

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

This Special Meeting of the Mayor and Council was held on July 2, 2018 at Fanwood Borough Hall, 75 North Martine Avenue, Fanwood, NJ at 7:05 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, Katherine Mitchell, Jack Molenaar, Erin Mcelroy-Barker arrived later

Absent: None

Also Present: Colleen Mahr, Eleanor McGovern, Frederick Tomkins, Daniel McCarthy, Antonios Panagopoulos

Mayor Mahr stated that this meeting was being held to hold a public hearing on the amendments to the 2018 municipal budget, adopt the 2018 municipal budget, adopt an ordinance relating to establishing a 2018 sewer rate, adopt an ordinance amending Chapter 259 regarding streets and roads and three resolutions.

**OLD BUSINESS**

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

**2018 Municipal Budget Amendments**

Kranz/Mitchell moved to open the Public Hearing on amendments to the 2018 Municipal Budget.

Motion carried.

No one spoke.

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

**Adoption of the 2018 Municipal Budget**

Kranz/Molenaar moved to adopt the amended 2018 Municipal Budget. Motion carried on the following roll call vote.

FOR: Kranz, Molenaar, Carter, Huegel, Mcelroy-Barker, Mitchell

AGAINST: None

ABSTAIN: None

ABSENT: None

**Ordinance 18-09-R**

Kranz/Molenaar moved to open the public hearing on Ordinance 18-09-R. Motion carried.

No one spoke.

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

Kranz/Huegel moved to adopt Ordinance 18-09-R on second reading and public hearing. Motion carried on the following roll call vote.

**ORDINANCE NO. 18-09-R**

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

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

Section 1. An annual user charge in the amount of \$0.000969 per \$100.00 of assessed value of real property located in the Borough of Fanwood shall be imposed upon on all domestic, residential, commercial, industrial, institutional and governmental users of the sewer system of the Borough of Fanwood and related treatment works.

Section 2. This Ordinance shall supersede and replace any prior Resolution or Ordinance contrary hereto.

Section 3. If any part of this Ordinance shall be deemed invalid, such part 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, Huegel, Carter, Mcelroy-Barker, Mitchell, Molenaar  
AGAINST: None  
ABSTAIN: None  
ABSENT: None

**B. Public Works (Councilman Molenaar)  
Ordinance 18-08-R**

Molenaar/ Huegel moved to open the public hearing on Ordinance 18-08-R. Motion carried.

No one spoke.

Molenaar/ Mcelroy-Barker moved to close the public hearing. Motion carried.

Molenaar/ Mcelroy-Barker moved to adopt Ordinance 18-08-R on second reading and public hearing. Motion carried on the following roll call vote.

**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**

**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 259: Streets and Sidewalks, Article 1 Street Openings and Excavations, Section 259:5 Fees and Section 259:7 H Compliance with Regulations, of the Code of the Borough of Fanwood, County of Union, State of New Jersey, is hereby delated and replaced as follows:

**259:5 Fees**

**A.**

Before any permit is granted, the applicant shall make a payment to the Borough Clerk in the sum of \$40 for each and every proposed opening. This payment is a fee to cover the nominal cost of issuing the permit and is not returnable to the applicant.

**259-7**

**H.**

In the case of utility work undertaken by a public or private utility, which work involves placing new or repair of existing utility infrastructure such as gas lines, water lines, electrical lines and sewer lines, where the area to be trenched is greater than 50 linear feet upon completion after a 60 day trench settling period but not later than 120 days after the pipe installation, or within a reasonable amount of time as determined by the Borough Engineer, the permittee shall mill and repave the entire pavement surface from edge to edge or curb to curb for the full length of the excavation, in accordance with the specification of the Borough Engineer.

Section 2. All other provisions of Chapter 259 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: Molenaar, Mcelroy-Barker, Carter, Huegel, Kranz, Mitchell  
AGAINST: None  
ABSTAIN: None  
ABSENT: None

**NEW BUSINESS**

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

**Resolution 18-07-121**

Kranz/Mitchell moved to adopt Resolution 18-07-121. Motion carried.

**BE IT RESOLVED** by the Borough Council of the Borough of Fanwood that the Mayor and Clerk are hereby authorized to sign a Federal Aid Agreement and the Amended Federal Aid Agreement relevant to the Safe Routes to Schools Grant, Agreement No. 2018-DT-BLA-203, in the amount of \$308,285.00.

**Resolution 18-07-122**

Kranz/ Molenaar moved to adopt Resolution 18-07-122. Motion carried on the following roll call vote.

