

**BOROUGH OF FANWOOD  
MAYOR AND COUNCIL REGULAR MEETING  
OCTOBER 17, 2016**

The Regular Meeting of the Mayor and Council was held on October 17, 2016, at Borough Hall, 75 North Martine Avenue, Fanwood, NJ 07023 at 7:20 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, Jack Molenaar

Absent: Katherine Mitchell

Also Present: Mayor Colleen Mahr, Eleanor McGovern, Daniel McCarthy

**MINUTES**

Kranz/McElroy-Barker moved to adopt the following minutes.

Regular Meeting	September 19, 2016
Agenda Meeting	October 4, 2016

**APPOINTMENTS/RESOLUTIONS/PROCLAMATIONS/PRESENTATIONS**

**Presentations:**

Mayor Mahr presented Ana Bogdanovski, 2016 Olympian, a key to the Borough for her participation in the 2016 Olympics in swimming.

Mayor Mahr and Councilman Molenaar presented Dennis Sherry a Devlin Print for his volunteer service on the Fanwood Planning Board.

**Appointments:**

Mayor Colleen Mahr appointed Carol Walczuk to the Environmental Commission as Alternate No. 1, with the Term expiring 12/31/2017.

Boris/Kranz confirmed the appointment. Motion carried.

**Proclamations:**

Mayor Mahr presented the following Proclamation:

**BREAST CANCER AWARENESS MONTH  
OCTOBER 2016**

**WHEREAS**, October is National Breast Cancer Awareness Month, since the program began in 1985 mammography rates have more than doubled for women age 50 and older and breast cancer deaths have declined; and

**WHEREAS**, National Breast Cancer Awareness Month remains dedicated to increasing public knowledge about the importance of early detection of breast cancer diagnosis and treatment; and

**WHEREAS**, many women still do not utilize mammography at regular intervals even though research indicates it is the best available method of detection; and

**WHEREAS**, breast cancer is the second most common kind of cancer among women, and

**WHEREAS**, in the United States about 1 in 8 women (12%) will get breast cancer at some point during their lifetime, and

**WHEREAS**, the American Cancer Society estimates that 246,660 new cases of invasive breast cancer will be diagnosed in women in 2016 and about 40,450 women will die from this disease, and

**WHEREAS**, taking advantage of early detection methods such as mammography and clinical breast exams could help the breast cancer death rate drop by approximately 30%; and

**WHEREAS**, the American Cancer Society has searched endlessly for a cure through vital research and has the enormous task of educating our community and all Americans of the risks of breast cancer through its many volunteers who offer assistance in the form of support groups, accommodations, transportation, medical equipment and more.

**NOW, THEREFORE, I**, Colleen Mahr, Mayor of the Borough of Fanwood do hereby proclaim October 2016 as **BREAST CANCER AWARENESS MONTH** in the Borough of Fanwood and urge all women and their families to get the facts about breast cancer.

Colleen Gialanella, Scotch Plains Councilwoman, cancer victim and survivor, was present to speak of her experience in combating the disease. Her advice to listening women was to make sure women, as the number one providers, take care of themselves so that they can take care of their families.

Mayor Colleen presented the following proclamation:

### **JAM KANCER IN THE KAN**

**WHEREAS**, “**Jam Kancer In The Kan**” is a fundraiser to raise money for Pediatric Cancer research at Memorial Sloan Kettering Cancer Center, and

**WHEREAS**, **this** fundraiser is the creation of the Goldberg and Crimmins families, four Scotch Plains friends, who have been touched by Cancer in their lives, and

**WHEREAS**, 32 local families were recruited to compete in a “KanJam” game to raise funds for this worthwhile cause, and

**WHEREAS**, not only are adults participating in this benefit but their children, Junior Jammers, are also participating by organizing a “Kups for Kancer” lemonade stand in downtown Fanwood, and

**WHEREAS**, this backyard fundraiser raised over \$113,000, over two years, for pediatric cancer care and research at Memorial Sloan Kettering, an outstanding achievement.

**NOW, THEREFORE, BE IT RESOLVED**, I, Colleen Mahr, Mayor of the Borough of Fanwood hereby proclaims October 17, 2016, “**JAM KANCER IN THE KAN DAY**” in the Borough to honor these committed

neighbors who saw a need and satisfied it.

**BE IT FURTHER RESOLVED** this that this proclamation be spread across the minutes of the October Council Meeting so that all who follow will know these amazing adults, and the exceptional children who serve as role models for young people to emulate.

The children who were involved in this fundraiser and their parents were present to accept this Proclamation.

Mayor Mahr presented the following Proclamation to John Piccola, Fanwood Fire Chief.

