

**BOROUGH OF FANWOOD  
MAYOR AND COUNCIL SPECIAL MEETING  
OCTOBER 1, 2018**

This Special Meeting of the Mayor and Council was held on October 1, 2018 at Fanwood Borough Hall, 75 North Martine Avenue, Fanwood, NJ at 7:05 pm.

Mayor 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, Frederick Tomkins, Daniel McCarthy, Antonios Panagopoulos, Liz Jeffery

Mayor Mahr stated that this meeting was being held to hold public hearings on three ordinances, adoption of two resolutions to authorize grant submittals and two contract awards and a resolution establishing salaries for non-contractual employees.

**OLD BUSINESS**

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

**Ordinance 18-04-S**

Kranz/Mitchell 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 and public hearing. Motion carried on the following roll call votes.

**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, Mcelroy-Barker
- AGAINST: None
- ABSTAIN: None
- ABSENT: Molenaar

**Ordinance 18-10-S**

Kranz/Mitchell moved to open the public hearing on Ordinance 18-10-S. Motion carried.

No one spoke.

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

Kranz/Mitchell moved to adopt Ordinance 18-10-S on second reading and public hearing. Motion carried on the following roll call votes.

**BOROUGH OF FANWOOD  
ORDINANCE 18-10-S**

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER  
17-09-S FINALLY ADOPTED BY THE BOROUGH COUNCIL OF  
THE BOROUGH OF FANWOOD, NEW JERSEY ON MAY 1, 2017**

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 the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Bond Ordinance of the Borough Council of the Borough of Fanwood, in the County of Union, New Jersey (the "Borough") entitled "Bond Ordinance Providing An Appropriation Of \$1,335,000 For Various Capital Improvements For And By The Borough Of Fanwood In The County Of Union, New Jersey And, Authorizing The Issuance Of \$1,024,000 Bonds Or Notes Of The Borough For

Financing Part Of The Appropriation” finally adopted on May 1, 2017 (the “Ordinance”) is hereby incorporated by reference in its entirety.

Section 2. (a) Section 1 of the Ordinance is hereby amended in its entirety as follows:

“The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Borough as general improvements. For the said Improvements there is hereby appropriated the amount of \$1,335,000, such sum includes the sum of (a) \$197,000 expected to be received from the New Jersey Department of Transportation in connection with the Improvement described in Section 3(a)(5), (b) \$356,637 expected to be received from New Jersey American Water Company and Elizabethtown Gas in connection with the Improvement described in Section 3(a)(5), (c) \$60,000 expected to be received as a Union County Infrastructure Grant in connection with the Improvement described in Section 3(a)(4) and (d) \$54,000 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 provisions in one or more previously adopted budgets for down payments for capital improvement purposes.”

(b) Section 3(a)(5) of the Ordinance is hereby amended in its entirety as follows:

“Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
5. Various road improvements, including but not limited to North Avenue and Poplar Place Road, including curbs and sidewalks, including milling and paving, including all work or materials necessary therefor or incidental thereto.	1,260,137	671,075	18.07 years”

(c) The Ordinance is hereby further amended by deleting the reference of \$1,335,000 for the appropriation and estimated cost and substituting in lieu thereof \$1,691,637.

Section 3. 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 resolutions 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 of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This Section 4 constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that the 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 \$1,024,000.

Section 5. All other provisions of the Ordinance shall remain unchanged.

Section 6. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

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

**Ordinance 18-11-S**

Kranz/Mitchell moved to open the public hearing on Ordinance 18-11-S. Motion carried.

No one spoke.

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

Kranz/Mitchell moved to adopt Ordinance 18-11-S on second reading and public hearing. Motion carried on the following roll call votes.

**BOROUGH OF FANWOOD  
 ORDINANCE 18-11-S**

**BOND ORDINANCE AMENDING BOND ORDINANCE  
 NUMBER 16-01-S FINALLY ADOPTED BY THE BOROUGH  
 COUNCIL OF THE BOROUGH OF FANWOOD, NEW JERSEY  
 ON MARCH 7, 2016**

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 the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Bond Ordinance of the Borough Council of the Borough of Fanwood, in the County of Union, New Jersey (the "Borough") entitled "Bond Ordinance Providing An Appropriation Of \$965,000 For Various Capital Improvements For And By The Borough Of Fanwood In The County Of Union, New Jersey And, Authorizing The Issuance Of \$489,250 Bonds Or Notes Of The Borough For Financing Part Of The Appropriation" finally adopted on March 7, 2016 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. (a) Section 1(b) of the Ordinance is hereby amended in its entirety as follows:

"\$308,285 expected to be received from the New Jersey Department of Transportation (via Federal Government) in connection with the Improvement described in Section 3(a)(1)."

(b) Section 3(a)(1) of the Ordinance is hereby amended in its entirety as follows:

<u>"Improvements"</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
1. Various road improvements including but not limited to Madison Avenue, including curbs and sidewalks, including milling and paving, including all work or materials necessary therefor or incidental thereto.	\$858,285	\$313,500	20 years"

(c) The Ordinance is hereby further amended by deleting the reference of 965,000 for the appropriation and estimated cost and substituting in lieu therefor \$1,073,285.

Section 3. 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 resolutions 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 of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This Section 4 constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that the 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 \$489,250.

Section 5. All other provisions of the Ordinance shall remain unchanged.

Section 6. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

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

**NEW BUSINESS**

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

**Resolution 18-10-164**

Kranz/Mitchell moved to adopt Resolution 18-10-164. Motion carried on the following roll call votes.

