

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

The Regular Meeting of the Mayor and Council was held on December 19, 2016 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 and Moment of Silence was led by Mayor Mahr.

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

Absent: None

Also Present: Mayor Colleen Mahr, Eleanor McGovern, Diane Dabulas for Dan McCarthy, Frederick Tomkins

APPOINTMENTS/RESOLUTIONS/PROCLAMATIONS/PRESENTATIONS

Appointments:

Environmental Commission

Eric Gaulin was appointed as Commissioner with term ending 12/31/2019

Phyllis Sandrock was appointed as Commissioner with term ending 12/31/2019

Mitchell/Huegel moved to accept these appointments. Motion carried.

CORRESPONDENCE

None

Liz Jeffery, Downtown Coordinator, presented her monthly report to the Mayor and Council and discussed the recent improvements to the Downtown area.

COUNCIL REPORTS

A. Administration and Finance (Councilman Huegel)

Huegel/Mitchell moved to accept the December Tax Collector Report. Motion carried.

Huegel/Mitchell moved to approve the Payment of Claims for January 2017. Motion carried on the following roll call vote.

PAYMENT OF CLAIMS

BE IT RESOLVED that claims in the amount of \$634,015.24 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

ABSTAINED: None

ABSENT: None

Councilman Huegel stated that budget hearings for 20-17 will begin within the next few weeks.

B. Public Safety (Councilman Boris)

No report

C. Public Works (Councilman Molenaar)

Councilman Molenaar reported for the Fire Department, Rescue Squad, Public Works and Historic Presentation.

D. Land Use and Historic Preservation (Councilman Kranz)

Councilman Kranz reported for the Board of Health.

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

Councilwoman McElroy-Barker reported for the Recreation Commission.

F. Health and Senior Citizens (Councilwoman Mitchell)

Councilwoman Mitchell reported for the Library and Cultural Arts.

MEETING OPEN TO 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.

OLD BUSINESS

None

NEW BUSINESS

A. Administration and Finance (Councilman Huegel)

Huegel/Molenaar moved to change the order of business to B.1. Resolution 17-01-39. Motion carried.

Matthew John Ridge was present with Chief Piccola.

Resolution 17-01-39

Mitchell/Kranz moved to adopt Resolution 17-01-39. Motion carried.

WHEREAS, the Fanwood Fire Department has received the following membership application:

Matthew John Ridge
330 Victor Street
Scotch Plains, NJ 07076

and

WHEREAS, the applicant Matthew Ridge, has met the requirements for membership in the Department and the Fire Chief of the Fanwood Fire Department recommends his membership.

NOW, THEREFORE, BE IT RESOLVED the Fanwood Borough Council hereby approves the membership of Matthew Ridge, in the Fanwood Fire Department.

Huegel/Molenaar moved to return to 11.A.1. Resolution 17-01-29. Motion carried.

Resolution 17-01-29

Huegel/Molenaar moved to adopt Resolution 17-10-29. Motion carried.

BE IT RESOLVED by the Mayor and Council of the Borough of Fanwood that the following individuals

be appointed to the Plainfield Municipal Utilities Authority as Fanwood's representatives, for the terms indicated:

Fanwood Representative	William Populus	2/1/2017-1/31/2022
	384 LaGrande Avenue	
	Fanwood, NJ. 07023	
Fanwood Representative Alternate No. 1	Jack Molenaar	2/1/2017-1/31/2019
	46 Farley Avenue	
	Fanwood, NJ 07023	
Fanwood Representative Alternate No. 2	Colleen Mahr	2/1/2017-1/31/2020
	315 North Avenue	
	Fanwood, NJ 07023	

Resolution 17-01-30

Huegel/Mitchell moved to adopt Resolution 17-01-30. Motion carried

WHEREAS, New Jersey law, specifically N.J.S.A. 54:4-67, permits a governing body by resolution to fix a penalty to be charged taxpayers with delinquencies in excess of \$10,000 and who fail to pay such delinquencies prior to the end of the fiscal year; and to authorize a 10 day grace period for the payment of taxes, and

WHEREAS, N.J.S.A. 54:4-67 permits the holder of an outstanding tax sale certificate to receive the aforementioned penalty as part of the amount required to be paid by the taxpayer to redeem such certificate(s) of tax sale if said certificate holder has fully paid and satisfied such taxes; and

