

**BOROUGH OF FANWOOD
MAYOR AND COUNCIL REGULAR MEETING
MARCH 18, 2019**

The Regular Meeting of the Mayor and Council was held on March 18, 2019 at Borough Hall, 75 North Martine Avenue, Fanwood, NJ 07023 at 7:10 pm.

MAYOR Colleen Mahr introduced Katie Wilber as “Mayor for the Day”.

Katie Wilber 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, 2019 filed with the Borough Clerk and mailed to any person requesting same in accordance with the requirements of the Open Public Meeting Act

PLEDGE OF ALLIGANCE AND MOMENT OF SILENCE

The Pledge of Allegiance and moment of silence was led by Katie Wilber.

ROLL CALL

Present: Jeffrey Banks, Anthony Carter, Tom Kranz, Erin Mcelroy-Barker, Katherine Mitchell,
Patricia Walsh
Absent: None

Also, Present: Mayor Colleen Mahr, Katie Wilber, Eleanor McGovern, Russell Huegel

REVIEW AND APPROVAL OF MINUTES

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

Regular Meeting	February 19, 2019
Agenda Meeting	March 4, 2019
Special Meeting	March 4, 2019

APPOINTMENTS AND ANNOUNCEMENTS

Appointments:

Mitchell/Kranz moved the following appointments. Motion carried.

1. Ms. Kara Ascitutto, Library Board Trustee, Term expires 12/31/2023
2. Dr. Jason Hagman, Library Board Trustee, Term expires 12/31/2020
3. Ms. Kathleen Smythe, Library Board Trustee, Term expires 12/31/2022

Resolution:

Mayor Colleen Mahr presented the resolution to Sister Percylee Hart.

SISTER PERCYLEE HART

WHEREAS, SISTER PERCYLEE HART, was the Grand Marsal of the 23rd annual Union County St. Patrick Day Parade in Union, New Jersey, on March 16, 2019, and

WHEREAS, Grand Marshal is traditionally bestowed on a person who shows exceptional leadership qualities and deserves a place of honor as does **Sister Percylee Hart**, and

WHEREAS, **Sister Percylee** is a Sister of Mercy, a Sister of the Irish Order, as well as a descendent of Irish grandparents that certainly meets the requirements of her Irish standing, and

WHEREAS, **Sister Percylee Hart** serves on the Advisory and Controversies Committees of the New Jersey State Interscholastic Athletic Association; she holds membership in three Chambers of Commerce serving business in Union and Middlesex Counties; is actively involved in church sponsored programs and served as a Board Member of the Washington Rock Girl Scout Council for many years, and

WHEREAS, **Sister Percylee** has been principal of Union Catholic High School for 39 years and because of her leadership 100% of the graduating class go to college.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council recognize the accomplishments of **Sister Percylee Hart**; are pleased to have her as part of our community; and acknowledge the honor bestowed upon her as Grand Marshal of the Union County Parade.

CONGRATULATIONS SISTER PERCYLEE!

Presentation:

Mayor Colleen Mahr presented a Devlin print of the Community House to Lori and Patrick Carlin, Fanwood Bagels, as Citizens of the Month for their participation in municipal activities for 20 years.

Proclamations:

Woman's History Month proclamation was presented to Katherine Mitchell, Sasha Slocum and Mallory Banks by Mayor Colleen Mahr.

WOMEN'S HISTORY MONTH MARCH 2019

VISIONARY WOMEN: CHAMPIONS OF PEACE AND NONVIOLENCE

WHEREAS, the theme for March 2019 honors women who have led efforts to war, violence, and injustice and pioneered the use of nonviolence to change society, and.

WHEREAS, American women of every race, class and ethnic background helped found the Nation in countless recorded and unrecorded ways as wives, mothers, servants, slaves, nurses, nuns, homemakers, industrial workers, teachers, reformers, soldiers and pioneers; and

WHEREAS, American women have played and continue to play a critical economic, cultural and social role in every sphere of our Nation's life as shown by:

Katherine Mitchell, Fanwood Councilwoman. She is the longest serving Council Member in Fanwood: 7 continual terms, 20 years of service. She is a resident of Fanwood and a Registered Nurse

Sasha Slocum, Principal at William J. McGinn School in Scotch Plains. Has an impressive educational background that has enabled her to initiate programs to address inequalities socially, politically and educationally. She is a Resident of Fanwood, married with three children.

