

**BOROUGH OF FANWOOD  
MAYOR AND COUNCIL REGULAR MEETING  
NOVEMBER 21, 2016**

The Regular Meeting of the Mayor and Council was held on November 21, 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: Kevin Bois, Russell Huegel, Tom Kranz, Katherine Mitchell, Jack Molenaar

Absent: Erin Mcelroy Barker

Also Present: Mayor Colleen Mahr, Eleanor McGovern, Dan McCarthy, Peter Bondar

**APPOINTMENTS/RESOLUTIONS/PROCLAMATIONS/PRESENTATIONS**

**Presentations:**

Mayor Mahr presented the Devlin Print to Robert Stovall for his dedicated volunteerism on the Board of Health.

**Appointments:**

Adam Matty was appointed as Alternate No. 1 on the Planning Board. His term expires 12/31/16. Mitchell/Kranz moved to accept this appointment. Motion carried.

Michelle Gardella was appointed as Alternate No 2 on the Shade Tree Commission. Her term expires 12/31/2018.

**Proclamations:**

The following proclamations are part of the minutes of this meeting:

**HELEN BUCCI  
100<sup>TH</sup> BIRTHDAY**

**WHEREAS, HELEN BUCCI**, born on October 27, 1916, is celebrating her 100<sup>th</sup> birthday on October 27, 2016, with a party given by her family and friends, and

**WHEREAS**, Helen and Frank raised their three children, Carolyn, Joseph and Frank, Jr., in Springfield, New Jersey, and now celebrate six grandchildren and five great grandchildren, and

**WHEREAS**, Helen and Frank also created a successful custom cabinet and woodworking

company in Union, New Jersey together and operated it until retirement, and

**WHEREAS, HELEN** spent her life as prolific reader, a great cook and world traveler, and

**WHEREAS,** we celebrate **HELEN'S** invincible spirit and caring heart as reflected in her volunteer work at Overlook Hospital, her church and her community, and

**WHEREAS,** since there is no one like **HELEN,** we treasure her uniqueness with the hope that for every candle on her cake she receives wonderful surprises throughout the year.

**NOW, THEREFORE, I,** Colleen Mahr, Mayor of the Borough of Fanwood, do hereby proclaim October 27, 2016, **HELEN BUCCI DAY,** in the Borough and along with the Borough Council wish that this celebration is the best of birthdays, the best one ever, for this remarkable woman, **HELEN BUCCI.**

**HAPPY BIRTHDAY HELEN!**

The following Proclamation was presented and Chris' Award Dinner:

**CRIS BONDAROWICZ  
EAGLE SCOUT AWARD**

**WHEREAS, CHRIS BONDAROWICZ,** of Boy Scout of America Troop 104, has attained the prestigious rank of Eagle Scout, and

**WHEREAS, CHRIS BONDAROWICZ** has earned the Eagle Scout Award through hard work and service to others, and

**WHEREAS, CHRIS BONDAROWICZ** has demonstrated his outstanding leadership ability that is documented by the hours of service he has given and the interest patches he has garnered, and

**WHEREAS, CHRIS BONDAROWICZ'S** Eagle Scout project was to build and install bat boxes, with the help of other scouts, at the Fanwood Nature Center, to entice the endangered bat population.

**WHEREAS, CHRIS BONDAROWICZ** organized, supervised and implemented this program with the help of his fellow scouts.

**NOW, THEREFORE, BE IT RESOLVED** that I, Colleen Mahr, Mayor, do hereby proclaim November 12, 2016, **CHRIS BONDAROWICZ DAY,** in the Borough of Fanwood and ask all who know him to mark our good fortune at having this extraordinary young man as a contributor to the welfare of our community.

**BE IT FURTHER RESOLVED** that this proclamation be read at the next meeting of the Mayor and Council and spread across the minutes of that meeting to officially thank **CHRIS BONDAROWICZ** for serving as a role model for young people to follow, and to congratulate **CHRIS** on his achievements which have demonstrated commitment to himself and his community.

**Resolutions:**

The following resolution was read at the Veterans service on November 11, 2016 and is part of the minutes of this meeting.

