

**BOROUGH OF FANWOOD
MAYOR AND COUNCIL REGULAR MEETING
JUNE 18, 2018**

The Regular Meeting of the Mayor and Council was held on June 18, 2018, at Borough Hall, 75 North Martine Avenue, Fanwood, NJ 07023 at 7:03 PM.

Council President Molenaar 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, Alternate Press by January 10, 2018 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 Council President Jack Molenaar.

Present: Anthony Carter, Russell Huegel, Tom Kranz, Erin Mcelroy-Barker, Katherine Mitchell, Jack Molenaar

Absent: Erin Mcelroy-Barker, Colleen Mahr

Also, Present: Eleanor McGovern, Daniel McCarthy

MINUTES

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

| | |
|-----------------|--------------|
| Regular Meeting | May 21, 2018 |
| Agenda Meeting | June 4, 2018 |
| Special Meeting | June 4, 2018 |

APPOINTMENTS AND ANNOUNCEMENTS

Presentations:

Council President Jack Molenaar presented the Volunteer of the Month Devlin print to Mindy Scarlett for her volunteerism in the Borough.

New Jersey American Water, Michael Bange, presented a donation to Ed Winsor, Fanwood Rescue Squad President. Squad members were present to receive this contribution.

Proclamations:

Council President Molenaar presented the following proclamation to members of the Fanwood/Scotch Plains College Club on its 85th Anniversary.

**FANWOOD SCOTCH PLAINS COLLEGE CLUB
85TH ANNIVERSARY**

WHEREAS, THE FANWOOD SCOTCH PLAINS COLLEGE CLUB formed in 1933 to support the pursuit of a college education for young women in both communities by providing scholarships is celebrating its 85th Anniversary, and

WHEREAS, THE FANWOOD SCOTCH PLAINS COLLEGE CLUB is a non-profit,

charitable organization awarding approximately \$630,000 in scholarships over its 85 years to deserving women in Fanwood and Scotch Plains, and

WHEREAS, the College Club awarded a total of \$30,750 in scholarships to twelve 2018 graduates and five scholarships to women who are already attending college and need assistance, and

WHEREAS, the members of **THE FANWOOD SCOTCH PLAINS COLLEGE CLUB** conduct fundraisers annually especially the sale of the “College Club Community Calendar” that provides well needed information on the social, municipal and school activities in each municipality, a wealth of information published in one place that enriches the lives of the residents, and

WHEREAS, the dynamic members of this organization are dedicated to help educate young women through financial assistance and most importantly, through their volunteer efforts, are committed to improving the lives of young women in our communities.

NOW, THEREFORE, BE IT PROCLAIMED, I, Colleen Mahr, Mayor of the Borough of Fanwood hereby proclaims the month of June, 2018, **THE FANWOOD SCOTCH PLAINS COLLEGE CLUB DAY** in the Borough of Fanwood to recognize the dedicated efforts of the members of this organization and wish them a **HAPPY 85TH ANNIVERSARY** with many successful future years fulfilling their goal of helping young women to reach their objectives through financial assistance.

BE IT FURTHER PROCLAIMED that this message be spread across the minutes of this Council Meeting so that all who follow will know the existence of this most worthwhile organization, **THE FANWOOD SCOTCH PLAINS COLLEGE CLUB**.

Resolutions:

Council President Molenaar read the names of the Fanwood servicemen who died in the line of duty. The following resolution was read at the Memorial Day service on May 28, 2018.

**MEMORIAL DAY
MAY 28, 2018**

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, it is important for us as a community, State, County to show our gratitude for all our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen who died in the service of our nation that we might continue to enjoy the liberties we deeply cherish, 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

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 28, 2018; 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.

The following resolution was read at Bob Kruthers 60th Anniversary, celebrated on June 10, 2018. honoring his volunteerism on the Rescue Squad.