WHEREAS, N.J.S.A. 54:4-67 permits the governing body by resolution to fix the rate of interest to be charged for the non-payment of taxes or assessments, so long as it is fixed on or before the date when the taxes or assessments become delinquent; and

WHEREAS, N.J.S.A. 54:44-67 requires a municipality wishing to effectuate the terms of said statute to adopt a resolution prior to the date on which such taxes or assessments become delinquent.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fanwood, as follows:

1. Authorizes a 10-day grace period of the payment of taxes.
2. The Collector of Taxes shall charge interest at the rate of eight (8%) percent per annum on the first \$1,500.00 of the delinquency, which term is defined in N.J.S.A. 54:4-67, and eighteen (18%) percent per annum on any amount of the delinquency, as that term is defined in N.J.S.A. 54:4-67, in excess of the \$1,500.00, to be calculated from the date the taxes and/or assessments were payable until the date that actual payment; and
3. The Tax Collector shall also charge a penalty of an additional six (6) percent of the amount of the delinquency, as that term is defined by N.J.S.A. 54:4-67, to a taxpayer with such a delinquency in excess of \$10,000 and who fails to pay that delinquency prior to the end of the fiscal year.
4. If such taxes and/or assessments are fully paid and satisfied by the holder of an outstanding tax sale certificate, such holder shall be entitled to receive the six (6%) percent penalty as part of the amount required to be paid by the taxpayer in order to redeem such tax sale certificate; and
5. Pursuant to N.J.S.A. 38:23C-18 (the Soldiers & Sailors Relief Act):
 - a) Owners of property in the Borough who are on active duty in the military are protected from tax sale.
 - b) Rate of interest on delinquent payments lowered to 6% for all persons on active duty in U. S. military.

BE IT FURTHER RESOLVED that the Collector of Taxes of the Borough of Fanwood is hereby authorized to conduct the annual sale of delinquent taxes for the calendar year 2017.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Borough Treasurer and the Borough Tax Collector.

Resolution 17-01-31

Huegel/Mitchell moved to adopt Resolution 17-01-31. Motion carried.

WHEREAS, N.J.S.A. 40A:5-17.1 permits the governing body to adopt a resolution authorizing a municipal employee to cancel, without further action on the part of the governing body, any property tax overpayment or delinquency of less than \$10.00.

NOW, THEREFORE, BE IT RESOLVED the Tax Collector is hereby authorized to process such overpayments or delinquencies.

Ordinance 17-01-S

Ordinance 17-01-S will be introduced after the adoption of the following resolutions.

Resolution 17-01-32

Public Hearing on Green Acres Grant – Park Development Grant Application - Forest Road Park Councilman Huegel summarized the contents of the grant application that is reflected in Resolution 17-01-32. A summary handout of the application was provided to the public.

Huegel/Mitchell moved to open the Public Hearing on the Park Development Application. Motion carried.

No one spoke.

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

Huegel/McElroy-Barker moved to adopt Resolution 17-01-32. Motion carried on the following roll call vote.

RESOLUTION 17-01-32
2017 GREEN ACRES ENABLING RESOLUTION
PARK DEVELOPMENT GRANT

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Fanwood desires to further the public interest by obtaining funding in the amount of \$605,000, in the form of a \$151,250 matching grant and, if available, a \$273,750 loan, from the State to fund the following project(s): Forest Road Park Development Project – Phase 1 at a cost of \$605,000;

NOW, THEREFORE, the governing body/board resolves that Mayor Colleen Mahr or the successor to the office of the Mayor is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and

(c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Council of the Borough of Fanwood

1. That the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Forest Road Park Development Project;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$180,000;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

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

Resolution 17-01-33

Public Hearing on Green Acres Grant – Stewardship Grant Application – Nature Center
Councilman Huegel summarized the contents of the grant application that is reflected in Resolution 17-01-33. A summary handout of the application was provided to the public.

Huegel/Mitchell moved to open the Public Hearing on the Stewardship Grant Application. Motion carried.

No one spoke.

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

Huegel/Mitchell moved to adopt Resolution 17-01-33. Motion carried on the following roll call vote.

