

**BOROUGH OF FANWOOD  
MAYOR AND COUNCIL REGULAR MEETING  
APRIL 17, 2017**

The Regular Meeting of the Mayor and Council was held on April 17, 2017, at Borough Hall, 75 North Martine Avenue, Fanwood, NJ 07023 at 7:07 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, 2017 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 Colleen Mahr.

Present: Kevin Boris, Russell Huegel, Tom Kranz, Erin Mcelroy-Barker, Katherine Mitchell, Jack Molenaar  
Absent: None  
Also Present: Mayor Colleen Mahr, Eleanor McGovern, Daniel McCarthy, Fred Tomkins, Antonios Panagopoulos

**MINUTES**

Mitchell/Kranz moved to adopt the minutes as presented. Motion carried.

Regular Meeting	March 21, 2017
Agenda Meeting	April 3, 2017
Special Meetings	March 13, March 27 and April 3, 2017

**APPOINTMENTS AND ANNOUNCEMENTS**

**Resolutions:**

Mayor Colleen Mahr presented Marianne Kranz with a resolution.

**MARIANNE KRANZ**

**WHEREAS**, “In every community there is work to be done. In every nation, there are wounds to heal. In every heart, there is the power to do it”, a quote from author Marianne Williamson, and

**WHEREAS**, tonight we wish to honor **MARIANNE KRANZ** who is an individual who embodies these words for her work at SAGE Eldercare, a private, non-profit eldercare agency in Summit that serves up to 60 elders and their families from four counties in New Jersey, professionally and compassionately, and

**WHEREAS**, **MARIANNE KRANZ** was honored as a Woman of Excellence, on March 24, 2017, at the 25<sup>th</sup> Union County Annual Women of Excellence Award Dinner for serving as Director of Volunteers and Meals on Wheels at SAGE Eldercare.

**NOW, THEREFORE, BE IT RESOLVED** the Mayor and Council of the Borough of Fanwood are pleased that **Marianne** received this award for she fully deserved this honor; wish to recognize her contributions to the Fanwood community and feel honored to have her as a resident of the Borough.

**BE IT FURTHER RESOLVED** by the Mayor and Council that this message be spread across the minutes of this meeting so that all who follow will know this remarkable woman, **MARIANNE KRANZ**.

Marianne Kranz was present to receive this honor.

Mayor Colleen Mahr presented Dale Flowers with a Resolution.

**DALE FLOWERS**

**WHEREAS, DALE FLOWERS** retired as a volunteer on the Fanwood Planning Board after twelve years of service including four years as Chair, and

**WHEREAS**, it is **DALE FLOWERS'** intention to cultivate his diversified interests one of which is his participation in a Barbershop Quartet due to his distinctive melodious voice, as well, as act as the Master of Ceremonies for the Fanwood Scotch Plains Memorial Day Parade, and

**WHEREAS, DALE** also operates a successful business in town known as Scotchwood Florist, and

**WHEREAS, DALE** will be missed by the Planning Board Members for his experience and guidance in matters relating to land use.

**NOW, THEREFORE, BE IT RESOLVED** the Mayor and Council recognize the contributions to the Fanwood residents made by **DALE FLOWERS**, wish him success in his future endeavors shared by his wife Lori and daughter Julia; and spread this message across the minutes of this meeting so that all who follow will know this exceptional man, **DALE FLOWERS**.

Dale Flowers was present to receive this honor.

**Proclamations:**

**NATIONAL NUTRITION MONTH  
MARCH 2017**

**WHEREAS**, food is the substance by which life is sustained; and

**WHEREAS**, the type, quality, and amount of food that individuals consume each day plays a vital role in their overall health and physical fitness; and

**WHEREAS**, there is a need for continuing nutrition education and a wide-scale effort to enhance health eating practices.

**NOW, THEREFORE**, I, Colleen Mahr, Mayor of the Borough of Fanwood do hereby proclaim the month of March **NATIONAL NUTRITION MONTH** in the Borough, and I encourage all citizens to join the campaign and become concerned about their nutrition and the nutrition of others in the hope of achieving optimum health for both today and tomorrow.