ROBERT KRUTHERS

WHEREAS, service and volunteerism play a vital role in improving lives, strengthening communities and fostering civic commitment, and

WHEREAS, ROBERT KRUTHERS, is a perfect example of this statement, for he is member of the Fanwood Rescue Squad for sixty years serving as an active member, squad officer, historian, instructor, treasurer and chaplain, and

WHEREAS, ROBERT KRUTHERS is being honored today for this volunteer service to the residents of Fanwood and our neighboring communities, and

WHEREAS, ROBERT KRUTHERS has received many honors over his sixty years recognizing his volunteer service, his heroic actions and his selfless dedication to the service of others, and

WHEREAS, the quiet common sense and inherent decency of this good man served to improve the lives of the Fanwood Community.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the Borough of Fanwood recognize Bob’s contributions; thank him for his service; and extend this appreciation to Bob’s family for the generous cooperation and support they supplied enabling him to give so much of himself to the residents of Fanwood, and direct this message of gratitude be spread across the minutes of the June 18, 2018 Council Meeting so that all who follow come to understand that government is measured by the sincerity and dedication of the people who serve their communities as has been done by **ROBERT KRUTHERS**.

PRESENTATION OF COMMUNICATIONS AND REFERRAL

- 1. County of Union
Re: Sample Resolution on a program, Sandy Hook Promise, “Know the Signs”
Disposition: Resolution on 6/28/2018 agenda.

STANDING COMMITTEE REPORTS

A. Administration and Finance (Councilman Kranz)
Kranz/Huegel moved to accept the Tax Collector’s Report for the month of May 2018. Motion carried.

B. Public Safety (Councilman Carter)
Councilman Carter reported for the Police Department.

C. Public Works (Councilman Molenaar)
Councilman Molenaar reported for the Fire Department and Recreation.

D. Land Use and Historic Preservation (Councilman Huegel)
Councilman Huegel reported for Historic Preservation especially the Antiques Road Show program.

E. Recreation and Community Services (Councilwoman Mcelroy-Barker)
Council President Molenaar reported for the Recreation Commission.

F. Health and Senior Citizens (Councilwoman Mitchell)
Councilwoman Mitchell reported for the seniors and Ministerium.

SPECIAL COMMITTEE REPORTS

Council President Molenaar announced the 2nd Annual “Fan Jam” event to be held on July 8, 2018 at LaGrande Park.

PRESENTATION OF CLAIMS

Kranz/Huegel moved to adopt the Payment of Claims for the month of June 2018. Motion carried on the following roll call vote.

BE IT RESOLVED that claims in the amount of \$2,108,017.52 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: Kranz, Huegel, Carter, Mitchell, Molenaar
AGAINST: None
ABSTAIN: None
ABSENT: Mcelroy-Barker

AUDITING OF CLAIMS BY RESOLUTION

None

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

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

No one spoke.

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

OLD BUSINESS

Ordinance 18-07-R

Kranz/Huegel moved to open the Public Hearing on Ordinances 18-07-R. Motion carried.

No one spoke

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

Kranz/Huegel moved to adopt Ordinance 28-07-R on second reading public hearing. Motion carried on the following roll call vote.

ORDINANCE NO. 18-07-R

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

WHEREAS, pursuant to N.J.S.A. 40:12-15.7(a)(1), the Borough of Fanwood (the “Borough”) placed a non-binding referendum on the November 8, 2016 general election ballot regarding the creation of Municipal Open Space, Recreation, Floodplain Protection, And Farmland And Historic Preservation Trust Fund (the “Trust Fund”) with a concurrent tax levy to assist in the creation of such Trust Fund; and

WHEREAS, the majority of voters of the Borough voted in favor of the referendum, indicating their interest in the creation of the Trust Fund and a concurrent tax levy to provide for the funding of such Trust Fund; and

WHEREAS, the Borough now wishes to create the proposed Trust Fund and a concurrent funding source by the dedication of a specific tax to fund the Trust Fund.

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

Section 1. There is hereby created a Borough of Fanwood Municipal Open Space, Recreation, Floodplain Protection, And Farmland And Historic Preservation Trust Fund, whose purposes are set forth below.