**NATIONAL FIRE PREVENTION WEEK  
OCTOBER 9 – 15, 2016**

**WHEREAS**, National **Fire Prevention Week** is celebrated this year October 9 through October 15, 2016, and

**WHEREAS**, this year’s theme is “**Don’t Wait –Check the Date! Replace Smoke Alarms Every 10 Years**”, no smoke alarm, no protection, and

**WHEREAS**, half of all United States home fire deaths occur at night between the hours of 11:00 pm and 7:00 am, when people are most likely to be sleeping, and

**WHEREAS**, statistics tell us that in 2015, United States Fire Departments responded to 365,500 home structure fires; that roughly three out of five home fire deaths resulted in homes which either no smoke alarm was present or one alarm was present but inoperable; and that on average, seven people die in home fires every day, and

**WHEREAS**, the Mayor and Council are very proud of the dedicated members of the Fanwood Fire Department for their exceptional service to our community and the annual educational programs given to our school children showing them ways to protect themselves when fires threatens their lives.

**NOW, THEREFORE**, I, Colleen Mahr, Mayor of the Borough of Fanwood do hereby proclaim October 9 through 15, 2016 **NATIONAL FIRE PREVENTION WEEK** in the Borough and encourage all citizens to create an escape plan in their homes for themselves and their families and install smoke alarms that cut the risk of dying in home fires in half.

**CORRESPONDENCE**

Kranz/Huegel moved to accept the following correspondence. Motion carried.

1. Fanwood Planning Board  
RE: Designating Areas in Need of Rehabilitation  
Disposition: Resolution on 10/17/2016 Agenda

**COUNCIL REPORTS**

A. Administration and Finance (Councilman Huegel)

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

Huegel/Kranz moved the payment of claims for October. Motion carried on the following roll call vote.

**BE IT RESOLVED** that claims in the amount of \$3,748,014.64 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, Kranz, Boris, McElroy-Barker, Molenaar  
 AGAINST: None  
 ABSENT: Mitchell  
 ABSTAINED: None

Councilman Huegel reported for the Fire Department.

**B. Public Safety (Councilman Boris)**

Councilman Boris reported for the Police Department and the Historic Preservation Commission.

**C. Public Works (Councilman Molenaar)**

Councilman Molenaar reported for Public Works and the Recreation Commission.

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

Councilwoman McElroy-Barker reported for the Recreation Commission and the TCNJ students who helped clean out the Fanwood Nature Center of unwanted growth. This project was funded through a grant and supervised by the Environmental Commission.

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

Councilman Kranz reported on the dates for free flu shots, recycling and the Rescue Squad.

**MEETING OPEN TO THE PUBLIC (Agenda Items Only)**

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

No one spoke.

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

**OLD BUSINESS**

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

**Ordinance 16-07-S**

Huegel/Boris moved to open the Public Hearing on Ordinance 16-07-S. Motion carried.

No one spoke.

Huegel/Kranz moved to close the public hearing. Motion carried.

Huegel/Kranz moved to adopt Ordinance 16-07-S on Second Reading. Motion carried on the following roll call vote.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 86, SALARIES AND COMPENSATION, AND CHAPTER 67, POLICE DEPARTMENT, OF THE CODE OF THE BOROUGH OF FANWOOD**

**BE IT ORDAINED** by the Council of the Borough of Fanwood in the County of Union:

1. The schedules of positions and salaries of Borough officers and employees heretofore adopted pursuant to Section I of Chapter 86 and Section 7A of Chapter 67 of the Code of the Borough of Fanwood.
2. The following schedule of positions and salaries of Borough officers and employees is hereby adopted pursuant to Section I of Chapter 86 and Section 7A of Chapter 67 of the Code of the Borough of Fanwood.

<b>POSITION</b>	<b>SALARY RANGE</b>			<b>HOUR/YEAR</b>
Magistrate	20,500	-	29,000	Per Year
Prosecutor	20,500	-	26,000	Per Year

