

**BOROUGH OF FANWOOD
MAYOR AND COUNCIL REGULAR MEETING
JUNE 19, 2017**

The Regular Meeting of the Mayor and Council was held on June 19, 2017, at Borough Hall, 75 North Martine Avenue, Fanwood, NJ 07023 at 7:05 PM.

Councilwoman Katherine Mitchell 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 a Boy Scout.

Present: Russell Huegel, Tom Kranz, Erin Mcelroy-Barker, Katherine Mitchell, Jack Molenaar
Absent: Kevin Boris, Mayor Colleen Mahr
Also Present: Eleanor McGovern, Daniel McCarthy, Fred Tomkins, Antonios Panagopoulos

MINUTES

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

Regular Meeting	May 22, 2017
Special Meeting	June 5, 2017
Agenda Meeting	June 5, 2017

APPOINTMENTS AND ANNOUNCEMENTS

Presentations:

William Lee, Jr. was recipient of the Volunteer of the Month award for his service on the Planning Board.

Resolutions:

The following resolution will be part of the minutes of this meeting because it was part of the Memorial Day event held on May 29, 2017.

**MEMORIAL DAY
MAY 29, 2017**

WHEREAS, this is time for all Americans to reflect on the significance of the contributions and sacrifices made by the heroic men and women of our military, throughout history, to maintain the security of our country and defend the values that we hold dear, and

WHEREAS, we gratefully honor their selfless service and we acknowledge a debt of honor beyond our ability to repay, and

WHEREAS, we also remember those who are presently serving our nation while recognizing the personal sacrifices that are being made by these brave men and women and all others whose lives they touch, and

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WHEREAS, the following Fanwood servicemen, these fallen heroes killed in action, are remembered here today:

World War I (1914-1918)

Ernest Ashworth, Jr.

World War II (1939-1945)

Walter R. Stewart	William J. Brohm, III	Hugh MacLennan	Theodore F. Ginder
Richard Gere	John T. MacDermott	Edward Stagaard	Donald E. Vinton

Korea (1950-1953)

Charles S. Burns, III

Vietnam (1961-1972)

Eugene W. Hendricks Edward M. Klaniecki

and

WHEREAS, let us pause for a moment to remember and honor those brave men and women who were lost to us; and to remember our men and women who are fighting for our freedom today.

Moment of Remembrance

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the Borough of Fanwood do hereby publicly honor the veterans who made the ultimate sacrifice for our nation and who courageously protected this country; to remember these men and women on this Memorial Day, May 29, 2017; to recognize these peacemakers and peacekeepers that their sacrifices were not made in vain; and to bring Americans together in a spirit of respect, patriotism and gratitude nationally as we stand here together today.

Councilman Jack Molenaar read out the names of the Fanwood soldiers killed in action.

PRESENTATION OF COMMUNICATIONS AND REFERRAL

Huegel/Kranz moved to accept the communications as presented. Motion carried.

1. Denise Rowbotham, Resident
RE: Limiting the use of large blowers by landscapers
Disposition: Note and File
2. City of Rahway
RE: Support of building a thriving New Jersey
Disposition: Note and File

STANDING COMMITTEE REPORTS

A. Administration and Finance (Councilman Huegel)

Huegel/Kranz moved the Tax Collector's Report for the month of April. Motion carried.

Huegel/Kranz moved the Tax Collector's Report for the month of May. Motion carried.

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B. Public Safety (Councilman Boris)

No report.

C. Public Works (Councilman Molenaar)

Councilman Molenaar reported for Public Works and the Planning Board.

D. Land Use and Historic Preservation (Councilman Kranz)

Councilman Kranz reported for the Construction Office.

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

Councilwoman Mcelroy-Barker reported for the Recreation Commission.

F. Health and Senior Citizens (Councilwoman Mitchell)

Councilwoman Mitchell reported for the Senior Citizens, mentioned that a needs assessment was held to discuss more programs for the seniors. The Councilwoman reported for the Environmental Commission, and the Library.

SPECIAL COMMITTEE REPORTS

Antonios Panagopoulos gave an engineering report for May, 2017.

