to attend presentation by USDOT on proposed pipeline
   Disposition: Resolution on 12/15/14 agenda.

3. Borough of Garwood
   Re: Supporting a merger of the Union County Sheriff and Union County Police Department
   Disposition: Note and File
COUNCIL REPORTS

A. Administration and Finance (Councilman Levine)
Levine/Boris moved the Payment of Claims. Motion carried on the following roll call vote.

PAYMENT OF CLAIMS

BE IT RESOLVED that claims in the amount of $5,370,171.23 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, Levine, Mitchell, Molenaar
AGAINST: None
ABSENT: None
ABSTAIN: None

Levine/Molenaar moved the additional Payment of Claims. Motion carried on the following roll call vote.

PAYMENT OF CLAIMS

BE IT RESOLVED that additional claims in the amount of $199,770.51 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, Molenaar, Boris, Huegel, Kranz, Levine, Mitchell
AGAINST: None
ABSENT: None
ABSTAIN: None

Levine/Molenaar moved the Tax Collector Report for the month of November. Motion carried.

Councilman Levine reported that the 2015 Capital Budget has been discussed in the Administration and Finance Committee.

B. Public Safety (Councilwoman Mitchell)
Councilwoman Mitchell reported for the Police Department, Library and the Senior’s Lunch.

C. Public Works (Councilman Huegel)
Councilman Huegel reported for the Public Works Department, the Reorganization Meeting scheduled for January 1, 2014 and Santa’s visit to Fanwood. Leaf pick-up has been extended to December 19, 2014.

D. Land Use and Historic Preservation (Councilman Molenaar)
Councilman Molenaar reported that the Consolidation Committee was dissolved. Funds received, approximately $10,000 will be returned to the contributors. He reported for the Environmental Commission and Planning Board.

E. Recreation and Community Services (Councilman Boris)
Councilman Boris reported for the Recreation Commission and commended the Fire Department for transporting Santa on December 7, 2014 so he could distribute his gifts. He also displayed “thank you cards” from children of the Borough for their visit to the Fanwood Museum.

F. Health and Senior Citizens (Councilman Kranz)
Councilman Kranz reported for the Board of Health and announced that the Borough’s new Animal Control vendor is Associated Humane of Newark, NJ.

MEETING OPEN TO THE PUBLIC
Mitchell/Boris moved to open the meeting to the public. Motion carried.
No one spoke.
Mitchell/Boris moved to close the meeting to the public. Motion carried.

OLD BUSINESS
None

NEW BUSINESS
   A. Administration and Finance (Councilman Levine)
Resolution 14-12-181
Levine/Boris moved to adopt Resolution 14-12-181. Motion carried.

   WHEREAS, the Tax Collector of the Borough of Fanwood previously issued a tax sale certificate to the US Bank Custodian for PC4 Firstrust Bank which certificate is dated June 24, 2014 covering premises commonly known and referred to as Block 39, Lot 40.01, 96 Woodland Avenue, as set out on the municipal tax map then in use which certificate bears number 14-00002, and

   WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate “Affidavit of Lost Tax Sale Certificate” with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE BE IT RESOLVED be it resolved by the Council of the Borough of Fanwood that the Tax Collector of the Borough be and is hereby authorized, upon receipt of the appropriately executed and notarized lost affidavit, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described, all in accordance with the requirements of Chapter 99, Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Affidavit of Lost Tax Sale Certificate be attached to the duplicate certificate to be issued to said purchaser and that said Tax Sale Certificate shall be stamped or otherwise have imprinted upon it the word “Duplicate” as required by law.

Resolution 14-12-182
Levine/Boris moved to adopt Resolution 14-12-182. Motion carried.

   WHEREAS, Pilgrim Pipeline Holdings, LLC (“Pilgrim”) is proposing to build a new bi-directional pipeline through the Borough of Fanwood (“Borough”) that would transport crude oil and refined petroleum products between Albany, New York and Linden, New Jersey (“Pipeline”); and

   WHEREAS, the governing Body of the Borough of Fanwood, County of Union, State of New Jersey, understands that the Pipeline will carry oil extracted through a process of hydraulic fracturing, or “fracking,” which has been alleged to deplete clean water resources, create toxic air emissions and radioactive waste, and release large quantities of methane gas into the atmosphere; and

   WHEREAS, the Fanwood Council also understands that the oil to be transported in the Pipeline has a high vapor pressure, making it generate combustible gases; and
WHEREAS, the Pipeline raises significant safety concerns for the Borough, risks potential harm to the Borough of Fanwood infrastructures, and negatively impacts future development in the Borough; and