Public Defender	4,200	-	8,500	Per Year
Court Administrator	42,500	-	55,000	Per Year
Deputy Court Administrator	14	-	19.5	Per Hour
Violations Clerk	14	-	19.5	Per Hour
Court Clerk	14	-	19	Per Hour
Borough Clerk/Administrator	68,000	-	129,030	Per Year
Deputy Borough Clerk	750	-	2,000	Per Year
Chief Financial Officer/Treasurer	25,000	-	38,000	Per Year
Deputy Borough Administrator	18,500	-	22,500	Per Year
Assistant Treasurer	3,000	-	4,200	Per Year
Bookkeeper	40,000	-	70,500	Per Year
Tax Collector	40,000	-	66,500	Per Year
Payroll Supervisor	3,000	-	4,200	Per Year
Tax Assessor	15,500	-	21,000	Per Year
Planning Board Attorney	8,000	-	13,000	Per Year
Planning Board Secy/Finance Clerk	32,000	-	47,500	Per Year
Assistant to Mayor	5,000	-	10,000	Per Year
Purchasing Agent	3,000	-	4,200	Per Year
Police Chief	115,000	-	160,000	Per Year
Administrative Assistant/Police	30,000	-	45,500	Per Year
Police Matron	30	-	50	Per Hour
Director Public Works	78,000	-	108,000	Per Year
Public Officer	4,000	-	7,000	Per Year
Recycling Coordinator	3,000	-	7,500	Per Year
Public Works Secretary	28,100	-	44,000	Per Year
Custodian/Laborer	16	-	18.5	Per Hour
Carpenter	35	-	40.18	Per Hour
TV 35 Manager	8,000	-	9,100	Per Year
Register Vital Statistics	4,000	-	6,000	Per Year
Deputy Register	500	-	1,200	Per Year
Board of Health Secretary	4,000	-	6,000	Per Year
Construction Official	12,500	-	22,000	Per Year
Building Sub Code Official	6,500	-	22,000	Per Year
Building Inspector	6,500	-	22,000	Per Year
Construction Technical Clerk	26,500	-	38,000	Per Year
Plumbing Sub Code Official	4,160	-	10,000	Per Year
Electrical Sub Code Official	4,160	-	12,000	Per Year
Fire Protection Official	3,200	-	6,800	Per Year
Zoning Officer	18,000	-	23,000	Per Year
Uniform Fire Enforcement Officer	15,000	-	20,500	Per Year

Clerical Worker	10.75	-	22	Per Hour
Nature Center Groundskeeper	2,700	-	4,500	Per Year
Playground Executive Director	8,500	-	18,000	Per Year
Playground Assistant Director	2,500	-	5,300	Per Year
Building Rental Supervisor	2,000	-	4,500	Per Year
Summer Park Program Director	2,000	-	3,500	Program
Summer Counselor Coordinator	15	-	30	Hour
Senior Counselor	12	-	20	Hour
Junior Counselor	8.5	-	10	Hour
Travel Camp Director	750	-	2,000	Program

3. The salary schedules set forth herein shall be retroactive and take effect as of January 1, 2016. All payments made hereunder shall be retroactive to that date. All salaries are subject to availability of funds.
4. This ordinance shall take effect immediately as provided by law.

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

**B. Health and Senior Citizens (Councilwoman Mitchell)  
 Ordinance 16-08-R**

Huegel/Kranz moved to open the Public Hearing on Ordinance 16-08-R. Motion carried.  
 No one spoke.  
 Huegel/Kranz moved to close the Public Hearing. Motion carried.

Huegel/Molenaar moved to adopt Ordinance 16-08-R on second reading. Motion carried on the following roll call vote.

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY FOR THE OPERATION OF COMMERCIAL PET SHOPS**

**WHEREAS**, a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for ("puppy mills" and "kitten mills," respectively). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills.

**WHEREAS**, restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations.

**WHEREAS**, due in large part to pet overpopulation, more than 20,000 dogs and cats are euthanized in New Jersey animal shelters annually, including nearly 300 in the County of Union. Restricting the retail sale of puppies and kittens to only those that are sourced from animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers.

**WHEREAS**, this Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions.

**WHEREAS**, the Borough Council believes it is in the best interests of this Borough to adopt reasonable regulations to reduce costs to the Borough and its residents, protect the citizens of the Borough who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the Borough.

**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 Code of the Borough of Fanwood, County of Union, State of New Jersey, is hereby supplemented and amended by inclusion of Chapter 119 Operation of Commercial Pet Shops as follows:

**Section 119-1. Definitions**

*Animal care facility* means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

*Animal rescue organization* means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

*Cat* means a member of the species of domestic cat, Feliscatus.

*Dog* means a member of the species of domestic dog, Canisfamiliaris.

*Offer for sale* means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

*Pet shop* means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

**Section 119-2. Restrictions on the Sale of Animals**

- (1) A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:
  - (a) An animal care facility; or
  - (b) An animal rescue organization.
- (2) A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old. Section 3.

**Section 119-3. Record Keeping and disclosure**

A pet shop shall maintain records stating the name and address of the animal care facility or animal rescue organization that each cat or dog was obtained from for at least two years following the date of acquisition. Such records shall be made available, immediately upon request, to Borough police and submitted annually, and no later than May 1 of each year, to the Borough of Fanwood. Each pet shop shall display on each cage a label stating the name and address of the animal care facility or animal rescue organization of each animal kept in the cage.