**VETERANS DAY  
NOVEMBER 11, 2016**

**WHEREAS**, we gather together today to convey Fanwood's gratitude for those who risked their lives for the land, the people, and the ideals they loved, and

**WHEREAS**, after years of bitter war, Allied powers signed a cease fire agreement bringing World War I to a close on November 11, 1918, ninety-eight years ago, and

**WHEREAS**, since World War I, we have experienced World War II, the Korean Conflict, Lebanon Crisis of 1958, Vietnam Conflict, Lebanon Peacekeeping Mission, Grenada Peacekeeping Mission, Panama Peacekeeping Mission, Operation Desert Shield/Desert Storm, Restore Hope Mission-Somalia, Joint Endeavor/Joint Guard-Bosnia & Herzegovina, Operation Enduring Freedom, Operation Iraqi Freedom, Operation Northern/Southern Watch keeping, and

**WHEREAS**, it is proper that we recognize not only the sacrifices made by the veterans whose lives were interrupted by a call to military service, but the sacrifices of the families who were left behind to cope with the absence of loved ones, and

**WHEREAS**, we will not forget the POW's and the MIA's yet to be accounted for, and

**WHEREAS**, we will not forget those who died in the service to our country, and

**NOW, THEREFORE, BE IT RESOLVED** the Mayor and Council of the Borough of Fanwood publicly recognize the veterans who selflessly protected this country; encourage the citizens of Fanwood to remember our Veterans on Veterans Day and every day of the year; to offer thanks to our heroes, both living and dead, who sacrificed themselves for us to ensure this country's lasting peace; to those servicemen and women serving our country at this time; and may God Bless America and the veterans who kept her free.

**CORRESPONDENCE:**

Mitchell/Boris moved to accept the correspondence as presented. Motion carried.

1. Veterans of Foreign Wars  
Re: Veterans Day Service at Library at Noon  
Disposition: Note and File
2. New Jersey Transit  
Re: Public Hearings on Senior Citizen and Disabled Resident Transportation Assistance Act  
Disposition: Note and File

**MEETING OPEN TO THE PUBLIC**

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

Carol Campell presented Council with “Another Way” petition distributed in early October with 704 signatures supporting the improvements to the Library.

Katherine Balch thanked the Mayor and Council for their efforts in discussion of the funding of the Library improvements.

Huegel/Mitchell moved to return to the normal order of business. Motion carried.

## **COUNCIL REPORTS**

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

Huegel/Boris moved to adopt the Tax Collector Report. Motion carried.

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

### **PAYMENT OF CLAIMS**

**BE IT RESOLVED** that claims in the amount of \$2,373,965.21 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, Molenaar  
Against: None  
Absent: Mcelroy-Barker  
Abstention: None

Councilman Huegel reported that discussions on the revision of the Borough’s Tax Maps and the Borough’s Revaluation have begun.

### **B. Public Safety (Councilwoman Boris)**

Councilman Boris reported for the Police Department.

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

Councilman Molenaar reported for Public Works. He reported that the Borough is recycling 32 tons a month.

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

No report.

### **E. Recreation and Community Service (Councilman Kranz)**

No report.

### **F. Health and Senior Citizens (Councilwoman Mitchell)**

Councilwoman Mitchell reported for the Library, Shared Services and the Seniors.

Mayor Mahr encouraged the public to participate in “Small Business Saturday” and shop downtown. She also thanked the residents of Fanwood for coming out to vote on November 6, 2016.

**MEETING OPEN TO THE PUBLIC**

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

Harry McNally commented on the proposed three-way stop at North and Sheelen’s Crossing.

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

**OLD BUSINESS**

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

**Ordinance 16-13-S**

Huegel/Mitchell moved to open the Public Hearing on Ordinance 16-13-S. Motion carried.

No one spoke.

Mitchell/Kranz moved to close the Public Hearing. Motion carried.

Huegel/ Boris moved to adopt Ordinance 16-13-S on second and final reading. Motion carried on the following roll call vote.

**AN ORDINANCE AUTHORIZING SPECIAL EMERGENCY  
APPROPRIATION PURSUANT TO N.J.S.A. 40a:4-53 FOR  
LIABILITIES RESULTING FROM EXPENSES INCURRED, OR TO BE INCURRED,  
BY PREPARATION OF TAX MAPS.**

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

Section 1. In accordance with N.J.S.A 40A:4-53:

- A. The sum of \$100,000.00 is hereby appropriated for liabilities resulting from expenses incurred, or to be incurred, by preparation of tax maps, and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-5.
- B. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one-fifth (1/5) of the amount authorized pursuant to N.J.S.A. 40A:4-5.

Section 2. All ordinances or parts of ordinances inconsistent with the ordinance are hereby repealed.

Section 3. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

Section 4. This ordinance shall take effect immediately upon second reading, final passage and publication as required by law.

For: Huegel,  
 Against: None  
 Absent: Erin McElroy-Barker  
 Abstention: None

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

**Ordinance 16-11-R**

Boris/Kranz moved to open the Public Hearing on Ordinance 16-11-R. Motion carried.

No one spoke.

Mitchell/Huegel moved to close the Public Hearing. Motion carried.

Boris/ Kranz moved to adopt Ordinance 16-11-R on second and final reading. Motion carried on the following roll call vote.