WHEREAS, due to the constraints of available workspace, construction of the Pipeline will place heavy equipment in close proximity to homes and foundations; and

WHEREAS, temporary work space usage will also impact existing soils, reducing water absorption and increasing future flooding possibilities; and

WHEREAS, the Fanwood Council understands that the Pipeline will carry a large volume of highly flammable oil through certain residential neighborhoods, which will place the in harm’s way should an explosion or spill occur; and

WHEREAS, construction of the Pipeline will place heavy equipment in close proximity to homes and foundations; and

WHEREAS, temporary work space usage will also impact existing soils, reducing water absorption and increasing future flooding possibilities; and

WHEREAS, the Fanwood Council understands that the Pipeline will carry a large volume of highly flammable oil through certain residential neighborhoods, which will place the in harm’s way should an explosion or spill occur; and

WHEREAS, any rupture or compromise of the Pipeline, even without an explosion or fire, will require extraordinary cleanup efforts, could force many Borough residents from their homes, and place a large number of Borough residents in close proximity to hazardous materials; and

WHEREAS, according to Public Employees for Environmental Responsibility, the Pipeline and Hazardous Materials Administration (PHMSA) only has 135 inspectors to oversee 2.6 million miles of pipeline, and only a fifth of that Pipeline system has been inspected by PHMSA or its state partners since 2006; and

WHEREAS, the Fanwood Council believes that transporting oil in the Pipeline through the Borough potentially threatens the health, safety and welfare of the community; and

NOW, THEREFORE, BE IT RESOLVED by the Fanwood Council as follows:

1. That the Fanwood Council hereby calls for a moratorium on any and all planning, proposal, surveying or construction of the Pilgrim Pipeline through and within the municipal borders of the Borough; and

2. That the Fanwood Council hereby requests that Pilgrim provides a full Environmental Impact Statement to assess the myriad environmental consequences of the Pipeline; and

3. That the Borough Clerk forward copies of this resolution to Governor Chris Christie, Fanwood’s Legislative Delegation, Union County Board of Chosen Freeholders, Borough of Watchung and all Union County municipalities.

Resolution 14-12-183
Levine/Boris moved to adopt Resolution 14-12-183. Motion carried on the following roll call vote.

WHEREAS, Eberhard Schweizer is the owner of certain real property located in the Borough (The “Borough”) at 60 South Avenue and known as Lot 7 in Block 56 on the Tax Map of the Borough (“the Premises”), and
WHEREAS, Eberhard Schweizer filed an appeal in the Tax Court of New Jersey (The “Tax Court”) challenging the assessment of the Premises for tax years 2009 and 2010 (“the Assessment Appeals”), and

WHEREAS, Eberhard Schweizer 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.

NOW, THEREFORE, BE IT RESOLVED by the Borough 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.

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

Resolution 14-12-184
Levine/Boris moved to adopt Resolution 14-12-184. Motion carried on the following roll call vote.

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

<table>
<thead>
<tr>
<th>Owner</th>
<th>Address</th>
<th>Amount</th>
<th>Blk/Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cogshall, P &amp; V</td>
<td>182 Tillotson Rd</td>
<td>$2,721.32</td>
<td>47/4</td>
</tr>
<tr>
<td>Yorkovich, W &amp; P</td>
<td>33 Shady Lane</td>
<td>$2,636.79</td>
<td>115/13</td>
</tr>
</tbody>
</table>

BE IT RESOLVED the Tax Collector is hereby authorized to refund this overpayment to the respective homeowners or mortgage company per requests on file.

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

Resolution 14-12-185
Levine/Boris moved to adopt Resolution 14-12-185. Motion carried on the following roll call vote.

WHEREAS, the Borough will be participating in Shared Services initiatives in 2015 with the Township of Scotch Plains and the Scotch Plains – Fanwood Board of Education; and

WHEREAS, the Borough Council wishes to participate in the shared services initiatives for 2015 by appointing Jersey Professional Management to continue to facilitate and coordinate Shared Services activities for a fee not to exceed $2,310.
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fanwood that Jersey Professional Management of Cranford, NJ is hereby engaged to perform these services; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Jersey Professional Management, Township Of Scotch Plains and the Scotch Plains Fanwood Board of Education.

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

Resolution 14-12-186
Levine/Boris moved to adopt Resolution 14-12-186. Motion carried on the following roll call vote.

