

**BOROUGH OF FANWOOD
MAYOR AND COUNCIL SPECIAL MEETING
MAY 2, 2016**

A Special Meeting of the Mayor and Council was held on May 2, 2016 at Borough Hall, 75 North Martine Avenue, Fanwood, NJ 07023 at 8:45 pm.

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

Present: Kevin Boris, Russell Huegel, Tom Kranz, Erin McElroy-Barker, Katherine Mitchell, Jack Molenaar

Absent: None

Also Present: Colleen Mahr, Eleanor McGovern, Fred Tomkins, Peter Bondar, Dan McCarthy

Mayor Mahr stated that this Special Meeting was being held to adopt a resolution authorizing the Borough to sign a Joint Defense Agreement with the Municipal Pipeline Group.

NEW BUSINESS

A. Administration and Finance (Councilman Huegel)

Resolution 16-05-64

Huegel/Mitchell moved to adopt Resolution 16-05-64. Motion carried on the following roll call vote.

**RESOLUTION OF THE BOROUGH OF FANWOOD, COUNTY OF UNION,
STATE OF NEW JERSEY, AUTHORIZING THE BOROUGH TO JOIN AS A MEMBER
OF THE MUNICIPAL PIPELINE GROUP, ENTER INTO A JOINT
DEFENSE AGREEMENT, AND ENTER INTO A RETAINER WITH JOHN
M. SCAGNELLI, ESQ., TO REPRESENT THE INTERESTS OF THE
BOROUGH OF FANWOOD**

WHEREAS, certain pipelines are not public utilities that distribute service to end users and are unregulated by the State of New Jersey Board of Public Utilities; and

WHEREAS, these pipelines are designed to transport a variety of materials, including hazardous substances which, if a discharge occurred, could result in environmental degradation to the environment, including the land, water and air, and

WHEREAS, these pipelines do not directly provide the public with necessities, such as electricity gas, telephone, water or wastewater service, and

WHEREAS, these pipelines may pose a threat to the infrastructure that provides these public utility services, and

WHEREAS, these pipelines are not public utilities that distribute services to end users and are unregulated by the Board of Public Utilities, therefore, there is limited accountability to the public, and

WHEREAS, Pilgrim Pipeline has proposed to build two pipelines that will run between Albany, New York and Linden, New Jersey, known as the Pilgrim Oil Pipeline Project, and

WHEREAS, the Pilgrim Oil Pipeline Project will run through the Borough of Fanwood, and

WHEREAS, the Borough of Fanwood opposes the Pilgrim Oil Pipeline Project due to the threat posed by these unregulated pipelines, and

WHEREAS, a number of municipalities in New Jersey are also opposed to the Pilgrim Oil Pipeline Project and accordingly, have agreed to join together in opposition to the Project (the” Municipal Pipeline Group”), and

WHEREAS, the Municipal Pipeline Group seeks to retain legal environmental services to represent its interests, and

WHEREAS, John M. Scagnelli, Esq. of Scarinci Hollenbeck has provided a proposal and retainer agreement, both dated March 11, 2016, to provide legal environmental services to the Municipal Pipeline Group, and

WHEREAS, the Borough of Fanwood would be responsible for an amount not to exceed \$5,000.00 to join the Municipal Pipeline Group and retain Mr. Scagnelli, and

WHEREAS, the Borough of Fanwood also desires to enter into a Joint Defense Agreement, and

WHEREAS, the Borough’s Chief Financial Officer has certified that funds are available for this purpose.

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

1. The Borough is hereby authorized to join the Municipal Pipeline Group.
2. The Borough hereby accepts the terms of the Retainer Agreement of John M. Scagnelli, Esq. dated March 11, 2016, that provides for legal environmental services to the Borough for a fee not to exceed \$5,000.00.
3. The Mayor and Clerk are hereby authorized to enter into and sign a Joint Defense Agreement with the Municipal Pipeline Group.
4. A copy of this Resolution shall be provided to the Chief Financial Officer, the Municipal Pipeline Group and John M. Scagnelli, Esq., for their information and guidance.

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

MEETING OPEN TO THE PUBLIC

Mike Lewis, 41 Beech Avenue, questioned the reason for the resolution.
 Harry McNally, Second Street, asked for an explanation of the proposed pipeline. Rachel Funcheon gave an over view of the consequences of allowing the Pilgrim Pipeline to function in New Jersey.
 Mike Lewis, 41 Beech Avenue, stated that he did not see the need for the resolution.

ADJOURNMENT

Mitchell/Huegel moved to adjourn at 9 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern
 Borough Clerk