

**BOROUGH OF FANWOOD
MAYOR AND COUNCIL REGULAR MEETING
SEPTEMBER 19, 2016**

The Regular Meeting of the Mayor and Council was held on September 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, 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: Tom Kranz, Erin Mcelroy-Barker, Katherine Mitchell

Absent: Boris, Huegel, Molenaar

Also Present: Mayor Colleen Mahr, Eleanor McGovern, Diane Dabulas for Daniel McCarthy

MINUTES

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

Regular Meeting	August 15, 2016
Agenda Meeting	September 6, 2016
Special Meeting	September 6, 2016
Downtown Redevelopment	
Agency Meeting	September 6, 2016

APPOINTMENTS/RESOLUTIONS/PROCLAMATIONS/PRESENTATIONS

Presentations:

John DeProspero, Fireman, was chosen as Volunteer of the Month for September 2016. He was present to receive this honor.

CORRESPONDENCE

1. Fanwood Lions Club
Re: Requesting approval to install nativity figures.
Disposition: Permission granted Fanwood Lions Club

2. Fanwood Lions Club
Re: Requesting approval of the use of the LaGrande Park Playground to sell Christmas Trees as a fund raiser
Disposition: Permission granted

3. PSE&G

Re: Public Meeting on 9/15/2016, to discuss its Basic Generation Service proposal

Disposition: Not and File

COUNCIL REPORTS

A. Administration and Finance (Councilman Huegel)

Mitchell/Kranz moved to accept the Tax Collector Report for August 2016. Motion carried.

Mitchell/Kranz moved to adopt the Payment of Claims. Motion carried on the following roll call vote.

BE IT RESOLVED that claims in the amount of \$4,166,385.53 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: Kranz, Mcelroy-Barker, Mitchell

Against: None

Absent: Boris, Huegel, Molenaar

Abstain: None

B. Public Safety (Councilman Boris)

No report.

C. Public Works (Councilman Molenaar)

No report

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

Councilwoman Barker reported for Recreation stating that the improvements to the Tennis Courts at LaGrande Park are complete and the 2017 Union County Kids Recreation Grant was submitted.

E. Recreation and Community Services (Councilman Kranz)

Councilman Kranz reported that approximately 2500 Recycle Bins have been delivered for the first pick up on October 6, 2016. Fanny Wood Day will be held on September 18, 2016.

F. Health and Senior Citizens (Councilwoman Mitchell)

Councilwoman Mitchell reported for the Library, Senior Citizens and the Poetry Series.

MEETING OPEN TO THE PUBLIC

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

Richard Szeto, 40 Forest Road, introduced himself as Acting President of the Library Board and thanked Mayor and Council for their support in the Library extension and requested a more definitive answer as to funding this fall. Katherine Bach and Jane Frost-Guzzo were also present.

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

OLD BUSINESS

None

NEW BUSINESS

A. Administration and Finance (Councilman Huegel)

Resolution 16-09-132

Mitchell/Kranz moved to adopt Resolution 16-09-132. Motion Carried.

WHEREAS, the Borough of Fanwood wishes to participate in Union County's program for leaf composting at its Conservation Center in 2016.

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 16-09-143

This Resolution was pulled out for discussion.

Mitchell/Kranz moved to adopt Resolution 16-09-143. Motion carried.

RESOLUTION OF THE BOROUGH OF FANWOOD REFERRING TO THE BOROUGH OF FANWOOD PLANNING BOARD A RESOLUTION 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 a delineated area of real property in the municipality constitutes an area in need of rehabilitation; 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 Exhibit "A" attached hereto (the "Properties") satisfy the criteria to be designated as an area in need of rehabilitation and should be designated as an area in need of rehabilitation and added to and incorporated within the Old South Avenue Rehabilitation Area; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-14, the Council is referring to the Borough of Fanwood Planning Board (the "Planning Board") for review and recommendation the proposed resolution attached hereto as Exhibit "B" to be adopted by the Council to designate the Properties as in need of rehabilitation and extend the Old South Avenue Rehabilitation Area to include the Properties.