**AN ORDINANCE AMENDING ARTICLE VIII, SECTION 280-46 and 280-49 OF CHAPTER 280 "REVISED ORDINANCES OF THE BOROUGH OF FANWOOD, NEW JERSEY" BY AMENDING OR REPEALING SECTIONS OF SCHEDULES I AND IV BE IT ORDAINED** by the Borough Council of the Borough of Fanwood, New Jersey.

Section 1. That Schedule I of Section 280-46, No Parking, Article XIII, Chapter 280, "Vehicles and Traffic, be and the same is hereby amended by deleting and revising existing parking restrictions on South Avenue, as follows:

Revise to state as follows:

**Schedule I**

**No Parking**

<b>Name of street</b>	<b>Side</b>	<b>Location</b>
South Avenue	Both	From the easterly curb line of Martine Avenue to the Westerly curb line of First Street.

Section 2. That Schedule IV of Section 280-49 Time Limit Parking, Article XIII, Chapter 280, "Vehicles and Traffic, be and the same is hereby amended by deleting and revising existing parking restrictions on South Avenue, as follows:

A. Delete the following

**Schedule IV**

**One hour parking**

<b>Name of street</b>	<b>Side</b>	<b>Hours/Days</b>	<b>Location</b>
South Avenue	Both	6:00 am to 7:00 pm	Between First Street and Third Street

**Two hour parking**

<b>Name of Street</b>	<b>Side</b>	<b>Hours/Days</b>	<b>Location</b>
South Avenue	Both	6:00 am to 7:00 pm	Between First Street and Laurel Place

(including old line of south avenue)

B. Revise to include the following:

**Two hour parking**

Name of Street	Side	Hours/Days	Location
South Avenue	Both	6:00 am to 7:00 pm	Between Terrill Road and Laurel Place except in designated bus stops
Section 3. All other provisions of Chapter 280 shall remain in full force and effect.			

Section 4. 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 5. This Ordinance shall take effect as provided by law.

- For: Boris, Kranz, Huegel, Mitchell, Molenaar
- Against: None
- Absent: McElroy-Barker
- Abstention: None

**Ordinance 16-12-R**

Boris/Kranz moved to open the Public Hearing on Ordinance 16-12-R. Motion carried.

Harry McNally, Second Street, stated that he was in favor of the change in speed limit on North Avenue.

Mitchell/Kranz moved to close the Public Hearing. Motion carried.

Boris/Kranz moved to adopt Ordinance 16-12-R on second and final reading. Motion carried on the following roll call vote.

- For: Boris, Kranz, Huegel, Mitchell, Molenaar
- Against: None
- Absent: McElroy-Barker
- Abstention: None

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

**Ordinance 16-10-R**

Molenaar/Huegel moved to table the Public Hearing on Ordinance 16-10-R until December 5, 2016 for more analysis. Motion carried.

**NEW BUSINESS**

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

Ordinance 16-14-R

Huegel/Mitchell moved to adopt Ordinance 16-14-R on First Reading. Motion carried.

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY, AMENDING CHAPTER 61, ARTICLE IX OF THE FANWOOD BOROUGH CODE REGARDING THE BOROUGH’S MUNICIPAL HOUSING LIAISON**

Second Reading and Public Hearing will be held on December 5, 2016.

**Ordinance 16-15-R**

Huegel/Mitchell moved to adopt Ordinance 16-15-R on First Reading. Motion carried.

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION AND STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 184 OF THE BOROUGH CODE, ENTITLED “LAND USE” TO UPDATE PROVISIONS ASSOCIATED WITH AFFORDABLE HOUSING DEVELOPMENT FEES**

Second Reading and Public Hearing will be held on December 5, 2016.

**Resolution 16-11-163**

Huegel/Mitchell moved to adopt Resolution 16-11-163. Motion carried on the following roll call vote.

**WHEREAS**, the following Capital Bond Ordinance balances remain unexpended:

**WHEREAS**, it is necessary to formally cancel said balances.

**Ordinance**

15-08-S	\$22,482.77
12-07-S	\$110,951.38

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Fanwood in the County of Union, New Jersey, hereby directs the CFO to write off the above listed unexpended balances of the Capital Improvement authorizations be canceled.

For: Huegel, Mitchell, Boris, Kranz, Molenaar  
 Against: None  
 Absent: McElroy-Barker  
 Abstention: None

**Resolution 16-11-164**

Huegel/Mitchell moved to adopt Resolution 16-11-164. Motion carried on the following roll call vote.