Mayor Colleen Mahr presented the following Proclamation to Greg Cummings for Clean Community Day.

**CLEAN COMMUNITY DAY**

**APRIL 22, 2017**

**WHEREAS**, the Borough of Fanwood recognizes the necessity for a clean community by participating in a program sponsored by the New Jersey State Department of Environmental Protection to help educate citizens in controlling litter in the Borough, and

**WHEREAS**, the Borough participates in an “**Earth Day**” program through the Borough’s annual **Clean Community Day**, on Saturday, April 22, 2017, and

**WHEREAS**, this year we will be participating in Fanwood’s 28<sup>th</sup> Earth Day/Clean Community Day with concerned residents of Fanwood and neighboring communities, to reflect our commitment and resolve to create a safer, cleaner and more livable community, and

**WHEREAS**, the Fanwood Clean Community Committee consisting of Clint Dicksen, Bob McCarthy, Harry McNally, Lynn Vlasaty and Greg Cummings organize and implement a clean community program to pick up litter in the Borough and to encourage positive behaviors toward community improvement, and

**WHEREAS**, concerned citizens, in cooperation with the Public Works Department and the Clean Community Committee, enthusiastically pick up, shovel and haul litter left by environmentally unconcerned citizens, and

**WHEREAS**, the Governing Body recognizes the efforts of these dedicated citizens who formed an alliance to become stewards of the environment and whose efforts reduce waste, increase recycling, educate our leaders of tomorrow, and beautify Fanwood.

**NOW, THEREFORE**, I, Colleen Mahr, Mayor of the Borough of Fanwood, do hereby proclaim April 22, 2017 “**CLEAN COMMUNITY DAY**” in the Borough of Fanwood and publicly thank the volunteers, especially those that return year after year, to fight the deterioration of the environment; the donors who support this worthwhile event; and ask the citizens of this community to join the Governing Body in acknowledging the contributions of these committed citizens working for the benefit of others. Nothing is more powerful than the collective actions of a Community.

**RESENTATION OF COMMUNICATIONS AND REFERRAL**

**None**

**STANDING COMMITTEE REPORTS**

A. Administration and Finance (Councilman Huegel)  
Huegel/Boris moved to accept the Tax Collector’s March report. Motion carried.

B. Public Safety (Councilman Boris)  
Councilman Boris had no report.

C. Public Works (Councilman Molenaar)  
Councilman Molenaar reported for the Fire Department, Public Works, Recycling and Historic Preservation Commission.

D. Land Use and Historic Preservation (Councilman Kranz)  
Councilman Kranz spoke about the Gas Company Work on Shady Lane.

E. Recreation and Community Services (Councilwoman Mcelroy-Barker)  
Councilwoman Mcelroy-Barker reported on the Recreation Commission. She also made a request for

volunteers. She also reported on the Board of Education.

F. Health and Senior Citizens (Councilwoman Mitchell)  
Councilwoman Mitchell reported on the Seniors, Cultural Arts and the Rescue Squad.

Mayor Colleen Mahr reported that a new barber shop will open downtown, Fanwood Vision Center is open, Ponzio is constructing his development and Light Bridge is coming along.

**SPECIAL COMMITTEE REPORTS**

**None**

**PRESENTATION OF CLAIMS**

Huegel/Mitchell moved the payment of claims. Motion carried on the following roll call vote.

**BE IT RESOLVED** that claims in the amount of \$955,425.90 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, Mitchell, Boris. Kranz, Mcelroy-Barker, Molenaar  
AGAINST: None  
ABSTAIN: None  
ABSENT: None

**AUDITING OF CLAIMS BY RESOLUTION**

**None**

**PRIVILEGE OF THE FLOOR BY THE PUBLIC (For Agenda Items Only)**

Mitchell/Kranz 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.