Section 2. The purposes of the Borough of Fanwood Municipal Open Space, Recreation, Floodplain Protection, And Farmland And Historic Preservation Trust Fund are as follows:

- (a) acquisition of lands within the Borough for recreation and conservation purposes;
- (b) development of lands acquired within the Borough for recreation and conservation purposes;
- (c) maintenance of lands acquired within the Borough for recreation and conservation purposes;
- (d) acquisition of farmland within the Borough for farmland preservation purposes;

- (e) historic preservation of historic properties, structures, facilities, sites, areas, or objects within the Borough, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes;
- (f) Blue Acres projects; or
- (g) payment of debt service on indebtedness issued or incurred by the Borough for any of the purposes set forth in subparagraphs (a), (b), (d), (e) or (g) above.

Section 3. Beginning in 2017, a special tax rate shall be added to the total Borough tax rate in an amount not to exceed One Cent (\$0.01) per One Hundred Dollars (\$100) of the assessed value of each and every taxable property located within the Borough, the revenue from which shall be deposited into the Borough of Fanwood Municipal Open Space, Recreation, Floodplain Protection, And Farmland And Historic Preservation Trust Fund. The tax rate shall be established by resolution of the Borough Council and may be modified from time to time thereafter by resolution of the Borough Council.

Section 4. All amounts raised by the tax levy imposed pursuant to this Ordinance shall be deposited into the Borough of Fanwood Municipal Open Space, Recreation, Floodplain Protection, And Farmland And Historic Preservation Trust Fund and shall be used exclusively for the purposes set forth above. Any interest or other income earned on monies deposited into the trust fund shall be credited to the fund to be used for the same purposes as the principal. The percentage of funds to be allocated to each purpose shall be established by resolution of the Borough Council after conducting at least one public hearing thereon. Any amendment to said percentages may be made by resolution of the Borough Council after conducting at least one public hearing thereon.

Section 5. The provisions of taxation to create and fund the Borough of Fanwood Municipal Open Space, Recreation, Floodplain Protection, And Farmland And Historic Preservation Trust Fund and the existence of the trust fund shall cease to exist at the close of business on December 31, 2017, unless the Borough Council extends the duration of this Ordinance.

Section 6. The Borough Chief Finance Officer, Tax Assessor, Tax Collector, Auditor, Clerk and other official and/or professional, as applicable, hereby is authorized to take all necessary and proper action to implement this Ordinance and maintain, operate and administer the Borough of Fanwood Municipal Open Space, Recreation, Floodplain Protection, And Farmland And Historic Preservation Trust Fund and tax levy created herein.

Section 7. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 8. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 9. This ordinance shall take effect after publication and passage according to law

FOR: Kranz, Huegel, Carter, Mitchell, Molenaar
AGAINST: None
ABSTAIN: None

ABSENT: Mcelroy-Barker

Kranz/Mitchell moved to waive the estoppel period on Ordinance 18-07-R. Motion carried on the following roll call vote.

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

CONSENT AGENDA

Resolution 18-06-102

Molenaar/Kranz moved to adopt Resolution 18-06-102. Motion carried.

**BOROUGH OF FANWOOD
RESOLUTION 18-06-102**

**CORRECTIVE ACTION PLAN FOR THE
ANNUAL AUDIT YEAR ENDED DECEMBER 31, 2016**

RECOMMENDATION

That funds be encumbered prior to ordering of goods and services and all vouchers contain the required support documentation and approvals prior to their payment.

CORRECTIVE ACTION

We agree that this is the system and should be followed. There are times when all items are not present at the time of payment. We will strive to eliminate this as issue.

RECOMMENDATION

That the Current Fund General Ledger be accurately maintained.

CORRECTIVE ACTION

The General Ledger is being maintained as accurately as possible. The auditor suggested several entries that were agreed to and made.

Resolution 18-06-103

Molenaar/Kranz moved to adopt Resolution 18-06-103. Motion carried.

