

**BOROUGH OF FANWOOD  
MAYOR AND COUNCIL REGULAR MEETING  
AUGUST 19, 2019**

The Regular Meeting of the Mayor and Council was held on August 19, 2019 at Borough Hall, 75 North Martine Avenue, Fanwood, NJ 07023 at 7:02 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, 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 Mayor Mahr.

**ROLL CALL**

Present: Jeffery Banks, Tom Kranz, Erin Mcelroy-Barker, Katherine Mitchell, Patricia Walsh  
Anthony Carter arrived later.

Absent: None

Also, Present: Mayor Colleen Mahr, Eleanor McGovern, Russell Huegel, Liz Jeffery, Antonios Panagopoulos

**REVIEW AND APPROVAL OF MINUTES**

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

Regular Meeting	July 15, 2019
Agenda Meeting	August 5, 2019
Special Meeting	August 5, 2019
	August 8, 2019

**APPOINTMENTS AND ANNOUNCEMENTS**

Mayor Mahr presented the Service Flags (Blue Stars) to Christopher Magnan's Mother and Father to be displayed at their homes to honor their son's military service.

Councilman Carter arrived at 7:05 pm.

Mayor Collen Mahr presented a print of Devlin's Fanwood Community House to Adam Matty for his volunteer service on the Fanwood Planning Board.

Kiersten Swaak, a summer intern, gave a presentation to Council regarding the Sustainable New Jersey Program.

**PRESENTATION OF COMMUNICATIONS AND REFERRAL**

Mitchell/Kranz moved to accept the following communications as presented. Motion carried.

1. Bianca Naclerio-DeLuca, Resident  
Re: More street safety regulations on Midway Avenue  
Disposition: Referred to Police Chief Trigo and Borough Engineer
2. Elizabethtown Gas  
Re: Public Hearing Notices  
Disposition: Note and file
3. New Jersey Transit  
Re: 2019 Request for Federal Financial Assistance  
Disposition: Note and File

**STANDING COMMITTEE REPORTS**

A. Administration and Finance (Councilman Kranz)

Kranz/Mitchell moved to adopt the July Tax Collector's Report. Motion carried.

B. Public Safety (Councilman Carter)

Councilman Carter reported for the Police Department and discussed the hiring practices established in the Police Department. Officer Flowers appointed Probationary Patrolman A to start September 1, 2019.

C. Public Works (Councilwoman Mitchell)

Councilwoman Mitchell announced that Fanwood has a new Senior Coordinator. One of the new programs is to have Flu Shots available at Fanwood Pharmacy. A grant from the Fanwood Foundation will cover the cost of programs in 2019.

D. Land Use and Historic Preservation (Councilman Banks)

Councilman Banks felt that the "National Night Out" was successful and was pleased that the Police Department was supported.

E. Recreation and Community Services (Councilwoman Mcelroy-Barker)

Councilwoman Mcelroy-Barker mentioned that the 5K race is set for September 20<sup>th</sup>. A grant was awarded the Recreation Commission for equipment at LaGrande Park.

F. Health and Senior Citizens (Councilwoman Walsh)

Councilwoman Walsh updated Council on Opioid Task Force and electronic devises.

Mayor Mahr gave a report on the downtown. Because of elevated lead levels in some municipalities, NJ American Water has stated that Fanwood's water meets standards.

**SPECIAL COMMITTEE REPORTS**

**PRESENTATION OF CLAIMS**

Kranz/Mitchell moved to adopt the payment of claims for August. Motion carried on the following roll call vote.

**BOROUGH OF FANWOOD**

**BE IT RESOLVED** that claims in the amount of \$5,054,239.20 having been listed on the Bill List and recorded in the files of Borough Hall, and approved by the Chairman of the appropriate Committee be paid.

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

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

**OLD BUSINESS**

None

**CONSENT AGENDA**

**Resolution 19-08-144**

Mcelroy-Barker/Banks moved to adopt Resolution 19-08-144. Motion carried.

**RESOLUTION 19-08-144**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fanwood that the Fanny Wood Day Committee has permission to close Martine Avenue from South Avenue to LaGrande Avenue, and South Avenue from First Street to Second Avenue, 7 A.M. to 7 P.M. and to display a banner on Borough property announcing the event that is scheduled for Sunday, September 15, 2019.

**Resolution 19-08-145**

Mcelroy-Barker/Banks moved to adopt Resolution 19-08-145. Motion carried.

