

**BOROUGH OF FANWOOD  
MAYOR AND COUNCIL SPECIAL MEETING  
JUNE 4, 2018**

This Special Meeting of the Mayor and Council was held on June 4, 2018 at Borough Hall, 75 North Martine Avenue, Fanwood, NJ at 7:08 pm.

Mayor Colleen Mahr presided and stated: I hereby announce and request that such be included in the minutes 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

Absent: Jack Molenaar

Also, Present: Colleen Mahr, Eleanor McGovern, Diane Dabulas for Daniel McCarthy, Frederick Tomkins, Antonios Panagopoulos, Liz Jeffery

Mayor Mahr stated that this meeting was being held to hold public hearings on three ordinances, the introduction of an ordinance relevant to open space trust fund, two resolutions relevant to the Green Acres Grants and the appointment of an architect for the library improvements.

**OLD BUSINESS**

**A. ADMINISTRATION AND FINANCE (Councilman Kranz)**

**Ordinance 18-04-S**

Kranz/Huegel moved to open the Public Hearing on Ordinance 18-04-S. Motion carried.

No one spoke.

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

Kranz/Mitchell moved to adopt Ordinance 18-04-S on second reading Public Hearing. Motion carried on the following roll call vote.

**BOROUGH OF FANWOOD  
ORDINANCE 18-04-S**

**BOND ORDINANCE PROVIDING APPROPRIATION OF  
\$700,000 FOR IMPROVEMENTS TO PATERSON ROAD BY AND  
FOR THE BOROUGH OF FANWOOD IN THE COUNTY OF  
UNION, NEW JERSEY AND AUTHORIZING THE ISSUANCE  
OF \$427,500 IN BONDS OR NOTES OF THE BOROUGH FOR  
FINANCING PART OF THE APPROPRIATION.**

**BE IT ORDAINED**, BY THE BOROUGH COUNCIL OF THE BOROUGH OF FANWOOD, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Fanwood, New Jersey (the "Borough") as a general improvement. For the said Improvements there is hereby appropriated the amount of \$700,000, such sum includes the sum of (a) \$195,000 expected to be received as a grant from the New Jersey Department of Transportation, (b) \$55,000 expected to be received as a grant from Union County and (c) \$22,500 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in on more previously adopted budgets for a down payment for capital improvement purposes.

#### SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$427,500 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$427,500 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

#### SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued is for improvements to Paterson Road, including all work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereon on file in the Office of the Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$427,500.

(c) The estimated cost of the Improvements is \$700,000, which amount represents the initial appropriation made by the Borough.

#### SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

#### SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$427,500 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$14,750 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 5c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.100-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$427,500.

SECTION 11:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

**Ordinance 18-05-S**

Kranz/Huegel moved to open the Public Hearing on Ordinance 18-05-S. Motion carried.

No one spoke.

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

Kranz/Mcelroy-Barker moved to adopt Ordinance 18-05-S on second reading Public Hearing. Motion carried on the following roll call vote.

**BOROUGH OF FANWOOD  
ORDINANCE 18-05-S**

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

**BE IT ORDAINED** by the Council of the Borough of Fanwood in the County of Union:

1. The schedules of positions and salaries of Borough officers and employees heretofore adopted pursuant to Section I of Chapter 86 and Section 7A of Chapter 67 of the Code of the Borough of Fanwood.
2. The following schedule of positions and salaries of Borough officers and employees is hereby adopted pursuant to Section I of Chapter 86 and Section 7A of Chapter 67 of the Code of the Borough of Fanwood.

<b>POSITION</b>	<b>SALARY RANGE</b>	<b>HOUR/YEAR</b>
Recreation Director	25,000 - 35,000	Per Year

3. All salaries are subject to availability of funds.
4. This ordinance shall take effect immediately as provided by law.

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

**Ordinance 18-06-R**

Kranz/Mitchell moved to open the Public Hearing on Ordinance 18-06-R. Motion carried.  
 No one spoke.  
 Mitchell/Kranz moved to close the Public Hearing. Motion carried.