**Section 2. Severability**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**Section 3. Effective Date**

This ordinance shall take effect immediately as provided by law.

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

**C. Public Safety (Councilman Boris)**

**Ordinance 16-09-R**

Boris/Huegel moved to open the Public Hearing on Ordinance 16-09-R. Motion carried.

No one spoke.

Boris/Kranz moved to close the Public Hearing. Motion Carried.

Boris/Huegel moved to adopt Ordinance 16-09-R. Motion carried on the following roll call vote.

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY, AMENDING SECTION 34-9 OF THE FANWOOD BOROUGH CODE REGARDING LENGTH OF SERVICE AWARDS FOR THE**

**ELIGIBLE ACTIVE VOLUNTEER MEMBERS OF THE FANWOOD RESCUE SQUAD AND FANWOOD FIRE DEPARTMENT**

**WHEREAS**, the Borough of Fanwood (the “Borough”) adopted Ordinance No. 14-10-R revising the Fanwood Borough Code relating to the Length of Service Award Program, specifically Section 34-12; and

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

Section 1. Section 34-12 Credit Point Schedule is hereby amended to include the following and a Revised Schedule will be attached hereto:

- 3. Mobilization (FRS Only)
  - c. Day Time Duty Crew — is when a member commits to a minimum of four (4) hour continuous coverage. Tracking forms must be completed for each Crew and submitted to the Captain. One half (1/2) point for every one (1) Duty Crew served.

- 8. Participation in Rescue Squad responses — 35 point maximum for responding on minimum number of calls, as outlined below:

Total number of emergency calls	200-400	400-600	600+
Minimum number of calls Squad			
Members must respond to annually in order to receive 25 point credit	14%	12%	10%

- a. For every percentage point that the member achieves above the specific percentage as noted above, he/she will receive a half a point, not to exceed a total of 35 points within this category. This will encourage members to respond to more calls, which is the primary focus of the Fanwood Rescue Squad.

Section 2. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 8. This ordinance shall take effect immediately as provided by law.

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

**NEW BUSINESS**

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

**Resolution 16-10-159**

Huegel/McElroy-Barker moved to adopt Resolution 16-10-159. Motion carried.

**RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION’S TRANSPORTATION ALTERNATIVES PROGRAM**

**WHEREAS**, the Borough of Fanwood, Union County, State of New Jersey desires to apply to the New Jersey Department of Transportation (NJDOT) for funding under the Transportation Alternatives Program (TAP); and,

**WHEREAS**, the Borough of Fanwood will design the South Avenue Transportation Infrastructure Development Project to meet all criteria necessary to receive funding under TAP and maximize the modes of transportation and pedestrian experience along South Avenue (otherwise known as State Route 28) leading from the Borough of Fanwood’s border with Plainfield (Terrill Road) to the NJTransit Fanwood Station, located at the intersection of South Avenue and South Martine Avenue (to be known as the Project Area); and,

**WHEREAS**, the Scope of Work to be completed along this Project Area (approximately 0.6 of a mile) will include development of a streetscape along South Avenue to connect and complement recently completed street scaping along this same road in neighboring Plainfield and the Fanwood Downtown Redevelopment Area, and culminate in a newly developed streetscape (i.e. lighting, plantings, benches) and bicyclist facilities (i.e. covered bicycle storage) at the NJTransit Fanwood Station; and,

**WHEREAS**, this Scope of Work implicates land that is owned by (1) the NJDOT (South Avenue/State Route 28), (2) NJTransit (parcels of Fanwood Station), (3) the County of Union (edge of pavement to edge of pavement along South Martine Avenue and Terrill Road, respectively), and the Borough of Fanwood (ownership of sidewalks along South Avenue, South Martine Avenue, and Terrill Road, as well as parcels of land at NJTransit Fanwood Station); and,

**WHEREAS**, the Borough of Fanwood hereby commits to maintaining its owned parcels of land within the NJTransit Fanwood Station area (i.e. location of newly developed bicyclist facilities) and areas of South Avenue within its maintenance jurisdiction; and,

**WHEREAS**, the NJDOT, NJTransit, and County of Union will each provide documentation to clarify the parameters of their ownership and maintenance obligations as it pertains to the Project Area; and,

**WHEREAS**, responsibilities for administering the proposed project in accord with federal and state guidelines (to be known as the Responsible Charge) will be Clinton “Clint” H. Dicksen, full-time Director of Public Works for the Borough of Fanwood; and,

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Fanwood, County of Union, State of New Jersey formally authorize the Mayor to submit an electronic grant application identified as **TA-2016-Fanwood Borough-00080** to the New Jersey Department of Transportation for funding under the Transportation Alternatives Program on behalf of the Borough of Fanwood.

