

**BOROUGH OF FANWOOD
MAYOR AND COUNCIL SPECIAL MEETING
APRIL 2, 2018**

This Special Meeting of the Mayor and Council was held on April 2, 2018 at Fanwood Borough Hall, 75 North Martine Avenue, Fanwood, NJ at 7:00 pm.

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

- Present: Anthony Carter, Russell Huegel, Tom Kranz, Erin Mcelroy-Barker, Katherine Mitchell, Jack Molenaar
- Absent: None
- Also Present: Colleen Mahr, Eleanor McGovern, Frederick Tomkins, Daniel McCarthy, Antonios Panagopoulos

Mayor Mahr stated that this meeting was being held to adopt an ordinance increasing the budget CAP appropriation if necessary; adopt resolutions relating to an event at LaGrande Park, two in-grade promotions, a resolution adopting “Standard Operating Procedures for Locally Administered Federal Aid Projects” and to introduce an ordinance to establish a sewer utility.

OLD BUSINESS

Administration and Finance (Councilman Kranz)

Ordinance 18-01-S

Kranz/Mitchell moved to open the Public Hearing on Ordinance 18-01-S. Motion carried.

No one spoke.

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

Kranz/Mitchell moved to adopt Ordinance 18-01-S on second reading public hearing. Motion carried on the following roll call vote.

**CALENDAR YEAR 2018
MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Municipal Council of the Borough of Fanwood in the County of Union finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year’s final appropriations, in the

interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Municipal council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 258,478.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Municipal Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Borough of Fanwood, in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Borough of Fanwood shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 258,478.00, and that the CY 2018 municipal budget for the Borough of Fanwood be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

NEW BUSINESS

A. Administration and Finance (Councilman Kranz)

Resolution 18-04-66

Kranz/Mcelroy-Barker moved to adopt Resolution 18-04-66. Motion carried.

WHEREAS, Sheelen’s Crossing has requested permission to utilize the Borough property, specifically LaGrande Park, (“Property”), on Saturday, April 14, 2018, commencing at 11 a.m., and ending at 10 p.m., for the purpose of conducting an “Autism Rocks” 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 an “Autism Rocks” event on Saturday, April 14, 2017, commencing at 11 a.m., and ending at 10 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. Liquor, 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.
3. The consumers with their beverages are not permitted outside of the fenced in area and the consumers will be tagged for identification.
4. A tent may be installed on the Property.
5. Sheelen’s Crossing must restore the Property to its current condition on Sunday, April 15, 2018.
6. A copy of Sheelen’s Crossing general commercial liability policy shall be provided to the Borough on or before April 10, 2017 in the amount of \$2,000,000.00 with the Borough of Fanwood named as an additional insured.
7. 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 April 14, 2018.
8. A fee of \$100 shall be paid to the Borough by Sheelen’s Crossing to cover all miscellaneous costs that may be incurred by the Borough, exclusive of the police presence.

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.

Ordinance 18-02-R

Kranz/Molenaar moved to adopt Ordinance 18-02-R on first reading. Motion carried. Second Reading/Public Hearing will be held on April 16, 2018.

**AN ORDINANCE ESTABLISHING
THE BOROUGH OF FANWOOD SEWER UTILITY**

B. Public Safety (Councilman Carter)

Resolution 18-04-67

Carter/Molenaar moved to adopt Resolution 18-04-67. Motion carried.

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

WHEREAS, the Chief of Police certifies that the prerequisites for the in-grade promotion have been accomplished and has recommended that Ryan Gilmore be promoted to Patrolman A, on April 20, 2018.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council do hereby authorize Ryan Gilmore’s

promotion to Patrolman A on April 20, 2018.

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

Resolution 18-04-68

Carter/Mitchell moved to adopt Resolution 18-04-68. Motion Carried.

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

WHEREAS, the Chief of Police certifies that the prerequisites for the in-grade promotion have been accomplished and has recommended that Kathleen Case be promoted to Patrolman C, on April 20, 2018.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council do hereby authorize Kathleen Case's promotion to Patrolman C on April 20, 2018.

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 18-04-69

Molenaar/Kranz moved to adopt Resolution 18-04-69. Motion carried.

WHEREAS, the Borough of Fanwood has received a federal grant to improve Madison Avenue in 2018, and

WHEREAS, one of the grant requirements is to establish a "Standard Operating Procedures for Locally Administered Federal Aid Projects" manual to guide the operations for this project.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fanwood that the "Standard Operating Procedures for Locally Administered Federal Aid Projects", dated March 11, 2016, is hereby adopted and a copy of this manual be forwarded to the State of New Jersey, Department of Transportation.

PRIVILEGE OF THE FLOOR BY THE PUBLIC

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

Michael Lewis, 41 Beech Avenue, questioned the sewer utility ordinance and the proposed construction fee increases.

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

ADJOURNMENT

Kranz/Mitchell moved to adjourn at 7:50 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern
Borough Clerk