**WHEREAS**, there appears to be insufficient funds in the following accounts to meet the demands thereon for the balance of the 2016 year budget: and

**WHEREAS**, there appear to be surplus funds in the following accounts over and above the amount deemed to be necessary to fulfill the purpose of the appropriation for the balance of the 2016 year budget: and

**NOW, THEREFORE BE IT RESOLVED**, the Chief Financial Officer is hereby authorized and

directed to make the following transfers:

**FROM:**

Gasoline & Diesel	\$10,000.00	Tax O&E	\$3,864.00
Unemployment	\$7,000.00		

**TO:**

Dispatch O&E	\$864.00	Legal Services O&E	\$20,000.00
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For: Huegel, Mitchell, Boris, Kranz, Molenaar  
 Against: None  
 Absent: McElroy-Barker  
 Abstention: None

**Resolution 16-11-165**

Huegel/Mitchell moved to adopt Resolution 16-11-165. Motion carried on the following roll call vote.

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF  
 REVENUE AND APPROPRIATION  
 NJS 40A:4-87  
 (With matching funds for grants)**

**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 thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an appropriation for the 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 revenue in the budget of the year 2016 in the sum of **\$40,000.00**, which is now available as a revenue from **Union County 2016 Kids Recreation Trust Fund Grant**, pursuant to the provision of the statute, and

**BE IT FURTHER RESOLVED** that the sum of \$40,000.00 is hereby appropriated under the caption **2016 Union County 2016 Kids Recreation Trust Fund Grant**; and

**BE IT FURTHER RESOLVED** that the sum of **\$40,000.00** representing the amount required for the municipality’s share of the aforementioned undertaking or improvement appears in the Recreation Commission Trust Fund for the year **2016** under the caption **Matching Funds for Grants** and is hereby appropriated under the caption of **Matching Funds for 2016 Kids Recreation Trust Fund**; and

**BE IT FURTHER RESOLVED** that the above is a result of a State grant of **\$40,000.00** from **Union County 2016 Kids Recreation Trust Fund Grant**.

For: Huegel, Mitchell, Boris, Kranz, Molenaar  
 Against: None

Absent: McElroy-Barker  
Abstention: None

**Resolution 16-11-166**

Huegel/ Mitchell moved to adopt Resolution 16-11-166. Motion carried on the following roll call vote.

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF  
REVENUE AND APPROPRIATION  
NJS 40A:4-87  
(With Matching funds for grants)**

**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 thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an appropriation for the 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 revenue in the budget of the year 2016 in the sum of **\$1,200.00**, which is now available as a revenue from **Union County, Greening Union County Grant Program Grant**, pursuant to the provision of the statute, and

**BE IT FURTHER RESOLVED** that the sum of \$1,200.00 is hereby appropriated under the caption **2016 Greening Union County Grant**; and

**BE IT FURTHER RESOLVED** that the sum of **\$1,200.00** representing the amount required for the municipality’s share of the aforementioned undertaking or improvement appears in the budget of the year **2016** under the caption **Matching Funds for Grants** and is hereby appropriated under the caption of **Matching Funds for Grants**; and

**BE IT FURTHER RESOLVED** that the above is a result of a County grant of **\$1,200.00** from **Union County, Greening Union County Grant Program**.

For: Huegel, Mitchell, Boris, Kranz, Molenaar  
Against: None  
Absent: McElroy-Barker  
Abstention: None

**Resolution 16-11-167**

Huegel/Mitchell moved to adopt Resolution 16-11-167. 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**

For: Huegel, Mitchell, Boris, Kranz, Molenaar  
 Against: None  
 Absent: McElroy-Barker  
 Abstention: None

**Resolution 16-11-168**

Huegel/ Mitchell moved to adopt Resolution 16-11-168. Motion carried on the following roll call vote.

**WHEREAS**, 2016 Salary Ordinance 16-07-S includes salary ranges for certain employees.

**NOW, THEREFORE, BE IT RESOLVED** the following positions and salaries are established by the Mayor and Council of the Borough of Fanwood:

POSITION	SALARY	HOUR/ SESSION
Magistrate	28,698	
Prosecutor	24,430	
Public Defender	8,118	
Court Administrator	53,451	
Deputy Court Administrator		18.87
Violations Clerk		18.87
Court Clerk		17.44
Court Clerk		16.00
Borough Clerk/Administrator	127,218	
Deputy Borough Clerk	1,592	
Chief Financial Officer/Treasurer	33,109	
Deputy Administrator	20,000	
Bookkeeper	67,738	
Assistant Treasurer	3,500	
Tax Collector	65,558	
Payroll Supervisor	3,500	
Tax Assessor	19,769	
Special Officer Security		50.00
Planning Board Secretary/Finance Clerk	46,059	
Purchasing Agent	3,500	