WHEREAS, an application for a liquor license renewal for license year 2018-2019 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 33 004 013

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, 2018 through June 30, 2019, for the license listed above.

Resolution 18-06-104

Molenaar/Kranz moved to adopt Resolution 18-06-104. Motion carried.

WHEREAS, an application for a liquor license renewal for license year 2018-2019 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, 2018 through June 30, 2019, for the license listed above.

Resolution 18-06-105

Molenaar/Kranz moved to adopt Resolution 18-06-105. Motion carried.

WHEREAS, an application for a liquor license renewal for license year 2018-2019 has been completed by South Avenue Liquors Inc. 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 Distribution License:

South Avenue Liquors Inc.
61 South Avenue
Fanwood, NJ 07023
2005 44 001 005

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that a liquor license be issued, to South Avenue Liquors Inc., for the period July 1, 2018 through June 30, 2019, for the license listed above.

Resolution 18-06-106

Molenaar/Kranz moved to adopt Resolution 18-06-106. Motion carried.

WHEREAS, an application for a liquor license renewal for license year 2018-2019 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 Retail Distribution License:

Suny Desai
14 Eventide Court

Morris Plains, NJ
2005 43 002 002

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that a liquor license be issued to Suny Desai, for the period July 1, 2018 through June 30, 2019, for the license listed above.

Resolution 18-06-107

Molenaar/Kranz moved to adopt Resolution 18-06-107. Motion carried.

RESOLUTION 18-06-107

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2014 & 2015 TAX APPEALS ENTITLED, 31 MARTINE INVESTORS, LLC V. BOROUGH OF FANWOOD, DOCKET NOS.: 010134-2014 & 009015-2015, BLOCK 65, LOT 14 COMMONLY KNOWN AS 31 S. MARTINE AVENUE

WHEREAS, an appeal of the real property tax assessment for tax years 2014 & 2015, Block 65, Lot 14 has been filed by the taxpayer 31 Martine Investors, LLC, and

WHEREAS, the Borough of Fanwood desires to settle the tax appeal for the tax years 2014 & 2015, and the proposed settlement agreement has been reviewed and recommended by the Borough Special Tax Counsel and Tax Assessor; and

WHEREAS, settlement of said matter as more fully set forth below is in the best interests of the Borough of Fanwood.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fanwood that the tax appeal settlement for the property and tax year herein are hereby authorized as follows:

1. Settlement of the 2014 & 2015 tax appeals are hereby authorized as follows:
31 S. Martine Avenue

Year: 2014

| | <u>Original Assessment</u> | <u>County Tax Board Judgment</u> | <u>Requested Tax Court Judgment</u> |
|--------------|--------------------------------|--------------------------------------|---|
| Land | \$ 53,000 | \$ 53,000 | \$ 53,000 |
| Improvements | \$ 134,800 | \$ 134,800 | \$ 124,800 |
| Total | \$ 187,800 | \$ 187,800 | \$ 187,800 |

Year: 2015

| | <u>Original Assessment</u> | <u>County Tax Board Judgment</u> | <u>Requested Tax Court Judgment</u> |
|--------------|--------------------------------|--------------------------------------|---|
| Land | \$ 53,000 | \$ 53,000 | \$ 53,000 |
| Improvements | \$ 134,800 | \$ 134,800 | \$ 125,900 |
| Total | \$ 187,800 | \$ 187,800 | \$ 178,900 |

2. The Borough Special Tax Counsel and Tax Assessor are hereby authorized and directed to execute and deliver such agreements, pleadings stipulations or other documentation as is reasonably necessary and/or

appropriate to memorialize the settlement authorized herein;

3. The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property for the tax year 2016. The 2016 assessment shall be reduced to the level on the Tax Court Judgment for the 2015 tax year.

Resolution 18-06-108

Molenaar/Kranz moved to adopt Resolution 18-06-108. Motion carried.