RESOLUTION 17-01-33 2017 GREEN ACRES ENABLING RESOLUTION STEWARTSHIP GRANT

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Fanwood desires to further the public interest by obtaining funding in the amount of \$125,605.15, in the form of a \$62,802.58 matching grant and, if available, a \$0 loan, from the State to fund the following project(s): Fanwood Nature Center Rescue Initiative at a cost of \$125,605.15;

NOW, THEREFORE, the governing body/board resolves that Mayor Colleen Mahr or the successor to the office of the Mayor is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (d) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE Council of the Borough of Fanwood

1. That the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Fanwood Nature Center Rescue Initiative;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$62,802.58;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

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

Resolution 17-01-34

Huegel/Boris moved to adopt Resolution 17-01-34. Motion carried on the following roll call vote.

WHEREAS, the Mayor and Council have a need for a qualified special engineer to evaluate the Borough's wastewater system and provide an engineering report; and

WHEREAS, the Mayor and Council have sought responses to a Request for Qualifications ("RFQ") to perform the duties of Special Engineer; and

WHEREAS, the process for obtaining responses to the RFQ are part of the open and fair process as provided by New Jersey law; and

WHEREAS, a response was received by the Mayor and Council to the RFQ from the firm of H2M, 119

Cherry Hill Road, Suite 10, Parsippany, NJ 07054; and

WHEREAS, the Mayor and Council have determined that the response submitted by H2M conforms with the qualifications set forth in the RFQ; and

WHEREAS, N.J.S.A. 40A:11-5 provides that contracts for professional services may be negotiated and awarded without public bidding.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fanwood that H2M be, and hereby is, appointed as Special Engineer to provide the services enumerated above; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be, and hereby are, authorized to enter into a contract with H2M, in accordance with the terms of this Resolution, the provisions of the RFQ and the attached Notice: and

BE IT FURTHER RESOLVED that a copy of the attached notice by printed once in The Times of Scotch Plains within ten (10) days of this date.

**NOTICE OF AWARD OF CONTRACT
FOR PROFESSIONAL SERVICES BY THE BOROUGH OF FANWOOD
RESOLUTION 17-01-34**

CONTRACTOR:	H2M Patrick K. Cole, P.E. 119 Cherry Hill Road Parsippany, NJ 07054
NATURE OF SERVICE:	Engineering Services/Evaluation of Wastewater System
DURATION:	For a period ending no later than December 31, 2017
FEE:	Not to exceed \$34,500.00

A copy of this Resolution and Contract relating to the services are on file and available for public inspection in the office of the Borough Clerk.

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

Resolution 17-01-35

Huegel/Mitchell moved to adopt Resolution 17-01-35. Motion carried on the following roll call vote.

WHEREAS, the Borough will be participating in Shared Services initiatives in 2017 with the Township of Scotch Plains and the Scotch Plains – Fanwood Board of Education; and

WHEREAS, the Borough Council wishes to participate in the shared services initiatives for 2017 by appointing Jersey Professional Management to continue to facilitate and coordinate Shared Services activities for a fee not to exceed \$2,310.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fanwood that Jersey Professional Management of Cranford, NJ is hereby engaged to perform these services; and

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

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

Resolution 17-01-36

Huegel/Mitchell moved to adopt Resolution 17-01-36. Motion carried on the following roll call vote.

SOLUTION AUTHORIZING SETTLEMENT OF THE 2014, 2015 & 2016 TAX APPEALS ENTITLED, PATEL, SONAL & GOORENKOV, VLADISLAV V. BOROUGH OF FANWOOD, DOCKET NOS.: 010783-2014, 00969-2015, 008534-2016, BLOCK 77, 36 COMMONLY KNOWN AS 69 SHADY LANE

WHEREAS, an appeal of the real property tax assessment for tax years 2014, 2015 & 2016, Block 77, Lot 36 has been filed by the taxpayer, Patel, Sonal & Govorenkov, Vladislav.

