

**BOROUGH OF FANWOOD
MAYOR AND COUNCIL REGULAR MEETING
MARCH 21, 2017**

The Regular Meeting of the Mayor and Council was held on March 21, 2017, at Borough Hall, 75 North Martine Avenue, Fanwood, NJ 07023 at 7:00 PM.

Mayor Colleen Mahr presided and stated: I hereby announce and request that such be included in the minutes of the meeting that notice of time, place and date of this meeting has been prominently posted on the bulletin board at Borough Hall; mailed to the Times, The Star Ledger, Courier News, PATCH, Alternate Press by January 10, 2017 filed with the Borough Clerk and mailed to any person requesting same in accordance with the requirements of the Open Public Meeting Act

The Pledge of Allegiance was led by Fanwood/Scotch Plains Girl Scouts: Troops 40181Daises, 40105 Brownies, 40164 and 40915 Junior Scouts.

Present: Kevin Boris, Russell Huegel, Tom Kranz, Erin Mcelroy-Barker, Katherine Mitchell, Jack Molenaar

Absent: None

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

MINUTES

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

Special Meetings: January 2, February 28, March 6, 2017

Regular Meeting: February 6, 2017

Agenda Meeting: March 6, 2017

APPOINTMENTS AND ANNOUNCEMENTS

Appointments:

Mayor Mahr made the following appointments:

Recreation Commission:

Bob Many, Alternate No. 4, 12/31/2017

Mcelroy-Barker/Kranz moved this appointment. Motion Carried.

Environmental Commission:

Carol Walczuk, Commissioner, 12/31/2018

Huegel/Mcelroy-Barker moved this appointment. Motion carried.

David Schwartzberg, Alternate No. 1, 12/31/2017

Kranz/Mitchell moved this appointment. Motion carried.

Presentations:

Mayor Mahr and Councilman Kranz presented Richard Regenthal with a Devlin print of the Community House in recognition of his many years of service on the Fanwood Fire Department.

Tina Earley, Elizabethtown Gas, was present to update the Mayor and Council on the company's activities in Fanwood.

Najarian Engineers presented the Mayor and Council with the site plan of the sidewalk project, behind the Martine Avenue stores and adjacent to the new improved municipal parking lot, to be constructed in the summer.

Proclamations:

Youth Art Month Proclamation will be sent to Union County.

**YOUTH ART MONTH
MARCH 2017**

WHEREAS, art education contributes powerful educational benefits to all elementary, middle, and secondary students including the following:

- Art education develops students' creative problem-solving and critical thinking abilities;
- Art education teaches sensitivity to beauty, order, and other expressive qualities;
- Art education gives students a deeper understanding of multi-cultural values and beliefs;
- Art education reinforces and brings to life what students learn in other subjects; and
- Art education interrelates student learning in art production, art history, art criticism, and aesthetics.

WHEREAS, our national leaders have acknowledged the necessity of including arts experiences in all students' education.

NOW THEREFORE I, Colleen Mahr, Mayor of the Borough of Fanwood do hereby proclaim March 2017, **YOUTH ART MONTH**, in the Borough of Fanwood and encourage the support of quality school art programs for children and youth.

Go Red for Woman Proclamation will be delivered to Melissa Padulsky by Councilman Kranz since she could not be present at the meeting.

**GO RED FOR WOMEN
NATIONAL WEAR RED DAY
FEBRUARY 5, 2017**

WHEREAS, on February 3, 2017, The Borough of Fanwood lit up the Municipal Building in red in support of **GO RED FOR WOMEN**, and employees wore red in support of the 14th **NATIONAL WEAR RED DAY**, both programs sponsored by the American Heart Association, and

WHEREAS, heart disease is the No. 1 killer of women, killing more women, causing 1 in 3 deaths each year, with cardiovascular disease killing about one woman every 80 seconds, and

WHEREAS, a program at The Chelsea at Fanwood organized by Melissa Padulsky, a Fanwood resident, businesswoman and EMT, was provided offering information on CPR and first aid, a yoga class, healthy food, medical information, testimonies of victims of heart attacks and blood pressure testing, to educate and increase awareness to attendees of the signs of heart disease and offering suggestions that will allow women to take control of their heart health, and

WHEREAS, changing lifestyles by managing weight, changing diets, increasing exercise, getting more sleep, are some ways to take control of your life and reduce the risk of heart disease by as much as 80%.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council recognize the efforts of Melissa Padulsky, the American Heart Association and The Chelsea at Fanwood in promoting awareness of this dreaded disease; fully support this program; and encourage all women to recognize the symptoms of heart disease, take control of their lifestyles and invest in their own hearts.