PRESENTATION OF CLAIMS

Huegel/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 \$5,177,637.20 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, Kranz, Mcelroy-Barker, Mitchell, Molenaar
AGAINST: None
ABSTAIN: None
ABSENT: Boris

AUDITING OF CLAIMS BY RESOLUTION

None

PRIVILEGE OF THE FLOOR BY THE PUBLIC FOR AGENDA ITEMS ONLY

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

No one spoke.

Mcelroy-Barker/Huegel moved to close the meeting to the public. Motion carried.

OLD BUSINESS

A. Administration and Finance (Councilman Huegel)

Resolution 17-06-131

Huegel/Molenaar moved to adopt Resolution 17-06-131. Motion carried on the following roll call vote.

BE IT RESOLVED, by the Borough Council that the following statements of revenues and appropriations, reflecting total appropriations of \$10,260,454.45, shall constitute the Municipal Budget for year 2017, and

BE IT FURTHER RESOLVED, that said Budget be published in the Scotch Plains Fanwood Times in the issue of June 22, 2017.

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

CONSENT AGENDA

Resolution 17-06-132

Huegel/Molenaar moved to adopt Resolution 17-06-132. Motion carried.

WHEREAS, Sheelen’s Crossing has requested permission to utilize the Borough property, specifically LaGrande Park, (“Property”), on Sunday, July 9, 2017, commencing at 11 a.m., and ending at 6 p.m., for the purpose of conducting a “FAN JAM” event including the sale of food, beer, wine, to which the public is invited;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fanwood that permission is granted to Sheelen’s Crossing to utilize the Property to conduct a “FAN JAM” event on Sunday, July 9, 2017, commencing at 11 a.m., and ending at 6 p.m., subject to the following conditions:

1. Food may be distributed and/or sold provided Sheelen’s Crossing receives the necessary approvals from the Regional Board of Health.
2. Beer and wine may be served on the Property so long as Sheelen’s Crossing complies with all requirements of the State and local alcoholic beverage laws and obtains from the State the required permit for such an event.
4. A tent may be installed on the Property.
5. Sheelen’s Crossing must restore the Property to its current condition on Monday, July 10, 2017.
6. A copy of Sheelen’s Crossing general commercial liability policy shall be provided to the Borough on or before July 6, 2017 in the amount of \$2,000,000.00 with the Borough of Fanwood named as an additional insured.
6. Adequate police presence shall be provided by Sheelen’s Crossing, at its sole cost in accordance with the Borough Code, in a number reasonably determined by the Borough’s Chief of Police to be required during all times when the general public will be permitted on the Property on July 9, 2017.

BE IT FURTHER RESOLVED THAT a copy of this Resolution shall be transmitted to Sheelen’s Crossing and the Chief of Police of the Borough.

We agree that in order to go forward with the “FAN JAM” Celebration on Borough property, on July 9,

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2017, we will conform with all of the requirements of this resolution.

Sheelen's Crossing Inc.

Date: _____

Sean Flannery

NEW BUSINESS

A. Administration and Finance (Councilman Huegel)

Resolution 17-06-116

Huegel/Molenaar moved to adopt Resolution 17-06-116. Motion carried on the following roll call vote.

WHEREAS, an application for a liquor license renewal for license year 2017-2018 has been completed by the applicant and submitted to ABC; and the required fee was paid to the Borough for the following license:

Plenary Retail Consumption License:

BEMSK Enterprises LLC
18 Plymouth Road
Westfield, NJ 07090
2005 33 003 015

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that a liquor license be issued, to BEMSK Enterprises LLC, for the period July 1, 2017 through June 30, 2018, for the license listed above.

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

Resolution 17-06-117

Huegel/Molenaar moved to adopt Resolution 17-06-117 Motion carried on the following roll call vote.

WHEREAS, an application for a liquor license renewal for license year 2017-2018 has been completed by the applicant and submitted to ABC; the required fee was paid to the Borough; and a tax clearance certificate from the NJ Department of the Treasury has been received for the following license:

Plenary Retail Consumption License:

Sheelen's Crossing LLC
200 South Avenue
Fanwood, NJ 07023
2005 33 004 012

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that a liquor license be issued, to Sheelen's Crossing LLC, for the period July 1, 2017 through June 30, 2018, for the license listed above.

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Huegel/Mcelroy-Barker moved to adopt Resolution 17-06-119. Motion carried on the following roll call vote.