**Resolution 16-10-160**

Huegel/Mcelroy-Barker moved to adopt Resolution 16-10-160. Motion carried. Councilman Boris abstained.

**WHEREAS**, Verizon Wireless desires a long-term agreement with the Borough for a place on the Communications Cell Tower.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council the Mayor is hereby authorized to sign an agreement, in a form approved by the Borough Attorney, with Verizon Wireless.

**Resolution 16-10-145**

Huegel/Molenaar moved to adopt Resolution 16-10-145. 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 December 31, 2016

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

**Resolution 16-10-146**

Huegel/Kranz moved to adopt Resolution 16-10-146. Motion carried on the following roll call vote.

**RESOLUTION AUTHORIZING SETTLEMENT OF THE 2014 TAX APPEAL ENTITLED, MJC@SOUTH AVENUE, LLC V. BOROUGH OF FANWOOD, DOCKET NO.: 009978-2014, BLOCK 65, LOT 3 COMMONLY KNOWN AS 278-282 SOUTH AVENUE.**

**WHEREAS**, an appeal of the real property tax assessment for tax year 2014, Block 65, Lot 3 has been filed by the taxpayer, MJC@South Avenue, LLC.

**WHEREAS**, the Borough of Fanwood desires to settle the tax appeal for the tax year 2014, 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 year herein are hereby authorized as follows:

1. Settlement of the 2014 tax appeal is hereby authorized as follows:  
 278-282 South Avenue

**Year: 2014**

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 49,200	\$ 49,200	\$ 49,200
Improvements	\$ 196,800	\$ 196,800	\$ 163,100
Total	\$ 246,000	\$ 246,000	\$ 212,300

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 provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property for the tax years 2015 and 2016. The 2016 assessment shall be reduced to the level on the Tax Court Judgment for the 2015 tax year.

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

**Resolution 16-10-147**

Huegel/Kranz moved to adopt Resolution 16-10-147. Motion carried on the following roll call vote.

**RESOLUTION AUTHORIZING SETTLEMENT OF THE 2014 TAX APPEAL ENTITLED, MJC@274 SOUTH AVENUE, LLC V. BOROUGH OF FANWOOD, DOCKET NO.: 009977-2014, BLOCK 65, LOT 2 COMMONLY KNOWN AS 274 SOUTH AVENUE.**

**WHEREAS**, an appeal of the real property tax assessment for tax year 2014, Block 65, Lot 2 has been filed by the taxpayer, MJC@274 South Avenue, LLC.

**WHEREAS**, the Borough of Fanwood desires to settle the tax appeal for the tax year 2014, 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 year herein are hereby authorized as follows:

1. Settlement of the 2014 tax appeal is hereby authorized as follows:  
 274 South Avenue

**Year: 2014**

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 44,200	\$ 44,200	\$ 44,200
Improvements	\$ 57,400	\$ 57,400	\$ 43,500
Total	\$ 101,600	\$ 101,600	\$ 87,700

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 provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property for the tax years 2015 and 2016. The 2016 assessment shall be reduced to the level on the Tax Court Judgment for the 2015 tax year.

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

ABSENT: Mitchell  
 ABSTAINED: None

**Resolution 16-10-152**

Huegel/Kranz moved to adopt Resolution 16-10-152. Motion carried on the following roll call vote.

**RESOLUTION AUTHORIZING SETTLEMENT OF THE 2014 AND 2015 TAX APPEAL ENTITLED, JW FANWOOD LLC V. BOROUGH OF FANWOOD, DOCKET NOS.: 009976-2014 & 010677-2015 BLOCK 56, LOT 3 COMMONLY KNOWN AS 34 SOUTH AVENUE.**

**WHEREAS**, an appeal of the real property tax assessment for tax year 2014 and 2015, Block 56, Lot 3 has been filed by the taxpayer, JW Fanwood LLC.

**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 year herein are hereby authorized as follows:

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

34 South Avenue

**Year: 2014**

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>	<u>Refund</u>
Land	\$ 39,700	\$ 39,700	\$ 39,700	
Improvements	\$ 90,800	\$ 90,800	\$ 80,300	
Total	\$ 130,500	\$ 130,500	\$ 120,000	\$1,375.19

**Year: 2015**

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>	
Land	\$ 39,700	\$ 39,700	\$ 39,700	
Improvements	\$ 90,800	\$ 90,800	\$ 80,300	
Total	\$ 130,500	\$ 130,500	\$ 120,000	\$1,390.41

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 provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property for the tax year 2016. The 2016 assessment shall be reduced to the level on the Tax Court Judgment for the 2014 and 2015 tax year.

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

**Resolution 16-10-153**

Huegel/Molenaar moved to adopt Resolution 16-10-153. Motion carried on the following roll call vote.