Assistant to Mayor	8,000	
Police Chief	157,517	
Police Administrative Assistant	44,119	
Police Matron		40.00
School Crossing Guards		18.87
School Crossing Guard (ak)		11.86
Senior Citizens Coordinator	9,472	
Director of Public Works	109,019	
Public Officer	4,945	
Recycling Coordinator	6,472	
Public Works Secretary	43,255	
Register Vital Statistics	5,747	
Deputy Register	1,082	
Board of Health Secretary	5,747	
Construction Official	20,556	
Building Sub Code Official	20,556	
Building Inspector	20,556	
Construction Office Technical Clerk	37,515	
Plumbing Sub Code Inspector	9,601	
Electrical Sub Code Inspector	10,236	
Fire Protection Inspector	6,255	
Uniform Fire Code Enforcement Officer	19,512	
Zoning Officer	21,848	
Nature Center Groundskeeper	4,026	
Playground Executive Director	16,646	
Park Building Scheduler	4,000	
Summer Park Program Director	3,000	
Travel Camp Director	1,000	

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Treasurer to make the proper salary adjustments retroactive to January 1, 2015.

For: Huegel, Mitchell, Boris, Kranz, Molenaar  
 Against: None  
 Absent: McElroy-Barker  
 Abstention: None

**Resolution 16-11-169**

Huegel/Mitchell moved to adopt Resolution 16-11-169. Motion carried on the following roll call vote.

**BE IT RESOLVED** by the Borough Council that the Mayor and Clerk are hereby authorized to sign an employment agreement with the Police Chief.

For: Huegel, Mitchell, Boris, Kranz, Molenaar  
 Against: None  
 Absent: McElroy-Barker  
 Abstention: None

**Resolution 16-11-170**

Huegel/Mitchell moved to adopt Resolution 16-11-170. Motion carried on the following roll call vote.

**THE MAYOR AND COUNCIL OF THE  
BOROUGH OF FANWOOD, COUNTY OF UNION  
STATE OF NEW JERSEY  
ADOPTING THE AFFIRMATIVE MARKETING PLAN  
FOR THE BOROUGH OF FANWOOD**

**WHEREAS**, in accordance with the Fair Housing Act and the New Jersey Uniform Housing Affordability Controls (N.J.A.C. 5:80-26-1, et seq.), the Borough of Fanwood is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created within the Borough of Fanwood are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 2, the Housing Region encompassing the Borough of Fanwood.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fanwood, County of Union, State of New Jersey, do hereby adopt an Affirmative Marketing Plan, attached as Exhibit "A".

**EXHIBIT A**

**AFFIRMATIVE MARKETING PLAN  
FOR THE BOROUGH OF FANWOOD**

**Purpose**

In accordance with the Fair Housing Act and the New Jersey Uniform Housing Affordability Controls (N.J.A.C. 5:80-26-1, et seq.), the Borough of Fanwood is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created within the Borough of Fanwood are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 2, the Housing Region encompassing the Borough of Fanwood, as well as those within the counties of Essex, Morris, Warren and Union.

**Affirmative Marketing Plan**

- A. All affordable housing units in the Borough of Fanwood shall be marketed in accordance with the provisions herein unless otherwise provided by law or regulation of the State of New Jersey.
- B. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low and moderate income units, including those that are part of the Borough's prior round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.
- C. The Affirmative Marketing Plan shall be implemented by an Administrative Agent designated by and/or under contract to the Borough of Fanwood. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough of Fanwood, shall undertake all of the following strategies:

1. Publication of one advertisement in a newspaper of general circulation within the housing region.
  2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.
  3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of Fanwood is located in Housing Region 2, consisting of Essex, Morris, Warren and Union Counties.
- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements and requests for applications for low and moderate income units shall appear in at least one major circulation daily newspaper of regional circulation (throughout all of Region 2), or through a series of daily newspapers that reaches all of Region 2 residents. This may include but is not limited to the Star Ledger and the Courier News.
  2. For new developments, the primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspaper(s) once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
  3. The advertisement shall include a description of the:
    - a. Street address(es) of the units;
    - b. Directions to the units;
    - c. Range of prices for the units;
    - d. Numbers of bedrooms in units (bedroom mix);