**OLD BUSINESS**

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

**Ordinance 17-06-R**

Huegel/Mitchell moved to open the Public Hearing to the public. Motion carried.  
No one spoke.  
Mitchell/Kranz moved to close the Public Hearing. Motion carried.

Huegel/Molenaar moved to adopt Ordinance 17-06-R on second reading. Motion carried on the following roll call vote.

**AN ORDINANCE REPEALING CHAPTER A395  
OF THE CODE OF THE BOROUGH OF FANWOOD REGARDING  
PERSONNEL POLICIES AND EMPLOYEE MANUAL**

**WHEREAS**, The Borough of Fanwood adopted Chapter A 395 Personnel Policies by Ordinance No. 531R as Ch. A115 of the 1971 Code which was amended in its entirety by Ordinance No. 99-25R and thereafter amended by Ordinances No. 03-29R and No. 08-21R; and

**WHEREAS**, it is the intention of the Borough of Fanwood to adopt the personnel policies and Employee Manual by Resolution of the Mayor and Council.

**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 I.** Chapter A395 of the Code of the Borough of Fanwood, entitled “Personnel Policies”, is hereby repealed in its entirety.

**Section II.** If any provision of this ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this ordinance, except so far as the provision so declared invalid shall be inseparable from the remainder of any portion thereof.

**Section III.** All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

**Section IV.** This ordinance shall take effect immediately upon final passage and publication as required by law.

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

B. Public Works (Councilman Molenaar)

**Ordinance 17-05-R**

Molenaar/Boris moved to open the Public Hearing on Ordinance 17-05-R. Motion carried.

No one spoke.

Molenaar/Kranz moved to close the Public Hearing on Ordinance 17-05-R. Motion carried.

Molenaar/Huegel moved to adopt Ordinance 17-05-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, AMENDING SECTION 160-3 A OF THE FANWOOD BOROUGH CODE REGARDING SOLID WASTE COLLECTION SERVICES**

**WHEREAS**, the Borough of Fanwood (the “Borough”) desires to allow residents of single, two and /or three-family residential housing to contract for solid waste collection one time a week as opposed to twice per week;

**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 160-3 A be amended and replaced by the following so as to state as follows:

**A.** In the case of single-family, two-family and/or three-family residential housing, each responsible solid waste generator shall enter into a contract, written or oral, for regular solid waste collection services with any person lawfully providing private solid waste collection services; provided, however, that any responsible solid waste generator transporting solid waste which is generated at his or her residential premises directly to a solid waste facility shall be exempt. The responsible solid waste generator shall arrange for solid waste collection at least **once per week**.

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 be in full force after its adoption and any publication as may be required by law.

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

**Ordinance 17-07-R**

Molenaar/Kranz moved to open the Public Hearing on Ordinance 17-07-R. Motion carried.

No one spoke.

Mitchell/Kranz moved to close the Public Hearing on Ordinance 17-07-R. Motion carried.

Molenaar/Huegel moved to adopt Ordinance 17-07-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, AMENDING CHAPTER 214 OF THE FANWOOD BOROUGH CODE REGARDING PIPELINES**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Fanwood, County of Union, State of New Jersey, that Chapter 214 entitled Pipelines, of the Code of the Borough of Fanwood, County of Union is hereby amended as follows:

Section 1. Section 214-1 Definitions, is hereby amended and supplemented as follows:

**§§214-1 Definitions.**

A. Critical Land Use

- 8)Senior and residential care facilities;
- 9)Institutional uses, including public and private schools, day-care facilities, and public or public buildings;
- 10) Land traversing sole source aquifers.

B. Essential Public Facilities. Those public facilities which provide basic health and safety services to residents and visitors of the Borough of Fanwood including, without limitation, water sanitation plants, water treatment plants, sewer treatment plants, water storage facilities, municipal telecommunication towers, police stations, fire stations, jails, courthouses, public health facilities, and emergency operations centers.

C. Development and Construction of Oil and Hazardous Substance Pipelines

1. Application and approvals.

f. Diagrams and descriptions of all pipeline monitoring facilities and shut off/ flow control valves proposed to be located in or closest to the municipality.