**RESOLUTION 19-08-145**

**WHEREAS**, Sheelen's Crossing has requested permission to utilize the Borough property,

specifically South Avenue near Martine Avenue, (“Property”), on Sunday, September 15, 2019, commencing at 10 a.m., and ending at 5p.m., for the purpose of conducting a “Fanny Wood Day” event including the sale of food, beer, wine, to which the public is invited;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fanwood that permission is granted to Sheelen’s Crossing to utilize the Property to conduct a “Fanny Wood Day” event on Sunday, September 15, 2019, commencing at 10 a.m., and ending at 5 p.m., subject to the following conditions:

1. Food may be distributed and/or sold provided Sheelen’s Crossing receives the necessary approvals from the Regional Board of Health.
2. Liquor, beer and wine may be served on the Property so long as Sheelen’s Crossing complies with all requirements of the State and local alcoholic beverage laws and obtains from the State the required permit for such an event.
3. The consumers with their beverages are not permitted outside of the fenced in area and the consumers will be tagged for identification.
4. A tent may be installed on the Property.
5. Sheelen’s Crossing must restore the Property to its current condition on Monday, September 16, 2019.
6. A copy of Sheelen’s Crossing general commercial liability policy shall be provided to the Borough on or before September 10, 2019 in the amount of \$2,000,000.00 with the Borough of Fanwood named as an additional insured.
7. Adequate police presence shall be provided by Sheelen’s Crossing, at its sole cost in accordance with the Borough Code, in a number reasonably determined by the Borough’s Chief of Police to be required during all times when the general public will be permitted on the Property on September 15, 2019.

8. A fee of \$100 shall be paid to the Borough by Sheelen’s Crossing to cover all miscellaneous costs that may be incurred by the Borough, exclusive of the police presence.

**BE IT FURTHER RESOLVED THAT** a copy of this Resolution shall be transmitted to Sheelen’s Crossing and the Chief of Police of the Borough.

We agree that in order to go forward with the “Fanny Wood Day” Celebration on Borough property, on September 15, 2019, we will conform with all of the requirements of this resolution.

Sheelen’s Crossing Inc.

\_\_\_\_\_  
Sean Flannery

Date: \_\_\_\_\_

**Resolution 19-08-146**

Mcelroy-Barker/Banks moved to adopt Resolution 19-08-146. Motion carried.

**RESOLUTION 19-08-146**

**RESOLUTION AUTHORIZING THE DEPARTMENT OF RECREATION TO APPLY FOR FUNDS FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS UNDER THE FY2020 RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES (ROID) GRANT PROGRAM**

**WHEREAS**, there is a need to provide recreation and leisure services for individuals with disabilities in the Borough of Fanwood; and

**WHEREAS**, the Recreational Opportunities for Individuals with Disabilities (ROID) Grant supports projects that will provide these services to people with disabilities in our community by offering the ROID Grant Program; and

**WHEREAS**, the Borough of Fanwood Department of Recreation wishes to provide individuals with disabilities in need these services being offered under this grant program; and

**WHEREAS**, the Borough of Fanwood desires to submit a grant application to the Department of Community Affairs on behalf of the Fanwood Department of Recreation for the FY2020 Recreational Opportunities for Individuals with Disabilities Grant Program in the amount of \$20,000.

**WHEREAS**, the Borough of Fanwood recognizes and accepts that the Department may offer a lesser or greater amount, therefore upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Fanwood and the New Jersey Department of Community Affairs.

**NOW, THEREFORE BE IT RESOLVED** by the Municipal Council of the Borough of Fanwood that:

1. The Borough of Fanwood authorizes the submission of the grant for funding; and
2. These funds will be used by the Fanwood Department of Recreation to provide services for individuals with disabilities; and
3. The Municipal Council approves the allocation of the required 20% matching funds for this grant opportunity.

INTRODUCED BY COUNCILPERSON: Mcelroy-Barker

SECONDED BY COUNCILPERSON: Banks

**Resolution 19-08-147**

Mcelroy-Barker/Banks moved to adopt Resolution 19-08-147. Motion carried.

**RESOLUTION 19-08-147**

**RESOLUTION AUTHORIZING SUBMISSION OF 2019 UNION COUNTY GREENING GRANT APPLICATION**

**WHEREAS**, the Union County Board of Chosen Freeholders has announced that it is accepting grant applications through the Open Space, Recreation, and Historic Preservation Trust Fund that are due August 23, 2019; and

**WHEREAS**, this year's grant round provides matching funds for municipalities to plant trees; and

**WHEREAS**, the grant request requires a match of \$1 for every \$1 in award money; and

**WHEREAS**, the Borough of Fanwood seeks to plant four trees, which will improve the Borough's environment and create natural aesthetic enhancements; and

**WHEREAS**, the Borough of Fanwood wishes to request \$1,322.00 from the Union County Open Space, Recreation, and Historic Preservation Trust Fund and pledges \$1,322.00 as a match.