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 as if fully set forth at length.
2. The Mayor and Council hereby authorize and direct the Planning Board to review the proposed resolution designating the Properties as in need of rehabilitation and adding them to the Old South Avenue Rehabilitation Area and provide its recommendations to the Council.

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.

EXHIBIT "A"
LIST OF PROPERTIES

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

EXHIBIT "B"
BOROUGH OF FANWOOD
RESOLUTION _____

**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. _____ adopted on _____, 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 _____, 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:

1

- 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.

Resolution 16-09-144

Mitchell/Kranz moved to adopt Resolution 16-09-144. Motion carried.

WHEREAS, Ordinance 13-17-R established a fee range relevant to off-street parking fees for residents and non-residents.

NOW, THEREFORE, BE IT RESOLVED the Borough Council hereby establishes the annual off-street parking fees for 2017 as follows:

Residents:	\$370.00	Non-Residents:	\$665.00
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Ordinance 16-07-S

Mitchell/Kranz moved to adopt Ordinance 16-07-S on first reading. Motion carried. Second Reading and Public Hearing will be held on October 18, 2016.

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

Ordinance 16-08-R

Mitchell/Mcelroy-Barker moved to adopt Ordinance 16-08-R on first reading. Motion carried. Second Reading and Public Hearing will be held on October 18, 2016.

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

Ordinance 16-09-R

Mitchell/Kranz moved to adopt Ordinance 16-09-R on first reading. Motion carried. Second Reading and Public Hearing will be held on October 18, 2016.

**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**

Resolution 16-09-133

Mitchell/Mcelroy-Barker moved to adopt Resolution 16-09-133. 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 **\$3,000.00** which is now available from the **New Jersey Prevention Network, Inc.** in the amount of **\$3,000.00**

BE IT FURTHER RESOLVED, that the like sum of **\$3,000.00** is hereby appropriated under the caption **New Jersey Prevention Network, Inc.** and

BE IT FURTHER RESOLVED that the above is the result of funds from the **New Jersey Prevention Network, Inc.** in the amount of **\$3,000.00**

Resolution No. **16-09-133**

Offered by Mitchell

Seconded by McElroy-Barker

Adopted: September 19, 2016

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

Resolution 16-09-134

Mitchell/Kranz moved to adopt Resolution 16-09-134. 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 **\$2,500.00** which is now available from the **Heart Grant Trust Fund** in the amount of **\$2,500.00**

BE IT FURTHER RESOLVED, that the like sum of **\$2,500.00** is hereby appropriated under the caption **Heart Grant Trust Fund,** and

BE IT FURTHER RESOLVED that the above is the result of funds from the **County of Union** in the amount of **\$2,500.00**

Resolution No. **16-09-134**

Offered by Mitchell
Adopted: September 19, 2016

Seconded by Kranz

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

Resolution 16-09-135

Mitchell/Mcelroy-Barker moved to adopt Resolution 16-09-135. Motion carried on the following roll call vote.

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2015 TAX APPEAL ENTITLED., ISIDORE AND RITA MANDEL V. BOROUGH OF FANWOOD, DOCKET NO.: 010687-2015, BLOCK 64, LOT 13 COMMONLY KNOWN AS 44 S. MARTINE AVENUE.

WHEREAS, an appeal of the real property tax assessment for tax year 2015, Block 64, Lot 13 has been filed by the taxpayer, Isidore and Rita Mandel.

WHEREAS, the Borough of Fanwood desires to settle the tax appeal for the tax year 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 2015 tax appeal is hereby authorized as follows:
44 S. Martine Avenue

Year: 2015

	Original <u>Assessment</u>	County Tax <u>Board Judgment</u>	Requested Tax <u>Court Judgment</u>
Land	\$ 29,400	\$ 29,400	\$ 29,400
Improvements	\$ 375,800	\$ 375,800	\$ 320,600
Total	\$ 405,200	\$ 405,200	\$ 350,000

- 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;

FOR: Mitchell, Mcelroy-Barker, Kranz
AGAINST: None

ABSENT: Boris, Huegel, Molenaar
ABSTAIN: None

Resolution 16-09-136

Mitchell/Kranz moved to adopt Resolution 16-09-136. Motion carried on the following roll call vote.