2. Required Setbacks.

g. Wellhead Protection or Sole Source Aquifer Areas. Except as otherwise set forth in this section or as approved by the Borough of Fanwood Engineer as part of the pipeline permit and approval process where adequate mitigation

measures have been demonstrated by the applicant, the Oil and Hazardous Substance Pipeline shall not be located within a sole source aquifer or in the vicinity of a wellhead protection area (“WPA”), as is defined in the Borough of Fanwood Code and shall not be located closer than 2,500 feet in a Tier 1 WPA, 1,000 feet in a Tier 2 WPA, and 500 feet in a Tier 3 WPA.

J. Repair. Following any repair(s) of an Oil and Hazardous Substance Pipeline, any areas disturbed by such repair(s) shall be revegetated and restored in accordance with the applicable provisions of the Borough of Fanwood Code at the Pipeline Owner’s and Pipeline Operator’s sole cost and expense.

Section 2. All other provisions of Chapter 241 shall remain in full force and effect.

Section 3. 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 4. This Ordinance shall take effect as provided by law.

**CONSENT AGENDA**

Boris/Molenaar moved to adopt the following resolutions. Motion carried.

**Resolution 17-04-78**

**WHEREAS**, Sheelen’s Crossing has requested permission to utilize the Borough property, specifically LaGrande Park, (“Property”), on Saturday, April 29, 2017, commencing at 11 a.m., and ending at 7 p.m., for the purpose of conducting an “Autism Rocks” event including the sale of food, beer, wine, to which the public is invited;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fanwood that permission is granted to Sheelen’s Crossing to utilize the Property to conduct an “Autism Rocks” event on Saturday, April 29, 2017, commencing at 11 a.m., and ending at 7 p.m., subject to the following conditions:

1. Food may be distributed and/or sold provided Sheelen’s Crossing receives the necessary approvals from the Regional Board of Health.
2. Beer and wine may be served on the Property so long as Sheelen’s Crossing complies with all requirements of the State and local alcoholic beverage laws and obtains from the State the required permit for such an event.
3. A tent may be installed on the Property.
4. Sheelen’s Crossing must restore the Property to its current condition on Sunday, April 30, 2017.
5. A copy of Sheelen’s Crossing general commercial liability policy shall be provided to the Borough on or before April 24, 2017 in the amount of \$2,000,000.00 with the Borough of Fanwood named as an additional insured.
6. Adequate police presence shall be provided by Sheelen’s Crossing, at its sole cost in accordance with the Borough Code, in a number reasonably determined by the Borough’s Chief of Police to be required during all times when the general public will be permitted on the Property on April 29, 2017.

**BE IT FURTHER RESOLVED THAT** a copy of this Resolution shall be transmitted to Sheelen’s Crossing and the Chief of Police of the Borough.

We agree that in order to go forward with the “Autism Rocks” Celebration on Borough property, on April 29, 2017, we will conform with all of the requirements of this resolution.

Sheelen’s Crossing Inc.

\_\_\_\_\_ Date: \_\_\_\_\_

**Resolution 17-04-79**

**WHEREAS**, Greater Westfield Area Chamber of Commerce Foundation, Inc. has applied for a Raffle License to conduct a 50/50 Raffle, on July 9, 2017, at LaGrande Park, LaGrande Avenue, Fanwood, NJ, under license #538-5-41377, and

**WHEREAS**, the appropriate state fee has been paid and the documents are in order.

**NOW, THEREFORE, BE IT RESOLVED** the Borough Council of the Borough of Fanwood do hereby approve Raffle License No. 17-01 for the Greater Westfield Area Chamber of Commerce Foundation, Inc. to conduct a 50/50 Raffle on July 9, 2017.