Mallory Banks, a junior student in Scotch Plains Fanwood High School. Mallory has organized an annual event called “Rockin’ for Autism” for the last three years drawing over thousands of participants as a fundraiser for Autism. The 2019 event is scheduled for April 28, 2019. She is a Fanwood resident, dedicated volunteer who inspires all those around her.

WHEREAS, American women served as early leaders in the forefront of movement, every major progressive social change not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor union movement, the modern civil rights movement and in modern military incursions.

NOW, THEREFORE, I, Colleen Mahr, Mayor of the Borough of Fanwood, do proclaim the month of March as "**WOMEN'S HISTORY MONTH**" in the Borough of Fanwood to recognize the contributions these and all women have made to build this Nation's past, present and future through their dedication and leadership., especially the women identified above.

PRESENTATION OF COMMUNICATIONS AND REFERRAL

1. Township of Clark

Re: Main Street Assistance Program

Disposition: Resolution in support 3/18/2019

2. Township of Scotch Plains

Re: Redevelopment Plans (Parker Greenhouse and Jerusalem Road Area in Need of Redevelopment)

Disposition: Note and File

3. City of Plainfield

Re: Notice of Public Hearing Redevelopment of South Avenue and Terrill Road (WaWa Food Store)

Disposition: Note and File

STANDING COMMITTEE REPORTS

A. Administration and Finance (Councilman Kranz)

Kranz/Mitchell moved to accept the Tax Collectors Report for the month of February. Motion carried

B. Public Safety (Councilman Carter)

Councilman Carter reported for the Police Department for the month of February.

C. Public Works (Councilwoman Mitchell)

Councilwoman Mitchell reported for the Municipal Alliance, Seniors Club, the Ministerium and the Cultural Arts Committee.

D. Land Use and Historic Preservation (Councilman Banks)

Councilman Banks had no report.

E. Recreation and Community Services (Councilwoman Mcelroy-Barker)
Councilwoman Mcelroy-Barker reported for the Recreation Commission. The Easter Egg Hunt is scheduled for 4/13/2019.

F. Health and Senior Citizens (Councilwoman Walsh)
Councilwoman Walsh reported for the Board of Health and the Fire Department.

SPECIAL COMMITTEE REPORTS

None

PRESENTATION OF CLAIMS

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

PAYMENT OF CLAIMS

BE IT RESOLVED that claims in the amount of. \$2,207,381.04 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, Banks, Carter, Mcelroy-Barker, Walsh
AGAINST: None
ABSTAIN: None
ABSENT: None

AUDITING OF CLAIMS BY RESOLUTION

None

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

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.

OLD BUSINESS

None

CONSENT AGENDA

Resolution 19-03-69

Kranz/Mitchell moved to adopt Resolution 19-03-69. Motion carried.

RESOLUTION 19-03-69

WHEREAS, the Union County Board of Chosen Freeholders is offering a 2019 Infrastructure and Municipal Aid Grant Program for municipalities in Union County, and

WHEREAS, the Borough has applied and received these grants for projects designed to stimulate the development of local projects of governmental importance.

NOW, THEREFORE, BE IT RESOLVED the Borough Engineer is authorized to submit a 2019 application for the Borough for a project discussed with the Public Works Committee.

Resolution 19-03-79

Kranz/Mitchell moved to adopt Resolution 19-03-79. Motion carried.