RESOLUTION 18-06-108

SANDY HOOK PROMISE

WHEREAS, the Borough of Fanwood wishes to support and extend its deep appreciation to **Sandy Hook Promise**; and

WHEREAS, **Sandy Hook Promise** is an apolitical non-profit organization whose “Know the Signs” programs are research-based programs and practices to help protect children from gun violence in their homes, school, and communities. This program is led by several family members who lost loved ones at the Sandy Hook Elementary School on December 14, 2012; and

WHEREAS, **Sandy Hook Promise’s** programs have trained over 2.5 million students and helped stop multiple school shootings, prevented youth suicides, and reduced bullying and other violence in schools across the country. These prevention programs have helped prevent gun violence before it happens by teaching adults and youth how to recognize the signs and signals of individuals who may be at risk of hurting themselves or others; and

WHEREAS, raising awareness and educating others is an important factor when protecting others from gun violence. **Sandy Hook Promise** continues to “make the promise” to protect children from gun violence by speaking engagements, media, community round tables, and remembrance events:

NOW, THEREFORE, BE IT RESOLVED that the Borough of Fanwood hereby supports **Sandy Hook Promise**; and

BE IT FURTHER RESOLVED that a copy of this Resolution, be sent to **Sandy Hook Promise** as a sincere token of Fanwood’s support and deep appreciation.

NEW BUSINESS

A. Administration and Finance (Councilman Kranz)

Resolution 18-06-109

Huegel/Mitchell moved to adopt Resolution 18-09-109. Motion carried on the following roll call vote.

RESOLUTION 18-06-109

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, by preparation of a revaluation of real estate and,

WHEREAS, N.J.S.A. 40A:4-53 provides that it shall be lawful to make such appropriations, which appropriation and/or the “special emergency notes” issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one fifth of the amount authorized pursuant to this act.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Fanwood, County of Union, State of New Jersey (not less than two-thirds of all the Members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-55 that:

1. An emergency appropriation is and the same is hereby made for preparation of a revaluation of real estate in the amount of \$200,000.00
2. That the emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$40,000.00 (must be at least one –fifth).
3. That an “emergency note”, not in excess of the amount pursuant to law, may be provided.
4. That such note shall be executed by the Frederick J. Tomkins Chief Financial Officer and by Eleanor McGovern Borough Clerk.
5. That said note may be renewed from time to time provided that such note and any renewals shall mature and be paid in the amount of no less than one-fifth of the total amount appropriated by this resolution in each year after the authorization at Borough Hall.
6. That the statement required by the Local Finance Board has been filed with the clerk and a copy will be transmitted to the Director of the Division of Local Government Services.
7. That 2 certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the division.

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

Resolution 18-06-110

Huegel/Mitchell moved to adopt Resolution 18-09-110. Motion carried on the following roll call vote.

RESOLUTION 18-06-110

**RESOLUTION ESTABLISHING SEWER RATE FOR 2018
AND AMENDS RESOLUTION 18-05-90**

WHEREAS, the Borough of Fanwood (the “Borough”) is engaged in the construction, development, operation and maintenance of sanitary sewer facilities within Borough; and

WHEREAS, pursuant to the New Jersey Municipal and County Sewerage Act, N.J.S.A. 40A:26A-1 et seq., the Borough approved an Ordinance establishing that all such sewer facilities be part of a single operating system hereafter to be known as “The Fanwood Sewer Utility”; and

WHEREAS, the governing body of the Borough has determined that the public, health, safety and welfare of the Borough residents can best be assured by the acquisition, construction and/or operation of said sewerage facilities by the Borough as a municipal utility; and

WHEREAS, the Mayor and Council of the Borough have further determined that the most

equitable manner of funding the expense of wastewater collection and treatment and administrative associated therewith is the imposition of a “User Fee”;

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 Borough Council of the Borough of Fanwood authorizes the imposition of an annual user charge on all domestic, residential, commercial, industrial, institutional and governmental users of the sewer system of the Borough of Fanwood and related treatment works, as follows:**

The annual charge to be imposed by the Mayor and Council shall not be less than the following: .000969 per \$100.00 of assessed value of real property located in the Borough of Fanwood.