**Resolution 17-04-91**

**WHEREAS**, the Recycling Act, P.O. 1989, c.278, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of the Recycling act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection and Energy as promulgated recycling regulations, N.J.S.A. 14A:6-1 et seq. to implement the Recycling Act, and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records concerning the amount of eligible recyclable materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Borough of Fanwood to the efforts undertaken by the municipality, and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, a resolution should be adopted to designate the individual authorized to ensure that the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fanwood hereby endorses the submission of a **2016** Municipal Recycling Tonnage Grant Application to the New Jersey Department of Energy, Office of Recycling and designates Clinton Dickson, Recycling Coordinator, Borough of Fanwood, to ensure that the said application is properly filed.

**NEW BUSINESS**

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

**Introduction of the 2017 Municipal Budget**

Fred Tomkins presented the Budget to the Mayor and Council.

Huegel/Kranz moved to adopt the introduction of the 2017 Municipal Budget. Motion carried on the following roll call vote. Public Hearing and adoption is scheduled for May 22, 2017.

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

**Resolution 17-04-80**

Huegel/Boris moved to adopt resolution 17-04-80. Motion carried on the following roll call vote.

**WHEREAS**, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License 2005-33-003-014, heretofore issued to FANGILL LLC which is a pocket license, and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term, and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated hereunder, as well as pertinent local ordinances and conditions consistent with Title 33, and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

**NOW, THEREFORE, BE IT RESOLVED** that the Fanwood Borough Council does hereby approve, effective April 17, 2017, the transfer of the aforesaid Plenary Retail Consumption License to BEMSK Enterprises LLC, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to BEMSK Enterprises LLC, effective April 17, 2017."

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

**Resolution 17-04-81**

Huegel/Mitchell moved to adopt Resolution 17-04-81. Motion carried on the following roll call vote.

**WHEREAS**, an emergent condition has arisen in that the Borough of Fanwood is expected to enter into contracts, commitments or payments prior to the CY 2017 Budget and no adequate provision has been made in the CY 2017 temporary budget for the afore said purposes, and

**WHEREAS**, N.J.S.A.: 40-20 provides for the creation of an emergency temporary appropriation for said purpose, and

**WHEREAS**, the total emergency temporary appropriation resolutions adopted in the year CY 2017 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$5,577,469.45.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Fanwood, in the County of Union, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

Emergency temporary appropriation is and the same are hereby made in the amount of \$416,500.00 as follows:

**Operations:**

Finance O&E	\$10,000.00	Administration O&E	\$10,000.00
Group Insurance	\$200,000.00	Tax Collection O&E	\$1,000.00
Zoning O&E	\$500.00	Police O&E	\$10,000.00
Dispatch O&E	\$50,000.00	Road Repair O&E	\$25,000.00
Shade Tree O&E	\$35,000.00	Bd. Of Health O&E	\$1,000.00
Westfield Bd. Health	\$11,000.00	Environmental O&E	\$10,000.00
Senior Citizen O&E	\$3,000.00	Utilities	\$20,000.00
Street Lights	\$20,000.00	Gas & Diesel	\$10,000.00

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

**Resolution 17-04-82**

Huegel/Mitchell moved to adopt Resolution 17-04-82. Motion carried on the following roll call vote.

**Resolution Authorizing Submission of Historic Preservation Grant  
 Application to the New Jersey Historic Trust**

**WHEREAS**, the New Jersey Historic Preservation Trust has announced that it is accepting grant applications for Historic Preservation Grants that are due May 3, 2017; and

**WHEREAS**, this year's grant round is for capital preservation grants. The maximum grant request is \$500,000 and requires a match of \$1 for every \$1 in award money. Capital preservation grants may be used for construction expenses related to the preservation, restoration, repair, and rehabilitation of historic property, as well as certain non-construction activities related directly to the development, implementation, operation, and monitoring of historic preservation project. All proposed projects should be supported by previous investigations, such as preservation plans or assessments; and

**WHEREAS**, eligible applicants must be nonprofit organizations or units of county or municipal government, and eligible properties must be listed in the New Jersey or National Register of Historic Places or are certified as eligible for listing by the Deputy State Historic Preservation Officer; and

**WHEREAS**, the Borough of Fanwood is an eligible applicant and the Fanwood Railroad Station Complex (ID#2680) was added to the New Jersey Register of Historic Places on November 7, 1979 and the National Register of Historic Places on July 17, 1980; and

**WHEREAS**, the Borough of Fanwood will conduct restorations to the Fanwood Railroad Station Complex to preserve, restore, repair, rehabilitate and stabilize its historic features; and

**WHEREAS**, the Borough of Fanwood wishes to request \$178,892.50 from the New Jersey Historic Trust and pledges \$178,892.50 as a local match.

