

**BOROUGH OF FANWOOD
MAYOR AND COUNCIL REGULAR MEETING
DECEMBER 17, 2018**

The Regular Meeting of the Mayor and Council was held on December 17, 2018, at Borough Hall, 75 North Martine Avenue, Fanwood, NJ 07023 at 7:05 PM.

Mayor Colleen Mahr 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 Mayor Mahr.

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

Absent: None

Also, Present: Mayor Mahr, Eleanor McGovern, Daniel McCarthy, Antonius Panagopoulos

MINUTES

Mitchell/Kranz moved to adopt the following minutes as presented.

Regular Meeting	November 19, 2018
Special Meeting	December 3, 2018
Agenda Meeting	December 3, 2018

APPOINTMENTS AND ANNOUNCEMENTS

Appointments:

Himanee Hendre was appointed Recreation Commissioner, Alternate No. 4, term expiring 12/31/2019.

Resolutions:

Mayor Colleen Mahr read a resolution from the State Senate and General Assembly honoring Jack Molenaar.

The following resolution will be inserted into the minutes of this meeting.

**JACK MOLENAAR
COUNCILMAN-COUNCIL PRESIDENT
JANUARY 1, 2016 – DECEMBER 31, 2018**

WHEREAS, Council President Jack Molenaar's term of office on Council will end on December 31, 2018 after serving a third term from January 1, 2016 to December 31, 2018 serving his fellow citizens in the Borough of Fanwood with integrity and distinction, and

WHEREAS, Council President Jack Molenaar for the last three years served as Chair of the Public Works and Public Safety Committees, a member of the Recreation and Historic Preservation Commissions and Council Representative to the Planning Board, and

WHEREAS, during his tenure **Council President Molenaar** was involved in new development of residential and commercial facilities in our Downtown; the creation of the Open Space Tax, zoning improvements, the three way stop on North Avenue, road improvements, the creation of the Fanwood Sewer Utility, finalization of the Borough's affordable housing obligation, curbside recycling pick-up and the purchase of new vehicles for Public Works and the Fanwood Rescue Squad, and

WHEREAS, Council President Molenaar will be remembered for his forthright approach to all aspects of municipal government.

NOW, THEREFORE. BE IT RESOLVED that the Mayor and Council of the Borough of Fanwood record its deep appreciation for the service rendered by **Council President Jack Molenaar** to his community, give thanks to his wife, Joanna, who graciously shared his time with the residents of Fanwood and wish him a successful and healthy future in all his endeavors.

BE IT FURTHER RESOLVED that a copy of this resolution be spread across the minutes of this meeting so that all who follow will know this extraordinary man, **JACK MOLENAAR.**

Presentations:

Mayor Colleen Mahr presented a Devlin Print of the Community House to Allan Wilks representing the members of the Terrill Road Bible Chapel for allowing the Borough to use their facility for over 20 years as a polling place for Districts 4 and 5.

Joseph Nagy presented Mayor Colleen Mahr with a Devlin Print and gave the history of how the Borough came to receive these prints from the artist.

PRESENTATIONS OF COMMUNICATIONS AND REFERRAL

1. New Jersey Transit\

Re: Hearing notice on Senior Citizens and Disabled Persons Transportation

Disposition: Note and File

STANDING COMMITTEE REPORTS

- A. Administration and Finance (Councilman Kranz)

Kranz/Mitchell moved to accept the Tax Collector's Report for the month of November.

Motion carried.

- B. Public Safety Committee (Councilman Carter)

Councilman Carter reported for the Police Department.

- C. Public Works (Councilman Molenaar)

Councilman Molenaar reported for Public Works and the Planning Board

D. Land Use and Historic Preservation (Councilman Huegel)
No Report

E. Recreation and Community Services (Councilwoman Mcelroy Barker)
Councilwoman Mcelroy-Barker reported for the Recreation Commission. The Holiday Celebration went very well, and she praised the volunteers who helped make it a success.

F. Health and Welfare (Councilwoman Mitchell)
Councilwoman Mitchell reported for the seniors, Ministerium and the Board of Health.

PRESENTATION OF CLAIMS

Kranz/Mitchell moved to adopt the following Payment of Claims for the month of December. Motion carried on the following roll call vote.