- e. Maximum income permitted to qualify for the units;
  - f. Location of applications;
  - g. Business hours when interested households may obtain an application;
  - h. Application fees, if any;
  - i. Number of units currently available; and,
  - j. Anticipated dates of availability.
4. Newspaper articles, announcements and information on where to request applications for low and moderate income housing shall also appear at least once a week for four consecutive weeks in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily within Union County and the other two of which shall be circulated primarily outside of Union County but within the housing region.
5. The following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:
- a. WKXW (101.5 FM)
  - b. WOR (710 AM)
  - c. WCBS (880 AM)
  - d. Comcast
- G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
- 1. Fanwood Borough Hall
  - 2. Fanwood Public Library
  - 3. Fanwood Borough Web Site
  - 4. Developer's Sales/Rental Offices
  - 5. Plainfield Municipal Building
  - 6. Union County Administration Building
  - 7. Essex County Department of Citizen Services

8. Warren County Administration Building
9. Morris County Administration Building
10. Plainfield New Jersey Public Library
11. Essex County Library (all branches)
12. Morris County Library (all branches)
13. Union County Library (all branches)
14. Warren County Library (all branches)

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and shall be mailed to prospective applicants upon request.

H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Essex, Morris, Warren and Union Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

North Central Jersey Association of Realtors  
 West Essex Board of Realtors  
 Warren County Board of Realtors

2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Essex, Morris, Warren and Union:

Welfare or Social Service Board (via the Director)  
 Rental Assistance Office (local office of DCA)  
 Office on Aging  
 Housing Authority (municipal or county)  
 Community Action Agencies  
 Community Development Departments

3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of major employers within the region that are included on the list of community contact person(s) and/or organizations(s) in Essex, Morris, Warren and Union Counties that shall be developed, maintained and updated by the Administrative Agent.
4. Quarterly informational circulars and applications shall be sent to the offices of the: Fair Share Housing Center (Cherry Hill, NJ); Latino Action Network (Freehold, NJ); NAACP

Warren/Sussex Branch Unit; NAACP Plainfield Branch Unit; NAACP Morris County Branch Unit; and NAACP Newark Branch Unit.

- I. The following is a listing of community contact person(s) and/or organizations in Essex, Morris, Warren and Union Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of low and moderate income units:
1. Jewish Federation of Greater Metrowest New Jersey, 1391 Martine Avenue, Scotch Plains, NJ 07076
  2. YWCA of Central New Jersey, 232 E. Front Street, Plainfield, NJ 07060
  3. ARC of Union County, 70 Diamond Road, Springfield, NJ 07081
  4. Volunteers of America, 204 Terrill Road, Fanwood, NJ 07023
  5. Community Food Bank of NJ, 321 Evans Terminal Road, Hillside, NJ 07205
  6. NAACP Morris County Branch Unit, PO Box 2256, Morristown, NJ 07962
  7. NAACP Warren/Sussex Branch Unit, PO Box 229, Washington, NJ 07882
  8. NAACP Plainfield Branch Unit, 1357 West 3rd Street, Plainfield, NJ 07060
  9. NAACP Newark Branch Unit, PO Box 1262, Newark, NJ 07101-1262
  10. Union County Division of Social Services, 342 Westminster Avenue, Elizabeth NJ 07208
  11. Union County Workforce Development Board, 200 W. Second Street, Plainfield, NJ 07060
  12. Union County Workforce Development Board, 10 Elizabethtown Plaza, 4th Fl., Elizabeth, New Jersey 07207
  13. Housing Authority of Plainfield, NJ, 510 East Front Street, Plainfield, NJ 07060
  14. City of Summit Housing Authority, 512 Springfield Avenue, Summit, NJ 07901
  15. Central Jersey Legal Services, Union County Division, 60 Prince Street, Elizabeth, NJ 07208
  16. American Red Cross New Jersey Crossroads, 695 Springfield Avenue, Summit, NJ 07901
  17. American Red Cross of Northern New Jersey, 209 Fairfield Road, Fairfield, NJ 07004
  18. The Salvation Army New Jersey Divisional Headquarters, 4 Gary Road, P.O. Box 3170, Union, NJ 07083

19. Easter Seal Society of New Jersey, 25 Kennedy Blvd., Suite 600, East Brunswick, New Jersey 08816
  20. Northwest New Jersey Community Action Program, Inc. (NORWESCAP), 350 Marshall Street, Phillipsburg, NJ 08865
  21. Fair Share Housing Center, 510 Park Blvd., Cherry Hill, NJ 08002
  22. Latino Action Network, PO Box 943, Freehold NJ 07728
  23. Fanwood Borough Municipal Affordable Housing Liaison and Administrative Agent.
  24. Morris County Housing Authority, P.O. Box 900, Morristown, NJ 07963-0900
  25. The Housing Partnership, 2 East Blackwell Street, Dover, NJ 07801
- J. A random selection method to select occupants of low and moderate income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 2 comprised of Essex, Morris, Warren and Union Counties.
- K. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, *et seq.*
- L. The Administrative Agent shall provide or direct qualified low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- M. All developers/owners of low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
- N. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all low income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary.
- O. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, *et*

*seq.*

For: Huegel, Mitchell, Boris, Kranz, Molenaar  
 Against: None  
 Absent: McElroy-Barker  
 Abstention: None

**Resolution 16-11-171**

Huegel/ Mitchell moved to adopt Resolution 16-11-171. Motion carried on the following roll call vote.