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

**BE IT FURTHER RESOLVED** that the Borough Council is hereby authorized to submit said grant application to the New Jersey Historic Trust on behalf of the Borough of Fanwood.

**BE IT FURTHER RESOLVED** that the Borough Administrator is hereby authorized to sign the grant agreement on behalf of the Borough of Fanwood, and that her signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

**Resolution 17-04-83**

Huegel/Mitchell moved to adopt Resolution 17-04-83. Motion carried on the following roll call vote.

**WHEREAS**, Jobar Realty submitted a cash bond in the amount of \$17,710.38 in lieu of a Letter of Credit so that he could receive approval of his construction permits, and

**WHEREAS**, Jobar Realty subsequently requested his cash bond be returned and he provided a Letter of Credit in the amount of \$17,710.38 as a replacement of the cash bond.

**NOW, THEREFRE, BE IT RESOLVED** by the Borough Council that Jobar Realty’s cash bond in the amount of \$17,710.38 be released.

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

**Resolution 17-04-84**

Huegel/Mitchell moved to adopt Resolution 17-04-84. Motion carried on the following roll call vote.

**WHEREAS**, the Mayor and Council wish to contract for an employee assistance program that will provide employee assistance and wellness services for all full-time employees in the Borough, and

**WHEREAS**, Family Resource Center-Comprehensive Assistance and Referral for Employees (CARE), a program of Trinitas Hospital, has submitted a proposal to provide this service at a cost of \$1,300.00/year.

**NOW, THEREFORE, BE IT RESOLVED** the Mayor and Council of the Borough of Fanwood do hereby authorize the contract for an employee assistance program for year 4/1/17 – 3/31/18, to Trinitas Hospital, Family Resource Center, CARE/EAP, 300 North Avenue East, Cranford, NJ 07016.

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

ABSENT: None

**Resolution 17-04-85**

Huegel/Mitchell moved to adopt Resolution 17-04-85. Motion carried on the following roll call vote.

**WHEREAS**, a State Tax Court Judgment was entered to reduce he assessed value for multiple tax years on the following:

**69 Shady Lane  
Fanwood, NJ  
Block 77 Lot 36**

<b>2015 Original Assessment</b>	<b>Judgment</b>
98,400	80,000
<b>2016 Original Assessment</b>	<b>Judgment</b>
98,400	80,000

**NOW, THEREFORE, BE IT RESOLVED** the Borough Council of the Borough of Fanwood hereby authorizes the Tax Collector to refund \$4,978.31 the total amount overpaid in taxes due to the successful appeal.

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

**Resolution 17-04-86**

Huegel/Mitchell moved to adopt Resolution 17-04-86. Motion carried on the following roll call vote.

**WHEREAS**, a duplicate payment exists on the following tax line item:

<b>Current Owner</b>	<b>Address</b>	<b>Amount</b>	<b>Block/Lot</b>
Luccarelli, J & M	166 Tillotson Road	\$2,317.35	47/7

**NOW, THEREFORE, BE IT RESOLVED** the Tax Collector is hereby authorized to refund this duplicate payment to the homeowner per request on file.

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

**Resolution 17-04-87**

Huegel/Mitchell moved to adopt Resolution 17-04-87. Motion carried on the following roll call vote.