PAYMENT OF CLAIMS

BE IT RESOLVED that claims in the amount of \$172,190.47 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, Mitchell, Carter, Huegel, Mcelroy-Barker, Molenaar
AGAINST: None
ABSTAINED: None
ABSENT: None

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

None

CONSENT AGENDA

Resolution 18-12-198

Molenaar/Huegel moved to adopt Resolution 18-12-198. Motion carried.

RESOLUTION 18-12-198

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE BOROUGH OF
FANWOOD AND CROSS RIVER FIBER, LLC FOR RIGHTS-OF-WAY-USE
AGREEMENT**

WHEREAS, Cross River Fiber LLC (“Cross River”) seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the Public Rights-of-Way within the Borough of Fanwood for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, Cross River was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the Borough of Fanwood for the joint use of any existing utility poles; and

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local it is in the best interests of the Borough of Fanwood and its citizens to grant consent to Cross River Fiber; and

WHEREAS, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the attached Use Agreement with Cross River.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fanwood, that the Borough of Fanwood is hereby authorized to grant Cross River a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

BE IT RESOLVED by the Mayor and Council of the Borough of Fanwood, in the County of Union and State of New Jersey, that they do hereby approve and authorize an agreement between Cross River Fiber, LLC, and the Borough of Fanwood, in the form attached hereto, and they do further authorize and direct the Mayor and Borough Clerk to execute same on behalf of the Borough of Fanwood. This Resolution shall take effect immediately.

Resolution 18-12-199

Molenaar/Huegel moved to adopt Resolution 18-12-199. Motion carried.

RESOLUTION 18-12-199

BE IT RESOLVED by the Borough Council that the Mayor and Clerk are hereby authorized to sign an agreement with the Chief of Police as approved by the Borough Council and Borough Attorney.

Resolution 18-12-200

Molenaar/Huegel moved to adopt Resolution 18-12-200. Motion carried.

RESOLUTION 18-12-200

WHEREAS, the Mayor and Council recognized the dedicated efforts of the Administration and Finance Committee and adopted the **Borough of Fanwood Employee Manual** as presented to the Governing Body in October 2008, which became effective December 1, 2008; and

WHEREAS, this manual sets forth the Borough's policies pertaining to employment that were implemented by management and followed by all other employees of the Borough; and

WHEREAS, there is a need for changes to the manual relating to sick leave and requests for compensation as set forth in the attached amendment to the employee manual.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council hereby adopt the amendment to the Employee Manual attached hereto which will become effective January 1, 2019.

NEW BUSINESS

A. Administration and Finance (Councilman Kranz)

Resolution 18-12-201

Kranz/Huegel moved to adopt Resolution 18-12-201. Motion carried on the following roll call vote.

RESOLUTION 18-12-201

FORM OF RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fanwood in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year **2018** in the sum of **\$2,500.00** which is now available from Drunk **Driving Enforcement Grant** in the amount of **\$2,500.00**

BE IT FURTHER RESOLVED, that the like sum of **\$2,500.00** is hereby appropriated under the caption **Drunk Driving Enforcement Grant**, and

BE IT FURTHER RESOLVED that the above is the result of funds from the **State of New Jersey** in the amount of **\$2,500.00**

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

Resolution 18-12-202

Kranz/Huegel moved to adopt Resolution 18-12-202. Motion carried on the following roll call vote.

RESOLUTION 18-12-202

FORM OF RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fanwood in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year **2018** in the sum of **\$17,676.80** which is now available from the **Garwood Dept. of Public Works, Director** in the amount of **\$17,676.80.00**

BE IT FURTHER RESOLVED, that the like sum of **\$17,676.80** is hereby appropriated under the caption **Sewer S&W**, and

BE IT FURTHER RESOLVED that the above is the result of funds from the **Road Repair S&W** in the amount of **\$17,676.80**

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

Resolution 18-12-203

Kranz/Huegel moved to adopt Resolution 18-12-203. Motion carried on the following roll call vote.

RESOLUTION 18-12-203

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that the Mayor and Clerk are hereby authorized to sign Form 1B, Governor’s Council on Alcoholism and Drug Abuse Fiscal Grant Cycle 2014 – June 2020, Municipal Alliance Grant. The Borough’s share of the grant is \$2052.25.