**RESOLUTION 18-10-164**

**WHEREAS**, 2018 Salary Ordinance 18-15-S includes salary ranges for certain employees.

**NOW, THEREFORE, BE IT RESOLVED** the following positions and salaries are established by the Mayor and Council of the Borough of Fanwood:

<b>POSITION</b>	<b>SALARY</b>	<b>HOURLY/SESSION</b>
Magistrate	29,857	
Prosecutor	25,417	
Public Defender	8,446	
Court Administrator	55,610	
Deputy Court Administrator		19.64
Violations Clerk		19.64
Court Clerk		18.15
Court Clerk		16.65
Borough Clerk/Administrator	132,357	
Deputy Borough Clerk	1,656	
Chief Financial Officer/Treasurer	34,445	

POSITION	SALARY	HOUR/ SESSION
Deputy Administrator	21,224	
Bookkeeper	70,475	
Assistant Treasurer	3,500	
Tax Collector	68,206	
Payroll Supervisor	3,500	
Tax Assessor	20,567	
Special Officer Security		50.00
Planning Board Secretary/Finance Clerk	47,920	
Purchasing Agent	3,500	
Assistant to Mayor	8,000	
Police Chief	160,667	
Police Administrative Assistant	45,899	
Police Matron		50.00
School Crossing Guards		19.64
School Crossing Guard (AK)		12.34
Director of Public Works	115,592	
Public Officer	5,145	
Recycling Coordinator	6,733	
Public Works Secretary	45,002	
Register Vital Statistics	5,979	
Deputy Register	1,126	
Board of Health Secretary	5,979	
Construction Official	18,200	
Building Sub Code Official	18,200	
Building Inspector	18,200	
Construction Office Technical Clerk	45,000	
Plumbing Sub Code Inspector	10,000	
Electrical Sub Code Inspector	10,000	
Fire Protection Inspector	4,000	
Fire Subcode Official	6,000	
Uniform Fire Code Enforcement Officer	20,300	
Zoning Officer	22,731	
Nature Center Groundskeeper	4,189	
Playground Executive Director	34,000	
Summer Park Program Director	3,800	
Travel Camp Director	2,250	
Nature Center Groundskeeper	4,189	
Playground Executive Director	34,000	
Summer Park Program Director	3,800	
Travel Camp Director	2,250	

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Treasurer to make the proper salary adjustments retroactive to January 1, 2018.

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

**B. Public Safety (Councilman Carter)  
 Resolution 18-10-165**

Carter/Mitchell moved to adopt Resolution 18-10-165. Motion carried on the following roll call vote.

**RESOLUTION 18-10-165**

**WHEREAS**, the new 2018 Braun Signature F350 Type 1 ambulance needs to be altered with the installation of an Auto Flex after market air ride suspension system, and

**WHEREAS**, this installation will be done by First Priority in the total amount of \$5,090.00 with First Priority picking up \$2,545 of the cost.

**NOW, THEREFORE, BE IT RESOLVED** the Borough Council hereby authorizes the installation of the suspension system to be done by First Priority.

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

**C. Public Works**

**Resolution 18-10-166**

Huegel/Mitchell moved to adopt Resolution 18-10-166. Motion carried.

**RESOLUTION 18-10-166**

Resolution: **Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Paterson Road, Phase 2 and Ridge Way Improvement project**

**NOW, THEREFORE, BE IT RESOLVED** that Council of Fanwood formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that Mayor Mahr and the Clerk are hereby authorized to submit an electronic grant application identified as MA-2019-PATERSON RD, PH 2 & RIDGE WAY-2019-00487 to the New Jersey Department of Transportation on behalf of the Borough of Fanwood.

**BE IT FURTHER RESOLVED** that Mayor Mahr and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Fanwood and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**Resolution 18-10-167**

Huegel/Mitchell moved to adopt Resolution 18-10-167. Motion carried.

**RESOLUTION 18-10-167**

Resolution: **Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the South Martine Ave Downtown Sidewalks Improvements project.**

**NOW, THEREFORE, BE IT RESOLVED** that Council of Fanwood formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that Mayor Mahr and the Clerk are hereby authorized to submit an electronic grant application identified as MA-2019-MARTINE AVE DOWNTOWN SIDEWALK

IMPROV-00496 to the New Jersey Department of Transportation on behalf of the Borough of Fanwood.

**BE IT FURTHER RESOLVED** that Mayor Mahr and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Fanwood and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**Resolution 18-10-168**

Huegel/Mitchell moved to adopt Resolution 18-10-168. Motion carried on the following roll call vote.

**RESOLUTION 18-10-168**

**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 a Preliminary Assessment Report for the Nature Center as part of the Green Acres Grant.

**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 18-10-168**

<b>CONTRACTOR:</b>	T & M Associates Eleven Tindall Road Middletown, NJ 07748
<b>NATURE OF SERVICE:</b>	To provide a Preliminary Assessment Report for the Nature Center
<b>DURATION:</b>	Period ending March 31, 2018
<b>AMOUNT:</b>	Not to exceed \$4,500.00
<b>FOR:</b>	Huegel, Mitchell, Carter, Kranz, Mcelroy-Barker
<b>AGAINST:</b>	None
<b>ABSTAIN:</b>	None
<b>ABSENT:</b>	Molenaar

**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.

**ADJOURNMENT**

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

Respectfully submitted,

Eleanor McGovern  
Borough Clerk