**RESOLUTION AUTHORIZING SETTLEMENT OF THE 2014 AND 2015 TAX APPEAL ENTITLED, BW FANWOOD LLC V. BOROUGH OF FANWOOD, DOCKET NOS.: 009975-2014 & 010676-2015 BLOCK 56, LOT 2 COMMONLY KNOWN AS 22 SOUTH AVENUE.**

**WHEREAS**, an appeal of the real property tax assessment for tax year 2014 and 2015, Block 56, Lot 2 has been filed by the taxpayer, BW Fanwood LLC.

**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 year herein are hereby authorized as follows:

1. Settlement of the 2014 and 2015 tax appeal is hereby authorized as follows:  
 22 South Avenue

**Year: 2014**

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>	<u>Refund</u>
Land	\$ 63,500	\$ 63,500	\$ 63,500	
Improvements	\$ 101,300	\$ 101,300	\$ 56,500	
Total	\$ 164,800	\$ 164,800	\$ 120,000	\$5,867.46

**Year: 2015**

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>	
Land	\$ 63,500	\$ 63,500	\$ 63,500	
Improvements	\$ 101,300	\$ 101,300	\$ 56,500	
Total	\$ 164,800	\$ 164,800	\$ 120,000	\$5,932.42

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 provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property for the tax year 2016. The 2016 assessment shall be reduced to the level on the Tax Court Judgment for the 2014 and 2015 tax year.

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

**Resolution 16-10-154**

Huegel/Molenaar moved to adopt Resolution 16-10-154. Motion carried on the following roll call vote.

**RESOLUTION AUTHORIZING SETTLEMENT OF THE 2011, 2012 AND 2013 TAX APPEAL ENTITLED, 34 SOUTH AVENUE REALTY V. BOROUGH OF FANWOOD, DOCKET NOS.: 011250-2011, 012324-2012 & 010413-2013, BLOCK 56, LOTS 2 COMMONLY KNOWN AS 22 SOUTH AVENUE AND BLOCK 56, LOT 3 COMMONLY KNOWN AS 34 SOUTH AVENUE.**

**WHEREAS**, an appeal of the real property tax assessment for tax year 2011, 2012 and 2013, Block 56, Lots 2 and 3 has been filed by the taxpayer, 34 South Avenue Realty.

**WHEREAS**, the Borough of Fanwood desires to settle the tax appeal for the tax year 2011, 2012 and 2013, 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 year herein are hereby authorized as follows:

1. Settlement of the 2011, 2012 and 2013 tax appeal is hereby authorized as follows:

BLOCK 56, LOT 2  
 22 SOUTH AVENUE

**Year: 2011**

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>	<u>Refund</u>
Land	\$ 63,500	\$ 63,500		
Improvements	\$ 101,300	\$ 101,300	WITHDRAWN	
Total	\$ 164,800	\$ 164,800		

**Year: 2012**

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>	
Land	\$ 63,500	\$ 63,500	\$ 63,500	
Improvements	\$ 101,300	\$ 101,300	\$ 56,500	
Total	\$ 164,800	\$ 164,800	\$ 120,000	\$5,525.63

**Year: 2013**

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>	
Land	\$ 63,500	\$ 63,500	\$ 63,500	
Improvements	\$ 101,300	\$ 101,300	\$ 56,500	
Total	\$ 164,800	\$ 164,800	\$ 120,000	\$5,677.06

BLOCK 56, LOT 3  
34 SOUTH AVENUE

**Year: 2011**

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>	<u>Refund</u>
Land	\$ 39,700	\$ 39,700		
Improvements	\$ 90,800	\$ 90,800	WITHDRAWN	
Total	\$ 130,500	\$ 130,500		

**Year: 2012**

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>	
Land	\$ 39,700	\$ 39,700	\$ 39,700	
Improvements	\$ 90,800	\$ 90,800	\$ 80,300	
Total	\$ 130,500	\$ 130,500	\$ 120,000	\$1,295.07

**Year: 2013**

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>	
Land	\$ 39,700	\$ 39,700	\$ 39,700	
Improvements	\$ 90,800	\$ 90,800	\$ 80,300	
Total	\$ 130,500	\$ 130,500	\$ 120,000	\$1,330.56

- 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;

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

ABSTAINED: None

**Resolution 16-10-155**

Huegel/Kranz moved to adopt Resolution 16-10-155. Motion carried on the following roll call vote.