**RESOLUTION OF THE BOROUGH OF FANWOOD ADOPTING  
AMENDED AFFORDABLE HOUSING TRUST FUND SPENDING PLAN**

**WHEREAS**, on June 8, 2015, the Borough of Fanwood (the “Borough”) filed a declaratory judgment action with the New Jersey Superior Court seeking to declare its Housing Element and Fair Share Plan (“HEFSP”) as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period (the “Action”); and

**WHEREAS**, pursuant to an Order of the Superior Court of New Jersey dated December 21, 2016, as a condition of obtaining a final judgment of compliance and repose, the Borough is required to make certain amendments to its Affordable Housing Trust Fund Spending Plan (the “Spending Plan”) as set forth in the revised Spending Plan attached hereto as Exhibit A; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Fanwood, County of Union, State of New Jersey, that the attached Spending Plan be and hereby is adopted.

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

**Resolution 17-04-88**

Huegel/Mitchell moved to adopt Resolution 17-04-88. Motion carried on the following roll call vote.

**RESOLUTION OF THE BOROUGH OF FANWOOD  
ADOPTING AFFORDABILITY ASSISTANCE PROGRAMS**

**WHEREAS**, on June 8, 2015, the Borough of Fanwood (the “Borough”) filed a declaratory judgment action with the New Jersey Superior Court seeking to declare its Housing Element and Fair Share Plan (“HEFSP”) as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period (the “Action”); and

**WHEREAS**, the Affordable Housing Trust Fund Spending Plan (the Spending Plan”) adopted by the Borough in connection with the Action commits the Borough to allocate affordability assistance to affordable units that are compliant with applicable rules and regulations; and

**WHEREAS**, the Borough desires to employ the following mechanisms in order to allocate such affordability assistance: (1) provide subsidies to render low-income units affordable to low- and very low-income households; (2) provide down payment assistance to first-time homebuyers; and (3) provide subsidies to implement an Energy Efficiency Assistance Program (“EEAP”) pursuant to which grants may become available to owners of affordable housing units to assist with the cost of new, more energy-efficient HVAC, heat or hot water heater equipment, by replacing existing, older, and less-energy-efficient equipment;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Fanwood, County of Union, State of New Jersey, that the Borough hereby adopts the following affordability assistance programs:

- (1) Provision of subsidies to render low-income units affordable to low- and very low-income households;
- (2) Provision of down payment assistance to first-time homebuyers; and
- (3) Provision of subsidies to implement an Energy Efficiency Assistance Program (“EEAP”) pursuant to which grants may become available to owners of affordable housing units to assist with the cost of new, more energy-efficient HVAC, heat or hot water heater equipment, by replacing existing, older, and less-energy-efficient equipment.

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

**Resolution 17-04-89**

Huegel/Kranz moved to adopt Resolution 17-04-89. Motion carried on the following roll call vote.

**RESOLUTION OF THE BOROUGH OF FANWOOD  
APPOINTING MUNICIPAL ADMINISTRATIVE AGENT**

**WHEREAS**, on June 8, 2015, the Borough of Fanwood (the “Borough”) filed a declaratory judgment action with the New Jersey Superior Court seeking to declare its Housing Element and Fair Share Plan (“HEFSP”) as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period (the “Action”); and

**WHEREAS**, pursuant to an Order of the Superior Court of New Jersey dated December 21, 2016, as a condition of obtaining a final judgment of compliance and repose, the Borough is required to appoint a Municipal Administrative Agent to administer the affordability controls in the Borough; and

**WHEREAS**, the Borough Administrator/Clerk, Eleanor McGovern, is qualified to serve as the Borough’s Administrative Agent; and

**WHEREAS**, the Borough desires to appoint Ms. McGovern to serve as the Borough’s Administrative Agent and has received approval from the Court’s Special Master, Elizabeth C. McKenzie, PP, PA, to so appoint Ms. McGovern.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Fanwood, County of Union, State of New Jersey, that the Borough Administrator/Clerk, Eleanor McGovern, be and hereby is appointed to serve as the Borough’s Affordable Housing Administrative Agent

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

**Ordinance 17-08-S**

Huegel/Molenaar moved to adopt Ordinance 17-08-S on first reading. Motion carried. Second Reading Public Hearing will be held on May 1, 2017.