WHEREAS, the Borough of Fanwood desires to settle the tax appeal for the tax years 2014, 2015 & 2016, 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, 2015 & 2016 tax appeals are hereby authorized as follows:
69 Shady Lane

Year: 2014

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 34,800	\$ 34,800	\$ 34,800
Improvements	\$ 63,600	\$ 63,600	\$ 63,600
Total	\$ 98,400	\$ 98,400	\$ 98,400

Year: 2015

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 34,800	\$ 34,800	\$ 34,800
Improvements	\$ 63,600	\$ 63,600	\$ 45,200
Total	\$ 98,400	\$ 98,400	\$ 80,000

Year: 2016

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 34,800	\$ 34,800	\$ 34,800
Improvements	\$ 63,600	\$ 63,600	\$ 45,200
Total	\$ 98,400	\$ 98,400	\$ 80,000

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 2017 tax assessment shall be 75,000.

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

Resolution 17-01-37

Huegel/Boris moved to adopt Resolution 17-01-37. Motion carried on the following roll call vote.

WHEREAS, CTM Environmental Services, Inc. was awarded a contract through Resolution 15o-11-179, to provide remediation services to Block 64, Lot 6.02, in the amount of \$32,650.00, and

WHEREAS, CTM is finishing up this project and needs to provide additional services to the Borough to complete the report to the State of New Jersey, Department of Environmental Protection which requires an amendment to the initial contract in the amount of \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that the contract awarded to CTM Environmental Services, Inc. be amended to increase the contract \$37,650.00, to provide for these unforeseen costs.

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

Resolution 17-01-38

Huegel/Kranz moved to adopt Resolution 17-01-38. Motion carried on the following roll call vote.

WHEREAS, the three year contract for the Borough Engineer, appointed through Resolution 13-08-123, has expired 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 February 28, 2017.

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

ABSENT: None

C. Public Works (Councilman Molenaar)

Resolution 17-01-40

Molenaar/Huegel moved to adopt Resolution 17-01-40. Motion carried.

WHEREAS, Andrew Baldassarre has completed the necessary requirements for a step increase promotion to Public Works Operator, Class B, and

WHEREAS, the Public Works Director certifies that the prerequisites for this step increase have been accomplished and recommends this promotion for Andrew Baldassarre.

NOW, THEREFORE, BE IT RESOLVED the Borough Council does hereby authorize Andrew Baldassarre's promotion to Class B on January 1, 2017.

Resolution 17-01-41

Molenaar/Huegel moved to adopt Resolution 17-01-41. Motion carried.

WHEREAS, Anthony Grasso has completed the necessary requirements for a step increase promotion to Public Works Operator, Class D, and

WHEREAS, the Public Works Director certifies that the prerequisites for this step increase have been accomplished and recommends this promotion for Anthony Grasso.

NOW, THEREFORE, BE IT RESOLVED the Borough Council does hereby authorize Anthony Grasso's promotion to Class D on January 1, 2017.

Resolution 17-01-42

Molenaar/McElroy-Barker moved to adopt Resolution 17-01-42. Motion carried on the following roll call vote.

BE IT RESOLVED the Mayor and Clerk are hereby authorized to sign a contract with Valley Medical Group/WorkPlace Connection, 15 Essex Road, Suite 504, Paramus, NJ 07652, for the CDL Random Alcohol and Drug Testing Program, in the amount of \$68.00 per CDL license holder. Contract term January 1, 2017 to December 31, 2017.

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

Resolution 17-01-43

Molenaar/Boris moved to adopt Resolution 17-01-43. Motion carried on the following roll call vote.

WHEREAS, the Recycling Association has two forklifts that they need to sell since they have discontinued the operation at the Recycling Center, and

WHEREAS, the Department of Public Works has a use for both these forklifts and recommends the Borough Council authorizes the purchase of both pieces of equipment.

NIOW, THEREFORE BE IT RESOLVED the Borough Council hereby authorizes the purchase of these forklifts, in the total amount of \$7,000.00, from the Recycling Association.

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

MEETING OPEN TO THE PUBLIC

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

Michael Lewis, Beech Avenue, questioned where the funding will come from for the Green Acres Grant. Fred Tomkins addressed his question.

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

COUNCIL COMMENTS

Councilman Huegel quoted Martin Luther King.

Councilwoman McElroy Barker stated that everyone should embrace each other in the current year.

Councilman Molenaar hoped everyone would stay safe.

Mayor Mahr stated that Martin Luther Day was a great event.

EXECUTIVE SESSION

The executive session was not held but postponed to February 6, 2017.

ADJOURNMENT

Boris/Huegel moved to adjourn at 8 pm. Motion carried.