**BOROUGH OF FANWOOD  
 ORDINANCE NO. 18-06-R**

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND  
 STATE OF NEW JERSEY, AMENDING CHAPTER 242 SANITARY SEWERS,  
 ARTICLE I CONNECTIONS, SECTION 242-2 COSTS, OF THE FANWOOD  
 BOROUGH CODE REGARDING SEWER CONNECTION FEES**

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

Section 1. Chapter 242 Sanitary Sewers, Article I Connections, Section 242-2, "Costs", of the Code of the Borough of Fanwood, County of Union, State of New Jersey, is hereby amended as follows:

§ 242-2 **Costs.**

Any person desiring to connect to the sewer system of the Borough for the purpose of using sewer service shall first pay to the Borough the sum of \$1000 for each unit located in the building which is to be connected. For example, a single-family house connection shall be \$1000. A multifamily dwelling shall be \$1000 times the total number of units in the building or buildings making up the property. In the case of nonresidential connections, the person desiring to connect shall pay \$1000 for each 2,500 square feet, or fraction thereof, of the building or buildings in question. Such connection charge shall apply in all instances including connections made by a developer or builder who installs the sewer mains as provided elsewhere in the Fanwood Borough Code.

Section 2. All other provisions of Chapter 242 shall remain in full force and effect.

Section 3. 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 4. This Ordinance shall take effect as provided by law.

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

**NEW BUSINESS**

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

**Resolution 18-06-99**

Kranz/Mcelroy-Barker moved to adopt Resolution 18-06-99. Motion carried.

**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GREEN ACRES PROGRAM**

**ENABLING RESOLUTION  
RESOLUTION 18-06-99**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Fanwood desires to further the public interest by obtaining a grant in the amount of \$62,803 from the State to fund the following project(s):

**#2005-14-044  
Fanwood Nature Center Rescue Initiative**

NOW, THEREFORE, the governing body/board resolves that Colleen Mahr or the successor to the office of Mayor is hereby authorized to:

- (a) make application for such a grant,
- (b) provide additional application information and furnish such documents as may be required,
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED BY THE FANWOOD COUNCIL THAT:

1. The Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Fanwood Nature Center Rescue Initiative, and;
2. The applicant has its matching share of the project, if a match is required, in the amount of \$62,803.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the

balance of funding necessary to complete the project, and;

4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

**Resolution 18-06-100**

Kranz/Mitchell moved to adopt Resolution 18-06-100. Motion carried.

**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GREEN ACRES PROGRAM**

**ENABLING RESOLUTION  
RESOLUTION 18-06-100**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Fanwood desires to further the public interest by obtaining a loan in the amount of \$273,750 and a grant in the amount of \$151,250 from the State to fund the following project(s):

**#2005-14-045  
Forest Road Park Development**

NOW, THEREFORE, the governing body/board resolves that Colleen Mahr or the successor to the office of Mayor is hereby authorized to:

- (a) make application for such a grant,
- (b) provide additional application information and furnish such documents as may be required,
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED BY THE FANWOOD COUNCIL THAT:

1. The Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Fanwood Nature Center Rescue Initiative, and;
2. The applicant has its matching share of the project, if a match is required, in the amount of \$180,000.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

**Resolution 18-06-101**

Kranz/Huegel moved to adopt Resolution 18-06-101. Motion carried on the following roll call vote.

**WHEREAS**, the Mayor and Council have a need to acquire architectural 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**, **FVHD Architects, Fraytak Veisz Hopkins Duthie, P.C.**, 1515 Lower Ferry Road, Trenton, NJ 08618 submitted a response to the RFQ issued by the Mayor and Council for the Services relating to architectural 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 FVHD Architects, be, and hereby is, appointed to perform architectural services for the Fanwood Memorial Library improvements on behalf of the Borough of Fanwood in 2018.

**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 18-06-101**

<b>CONTRACTOR:</b>	Fraytak Veisz Hopkins Duthie, P.C 1515 Lower Ferry Road Trenton, NJ 08618
<b>NATURE OF SERVICE:</b>	Architectural Services/Schematic Services/Fanwood Memorial Library
<b>DURATION:</b>	Period ending December 31, 2018
<b>AMOUNT:</b>	Not to exceed \$21,545.00

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.

<b>FOR:</b>	Kranz, Huegel, Carter, Mcelroy-Barker, Mitchell
<b>AGAINST:</b>	None
<b>ABSENT:</b>	Molenaar
<b>ABSTAINED:</b>	None

**Ordinance 18-07-R**  
Kranz/Huegel moved to adopt Ordinance 18-07-R on first reading. Motion carried.

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION,**

**AND STATE OF NEW JERSEY, CREATING A MUNICIPAL OPEN SPACE, RECREATION, FLOODPLAIN PROTECTION, AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND PURSUANT TO N.J.S.A. 40:12-5.7**

Second Reading and Public Hearing will be held on June 18, 2018.

**PRIVILEGE OF THE FLOOR BY THE PUBLIC**

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

No one spoke.

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

**ADJOURNMENT**

Kranz/Mitchell moved to adjourn at 7:25 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern  
Borough Clerk