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

Current Owner	Address	Amount	Blk/Lot
Kent, S & K	87 Second Street	\$2,148.61	86/8

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

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

Resolution 17-06-120

Huegel/Mcelroy-Barker moved to adopt Resolution 17-06-120. Motion carried on the following roll call vote.

WHEREAS, due to the delay in the County striking a tax rate for the Borough of Fanwood for 2017 tax bills may not be prepared in a timely manner, and

WHEREAS, in accordance with N.J.S.A. 54:4-66.3d, third quarter installment taxes, due August 1st, shall not be subject to interest until the twenty fifth calendar day after the date of mailing.

NOW, THEREFORE, BE IT RESOLVED the Tax Collector is hereby authorized to mail notice with tax bills specifying the date on which interest may begin to accrue if late mailing occurs.

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

Resolution 17-06-121

Huegel/Molenaar moved to adopt Resolution 17-06-121. Motion carried on the following roll call vote.

WHEREAS, an application for a liquor license renewal for license year 2017-2018 has been completed by the applicant and submitted to ABC, a tax clearance certificate from the NJ Department of the Treasury has been received, and the required fee was paid to the Borough for the following license:

Limited Distribution License:

The Great Atlantic & Pacific Tea Company
800D Lake Street

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Ramsey, New Jersey 07446
2005 43 002 002

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that a liquor license be issued to The Great Atlantic & Pacific Tea Company, for the period July 1, 2017 through June 30, 2018, for the license listed above.

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

Resolution 17-06-122

Huegel/Mcelroy-Barker moved to adopt Resolution 17-06-122. Motion carried on the following roll call vote.

WHEREAS, the Borough of Fanwood, for its own convenience, desires to have its checks, drafts, or other orders for the payment or withdrawal of money signed with facsimile signatures; and

WHEREAS, the Borough of Fanwood recognizes that it is impossible for TWO RIVER COMMUNITY BANK to determine whether or not a genuine facsimile signature has been affixed by authorized persons or means:

NOW, THEREFORE, BE IT RESOLVED, that TWO RIVER COMMUNITY BANK, as a designated depository of the Borough of Fanwood is hereby requested, authorized and directed to honor any and all checks, drafts, or other orders for the payment or withdrawal of money drawn in the Borough of Fanwood's name or names appear thereon as signer or signers thereof, when bearing the facsimile signature(s) made by machine or other mechanical device of the following:

Mayor Colleen Mahr
Fred Tomkins
Eleanor McGovern

BE IT FURTHER RESOLVED, that TWO RIVER COMMUNITY BANK shall be entitled to pay and charge to the account of this corporation any and all such checks, drafts or other orders, regardless of by whom or by what means the above facsimile signature(s) thereon may have been affixed thereto; and

BE IT FURTHER RESOLVED that the Borough of Fanwood assumes full responsibility for all payments made by TWO RIVER COMMUNITY BANK, in good faith in reliance upon the above facsimile signature(s) of such person or persons; and

BE IT FURTHER RESOLVED that the Borough Clerk of the Borough of Fanwood, is hereby authorized and directed to furnish to TWO RIVER COMMUNITY BANK, the above specimens of the facsimile signature(s); and

BE IT FURTHER RESOLVED that these resolutions shall continue and remain in full force

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and effect until notice of their revocation by further resolution of the Board of Directors or the Borough of Fanwood has been received in writing by TWO RIVER COMMUNITY BANK.

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

Ordinance 17-11-R

Huegel/Kranz moved to adopt Ordinance 17-11-R on first reading. Motion carried on the following roll call vote.

AN ORDINANCE AMENDING CHAPTER 280, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF FANWOOD, RELATING TO ARTICLE 11 PARKING

Second reading and public hearing will be held on July 17, 2017.

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

B. Public Safety (Councilman Boris)

Resolution 17-06-123

Huegel, Mcelroy-Barker moved to adopt Resolution 17-06-123. Motion carried on the following roll call vote.

WHEREAS, Daniel Kranz has completed the necessary requirements for an in-grade promotion to Patrolman Class E, and

WHEREAS, the Chief of Police certifies that the prerequisites for in-grade promotion have been accomplished and has recommended that Daniel Kranz be promoted to Patrolman Class E, on July 12, 2017.