- 2. A copy of this Resolution shall be available for public inspection at the office of the Borough Clerk.
- 3. This Resolution shall take effect immediately.

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

Resolution 18-06-111

Huegel/Mitchell moved to adopt Resolution 18-09-111. Motion carried on the following roll call vote.

RESOLUTION 18-06-111

RESOLUTION APPROPRIATING OPEN SPACE TAX FUNDS TO THE CONSERVATION CENTER

WHEREAS, pursuant to N.J.S.A. 40:12-15.7(a)(1), the Borough of Fanwood (the “Borough”) placed a non-binding referendum on the November 8, 2016 general election ballot regarding the creation of Municipal Open Space, Recreation, Floodplain Protection, And Farmland And Historic Preservation Trust Fund (the “Trust Fund”) with a concurrent tax levy to assist in the creation of such trust fund; and

WHEREAS, the majority of voters of the Borough voted in favor of the referendum, indicating their interest in the creation of the trust fund and a concurrent tax levy to provide for the funding of such trust fund; and

WHEREAS, by Ordinance 18-07-R, adopted on June 18, 2018, the Borough created the Borough of Fanwood Municipal Open Space, Recreation, Floodplain Protection, And Farmland And Historic Preservation Trust Fund and the dedicated tax levy in an amount not to exceed One Cent (\$0.01) per One Hundred Dollars (\$100) of the assessed value of each and every taxable property located within the Borough (the “Open Space Tax”); and

WHEREAS, it is necessary for funds to be appropriated to the Conservation Center in the amount of \$2500 which can be appropriated from the funds reserved pursuant to the Open Space Tax for the maintenance of lands acquired within the Borough for recreation and conservation purposes.

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

Section 1. the amount of 2500.00 shall be appropriated from the Borough of Fanwood Municipal Open Space, Recreation, Floodplain Protection, And Farmland And Historic Preservation Trust Fund which was allocated to the maintenance of lands acquired within the Borough for recreation and conservation purposes for use in connection with the Conservation Center of Fanwood;

Section 2. The Borough Chief Finance Officer, Clerk and other official and/or professional, as applicable, hereby is authorized to take all necessary and proper action to implement this Resolution and maintain, operate and administer the appropriated funds.

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

Resolution 18-06-112

Huegel/Mitchell moved to adopt Resolution 18-09-112. Motion carried on the following roll call vote.

RESOLUTION 18-06-112

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 2018 Sewer Utility Capital Budget and no adequate provision has been made in the CY 2018 temporary sewer utility 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 2018 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$22,186.72.

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 \$12,186.72 as follows:

Operations:

PMUA Sewer Fee \$12,186.72

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

Resolution 18-06-113

Huegel/Huegel moved to adopt Resolution 18-09-113. Motion carried on the following roll call vote.

RESOLUTION 18-06-113

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 2018 Sewer Utility Capital Budget and no adequate provision has been made in the CY 2018 temporary sewer utility 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 2018 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$25,000.00.

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 \$25,000.00 as follows:

Operations:

Capital Improvement Fund \$25,000.00

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

Resolution 18-06-114

Huegel/Huegel moved to adopt Resolution 18-09-114. Motion carried on the following roll call vote.

RESOLUTION 18-06-114

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 2018 Budget and no adequate provision has been made in the CY 2018 temporary budget for the aforesaid 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 2018 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$6,903,338.49.

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 \$727,571.00 as follows:

Operations:

| | | | |
|-------------------------|-------------|-----------------------|--------------|
| Administration O&E | \$10,000.00 | Other Insurance | \$200,000.00 |
| Hydrants | \$10,000.00 | Health Benefit Waiver | \$16,821.00 |
| Fire Enforcement Offic. | \$1,000.00 | Dispatch | \$25,000.00 |
| Traffic Lights | \$2,000.00 | Court O&E | \$3,000.00 |
| Bd of Health, Westfield | \$25,000.00 | Parks & Playground | \$5,000.00 |
| Postage | \$2,000.00 | Gas & Diesel | \$10,000.00 |
| Social Security | \$20,000.00 | Street Lights | \$13,000.00 |