RESOLUTION 19-03-79

WHEREAS, the Raritan Valley Line (RVL) trains currently terminate in Newark Penn Station and riders destined for midtown Manhattan and Penn Station must transfer platforms and trains; and,

WHEREAS, RVL is one of the busiest and fastest growing lines of NJ Transit with more than 23,000 weekday passengers and no midtown direct, one-seat ride in and out of NY; and,

WHEREAS, RVL did get some off-peak hour one-seat service in 2014 and 2015 that provided relief and on average a 30-minute reduction in commuting time each way; and,

WHEREAS, the off-peak one-seat service on RVL, Atlantic City and Princeton Lines were suspended in 2018 because of Positive Train Control installation; and,

WHEREAS, Atlantic City and Princeton trains will be restored on May 24, 2019, there is no confirmation that service will be restored on the RVL; and,

WHEREAS, the Borough of Fanwood and the Raritan Valley Line Mayors Alliance of 32 Mayors in Union, Somerset, Hunterdon and Middlesex Counties, organized in 2018 by Fanwood Mayor Colleen Mahr, Westfield Mayor Shelley Brindle and Bound Brook Mayor Robert Fazen, are committed advocates for equitable service for RVL; and,

WHEREAS, 23,000 commuters and approximately 400,000 residents in towns served by the RVL deserve to know when the suspended off-peak morning and evening direct trains into New York will be back on schedule; and,

WHEREAS, midtown direct train service, known as “one-seat ride” has a positive impact on Fanwood, quality of life for our residents, home values and business growth;

NOW, THEREFORE, BE IT RESOLVED the Borough Council of the Borough of Fanwood urge Governor Phil Murphy, DOT Commissioner Gutierrez and our State Legislators to support the immediate restoration of the off-peak hour “one seat ride” to NY Penn Station.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to Governor Murphy, Fanwood’s Legislative Delegation and NJ Transit.

NEW BUSINESS

A. Administration and Finance (Councilman Kranz)

Resolution 19-03-70

Kranz/Mitchell moved to adopt Resolution 19-03-70. Motion carried on the following roll call vote.

RESOLUTION 19-03-70

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, by Terminal Retirement Pay of Police Officers;

WHEREAS, N.J.S.A. 40A:4-53(H) provides that it is 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, that in accordance with N.J.S.A. 40A:4-55:4-53(H):

1. An emergency appropriation is hereby made for Terminal Retirement Pay of Police Officers in the amount of \$65,000.00;
2. That the emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than one fifth of the total amount;
3. That an “emergency note”, not in excess of the amount pursuant to law, may be provided;
4. That such emergency note shall be executed by the Frederick J. Tomkins Chief Financial Officer and by Eleanor McGovern Borough Clerk;
5. That said note shall be dated May 1, 2019, 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; and
7. That two (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: Kranz, Mitchell, Banks, Carter, Mcelroy-Barker, Walsh

**CERTIFICATION FOR EMERGENCY APPROPRIATION FORM
CHIEF FINANCIAL OFFICER**

Purpose of emergency appropriation: Terminal Pay for Police Officers Under Contract.

Date of occurrence: March 31, 2019.

Have any contracts been awarded or purchase orders placed in connection with this emergency appropriation? No.

Date March 18, 2019
Chief Financial Officer Frederick Tomkins
Municipality Fanwood

FOR: Kranz, Mitchell, Banks, Carter, Mcelroy-Barker, Walsh
AGAINST: None
ABSTAIN: None
ABSENT: None

Resolution 19-03-71

Kranz/Mitchell moved to adopt Resolution 19-03-71. Motion carried on the following roll call vote.

RESOLUTION 19-03-71

WHEREAS, the Borough of Fanwood (the” Borough”) determined a need to retain an expert to perform professional environmental services in connection with the remediation of the real property owned by the Borough located at 225 LaGrande Avenue, Fanwood, New Jersey, Lot 6.02, Block 64 (the “Property”), and

WHEREAS, the Borough has determined there to be a need for an expert to provide additional professional environmental due diligence and reporting services in connection with remediation of the Property (the “Services”), and

WHEREAS, CTM submitted proposal #18-1045, dated December 4, 2018 (the “Proposal”) to provide the Services at a cost not to exceed \$2,955.00 for post remedial action groundwater sampling/groundwater remedial action permit & biennial certification tasks, and

WHEREAS, the requested engineering services constitute “Professionals Services” pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and

WHEREAS, the Services that are to be provided are subject to the Chief Financial Officer’s certification of funds.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fanwood as follows:

1. CTM Environmental Services, Inc., be and hereby is awarded a contract to perform professional environmental services in connection with the aforementioned Project at a total cost not to exceed \$2,955.00 to be paid in accordance with the fee schedule set forth in CTM’s Proposal, and

2. The Mayor and Borough Clerk be and hereby are, authorized and directed to execute a contract with CTM subject to the approval of the Borough Attorney.