BE IT FURTHER RESOLVED that this message be spread across the minutes of this meeting so that all who follow will know this remarkable woman, Melissa Padulsky.

PRESENTATION OF COMMUNICATIONS AND REFERRAL

1. Fanwood Memorial Library
Re: Senate Bill S-2171 and Assembly Bill A-222 Correspondence
Disposition: Note and file.

STANDING COMMITTEE REPORTS

A. Administration and Finance (Councilman Huegel)

Kranz/Mitchell moved to accept the Tax Collector Report for February. Motion carried.
Councilman Huegel stated that the 2017 Municipal Budget will be introduced in April.

B. Public Safety (Councilman Boris)

Councilman Boris commended the Police Department and Public Works for the handling of the recent storm.

C. Public Works (Councilman Molenaar)

Councilman Molenaar stated that with the shared services agreement with Garwood, Fanwood was able to borrow its pot hole repair machine to fill pot holes in the winter.

D. Land Use and Historic Preservation (Councilman Kranz)

No report.

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

Councilwoman Mcelroy-Barker reported that the Board of Education meeting was cancelled. She reminded everyone that the Easter Egg Hunt has been planned for April and that summer camp registration has begun.

F. Health and Senior Citizens (Councilwoman Mitchell)

Councilwoman Mitchell reported for the Library, Senior Citizens and that there will be an

event on April 29 at LaGrande Park: Rockin’ for Autism.

SPECIAL COMMITTEE REPORTS

None

PRESENTATION OF CLAIMS

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

PAYMENT OF CLAIMS

BE IT RESOLVED that claims in the amount of \$3,730,898.70 having been listed on the Bill List and recorded in the files of the Borough Hall, and approved by the Chairman of the appropriate Committee, be paid.

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

AUDITING OF CLAIMS BY RESOLUTION

None

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

Huegel/Mitchell moved to open the meeting to the public. Motion carried
No one spoke.

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

OLD BUSINESS

None

CONSENT AGENDA

Resolution 17-03-61

Boris/Mitchell moved to adopt Resolution 17-03-61. Motion carried.

BE IT RESOLVED by the Borough Council that the Mayor and Clerk are hereby authorized to sign a Cooperative Pricing System Agreement with the County of Union, for a term expiring in year 2022.

Resolution 17-03-62

Boris/Mitchell moved to adopt Resolution 17-03-62. Motion carried.

WHEREAS, Michelene Lambros, trading as Soul Bowls, applied for a Peddler’s License and paid the appropriate fee, and

WHEREAS, the application has been reviewed and approved by the Fanwood Police Department.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Fanwood hereby authorizes a Peddler's License be issued, to sell juices and smoothies, to Soul Bowls, for the term of April 1, 2017 to February 28, 2018.

Resolution 17-03-63

Boris/Mitchell moved to adopt Resolution 17-03-63. Motion carried.

WHEREAS, it is the policy of the Borough of Fanwood to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations; and

WHEREAS, the Governing Body has determined that there is a need to adopt an Employee Manual to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the Employee Manual are hereby adopted in the forms attached hereto and supersede and replace all prior such policies, manuals and/or handbooks;

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective negotiations agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail;

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Fanwood;

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as "employment at will;" and

BE IT FURTHER RESOLVED that the Borough Clerk and all managerial/supervisory personnel are responsible for these employment practices. The Labor Attorney shall assist the Borough Clerk in the implementation of the policies and procedures in this manual.

Ordinance 17-05-R

Boris/Kranz moved to adopt Ordinance 17-05-R on first reading. Motion carried. Second Reading and Public Hearing will be held on April 17, 2017.

AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY, AMENDING SECTION 160-3 A OF THE FANWOOD BOROUGH CODE REGARDING SOLID WASTE COLLECTION SERVICES

Ordinance 17-06-R

Boris/Huegel moved to adopt Ordinance 17-06-R on first reading. Motion carried. Second Reading and Public Hearing will be held on April 17, 2017.

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

Ordinance 17-07-R

Boris/Huegel moved to adopt Ordinance 17-07-R on first reading. Motion carried. Second Reading and Public Hearing will be held on April 17, 2017.

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF
UNION, AND STATE OF NEW JERSEY, AMENDING CHAPTER 214 OF
THE FANWOOD BOROUGH CODE REGARDING PIPELINES**

NEW BUSINESS

A. Administration and Finance (Councilman Huegel)

Resolution 17-03-64

Huegel/Boris moved to adopt Resolution 17-03-64. Motion carried on the following roll call vote.

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

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

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year CY 2016 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$5,160,969.45.