Salary & Wage:

| | | | |
|----------------------|--------------|---------------------|-------------|
| Admin S&W | \$22,500.00 | Finance S&W | \$15,000.00 |
| Tax Collection S&W | \$8,000.00 | Tax Assessment S&W | \$2,500.00 |
| Zoning S&W | \$3,000.00 | Library S&W | \$50,000.00 |
| Police S&W | \$250,000.00 | Crossing Guard S&W | \$4,000.00 |
| Fire Enforcement S&W | \$2,500.00 | Prosecutor S&W | \$3,250.00 |
| Sanitation S&W | \$1,000.00 | Board of Health S&W | \$1,500.00 |
| Environmental S&W | \$500.00 | Playground S&W | \$5,000.00 |
| Mayor S&W | \$1,000.00 | Court S&W | \$15,000.00 |

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

Ordinance 18-09-R

Kranz/Huegel moved to adopt Ordinance 18-09-R on first reading. Motion carried. Second reading Public Hearing will be held on July 2, 2018.

ORDINANCE 18-09-R

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION,
 AND STATE OF NEW JERSEY, ESTABLISHING SEWER RATE FOR 2018**

B. Public Safety (Councilman Carter)

Resolution 18-06-115

Carter/Huegel moved to adopt Resolution 18-06-115. Motion carried. Councilman Kranz abstained.

RESOLUTION 18-06-115

WHEREAS, Daniel Kranz has completed the necessary requirements for an in-grade promotion

to Patrolman Class D, 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 D, on July 12, 2018.

NOW, THEREFORE, BE IT RESOLVED, the Borough Council hereby authorizes Daniel Kranz' promotion to Patrolman Class D on July 12, 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 18-06-116

Molenaar/Huegel moved to adopt Resolution 18-06-116. Motion carried.

RESOLUTION 18-06-116

WHEREAS, the Mayor and Council is desirous of continuing a Shared Services Agreement with the Borough of Garwood for the sharing of the Fanwood Public Works Director's services, on a limited basis, with some amendments, for term August 1, 2018 to July 31, 2021.

NOW, THEREFORE, BE IT RESOLVED the Borough Council hereby authorizes the Mayor and Clerk to sign an Agreement to facilitate this shared service as approved by the Borough Council and Borough Attorney.

Resolution 18-06-117

Molenaar/Mitchell moved to adopt Resolution 18-06-117. Motion carried on the following roll call vote.

RESOLUTION 18-06-117

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 engineering services, sanitary sewer investigation, construction administration and inspection services, for roadway improvements to Paterson Road, Phase I, from Terrill Road to Hunter Avenue.

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 18-06-117**

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

NATURE OF SERVICE: To provide sanitary sewer investigation, construction administration and inspection services for roadway improvements to Paterson Road.

DURATION: Period ending May 31, 2019

AMOUNT: Not to exceed \$38,750.00

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

Ordinance 18-08-R

Molenaar/Kranz moved to adopt Ordinance 18-08-R on first reading. Motion carried.
Second reading Public Hearing will be held on July 2, 2018.

ORDINANCE NO. 18-08-R

AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY, AMENDING CHAPTER 259 OF THE FANWOOD BOROUGH CODE REGARDING STREETS AND SIDEWALKS

PRIVILEGE OF THE FLOOR BY THE PUBLIC

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

MAYOR AND COUNCIL COMMENTS

Councilman Carter gave the list of movies in the park sponsored by the Recreation Commission. On Saturday, July 14, “The Greatest Showman” will be shown for couples only.
Councilman Huegel stated that school’s out please drive safely.
Councilwoman Mitchell stated that legislation needs to be introduced to prohibit the poor treatment of immigrants.

Councilman Kranz stated that an ordinance was introduced tonight to change the way utilities pave streets after repair work.

ADJOURNMENT

Mitchell/Kranz moved to adjourn at 7:45 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern
Borough Clerk