NOW, THEREFORE, BE IT RESOLVED, the Borough Council hereby authorizes Daniel Kranz' promotion to Patrolman Class E on July 12, 2017.

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

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

C. Public Works (Councilman Molenaar)

Resolution 17-06-126

Molenaar/Huegel moved to adopt Resolution 17-06-126. Motion carried on the following roll call vote.

WHEREAS, the following bids were received on June 13, 2017 for the sidewalk replacement behind the Martine Avenue Stores, in the Fanwood Parking Lot:

A Team Concrete	\$185,425.00
Brunswick Builders	\$194,291.00
AA Berms LLC	\$199,642.00

and

WHEREAS, the bids exceeded the Borough's budget for this project and it has been recommended that these bids be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that the aforementioned bids received on June 13, 2017 be rejected.

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

Resolution 17-06-127

Molenaar/Huegel moved to adopt Resolution 17-06-127. Motion carried on the following roll call vote.

WHEREAS, the Mayor and Council have a need to acquire special engineering services ("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, T & M Associates submitted a response to the RFQ issued by the Mayor and Council for the Services relating to Engineering Services and was determined to be a Qualified Respondent for the Services, and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fanwood that T & M Associates, be, and hereby is, appointed to provide construction administration services for roadway improvements to Poplar Place.

BE IT FURTHER RESOLVED that a copy of the attached notice be printed once in The Times

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Fanwood that T & M Associates, be, and hereby is, appointed to provide design, construction administration services for the curb and sidewalk repair/replacement program for 2017.

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

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

**NOTICE OF AWARD OF CONTRACT
FOR PROFESSIONAL SERVICES BY THE BOROUGH OF FANWOOD
RESOLUTION 17-06-128**

CONTRACTOR: T & M Associates
Eleven Tindall Road
Middletown, NJ 07748

NATURE OF SERVICE: To provide design and construction administration services for 2017 curb and sidewalk program

DURATION: Period ending May 31, 2018

AMOUNT: 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 Municipal Clerk's office.

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

Resolution 17-06-129

Molenaar/Huegel moved to adopt Resolution 17-06-129. Motion carried on the following roll call vote.

WHEREAS, on June 15, 2017, the following bids were received for the reconstruction of Poplar Place:

Stilo Excavation Inc. 29 07 South Clinton Avenue South Plainfield, NJ 07090	\$507, 828.75
Black Rock 1316 Elizabethtown Road Old Bridge, NJ 08857	\$512,201.20
D.L.S. Contracting 271 Highway 46 Fairfield, NJ 07004	\$545,280.0

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Fischer Contracting Inc. 10 Short Hills Lane Scotch Plains, NJ 07076	\$550,449.50
Top Line Construction 22 Fifth Street Somerville, NJ 08876	\$588,937.93
Your Way Construction 404 Coit Street Irvington, NJ 07111	\$621,854.64

WHEREAS, the Borough Engineer and Borough Attorney reviewed the bids and found them to be in order and recommends that Stilo Excavation Inc. the lowest bidder be awarded the contract for the reconstruction of Poplar Place.

NOW, THEREFORE, BE IT RESOLVED the Borough Council hereby awards the contract for the reconstruction of Poplar Place to the lowest responsible bidder Stilo Excavation Inc., in the amount of \$507,828.75.

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

Resolution 17-06-130

Molenaar/Huegel moved to adopt Resolution 17-06-130. 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 a Shared Services Agreement with the Township of Scotch Plains regarding the Fanwood Director of Public Works overseeing the day to day operations of the Township of Scotch Plains' Department of Public Works for the period July 1, 2017 to December 31, 2017.

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

PRIVILEGE OF THE FLOOR BY THE PUBLIC

Mcelroy-Barker/Huegel moved to open the meeting to the public. Motion carried.

No one spoke.

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

MAYOR AND COUNCIL COMMENTS

Councilmen Kranz and Huegel encouraged those watching the meeting to attend the Party in the Park.

Councilwoman Mcelroy-Barker congratulated all students and wished them the Best of Luck.

Councilwoman Mitchell stated that school is out and to drive carefully.

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EXECUTIVE SESSION

None

ADJOURNMENT

Molenaar/Huegel moved to adjourn at 7:55 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern
Borough Clerk