FOR: Kranz, Mitchell, Banks, Carter, Mcelroy-Barker, Walsh
AGAINST: None
ABSTAIN: None
ABSENT: None

Resolution 19-03-72

Kranz/Mitchell moved to adopt Resolution 19-03-72. Motion carried.

RESOLUTION 19-03-72

WHEREAS, Greater Westfield Area Chamber of Commerce Foundation, Inc. has applied for a Raffle License to conduct a 50/50 Raffle, on June 30, 2019, at LaGrande Park, LaGrande Avenue, Fanwood, NJ, under license #538-5-41377, and

WHEREAS, the appropriate state fee has been paid and the documents are in order.

NOW, THEREFORE, BE IT RESOLVED the Borough Council of the Borough of Fanwood do hereby approve Raffle License No. 19-01 for the Greater Westfield Area Chamber of Commerce Foundation, Inc. to conduct a 50/50 Raffle on June 30, 2019.

Ordinance 19-05-R

Kranz/Mitchell moved to adopt Ordinance 19-05-R on first reading. Motion carried. Second Reading and Public Hearing will be held on April 1, 2019.

AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY, ESTABLISHING SEWER RATE FOR 2019

B. Public Safety (Councilman Carter)

Resolution 19-03-73

Carter/Mitchell moved to adopt Resolution 19-03-73. Motion carried.

RESOLUTION 19-03-73

WHEREAS, the Length of Service Awards Program (LOSAP) for the Fanwood Fire Department and Fanwood Rescue Squad was approved by the Mayor and Council through the passage of Ordinance 99-18-R on August 12, 1999 and approved by Fanwood voters as a public question at the General Election on November 2, 1999, and subsequent passage of Ordinance 07-20-R, Ordinance 14-10-R and Ordinance 15-03-R.

WHEREAS, the Fanwood Rescue Squad has certified a list of members who are eligible, in accordance with guidelines outlined in Ordinance 99-18-R, and Ordinance 16-09-R based on member performance in year 2018, to receive the Borough's 2019 annual contribution of \$722.27 for 50 points or \$1444.54 for 100 points/each as follows:

FANWOOD RESCUE SQUAD

Buckridee, Patricia
Downing, Brian
Downing, Jeff
Shreya Kachroo

Lozowski, Joan
Adam Miksis
Christina O'Connor
Pedinoff, Jamie

Siegal, Steven
Tripodi, Nicholas
Villegas, Steven
* Winsor, Edward
Zawodniak, David

*Achieved 100 points in 2018

WHEREAS, the total number of qualifying volunteers for 2018 for the Rescue Squad is 12 for a contribution of \$10,273.62 (12 at \$733.83 and 1 at \$1467.66).

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council do hereby accept the certified list from the Rescue Squad dated January 18, 2019.

Resolution 19-03-74

Carter/Mitchell moved to adopt Resolution 19-03-74. Motion carried.

RESOLUTION 19-03-74

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

WHEREAS, the Chief of Police certifies that the prerequisites for in-grade promotion have been accomplished and has recommended that Kathleen Case be promoted to Patrolman B, on April 20, 2019.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council do hereby authorize Kathleen Case's promotion to Patrolman B on April 20, 2019.

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

Ordinance 19-06-R

Carter/Kranz moved to adopt Ordinance 19-06-R on first reading. Motion carried. Second Reading and Public Hearing will be held on April 1, 2019.

AN ORDINANCE AMENDING CHAPTER 280, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF FANWOOD, RELATING TO ARTICLE XVI WRECKERS AND TOWING

C. Public Works (Councilwoman Mitchell)

Resolution 19-03-75

Mitchell/Kranz moved to adopt Resolution 19-03-75. Motion carried on the following roll call vote.