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

Emergency temporary appropriation is and the same are hereby made in the amount of \$1,387,354.00 as follows:

Salary:

Public Defender	\$1,000.00	Court S&W	\$9,000.00
Recreation S&W	\$2,500.00	Administration S&W	\$15,000.00
Mayor S&W	\$1,000.00	Finance S&W	\$6,000.00
Tax S&W	\$3,500.00	Tax Assessment S&W	\$2,500.00
Zoning S&W	\$1,500.00	Fire Sub Code S&W	\$1,000.00
Plumbing S&W	\$1,000.00	Electrical S&W	\$1,000.00
Police S&W	\$150,000.00	Prosecutor S&W	\$3,000.00
Road Repair S&W	\$5,000.00	Bd. Of Health S&W	\$1,000.00
Senior Citizen S&W	\$1,000.00	Library S&W	\$50,000.00
Communications S&W	\$550.00	Fire Enforcement	2,000.00

Operations:

Finance O&E	\$2,000.00	Engineering O&E	\$5,000.00
Group Insurance	\$200,000.00	Police O&E	\$5,000.00
Hydrants	\$20,000.00	Recreation O&E	\$5,000.00
Social Security	\$35,000.00	PMUA	\$200,000.00
Communications O&E	\$5,000.00	Postage	\$2,000.00
PFRS	\$445,738.00	PERS	\$205,066.00

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

Resolution 17-03-65

Huegel/Boris moved to adopt Resolution 17-03-65. Motion carried on the following roll call vote.

WHEREAS, Fanwood’s Nature Center located on approximately five acres and overseen by the Fanwood Environmental Commission is used as an environmental teaching tool for adults and children in Fanwood and other communities, and

WHEREAS, the Nature Center has developed poison ivy and other invasive plants that are contaminating and choking healthy plants in the Nature Center, and

WHEREAS, the Environmental Commission is recommending contracting with a vendor who successfully uses grazing goats to remove the invasive plants and roots for the Spring-Summer 2017.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that Lawrence Cihanek, 56 Slate Quarry Road, Rhinebeck, New York be awarded the contract, in the amount of \$9,850.00, to provide 20 goats in May through June, and refurbish the fencing and replace it where they took it down last year.

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

Resolution 17-03-66

Huegel/Mitchell moved to adopt Resolution 17-03-66. Motion carried on the following roll call vote.

WHEREAS, various 2016 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2016 Budget Appropriation Reserve in the last two months of 2016; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpected balances carried forward after the close

of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE BE IT RESOLVED by the Council of the Borough of Fanwood that the transfers in the amount of \$21,000.00 be made between the 2016 Budget Appropriation Reserve as follows:

FROM:		TO:	
Workmen’s Comp.	\$10,000.00	CIF	\$21,000.00
Group Insurance	\$5,000.00		
Engineering O&E	\$2,000.00		
Planning Board O&E	\$4,000.00		

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

Resolution 17-03-67

Huegel/Boris moved to adopt Resolution 17-03-67. Motion carried on the following roll call vote.

RESOLUTION OF THE BOROUGH OF FANWOOD AUTHORIZING, AMENDMENT TO LEASE AGREEMENT WITH METRO PCS, TERMINATION OF CELL TOWER LEASE AGREEMENT WITH T-MOBILE AND RESCIND RESOLUTION 16-08-125

WHEREAS, The Borough of Fanwood and MetroPCS New York, LLC (“Metro PCS”) entered into a Lease Agreement on August 17, 2009(“Lease”), to locate a communications tower on property owned by the Borough and located at 75 North Martine Ave., Borough of Fanwood, County of Union, State of New Jersey and further identified as Lot 4, Block 32 in the Borough of Fanwood; and

WHEREAS, Metro PCS desires to amend its Lease to include additional antennas and other equipment and to modify the Communications Shelter and/or Equipment Shelter; and

WHEREAS, The Borough of Fanwood and T-Mobile Northeast LLC (“T-Mobile”) entered into a Lease Agreement on September 9, 2009(“Lease”), to locate a communications tower on property owned by the Borough and located at 75 North Martine Ave., Borough of Fanwood, County of Union, State of New Jersey and further identified as Lot 4, Block 32 in the Borough of Fanwood; and

WHEREAS, T-Mobile provided written notice of termination on March 2, 2017 advising of a termination of the Agreement; and

WHEREAS, the Borough and T-Mobile desire to resolve any disputes regarding the termination of the Lease by entering into the Amendment to the Metro Lease which provides, in part, for the payment of \$55,000 to the Borough; and

WHEREAS, the Borough and Metro PCS did not effectuate the directive of the Resolution 16-08-125 and are desirous to rescind said resolution.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an Amendment to the Metro PCS Lease and Termination Agreement with T-Mobile, subject to approval by the Township Attorney, and, together with all other officers, professionals and employees of the Borough, are hereby further authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.

