

**BOROUGH OF FANWOOD
MAYOR AND COUNCIL REGULAR MEETING
SEPTEMBER 18, 2017**

The Regular Meeting of the Mayor and Council was held on September 18, 2017, at Borough Hall, 75 North Martine Avenue, Fanwood, NJ 07023 at 7:10 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: Russell Huegel, Tom Kranz, Erin Mcelroy-Barker, Katherine Mitchell, Jack Molenaar
- Absent: Kevin Boris
- Also, Present: Mayor Colleen Mahr, Eleanor McGovern, Diane Dabulas, Fred Tomkins, Antonios Panagopoulos

MINUTES

Mitchell/Mcelroy-Barker moved to adopt the minutes as presented. Motion carried.

Regular Meeting	August 21, 2017
Special Meeting	August 14, 2017 and September 5, 2017
Agenda Meeting	August 7, 2017

APPOINTMENTS AND ANNOUNCEMENTS

Presentations:

Mayor Mahr presented Amy Boroff with a Devlin print of the Community House for her volunteer services as a member of the Recreation Commission. Amy was present to receive this award.

PRESENTATION OF COMMUNICATIONS AND REFERRAL

None

STANDING COMMITTEE REPORTS

A. Administration and Finance (Councilman Huegel)

Huegel/Kranz moved the Tax Collector’s report for the month of August. Motion carried.

B. Public Safety (Councilman Boris)

Councilman Molenaar reported that a new process was being set up to receive the permit parking fees for the train station parking lots.

C. Public Works (Councilman Molenaar)

Councilman Molenaar reported for Public Works regarding the new banner poles downtown and the consideration of new technology for the Public Works supervisors. He also reported for the Historic Preservation Commission.

D. Land Use and Historic Preservation (Councilman Kranz)

Councilman Kranz reported for the Board of Health regarding free rabies clinic on October 18, 2017. He also reported that a fundraiser was being held at the Chelsea for Alzheimer's NJ.

E. Recreation and Community Services (Councilwoman Mcelroy-Barker)

Councilwoman Mcelroy-Barker directed the public to see all the Recreation Commission's programs on the website and reporting that the 5K race to be held on October 21st at 3 pm.

F. Health and Senior Citizens (Councilwoman Mitchell)

Councilwoman Mitchell reported for the Environmental Commission, Library, cultural arts and the Senior Citizens

SPECIAL COMMITTEE REPORTS

Antonios Panagopoulos, Borough Engineer reported for the month of August.

Mayor Mahr reported that a meeting of the Home-Based Businesses in Fanwood would be held on September 28th at the Carriage House at 6 pm.

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 \$355,774.15 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, Kranz, Mcelroy-Barker, Molenaar
AGAINST:	None
ABSENT:	Boris
ABSTAINED:	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.

OLD BUSINESS

Administration and Finance (Councilman Huegel)

Ordinance 17-13-S

Huegel/Kranz moved to open the Public Hearing on Ordinance 17-13-S. Motion carried.

No one spoke.

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

Huegel/Mitchell moved to adopt Ordinance 17-13-S on second and final approval. Motion carried on the following roll call vote.

**BOND ORDINANCE PROVIDING APPROPRIATION OF \$1,012,000 FOR
STREETSCAPE IMPROVEMENTS ALONG SOUTH AVENUE BY AND FOR THE
BOROUGH OF FANWOOD IN THE COUNTY OF UNION, NEW JERSEY AND
AUTHORIZING THE ISSUANCE OF \$199,500 IN BONDS OR NOTES OF THE
BOROUGH FOR FINANCING PART OF THE APPROPRIATION.**

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF FANWOOD, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Borough of Fanwood, New Jersey (the “Borough”) as a general improvement. For the said Improvements there is hereby appropriated the amount of \$1,012,000, such sum includes the sum of (a) \$802,000 to be received as a grant from the New Jersey Department of Transportation and (b) \$10,500 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in on more previously adopted budgets for a down payment for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$199,500 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$199,500 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued is for streetscape improvements along South Avenue from Terrill Road to Martine Avenue, including all work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereon on file in the Office of the Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$199,500.

(c) The estimated cost of the Improvements is \$1,012,000, which amount represents the initial appropriation made by the Borough.

SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the “Chief Financial Officer”); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$199,500 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$210,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance (including funds to be received in connection with the New Jersey Environmental Infrastructure Trust Financing Program) shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.100-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$199,500.

SECTION 10.

WHEREAS, in accordance with the Act, and Article II section 148-10, of the Borough of Fanwood Code, the map shall be filed with the Clerk of the Borough of Fanwood and maintained as an official record of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the Map attached hereto is approved as an official finding and record of the location and boundaries of the area or areas on or within 1000 feet of public housing, public buildings or public parks within the Borough of Fanwood, as defined by N.J.S.A. 2C:35-7.1.3 and an original shall be filed with the Borough Clerk and shall be maintained as an official record of the Borough.

Resolution 17-09-170

Huegel/Kranz moved to adopt Resolution 17-09-170. Motion carried

WHEREAS, the Borough of Fanwood wishes to participate in Union County's program for leaf composting at its Conservation Center in 2017.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Mayor and Clerk are hereby authorized to sign a Memorandum of Understanding and an Indemnification Agreement attached hereto with the County of Union as a requirement to use its facility.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Union County Division of Public Works and Fanwood's Director of Public Works.