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

Resolution 18-12-204

Kranz/Huegel moved to adopt Resolution 18-12-204. Motion carried on the following roll call vote.

RESOLUTION 18-12-204

FORM OF RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fanwood in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year **2018** in the sum of **\$900.00** which is now available from the **Heart Grant Trust Fund** in the amount of **\$900.00**

BE IT FURTHER RESOLVED, that the like sum of **\$900.00** is hereby appropriated under the caption **Heart Grant Trust Fund**, and

BE IT FURTHER RESOLVED that the above is the result of funds from the **County of Union** in the amount of **\$900.00**

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

Resolution 18-12-205

Kranz/Huegel moved to adopt Resolution 18-12-205. Motion carried on the following roll call vote

RESOLUTION 18-12-205

WHEREAS, the following Sewer Utility Fund balances remain unexpended:

WHEREAS, it is necessary to formally cancel said balances.

Sewer Utility Salary & Wage	\$25,000.00
Sewer Utility O&E	\$6,329.55

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fanwood in the County of Union, New Jersey, hereby directs the CFO to write off the above listed unexpended balances of the Sewer Utility Fund be canceled.

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

Resolution 18-12-206

Kranz/Huegel moved to adopt Resolution 18-12-206. Motion carried on the following roll call vote.

RESOLUTION 18-12-206

WHEREAS, there appears to be insufficient funds in the following accounts to meet the demands thereon for the balance of the 2018-year budget: and

WHEREAS, there appear to be surplus funds in the following accounts over and above the amount deemed to be necessary to fulfill the purpose of the appropriation for the balance of the 2018-year budget: and

NOW, THEREFORE BE IT RESOLVED, the Chief Financial Officer is hereby authorized and directed to make the following transfers:

FROM:

Salary Adjustment	\$1,024.10	Crossing Guard S&W	\$1,000.00
Zoning O&E	\$500.00	Recreation S&W	\$2,000.00
Credit Cards	\$6,251.24	Bd of Health O&E	\$1,000.00
Downtown O&E	\$1,000.00		

TO:

Police S&W	\$10,000.00	Administration S&W	\$2,591.78
Finance S&W	\$183.56		

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

Resolution 18-12-207

Kranz/Huegel moved to adopt Resolution 18-12-207. Motion carried on the following roll call vote.

RESOLUTION 18-12-207

WHEREAS, N.J.S.A. 40A:5-17.1 permits the governing body to adopt a resolution authorizing a municipal employee to cancel, without further action on the part of the governing body, any sewer utility overpayment or delinquency of less than \$10.00.

NOW, THEREFORE, BE IT RESOLVED the Tax Collector is hereby authorized to process such overpayments of delinquencies.

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

**B. Public Safety (Councilman Carter
Resolution 18-12-208**

Molenaar/Huegel moved to table Resolution 18-12-208. Motion carried.

PRIVILEGE OF THE FLOOR BY THE PUBLIC

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

Boy Scout Joseph DeSantis, Paul Place, introduced himself. He was at the meeting to gain a civic Boy Scout badge.

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

MAYOR AND COUNCIL COMMENTS

Councilman Kranz thanked Jack Molenaar for his service to the residents of Fanwood especially the curbside recycling.

Councilman Carter commented on a meeting that was just held regarding parking in the downtown. He also mentioned a temporary moratorium on parking violations.

Councilwoman Mitchell stated that she would miss Jack on Council. She also commented that Jack did a great job with the downtown redevelopment.

Councilwoman Mcelroy-Barker stated that Jack roped her into Council and that she has great respect for him and will miss him.

Councilman Huegel again mentioned “wind beneath his wings”. Wished all Happy Holidays.

Councilman Molenaar praised the Mayor for all the good work she has done in Fanwood. He commented that he lives by “Leave it better than when you found it”.

Mayor Mahr praised the work that Councilman Molenaar achieved for the Borough. She also praised all the volunteers and staff of the Borough.

EXECUTIVE SESSION

Huegel/Kranz moved to go into executive session to discuss negotiations. Motion carried.

Kranz/Mitchell moved to return to the normal order of business. Motion carried.

ADJOURNMENT

Mitchell/Kranz moved to adjourn at 8:50 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern

Mayor and Council Regular Meeting December 17, 2018

Borough Clerk