WHEREAS, there appears to be insufficient funds in the following accounts to meet the demands thereon for the balance of the 2014 year budget: and

WHEREAS, there appear to be surplus funds in the following accounts over and above the amount deemed to be necessary to fulfill the purpose of the appropriation for the balance of the 2014 year budget: and

NOW, THEREFORE BE IT RESOLVED, the Chief Financial Officer is hereby authorized and directed to make the following transfers:

FROM: Finance O&E $12,090.00
TO: Finance S&W $1,500.00 Tax S&W $440.00
      Administration S&W $1,200.00 Crossing Guards S&W $3,300.00
      Board of Health S&W $150.00 Road Repair S&W $5,500.00

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

Resolution 14-12-187
Levine/Boris moved to adopt Resolution 14-12-187. 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 $1,000.00 which is now available from the Heart Grant Trust Fund in the amount of $1,000.00

BE IT FURTHER RESOLVED, that the like sum of $1,000.00 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 $1,000.00

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

Resolution 14-12-188
Levine/Boris moved to adopt Resolution 14-12-188. 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 $20,000.00 which is now
available from the Recreation Opportunities for Individuals with Disabilities Grant in the amount of $20,000.00

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

BE IT FURTHER RESOLVED, that the above is the result of funds from the County of Union in the
amount of $20,000.00

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

Resolution 14-12-189
Levine/Boris moved to adopt Resolution 14-12-189. Motion carried on the following roll call vote.

WHEREAS, in November of 2014 the Tax Assessor determined that the following property
owner is eligible to receive a $250 Veteran Deduction on his property
WHEREAS, 2014 taxes have already been paid in full thru the 4th quarter 2014

NOW, THEREFORE BE IT RESOLVED, the Tax Collector is hereby authorized to refund $250.00 to the owner of this property.

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

Resolution 14-12-190
Levine/Boris moved to adopt Resolution 14-12-190. Motion carried on the following roll call vote.

WHEREAS, tax overpayments exist on the following line items:

<table>
<thead>
<tr>
<th>PROPERTY ADDRESS</th>
<th>YR/Q</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Thorne Place</td>
<td>12/4</td>
<td>$2,635.70</td>
</tr>
<tr>
<td>191 Paterson</td>
<td>12/3</td>
<td>$2,267.78</td>
</tr>
<tr>
<td>20 Helen Street</td>
<td>12/4</td>
<td>$1,177.32</td>
</tr>
<tr>
<td>19 Laurel</td>
<td>12/3</td>
<td>$2,335.30</td>
</tr>
<tr>
<td>154 Belvidere Ave</td>
<td>12/3</td>
<td>$2,609.31</td>
</tr>
</tbody>
</table>

WHEREAS, the Tax Collector has sent a minimum of three (3) notices to each owner attempting to refund the money and has had no response.

BE IT RESOLVED the Tax Collector is hereby authorized to cancel these payments to surplus receipts marked accordingly with property identification for future refund if claim comes in.

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

B. Public Safety (Councilwoman Mitchell)
Resolution 14-12-191
Mitchell/Kranz moved to adopt Resolution 14-12-191. Motion carried.

WHEREAS, George Church Inc. has submitted an application for a 2015 Towing License and paid the appropriate fee, and

WHEREAS, the Police Department has recommended the approval of said license.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fanwood that a 2015 Towing License be issued to George Church Inc. contingent upon the receipt of a certificate of insurance naming the Borough as additional insured for the period January 1, 2015 to December 31, 2015.
Resolution 14-12-192
Mitchell/Boris moved to adopt Resolution 14-12-192. Motion carried.

WHEREAS, Sergeant Russell Yeager has amended and submitted his application for service retirement effective January 1, 2015.

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

Resolution 14-12-193
Mitchell/Boris moved to adopt Resolution 14-12-193. Motion carried.

WHEREAS, Patrolman Anthony Espinosa has submitted his application for service retirement effective March 1, 2015.

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

C. Health and Senior Citizens (Councilman Kranz)
Resolution 14-12-194
Kranz/Mitchell moved to adopt Resolution 14-12-194. Motion carried on the following roll call vote.

BE IT RESOLVED by the Council of the Borough of Fanwood that the Mayor is hereby authorized to sign a contract with the Associated Humane Societies, Inc. for 2015 Animal Control Services, in the amount of $16,343.00.

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

MEETING OPEN TO THE PUBLIC
Kranz/Boris moved to open the meeting to the public. Motion carried.
No one spoke.
Mitchell/Kranz moved to close the meeting to the public. Motion carried.

COUNCIL COMMENTS
The Borough Council wished everyone a Happy and Healthy Holiday Season.

ADJOURNMENT
Molenaar/Mitchell moved to adjourn at 8:40 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern
Borough Clerk