**Resolution 18-07-122**

**RESOLUTION AUTHORIZING TAX ANTICIPATION NOTES**

**BE IT RESOLVED** by the Council of the Borough of Fanwood, in the County of Union, State of New Jersey, that Tax Anticipation Notes, pursuant to local budget law N.J.S.A. 40A: 4-64, be and are hereby authorized to be issued on or about July 16, 2018 and sold by the Chief Financial Officer for the purpose of borrowing money in the total amount of \$2,000,000, with interest not in excess of 5% per annum;

**BE IT FURTHER RESOLVED** that the proceeds of said notes shall be applied to budget purposes only;

**BE IT FURTHER RESOLVED** that there has been certification to the gross borrowing power and net borrowing power in limitation of said Tax Anticipation Notes as follows:

The gross borrowing power in respect to Tax Anticipation Notes of such fiscal year being 30% of the tax levy of the next preceding fiscal year, for all purposes in the case of a municipality, plus 30% of the amount of miscellaneous revenue realized in cash during the next preceding fiscal year, is \$10,747,556.27.

The amount of notes outstanding in anticipation of the collection of taxes of such fiscal year, except such notes which will be renewed by or paid from the proceeds, of the notes to be issued is \$ 00.00.

The net borrowing power, being in excess of the first over the second of the two above amounts is \$10,747,556.27.

**BE IT FURTHER RESOLVED** that said notes may be renewed from time to time but all such notes and any renewals thereof shall mature not later than 120 days after the beginning of the next succeeding year, and the Mayor and Chief Financial Officer be and are hereby authorized to execute such notes and the Clerk to attest thereto;

**BE IT FURTHER RESOLVED** that upon making the sale of such notes the Treasurer shall make a report of such sale pursuant to N.J.S.A. 40A:4-72.

#### **CERTIFICATION AS TO GROSS AND NET BORROWING POWER**

I, Frederick J. Tomkins, Chief Financial Officer of the Borough of Fanwood, hereby certify that the gross borrowing power and net borrowing power of the Borough in limitation of Tax Anticipation Notes is as follows:

The gross borrowing power in respect to Tax Anticipation Notes of such fiscal year being 30% of the tax levy of the next preceding fiscal year, for all purposes in the case of a municipality, plus 30% of the amount of miscellaneous revenue realized in cash during the next preceding fiscal year, is \$10,747,556.27.

The amount of notes outstanding in anticipation of the collection of taxes of such fiscal year, except such notes which will be renewed by or paid from the proceeds, of the notes to be issued is \$ 00.00.

The net borrowing power, being in excess of the first over the second of the two above amounts is \$10,747,556.27.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2018

\_\_\_\_\_  
Frederick J. Tomkins  
Chief Financial Officer

FOR:           Kranz, Molenaar, Carter, Huegel, Mcelroy-Barker, Mitchell

AGAINST: None  
ABSTAIN: None  
ABSENT: None

**B. Public Works (Councilman Molenaar)**

**Resolution 18-07-123**

Molenaar/ Kranz moved to adopt Resolution 18-07-123. Motion carried on the following roll call vote.

**RESOLUTION 18-07-123**

**WHEREAS**, a Request for Qualifications was issued by the Borough of Fanwood for “Planning Services for the Revitalization of the Old South Avenue Corridor” which included the 105 South Avenue Development Parcel; and

**WHEREAS**, on March 29, 2018, Phillips Preiss Grygiel LLC submitted a response to the RFP issued by the Borough and the Mayor and Council have determined to retain said firm which included the “Old South Avenue Corridor”; and

**WHEREAS**, on April 16, 2018, the Borough Council of the Borough of Fanwood resolved that Phillips Preiss Grygiel LLC be appointed to provide planning services, specifically, to prepare a Redevelopment Study and prepare a Redevelopment Plan for the 105 South Avenue Development Parcel for the Borough of Fanwood; and

**WHEREAS**, it was the intention of the Borough Council of the Borough of Fanwood that the award of planning services to prepare a Redevelopment Study and a Redevelopment Plan would be for the entirety of the Old South Avenue Corridor which was previously designated as an area in need of rehabilitation; and

**WHEREAS**, the properties which comprise the Old South Avenue Corridor include Block 55, Lots 7.01, 8, 9.0101, 9.0102, 10, 11, 11.01, 12 and Block 57, Lot 1, which properties shall be included in the planning services for a Redevelopment Study and a Redevelopment Plan which shall not include an increase in the contract amount of 24,000 awarded on April 16, 2018.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council that the Contract awarded to Phillips Preiss Grygiel LLC be amended to include the lots comprised of the Old South Avenue Corridor (Block 55, Lots 7.01, 8, 9.0101, 9.0102, 10, 11, 11.01, 12 and Block 57, Lot 1) which shall not include an increase in the original contract amount.

FOR: Molenaar,  
AGAINST: None  
ABSTAIN: None  
ABSENT: None

**PRIVILEGE OF THE FLOOR BY THE PUBLIC**

Huegel/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.

**ADJOURNMENT**

Mitchell/Kranz moved to adjourn at 7:30 pm. Motion carried.

Mayor and Council Special Meeting July 2, 2018

Respectfully submitted,

Eleanor McGovern, Borough Clerk