Resolution 17-09-171

Huegel/Kranz moved to adopt Resolution 17-09-171. Motion carried

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
MUNICIPAL AID APPLICATION**

WHEREAS, the Borough of Fanwood desires to submit an application to the New Jersey Department of Transportation for Fiscal Year 2018 Municipal Aid and;

WHEREAS, this project will be contingent upon availability of funds in the 2018 budget; and

WHEREAS, the reconstruction of Stewart Place and Ginder Place is to be included in the application for the Municipal Aid 2018 Application.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fanwood that the Borough Engineer be authorized to prepare the required New Jersey Department of Transportation Applications and documentation for the Mayor to execute and submit said applications to the New Jersey Department of Transportation.

BE IT FURTHER RESOLVED, that copies of this resolution shall be provided to the

Department of Transportation and T&M Associates.

NEW BUSINESS

A. Administration and Finance (Councilman Huegel)

Resolution 17-09-165

Huegel/Molenaar moved to adopt Resolution 17-09-165. Motion carried on the following roll call vote.

WHEREAS, as a result of the building being demolished on the following line item, an overpayment exists on the 3rd and 4th quarter 2017 taxes:

Current Owner	Address	Amount	Blk/Lot
105 South Avenue, Inc.	105 South Avenue	\$28,481,78	55/12

WHEREAS, the property owner is requesting a refund.

BE IT RESOLVED the Tax Collector is hereby authorized to refund this overpayment to the property owner.

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

B. Public Works (Councilman Molenaar)

Resolution 17-09-166

Molenaar/Huegel moved to adopt Resolution 17-09-166. Motion carried on the following roll call vote.

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

Messercola Excavating Inc., Plainfield, NJ	\$2.73 per cubic yard
S. Rotundi & Sons, Inc., Summit, NJ	Non-Responsive
Nature’s Choice Inc, Jersey City, NJ.	Non-Responsive
Reliable Wood Products, Jersey City, NJ	Non-Responsive

WHEREAS, the Public Works Department recommends awarding the 2017 leaf transport/trucking contract to Messercola Excavating Inc. for a unit price of \$2.73 per cubic yard for a total cost of \$16,380.00 (based on an estimate of 6,000 cubic yards of leaf pickup for 2017).

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 \$16,380.00.

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, Kranz, Mcelroy-Barker, Mitchell
AGAINST: None
ABSENT: Boris
ABSTAINED: None

Resolution 17-09-167

Molenaar/Huegel moved to adopt Resolution 17-09-167. Motion carried on the following roll call vote.

WHEREAS, on June 19, 2017, Stilo Excavation Inc. was awarded the contract for the reconstruction of Poplar Place in the amount of \$507,828.75, and

WHEREAS, the Council is desirous of extending the contract to include the installation of curbing on Shady Lane between Martine Avenue and Clement Place in the amount of \$47,351.00.

NOW, THEREFORE, BE IT RESOLVED the Borough Council hereby authorizes Change Order No. 1, to Stilo Excavation Inc., in the amount of \$47,351.00.

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

Resolution 17-09-173

Molenaar/Huegel moved to adopt Resolution 17-09-173. Motion carried on the following roll call vote.

WHEREAS, the Borough is interested in participating in a shared service with the Scotch Plains Fanwood Board of Education and the Township of Scotch Plains for the garbage disposal on public Property, and

WHEREAS, bids were requested and received in August as well as receiving a proposal from the Plainfield Municipal Utilities Authority that the three entities have accepted with an amount for Fanwood totaling \$41,814.43 for three years.

NOW, THEREFORE, BE IT RESOLVED the Borough Council hereby awards the contract to Plainfield Municipal Utilities Authority, commencing October 1, 2017, and authorizes the Mayor and Clerk to sign the three year contract for garbage disposal as approved by the

NATURE OF SERVICE: Land Surveying Services relevant to Block 55, Lots 5-12 and Block 57, Lot 1, Old South Avenue

DURATION: Period ending August 31, 2018

AMOUNT: Not to exceed \$9,500.00

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: Kranz, Mitchell, Huegel, Mcelroy-Barker, Molenaar

AGAINST: None

ABSENT: Boris

ABSTAINED: None

D. Recreation and Community Services (Councilwoman Mcelroy-Barker)

Resolution 17-09-172

Mcelroy-Barker/Molenaar moved to adopt Resolution 17-09-172. Motion carried on the following roll call vote.

WHEREAS, there are additional open items relevant to the Forest Road Skate Board Project that need to be completed and closed out, and

WHEREAS, Adams, Rehmann & Heggan Associates, Inc , the engineering firm that supervised the installation and construction of the Skate Park has submitted a proposal to administer and inspect the remaining punch list tasks that were not included in their original contract, for a sum of \$4,500.00.

NOW, THEREFORE, BE IT RESOLVED the Borough Council hereby authorizes the increase to ARH's contract in the amount of \$4,500.00.

FOR: Mcelroy-Barker, Molenaar, Huegel, Kranz, Mitchell

AGAINST: None

ABSENT: Boris

ABSTAINED: None

PRIVILEGE OF THE FLOOR BY THE PUBLIC

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.

ADJOURNMENT

Molenaar/Kranz moved to adjourn the meeting at 7:55 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern
Borough Clerk