**RESOLUTION OF THE BOROUGH OF FANWOOD COMMITTING TO FUND COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE BOROUGH OF FANWOOD 2016 HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Borough Council of the Borough of Fanwood (the “Borough”) adopted a Resolution endorsing the Borough’s 2016 Housing Plan Element and Fair Share Plan (“Fair Share Plan”), as adopted by the Borough of Fanwood Planning Board on November 16, 2016; and

**WHEREAS**, the Fair Share Plan includes a local rehabilitation program for deficient housing units and construction of new units to meet the Borough’s fair share obligation through December 31, 2024; and

**WHEREAS**, the Borough enacted a mandatory Affordable Housing Development Fee Ordinance to generate revenue to offset the cost of the aforementioned affordable housing programs and adopted an Affordable Housing Trust Fund Spending Plan (“Spending Plan”) for submission to the Court consistent with the Borough’s Fair Share Plan; and

**WHEREAS**, the Spending Plan dated November 2016 describes the amount of development fees currently available, the anticipated sources and amounts of projected development fees, and the use of development fee revenue to fund affordable housing programs and other funding obligations and restrictions in compliance with the Municipal Land Use Law, Fair Housing Act and applicable rules and regulations; and

**WHEREAS**, all of the Borough-funded programs included in the Fair Share Plan and the Spending Plan will be aided by the use of Affordable Housing Trust Fund monies.

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

1. The aforementioned recitals are incorporated herein by reference.
2. If available revenue in the Affordable Housing Trust Fund is insufficient to fund the costs associated with its affordable housing programs as hereinabove described, the Borough commits to provide full funding for these programs including their administration, or to make up for any shortfall in funding, either through municipal appropriations or bonding.
3. A copy of this Resolution shall be available for public inspection at the office of the Borough Clerk.
4. This Resolution shall take effect immediately.

For: Huegel, Mitchell, Boris, Kranz, Molenaar

Against: None  
Absent: McElroy-Barker  
Abstention: None

**Resolution 16-11-172**

Huegel/Molenaar moved to adopt Resolution 16-11-172. Motion carried on the following roll call vote.

**WHEREAS**, an application has been filed for a person-to-person transfer of Plenary Retail Distribution License 2005-44-001-004, heretofore issued to **GAPP Liquor LLC** for premises located at 61 South Avenue, Fanwood, New Jersey, 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 thereunder, 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 Borough Council of the Borough of Fanwood does hereby approve, effective November 21, 2016, the transfer of the aforesaid Plenary Retail Distribution License to **South Avenue Liquors Inc.**, 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 South Avenue Liquors Inc., effective November 21, 2016.”

For: Huegel, Molenaar, Boris, Kranz, Mitchell  
Against: None  
Absent: McElroy-Barker  
Abstention: None

**B. Land Use and Historic Preservation (Councilwoman Mcelroy-Barker)**  
**Ordinance 16-16-R**

Molenaar/Huegel moved to adopt Ordinance 16-16-R on first reading. Motion carried.

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION AND STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 105 OF THE BOROUGH CODE, ENTITLED “AFFORDABLE HOUSING” TO ADDRESS THE REQUIREMENTS OF THE NEW JERSEY FAIR HOUSING ACT AND THE NEW JERSEY UNIFORM HOUSING AFFORDABILITY CONTROLS AS THEY PERTAIN TO COMPLIANCE WITH MUNICIPAL AFFORDABLE HOUSING OBLIGATIONS**

Second Reading and Public Hearing will be held on December 5, 2016.

**Ordinance 16-18-R**

Molenaar/Boris moved to adopt Ordinance 16-18-R on first reading. Motion carried.

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY, AMENDING THE LAND USE ORDINANCE OF THE BOROUGH OF FANWOOD TO REQUIRE A MANDATORY AFFORDABLE HOUSING SET-ASIDE IN THE COMMERCIAL CORRIDOR (CC) DISTRICTS**

Second Reading and Public Hearing will be held on December 5, 2016.

**Resolution 16-11-173**

Molenaar/Mitchell moved to adopt Resolution 16-11-173. Motion carried..