RESOLUTION 19-03-75

WHEREAS, the following quotes were received by the Purchasing Agent to remove a sub-surface split tank:

Prestige Environmental	\$19,420.00
Independence Constructors	\$21,970.00
M. Waters Tanks & Boilers LLC	\$30,875.00

WHEREAS, Prestige Environmental is the lowest bidder and has been appointed by the Borough Council in 2019 as an environmental engineer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that Prestige Environmental, 220 Davidson Avenue, Suite 307, Somerset, New Jersey 08873, be awarded the contract to remove the tanks in the amount of \$19,420.00.

FOR: Mitchell/Kranz, Banks, Carter, Mcelroy-Barker, Walsh
AGAINST: None
ABSTAIN: None
ABSENT: None

Resolution 19-03-76

Mitchell/Kranz moved to adopt Resolution 19-03-76. Motion carried on the following roll call vote.

RESOLUTION 19-03-76

WHEREAS, the Borough of Fanwood will need to find a form of fuel supply to conduct normal and emergency operations and the Town of Westfield will provide the fuel supply through a Shared Services Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fanwood that the Mayor and Clerk are to sign the agreement approved by the Borough Council and Borough Attorney.

FOR: Mitchell/Kranz, Banks, Carter, Mcelroy-Barker, Walsh
AGAINST: None
ABSTAIN: None
ABSENT: None

Resolution 19-03-77

Mitchell/Kranz moved to adopt Resolution 19-03-77. Motion carried on the following roll call vote.

WHEREAS, four quotes were solicited by the Public Works Director for the 2019 landscaping maintenance contract with one response, and

Mayor and Council March 18, 2019

WHEREAS, D. Germinder Landscape Contractor, LLC was the sole bidder with a bid of \$12,275.00 for a one-year period, and the Public Works Director recommends that the contract be awarded to this vendor.

BE IT RESOLVED by the Borough Council that D. Germinder Landscape Contractor, LLC be awarded the contract for landscaping maintenance for 2019, in the amount of \$12,275.00.

FOR: Mitchell/Kranz, Banks, Carter, Mcelroy-Barker, Walsh
AGAINST: None
ABSTAIN: None
ABSENT: None

Resolution 19-03-78

Mitchell/Kranz moved to adopt Resolution 19-03-78. Motion carried on the following roll call vote.

RESOLUTION 19-03-78

WHEREAS, on March 5, 2019 the Borough received the following results in response to soliciting the 2019 Tree Trimming & Removal Bid for the Borough of Fanwood:

M & A Tree Service	\$17,875.00
Rich Tree Service	\$16,565.00
Tree Tech	\$42,750.00

and

WHEREAS, it has been determined that the bid documents are in order.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that Rich Tree Service, 325 Bergen Street, South Plainfield, NJ 07080 is hereby awarded the contract for the 2019 Tree Trimming & Removal Bid, as lowest responsible bidder, in the amount of \$16,565.00.

FOR: Mitchell/Kranz, Banks, Carter, Mcelroy-Barker, Walsh
AGAINST: None
ABSTAIN: None
ABSENT: None

Resolution 19-03-80

Mitchell/Kranz moved to adopt Resolution 19-03-80. Motion carried on the following roll call vote.

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

Mayor and Council March 18, 2019

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 Site Investigation for Green Acres grant in the Nature Center.

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.

FOR: Mitchell/Kranz, Banks, Carter, Mcelroy-Barker, Walsh
AGAINST: None
ABSTAIN: None
ABSENT: None

D. Land Use and Historic Preservation (Councilman Banks)

Ordinance 19-07-R

Banks/Kranz moved to adopt Ordinance 19-07-R on first reading. Motion carried.
Second Reading and Public Hearing will be held on April 1, 2019.

AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY, AMENDING THE LAND USE ORDINANCE OF THE BOROUGH OF FANWOOD

Antonios Panagopoulos gave an engineering report for the month of February.

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

Councilwoman Walsh congratulated women in history and Lori and Patrick Carlin.
Councilman Kranz mentioned Councilman Carter's new haircut.

ADJOURNMENT

Mitchell/Kranz moved to adjourn this meeting at 8:15 pm. Motion carried.

Respectfully submitted,

Mayor and Council March 18, 2019

Eleanor McGovern
Borough Clerk