**RESOLUTION OF THE BOROUGH OF FANWOOD AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF UNION FOR QUALIFIED PURCHASING AGENT SERVICES**

**WHEREAS**, pursuant to the Uniform Shared Services and Consolidation Act (the “Act”), N.J.S.A. 40A:65-1, et seq., the Borough of Fanwood (the “Borough”) is authorized to enter into an agreement with another municipality for the provision of any service which the parties to such agreement are empowered to render under and within its own jurisdiction, whether administrative, educational, instructional or otherwise; and

**WHEREAS**, the Borough has determined there to be a beneficial opportunity to improve the efficiency of Qualified Purchasing Agent services for the Borough by contracting with the Township of Union to provide shared Qualified Purchasing Agent services to the Borough with Union serving as the lead agency;

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

1. The aforementioned recitals are incorporated herein by reference.
2. A Shared Services Agreement with the Township of Union is approved in substantially the same form as attached hereto as Exhibit A, and the Mayor and Borough Clerk are hereby authorized to execute said Agreement.
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, Kranz, Boris, McElroy-Barker, Molenaar  
 AGAINST: None  
 ABSENT: Mitchell  
 ABSTAINED: None

**Resolution 16-10-156**

Huegel/Molenaar moved to adopt Resolution 16-10-156. 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 **2016** in the sum of **\$1,863.38** which is now available from the **Body Armor Replacement Fund Grant** in the amount of **\$1,863.38**

**BE IT FURTHER RESOLVED**, that the like sum of **\$1,863.38** 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 **\$1,863.38**

Resolution No. **16-10-156**

Offered by Huegel  
Adopted: October 17, 2016

Seconded by Molenaar

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

**Resolution 16-10-157**

Huegel/Molenaar moved to adopt Resolution 16-10-157. Motion carried on the following roll call vote.

**WHEREAS**, on June 20, 2016, FANGILL LLC applied online for and was issued a liquor license renewal for License No. 2005 33 003 014, for the term July 1, 2016 through June 30, 2017, and

**WHEREAS**, since this is an inactive license, a Special Ruling is required to be issued by the Division of Alcoholic Beverage Control (ABC) for the period July 1, 2016 through June 30, 2017, on license number 2005 33 003 014, and

**WHEREAS**, on September 27, 2016 the ABC issued a Special Ruling for a three-year period: 2016-2017, 2017-2018 and 2018-2019.

**NOW, THEREFORE, BE IT RESOLVED** the Borough Council of the Borough of Fanwood does hereby approve the license renewal for FANGILL LLC for the period July 1, 2016 through June 30, 2017.

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

**Resolution 16-10-158**

Huegel/Kranz moved to adopt Resolution 16-10-158. Motion carried on the following roll call vote.

**WHEREAS**, Innovative Electrical Contractor, Inc was awarded the contract to remove and replace the Borough Hall generator through Resolution 16-06-79, in the amount of \$67,900, and

**WHEREAS**, it has become necessary to expand the scope of the project to include the courthouse lighting load into the panel serviced by the emergency generator, for an additional fee of \$2,400.00, under Change Order No. 1.

**NOW, THEREFORE, BE IT RESOLVED** the Borough Council authorized the Change Order to this

project in the amount of \$2,400.00, increasing the cost of the project to \$70,300.00.

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

**B. Public Safety (Councilman Boris)  
Resolution 16-10-148**

**WHEREAS**, Kathleen Case has completed the necessary requirements for an in-grade promotion to Class E, and

**WHEREAS**, the Chief of Police certifies that the prerequisites for in-grade promotion have been accomplished and has recommended that Kathleen Case be promoted to Class E, on October 21, 2016.

**NOW, THEREFORE, BE IT RESOLVED** the Borough Council does hereby authorize Kathleen Case’s promotion to Class E on October 21, 2016.

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

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

**C. Public Works (Councilman Molenaar)  
Resolution 16-10-149**

Molenaar/Huegel moved to adopt Resolution 16-10-149. 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	\$2.69 per cubic yard
S. Rotundi & Sons, Inc., Summit, NJ	\$3.49 per cubic yard
Nature’s choice Inc, Jersey City, NJ.	Non-responsive

**WHEREAS**, the Public Works Department recommends awarding the 2016 leaf transport/trucking contract to Messercola Excavating Inc. for a unit price of \$2.69 per cubic yard for a total cost of \$16,140.00 (based on an estimate of 6,000 cubic yards of leaf pickup for 2016).

**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 \$16,140.00.

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

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

**Resolution 16-10-151**

Molenaar/Huegel moved to adopt Resolution 16-10-151. 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, 1455 Broad Street, Bloomfield, NJ 07003, be, and hereby is, appointed to provide engineering services to provide a sidewalk audit in the Borough.