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

**BE IT FURTHER RESOLVED** that the Borough Administrator is hereby authorized to sign the grant agreement assurances on behalf of the Borough of Fanwood, and that her signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**Resolution 19-08-148**

Mcelroy-Barker/Banks moved to adopt Resolution 19-08-148. Motion carried.

**RESOLUTION 19-08-148**

**RESOLUTION AUTHORIZING SUBMISSION OF  
2019 KIDS RECREATION TRUST GRANT APPLICATION**

**WHEREAS**, the Union County Board of Chosen Freeholders has announced that it is accepting grant applications through the Open Space, Recreation and Historic Preservation Trust Fund that are due August 23, 2019; and

**WHEREAS**, this year's grant round funds summer recreational programs for Union County youth as well as overall recreational improvements within each municipality; and

**WHEREAS**, the grant request requires a match of \$1 for every \$1 in award money; and

**WHEREAS**, the Borough of Fanwood seeks to propose the Forest Road Development Project, which will include elements for both passive and active recreational enjoyment; and

**WHEREAS**, the Borough of Fanwood wishes to request \$230,000.00 from the Union County Open Space, Recreation and Historic Preservation Trust Fund and pledges \$230,000.00 as a match.

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

**BE IT FURTHER RESOLVED** that the Borough Council is hereby authorized to submit said grant application to the Union County Board of Chosen Freeholders on behalf of the Borough of Fanwood.

**BE IT FURTHER RESOLVED** that the Borough Administrator is hereby authorized to sign the grant agreement assurances on behalf of the Borough of Fanwood, and that her signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**Resolution 19-08-149**

Mcelroy-Barker/Banks moved to adopt Resolution 19-08-149. Motion carried.

**RESOLUTION 19-08-149**

**Resolution Authorizing Submission of 2019 Preserve  
Union County Grant Application**

**WHEREAS**, the Union County Board of Chosen Freeholders has announced that it is accepting grant applications for historic preservation grants that are due August 23, 2019; and

**WHEREAS**, this year's grant round is for acquisition, stabilization, rehabilitation, and/or preservation projects; and

**WHEREAS**, the grant request requires a match of \$1 for every \$1 in award money; and

**WHEREAS**, eligible applicants must be municipal governments within Union County, Union County Government, charitable conservancies, or historical societies or organizations; and

**WHEREAS**, eligible properties must be must be located in Union County, listed on the National or New Jersey Register of Historic Places, or contribute to the significance of a historic district listed on the National or New Jersey Registers, or, if not listed in either Register, must be certified eligible for listing by the State Historic Preservation Office either as an individually listed site or a contributing site within a historic district; and

**WHEREAS**, the Borough of Fanwood is an eligible applicant and the Fanwood Patricia M. Kuran Cultural Arts Center (Carriage House) was added to the New Jersey Register of Historic Places; and

**WHEREAS**, the Borough of Fanwood will conduct restorations to the Fanwood Carriage House to preserve, restore, repair, rehabilitate, and stabilize its historic features; and

**WHEREAS**, the Borough of Fanwood wishes to request \$2,000.00 from the Union County Open Space, Recreation & Historic Preservation Trust Fund and pledges \$2,000.00 as a local match.

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

**BE IT FURTHER RESOLVED** that the Borough Council is hereby authorized to submit said grant application to the Union County Board of Chosen Freeholders on behalf of the Borough of Fanwood.

**BE IT FURTHER RESOLVED** that the Borough Administrator is hereby authorized to sign the grant agreement assurances on behalf of the Borough of Fanwood, and that her signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

## **NEW BUSINESS**

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

#### **Resolution 19-08-150**

Kranz/Mcelroy-Barker moved to adopt Resolution 19-08-150. Motion carried on the following roll call vote.

### **RESOLUTION 19-08-150**

#### **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 **2019** in the sum of **\$2,000.** which is now available from the **National Law Enforcement and Firefighters Children’s Foundation** in the amount of **\$2,000.00.**

**BE IT FURTHER RESOLVED,** that the like sum of **\$2,000.00** is hereby appropriated under the caption **2019 National Law Enforcement and Firefighters Children’s Foundation,** and

**BE IT FURTHER RESOLVED** that the above is the result of funds from **State of New Jersey** in the amount of **\$2,000.00.**

Resolution No. 19-08-150

Offered by Kranz

Seconded by Mcelroy-Barker

Adopted: August 19, 2019

**B. Public Safety (Councilman Carter)**

**Resolution 19-08-151**

Carter/Kranz moved to adopt Resolution 19-08-151. Motion carried on the following roll call vote.