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

**Ordinance 17-09-S**

Huegel/Molenaar moved to adopt Ordinance 17-09-S on first reading. Motion carried. Second Reading Public Hearing will be held on May 1, 2017.

**BOND ORDINANCE PROVIDING AN APPROPRIATION  
OF \$1,335,000 FOR VARIOUS CAPITAL IMPROVEMENTS  
FOR AND BY THE BOROUGH OF FANWOOD IN THE  
COUNTY OF UNION, NEW JERSEY AND, AUTHORIZING  
THE ISSUANCE OF \$1,024,000 BONDS OR NOTES OF THE**

**BOROUGH FOR FINANCING PART OF THE APPROPRIATION.**

**Ordinance 17-10-S**

Huegel/Kranz moved to adopt Ordinance 17-10-S on first reading. Motion carried. Second Reading Public Hearing will be held on May 1, 2017.

**CALENDAR YEAR 2017  
ORDINANCE TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

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

**Resolution 17-04-90**

Boris/Molenaar moved to adopt Resolution 17-04-90. Motion carried on the following roll call vote.

**WHEREAS**, the Length of Service Awards Program (LOSAP) for the Fanwood Fire Department and Fanwood Rescue Squad was approved by the Mayor and Council through the passage of Ordinance 99-18-R on August 12, 1999 and approved by Fanwood voters as a public question at the General Election on November 2, 1999, and subsequent passage of Ordinance 07-20-R, Ordinance 14-10-R and Ordinance 15-03-R.

**WHEREAS**, the Fanwood Fire Department has certified a list of members who are eligible, in accordance with guidelines outlined in Ordinance 99-18-R, and Ordinance 16-09-R based on member performance in year 2016, to receive the Borough’s 2016 annual contribution of \$722.27 for 50 points or \$1444.54 for 100 points/each as follows:

**FANWOOD FIRE DEPARTMENT  
14 MEMBERS**

- |                     |                     |                     |
|---------------------|---------------------|---------------------|
| Dietl, Frank        | Padulsky, Bruce     | DeProspero, John    |
| Gorman, Kevin *     | Piccola, Brian      | Fourre, Sam         |
| Grasso, Jr, Anthony | Piccola, Kristopher | Weissglass, Zachary |
| Hamill, Raphael     | Piccola, John *     | Zawodniak, Dave     |
| Green, Timothy      | Szanto, Steve       |                     |

\*Achieved 100 points in 2016

**WHEREAS**, the total number of qualifying volunteers for 2016 for the Fire Department is 14 for a contribution of \$11,556.28 (12 at \$722.27 and 2 at \$1444.54).

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council do hereby accept the certified list from the Fire Department dated March 31, 2017.

Attached hereto is the certification of the Chief Financial Officer of the Borough of Fanwood which states that there are legally appropriated sufficient funds within the 2017 Municipal Budget, to cover the costs of this contract.

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

ABSENT: None

Antonios Panagopoulos gave a short engineering report.

**PRIVILEGE OF THE FLOOR BY THE PUBLIC**

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

Mike Lewis, 41 Beech Avenue, asked about a stop signs at LaGrande Avenue on 2<sup>nd</sup> and 3<sup>rd</sup> Streets. Councilman Molenaar addressed his questions. He also asked about the two towns getting together and bringing back the Board of Education Budget to the ballot so that the citizens can vote on it. Attorney McCarthy addressed his questions.

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

**MAYOR AND COUNCIL COMMENTS**

Councilman Boris, Councilwoman Mitchell and Councilman Kranz wished all a Happy Spring.

Councilman Huegel reminded all watching about Arbor Day on April 28 at 4 pm.

Councilwoman Mcelroy-Barker reminded everyone about Clean Community Day on April 22, and “Autism Rocks” on Saturday, April 29 at LaGrande Park.

**ADJOURNMENT**

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

Respectfully submitted,

Eleanor McGovern  
Borough Clerk