**RESOLUTION OF THE BOROUGH OF FANWOOD REFERRING TO THE BOROUGH OF FANWOOD PLANNING BOARD FOR REVIEW AND RECOMMENDATION ORDINANCES IMPLEMENTING THE MASTER PLAN AMENDMENT HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Master Plan Amendment Housing Element and Fair Share Plan provides for the Borough to create an affordable housing overlay zone over the Borough's CC-C, CC-W and CC-E zone districts along South Avenue, impose an affordable housing requirement on certain other multi-family residential projects throughout the Borough, develop an affirmative marketing plan for affordable housing units located in the Borough and update the Borough's development fee ordinance; and

**WHEREAS**, the Borough's Planner, T&M Associates, prepared zoning code amendments contained in Ordinances Nos. 16-15-R, 16-16-R, 16-17-R, and 16-18-R to effectuate the requirements of the Master Plan Amendment Housing Element and Fair Share Plan; and

**WHEREAS**, the Borough has introduced Ordinances Nos. 16-15-R, 16-16-R, 16-17-R, and 16-18-R; and

**WHEREAS**, the Borough wishes to refer said Ordinances to the Borough of Fanwood Planning Board for formal review, report and recommendation as required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

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

1. The aforementioned recitals are incorporated herein by reference.
2. Ordinances Nos. 16-15-R, 16-16-R, 16-17-R and 16-18-R be and hereby are referred to the Borough of Fanwood Planning Board pursuant to N.J.S.A. 40:55D-26 for review and submission to the Mayor and Council of a report including identification of any provision in the Ordinances which are inconsistent with the Master Plan and recommendations concerning any such inconsistencies and any other matter as the Planning Board deems appropriate pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64 and for specific review by the Planning Board and report to the Mayor and Council as to whether said Ordinance is substantially consistent with the Land Use Plan Element and Housing Plan Element of the Master Plan or designed to effectuate such Plan Elements pursuant to

N.J.S.A. 40:55D-62.

- 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.

**Resolution 16-11-174**

Molenaar/Boris moved to adopt Resolution 16-11-174. Motion carried on the following roll call vote.

**WHEREAS**, the Mayor and Council have a need to acquire services of an Attorney relevant to Sandberg Enterprises, LLC v. the Planning Board of the Borough of Fanwood (“Services”), by means of a fair and open contract procedure pursuant to the provisions of N.J.S.A. 19:44A-20.5, and

**WHEREAS**, the Borough Clerk has determined that the value of the Services may exceed \$17,500, and

**WHEREAS**, Palumbo & Renaud submitted a response to the RFQ issued by the Mayor and Council for the Services and was determined to be a Qualified Respondent for the Services, and

**WHEREAS**, the Mayor and Council have determined to retain said firm.

**THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fanwood that, Palumbo & Renaud, 190 North Avenue East, Cranford, NJ 07016, be, and hereby is, appointed as Litigation Attorney to handle the Sandbert Enterprises, LLC v. the Planning Board of the Borough of Fanwood case, and

**BE IT FURTHER RESOLVED** that a copy of the attached notice be printed once in The Times of Scotch Plains within 10 days of this date; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk be, and hereby are, authorized to enter into a contract with Palumbo & Renaud, in accordance with the terms of this Resolution and the attached Notice approved by the Borough Attorney.

**NOTICE OF AWARD  
OF CONTRACT FOR PROFESSIONAL SERVICES  
BY THE BOROUGH OF FANWOOD  
RESOLUTION 16-11-174**

<b>CONTRACTOR:</b>	Palumbo & Renaud 190 North Avenue E. Cranford, NJ 07016
<b>NATURE OF SERVICE:</b>	Litigation Attorney
<b>DURATION:</b>	For a period ending no later than October 31, 2017
<b>FEE:</b>	Not to exceed \$10,000.00

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: Molenaar, Boris, Huegel, Kranz, Mitchell  
 Against: None

Absent: McElroy-Barker  
Abstention: None

Peter Bondar, Borough Engineer gave an engineering report for October.

**MEETING OPEN TO THE PUBLIC**

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

Vinay Mavinkurve, Esq., Attorney for South Avenue Liquors Inc, a resident of Farley Avenue stated that his client appreciates the decision of Council on the Liquor License transfer.

Mike Lewis, Beech Avenue, questioned Resolution 16-11-169 and Ordinance 16-10-R.

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

**COUNCIL COMMENTS**

Councilman Boris “Hats off to the Scotch Plains Fanwood Soccer Team.

Councilman Kranz welcomed South Avenue Liquors to Fanwood.

Councilwoman Mitchell urged everyone to get involved in their town.

Councilman Huegel wished everyone a Happy Thanksgiving.

Councilman Molenaar congratulated Councilman Boris on his participation in a recent marathon.

**ADJOURNMENT**

Mitchell/Kranz moved to adjourn at 8:35 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern  
Borough Clerk