**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 16-10-151**

**CONTRACTOR:** T & M Associates  
1455 Broad Street  
Bloomfield, NJ 07003

**NATURE OF SERVICE :** To provide engineering services to perform a Sidewalk audit in the Borough.

**DURATION:** Period ending April 30, 2016

**AMOUNT:** Not to exceed \$3,000.00

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

**Ordinance 16-10-R**

Molenaar/Huegel moved to adopt Ordinance 16-10-R on first reading. Motion Carried. Second Reading and Public Hearing will be held on November 21, 2016.

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND**

**STATE OF NEW JERSEY, AMENDING CHAPTER 280 OF THE FANWOOD  
BOROUGH CODE REGARDING VEHICLES AND TRAFFIC**

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

**Resolution 16-10-150**

McElroy-Barker/Huegel moved to adopt Resolution 16-10-150. Motion carried on the following roll call vote.

**RESOLUTION OF THE BOROUGH OF FANWOOD DESIGNATING CERTAIN  
REAL PROPERTY WITHIN THE BOROUGH AS AN AREA IN NEED OF  
REHABILITATION**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute “areas in need of rehabilitation”, as defined in the LRHL; and

**WHEREAS**, pursuant to the LRHL, the Borough Council (the “Council”) of the Borough of Fanwood (the “Borough”) previously designated certain real properties along South Avenue as an area in need of rehabilitation called the “Old South Avenue Rehabilitation Area”; and

**WHEREAS**, in accordance with N.J.S.A. 40A:12A-14, the Mayor and Council believe that the additional real properties along South Avenue identified on the official tax map of the Borough as: Block 55, Lots 1, 2, 4, 12, 13, 14, 15, 15.01, 16, 17, 18, 19; Block 56, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10; Block 60, Lot 1, 2, 3, 4; Block 61, Lots 2.01, 2.02, 3, 4; Block 62, Lot 2; Block 65, Lots 1, 2, 3, 11, 12, 14; Block 66, Lots 1, 2, 3, 6, 9, 10, 11, 14; Block 69, Lots 1, 5, 6; Block 91, Lots 1.01, 3.01, 6, 26 (collectively, the “Properties”) satisfy the criteria to be designated as an area in need of rehabilitation and should be designated as in need of rehabilitation and added to the Old South Avenue Rehabilitation Area; and

**WHEREAS**, N.J.S.A. 40A:12A-14 provides that prior to the adoption of a resolution designating real property as an area in need of rehabilitation, the Borough Council must first submit a copy of the proposed resolution to the Borough of Fanwood Planning Board (the “Planning Board”) for review and recommendation; and

**WHEREAS**, by Resolution No. 16-09-143 adopted on September 19, 2016, the Borough Council referred a copy of this Resolution, substantively as written herein, to the Planning Board for review and recommendation pursuant to N.J.S.A. 40A:12A-14; and

**WHEREAS**, in accordance with the requirements of N.J.S.A. 40A:12A-14, the Borough Engineer has determined that the Properties each satisfy the criteria for being designated as an area in need of rehabilitation; and

**WHEREAS**, by resolution adopted on September 28, 2016 and referred to the Borough Council, the Planning Board reviewed the within Resolution and recommended its adoption and the designation of the Properties as an area in need of rehabilitation to be included in the Old South Avenue Rehabilitation Area in accordance with N.J.S.A. 40A:12A-14.

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

1. Designation of the Area. The Borough hereby designates as an area in need of rehabilitation to be added to and incorporated within the “Old South Avenue Rehabilitation Area” the real properties designated on the official tax map of the Borough as:

Block 55, Lots 1, 2, 4, 12, 13, 14, 15, 15.01, 16, 17, 18, 19  
Block 56, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10  
Block 60, Lot 1, 2, 3, 4  
Block 61, Lots 2.01, 2.02, 3, 4  
Block 62, Lot 2  
Block 65, Lots 1, 2, 3, 11, 12, 14  
Block 66, Lots 1, 2, 3, 6, 9, 10, 11, 14  
Block 69, Lots 1, 6  
Block 91, Lots 1.01, 3.01, 6, 26

2. Transmittal of Resolution to State Department of Community Affairs. The Borough Council hereby directs that the Borough Clerk transmit a copy of this Resolution to the Commissioner of the Department of Community of Affairs for review in accordance with the LRHL.
3. Public Inspection. A copy of this resolution shall be available for public inspection at the offices of the Borough.
4. Effective Date. This resolution shall take effect immediately.

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

**MEETING OPEN TO THE PUBLIC**

Kranz/Huegel moved to open the meeting to the public. Motion carried.  
No one spoke.  
McElroy-Barker moved to close the meeting to the public. Motion carried.

**COUNCIL COMMENTS**

NONE

**ADJOURNMENT**

Boris/Kranz moved to adjourn at 8:30 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern  
Borough Clerk