2. Resolution 16-08-125 is hereby rescinded.

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

B. Public Safety (Councilman Boris)

Resolution 17-03-68

Boris/Molenaar moved to adopt Resolution 17-03-68. Motion carried.

WHEREAS, Kathleen Case has completed the necessary requirements for an in-grade promotion to Class D, and

WHEREAS, the Chief of Police certifies that the prerequisites for in-grade promotion have been accomplished and has recommended that Kathleen Case be promoted to Class D, on April 20, 2017.

NOW, THEREFORE, BE IT RESOLVED the Borough Council does hereby authorize Kathleen Case’s promotion to Class D on April 20. 2017.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Borough Treasurer to make the necessary salary adjustment.

Resolution 17-03-69

Boris/Huegel moved to adopt Resolution 17-03-69. Motion carried.

WHEREAS, Thomas Chisholm has completed the necessary requirements for an in-grade promotion to Patrolman B, and

WHEREAS, the Chief of Police certifies that the prerequisites for in-grade promotion have been accomplished and has recommended that Thomas Chisholm be promoted to Patrolman B, on April 1, 2017.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council do hereby authorize Thomas Chisholm's promotion to Patrolman B on April 1, 2017.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Borough Treasurer to make the necessary salary adjustment.

Resolution 17-03-70

Boris/Huegel moved to adopt Resolution 17-03-70. Motion carried.

WHEREAS, Ryan Gilmore has completed the necessary requirements for an in-grade promotion to Patrolman B, and

WHEREAS, the Chief of Police certifies that the prerequisites for in-grade promotion have been accomplished and has recommended that Ryan Gilmore be promoted to Patrolman B, on April 15, 2017.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council do hereby authorize Ryan Gilmore's promotion to Patrolman B on April 15, 2017.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Borough Treasurer to make the necessary salary adjustment.

C. Public Works (Councilman Molenaar)

Resolution 17-03-71

Molenaar/Huegel moved to adopt Resolution 17-03-71. Motion carried on the following roll call vote.

WHEREAS, four quotes were solicited by the Public Works Director for the 2017 landscaping maintenance contract, and

WHEREAS, D. Germinder Landscape Contractor, LLC was the lowest bidder with a bid of \$12,275.00 for a one year period, and the Public Works Director recommends that the contract be awarded to this vendor.

BE IT RESOLVED by the Borough Council that D. Germinder Landscape Contractor, LLC be awarded the contract for landscaping maintenance for 217, in the amount of \$12,275.00.

Resolution 17-03-72

Molenaar/Huegel moved to adopt Resolution 17-03-72. Motion carried on the following roll call vote

WHEREAS, bids were received on February 16, 2017 for 2017 Tree Trimming and Removal Services, and

WHEREAS, the bid proposals were reviewed by the Shade Tree Commission and M & A Tree Service, LLC was deemed to be the lowest bidder and the Shade Tree Commission recommends that M & A be awarded the bid for 2017.

NOW, THEREFORE, BE IT RESOLVED the Borough Council hereby awards the bid for tree trimming and removal services to M & A Tree Service, LLC, 150 West End Avenue, Somerville, NJ 08876 in an amount not to exceed \$40,000.00.

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

Resolution 17-03-73

Molenaar/Boris moved to adopt Resolution 17-03-73. Motion carried on the following roll call vote.

WHEREAS, a Request for Quotes for Janitorial Services for the Borough of Fanwood was received on March 14, 2017, and

WHEREAS, BMI Janitorial, Inc. was the only bidder with a quote in the amount of \$2,000.00/month, for the period of April 1, 2017 through December 31, 2017.

NOW, THEREFORE BE IT RESOLVED by the Borough Council that the bid be awarded to BMI Janitorial, Inc. not to exceed \$18,000.00.

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

PRIVILEGE OF THE FLOOR BY THE PUBLIC

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

No one spoke.

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

MAYOR AND COUNCIL COMMENTS

Mayor Mahr stated that the St. Patrick's Day celebration was awesome. The Borough is mailing a list of all events in 2017.

Councilman Boris wished all a Happy Spring! He also thanked all the scouts that were present tonight.

Councilman Kranz commended the ten women who will receive the Women of Excellence Award on March 24, 2017.

Councilwoman Mitchell wished everyone a Happy Spring!

Councilman Huegel thanked the Public Works Department for all that they do for Fanwood.

Councilwoman Mcelroy-Barker wished all Social Workers a Happy Social Worker Month!

Councilman Molenaar commended the Mayor on the award she recently received from NJ Biz Magazine.

ADJOURNMENT

Mitchell/Huegel moved to adjourn at 8:45 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern
Borough Clerk