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

Current Owner	Address	Amount Blk/Lot	
Clasen, D & J	67 Farley Avenue	\$3,089.40	50/4

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

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

Resolution 16-09-137

Mitchell/Kranz moved to adopt Resolution 16-09-137. Motion carried on the following roll call vote.

WHEREAS, Roth D’Aquanni, LLC was awarded the contract as Labor Counsel for services related to labor matters through Resolution 16-01-07, on January 7, 2016, in the amount of \$5,000.00, and

WHEREAS, the contract was increased through Resolution 16-07-100 in the amount of \$5,000.00, and

WHEREAS, it is necessary to increase the amount of the contract to \$15,000.00 due to unforeseen labor matters.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that Roth D’Aquanni’s contract for 2016 be increased by \$5,000.00.

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

Resolution 16-09-138

Mitchell/Kranz moved to adopt Resolution 16-09-138. Motion carried on the following roll call vote.

WHEREAS, N.J.S. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A:4-85, the

ABSTAIN: None

B. Public Works (Councilman Molenaar)

Resolution 16-09-140

Mcelroy-Barker/Mitchell moved to adopt Resolution 16-09-140. Motion carried on the following roll call vote.

WHEREAS, the Historic Preservation Commission is desirous of improving the lighting outside the historic Fanwood Community House, and

WHEREAS, quotes were received to complete this improvement for the purchase of the materials needed to install 10 new lighting fixtures, with the lowest bidder, Robert Newell, Lighting Designer.

NOW, THEREFORE, BE IT RESOLVED the Borough Council hereby awards the contract to Robert Newell, Lighting Designer, 654 North Avenue, Westfield, NJ 07090, in an amount not to exceed \$12,713.89.

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

Resolution 16-09-141

Mcelroy-Barker/Mitchell moved to adopt Resolution 16-09-141. Motion carried on the following roll call vote.

WHEREAS, the Historic Preservation Commission is desirous of improving the lighting outside the historic Fanwood Community House, and

WHEREAS, quotes were received for the installation and wiring of 10 new lighting fixtures, with ARC Electric LLC, being the lowest bidder.

NOW, THEREFORE, BE IT RESOLVED the Borough Council hereby awards the contract to ARC Electric LLC, 17 Shady Lane, Fanwood, NJ, 07023., in an amount not to exceed \$5,200.00.

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

C. Recreation and Community Services (Tom Kranz)

Resolution 16-09-142

Kranz/Mitchell moved to adopt Resolution 16-09-142. Motion carried on the following roll call vote.

WHEREAS, Surface Asphalt Paving, Inc. (ASAP) was awarded the contract for the rehabilitation of LaGrande Park Tennis Courts through Resolution 15-10-163, and

WHEREAS, the Recreation Commission is desirous of having the five tennis nets replaced by ASAP who has submitted a proposal to do this work for a fee of \$1,000.00.

NOW, THEREFORE, BE IT RESOLVED the Borough Council hereby awards Change Order No. 1 TO

ASAP's contract in the amount of \$1,000.00.

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

Mayor Mahr mentioned the Open Space Tax question as a referendum on the November 8th Ballot and encouraged all residents to vote.

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

COUNCIL COMMENTS

Councilman Kranz thanked the residents for their patience with the delivery of the recycling bins.

Councilwoman Mitchell reminded everyone of Fanny Wood Day, the new construction in town and their response to the Library improvements.

Councilwoman Mcelroy Barker reminded those that want to vote need to be registered. .

ADJOURNMENT

Mitchell/Kranz moved to adjourn at 8:05 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern, Borough Clerk