**RESOLUTION 19-08-151**

**WHEREAS,** the Fanwood Police Department is in need of three new vehicles to replace three vehicles that require excessive amount of repair, and

**WHEREAS,** Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07962 through a contract (18-01) with the Cranford Police Cooperative Pricing System, System Identifier 47-CPCPS, is offering to sell the Borough three 2019 vehicles (three SUV’s), for a total amount of \$120,000.

**NOW, THEREFORE, BE IT RESOLVED** the Borough Council authorizes the purchase of three vehicles from Beyer Ford.

FOR: Carter, Kranz, Banks, Mcelroy-Barker, Mitchell, Walsh

AGAINST: None

ABSTAINED: None

ABSENT: None

**Ordinance 19-14-R**

Carter/Mitchell moved to adopt Ordinance 19-14-R on first reading. Motion carried. Second Reading Public Hearing will be held on September 3, 2019.

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY, ESTABLISHING A REPLACEMENT FEE FOR OFF STREET PARKING PERMITS**

**C. Public Works (Councilwoman Mitchell)**

**Resolution 19-08-152**

Mitchell/Kranz moved to adopt Resolution 19-08-152. Motion carried on the following roll call vote.

**RESOLUTION 19-08-152**

**WHEREAS**, Consumer Carpet was awarded the contract to remove and replace the flooring at Forest Road and LaGrande Park buildings with calculations provided in the specifications, and

**WHEREAS**, it became necessary to make changes to the plan provided in the calculations, floor preparation and disposal of old material that increased the total amount of the contract by \$3,312.75.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council that Consumer Carpets be paid an additional \$3,312.75 to cover the costs of these changes.

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

**Resolution 19-08-153**

Mitchell/Kranz moved to adopt Resolution 19-08-153. Motion carried on the following roll call vote.

**RESOLUTION 19-08-153**

**WHEREAS**, three quotes were solicited for the rental of a garbage truck, by the Director of Public Works, for the 2019 Bulk Pick Up Program, with Regional Industries being the only responsible bidder.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council that Regional Industries, Elizabeth, New Jersey, be awarded the contract for providing a garbage truck for the bulk waste pick-up, in the amount of \$1,998.00/day, as a backup if the Borough needs Regional Industries' services, not to exceed \$7,800.00.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Borough Treasurer, Regional Industries and the Director of Public Works.

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

**Resolution 19-08-154**

Mitchell/Kranz moved to adopt Resolution 19-08-154. Motion carried on the following roll call vote.

**RESOLUTION 19-08-154**

**WHEREAS**, Stilo Construction, 2907 South Clinton Avenue, South Plainfield, NJ 07080 was awarded the contract for the Paterson Avenue Reconstruction Phase I, through Resolution 18-08-134, in the amount of \$573,229.69, and

**WHEREAS**, during the reconstruction additional work was needed to repair a dilapidated culvert, address drainage improvements, sanitary sewer linings, inlet reconstruction and roof leader investigation that were not contemplated when the bid was awarded and increased the cost of the project an additional \$2,967.50. This additional work was inspected and found to be in order.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council that Stilo Construction be paid the additional \$2,967.50 through Change Order No. 1.

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

**Resolution 19-08-155**

Mitchell/Kranz moved to adopt Resolution 19-08-155. Motion carried on the following roll call vote.

**RESOLUTION 19-08-155**

**WHEREAS**, Stilo Construction, 2907 South Clinton Avenue, South Plainfield, NJ 07080 was awarded the contract for the resurfacing of various Fanwood streets, through Resolution 19-04-92, in the amount of \$223,687.30, and

**WHEREAS**, now that the project is complete and all the expenses have been addressed there is a difference in the total cost of the project with a savings of \$10,345.88 to be reduced from the contract amount of \$223,687.30 to \$213,341.41, for Change Order No. 1.

**NOW, THEREFORE, BE IT RESOLVED** the Borough Council recognizes the savings of \$10,345.88, through Change Order No. 1.

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

**PRIVILEGE OF THE FLOOR BY THE PUBLIC**

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

Michael Lewis, Beech Avenue, requested that a resolution be added to the September 3, agenda to change the voting dates to April from November for the Board of Education.

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

**MAYOR AND COUNCIL COMMENTS**

Councilman Banks “enjoy the rest of the summer”.

Councilwoman Mitchell asked “when our legislators are going to do something about assault weapons”.

Councilwoman Walsh thanked Councilwoman Mitchell and stated that everyone should vote.

Councilwoman Mcelroy-Barker agreed with Councilwoman Mitchell.

Mayor Mahr wished all the college bound students a safe journey.

**ADJOURNMENT**

Mitchell/Kranz moved to adjourn at 8:30 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern  
Borough Clerk