

**BOROUGH OF FANWOOD
MAYOR AND COUNCIL REGULAR MEETING
SEPTEMBER 16, 2019**

The Regular Meeting of the Mayor and Council was held on September 16, 2019 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, 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

Absent: Anthony Carter

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:

Regular Meeting	August 19, 2019
Special Meeting	September 3, 2019
Agenda Meeting	September 3, 2019

APPOINTMENTS AND ANNOUNCEMENTS

New Police Officer, Tyler Flowers, was sworn in by Mayor Colleen Mahr.

Presentations:

1. A Service Flag (Blue Stars) was presented to Irasel Bueno, for Ashanda Erb, by Mayor Colleen Mahr.
2. Volunteer of the Month, Michele Moore was presented with a Devlin print of the Community House by Mayor Mahr for her volunteer service to the Fanwood Planning Board.
3. Mike Ross, Tax Assessor, and Neil Rubenstein gave Council an update of the revaluation process that will be completed in November.

PRESENTATION OF COMMUNICATIONS AND REFERRAL

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

1. County of Union

Re: Ordinance to fund a parcel of land in Cranford for Open Space

Disposition: Note and File

2. NJ Transit

Re: Senior Citizen & Disabled Residents Transportation Assistance Program

Disposition: Note and File

3. Elizabethtown Gas

Re: Increase of rates and charges for service

Disposition: Note and File

STANDING COMMITTEE REPORTS

A. Administration and Finance (Councilman Kranz)

Kranz/Mitchell moved to adopt the Tax Collector’s Report for the month of August. Motion carried.

B. Public Safety (Councilman Carter)

No report.

C. Public Works (Councilwoman Mitchell)

Councilwoman Mitchell reported for the Senior Coordinator, Cultural Arts and the Rescue Squad.

D. Land Use and Historic Preservation (Councilman Banks)

Councilman Banks reported for the Fanny Wood Day event.

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

Councilwoman Mcelroy-Barker reported for the Recreation Commission. Volunteers are needed and the 5K race is scheduled for October 18, 2019.

F. Health and Senior Citizens (Councilwoman Walsh)

Councilwoman Walsh reported for the Fire Department and the Board of Health.

SPECIAL COMMITTEE REPORTS

Borough Engineer Antonios Panagopoulos gave an engineering report for the month of August.

Mayor Mahr thanked everyone who participated in the Fanny Wood Day event; Volunteers, merchants, Council and residents. She also mentioned that there will be a Raritan Valley Mayors Alliance Meeting in Newark next week, 5 to 7 pm.

PRESENTATION OF CLAIMS

Kranz/Mitchell moved to approve the bill list for the month of September. Motion carried on the following roll call vote.

BE IT RESOLVED that claims in the amount of. \$2,265,777.06 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, Mcelroy-Barker, Walsh

AGAINST: None

ABSTAINED: None

ABSENT: Carter

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

OLD BUSINESS

None

CONSENT AGENDA

Resolution 19-09-156

Kranz/Mitchell moved to adopt Resolution 19-09-156. Motion carried.

RESOLUTION 19-09-156

WHEREAS, the Borough of Fanwood has designated a Senior Coordinator position to oversee and implement programs and activities for Fanwood’s senior population;

WHEREAS, the position of Senior Coordinator has gone unfilled for a period of time;

NOW, THEREFORE, BE IT RESOLVED the Governing Body hereby authorizes the Mayor and/or Borough Administrator to hire and designate Dianne Howarth to the position of Senior Coordinator along with all of the position’s benefits, privileges and responsibilities thereto.

Resolution 19-09-157

Kranz/Mitchell moved to adopt Resolution 19-09-157. Motion carried.

RESOLUTION 19-09-157

WHEREAS, the Borough of Fanwood is in need of a part time assistance in its administrative offices for clerical and administrative duties; financial services relating to the sale of bonds to fund and implement various services and projects for the benefit of its residents; and

WHEREAS, the Administration & Finance Committee has identified a qualified individual for part time employment to provide office and clerical services to the Borough’s administrative offices.

NOW, THEREFORE, BE IT RESOLVED the Governing Body hereby authorizes the Borough Administrator to hire Courtney Agnello in a part time capacity to work for the Borough’s Administrative offices.

Resolution 19-09-158

Kranz/Mitchell moved to adopt Resolution 19-09-158. Motion carried.

RESOLUTION 19-09-158

RESOLUTION OF THE BOROUGH OF FANWOOD AUTHORIZING TAX SALE AND AUTHORIZING AND DIRECTING CHIEF FINANCIAL OFFICER OF THE BOROUGH TO BID AT TAX SALE

WHEREAS, the Borough Council of the Borough of Fanwood (the “Borough”), Union County, State of New Jersey, desires to collect all taxes, assessments, and other municipal charges that are now delinquent; and

WHEREAS, the Borough Tax Collector is authorized to sell all municipal delinquencies through December 31, 2018, in a manner prescribed by the New Jersey Tax Sale Law, N.J.S.A. 54:5-1 et seq. (the “Tax Sale Law”); and

WHEREAS, the Tax Collector is authorized to give notice of such tax sale in a manner prescribed by the Tax Sale Law; and

WHEREAS, the Borough has determined that one or more of the parcels scheduled to be sold at the tax sale would be useful for a public purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fanwood, County of Union, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein by reference.
2. The Tax Collector is hereby authorized to advertise notice of the tax sale and further authorized to sell all municipal liens in accordance with New Jersey Law, and as stated above.
3. The Chief Financial Officer, Fred Tomkins, is authorized and directed to attend the tax sale and bid, on behalf of the municipality, for such parcel or parcels determined by the Borough to be useful for a public purpose.
4. A copy of this Resolution shall be available for public inspection at the office of the Borough Clerk.
5. This Resolution shall take effect immediately.

Resolution 19-09-159

Kranz/Mitchell moved to adopt Resolution 19-09-159. Motion carried.

RESOLUTION 19-09-159

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transaction, and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been

received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the section of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52-to wit:

R.S. 52:27BB-52-"A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Borough of Fanwood, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution 19-09-160

Kranz/Mitchell moved to adopt Resolution 19-09-160. Motion carried.

RESOLUTION 19-09-160

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.

BE IT FURTHER RESOLVED that the persons whose names, titles and signatures appear below are authorized to sign the application, and that their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

 (Signature)

 Colleen Mahr
 (Print name)

 Mayor

 (Signature)

 Eleanor McGovern
 (Print Name)

 Administrator/Clerk

(Title)

(Title)

NEW BUSINESS

A. Administration and Finance (Councilman Kranz)

Resolution 19-09-161

Kranz/Mitchell moved to adopt Resolution 19-09-161. Motion carried on the following roll call vote.

RESOLUTION 19-09-161

WHEREAS, an overpayment of taxes has occurred on the following property which was sold in April 2019 and the mortgage company is requesting the funds be refunded to the prior homeowner:

OWNER	ADDRESS	AMOUNT
Legos, Christopher	80 Shady Lane	\$3,457.12

BE IT FURTHER RESOLVED the Tax Collector is hereby authorized to refund the overpayment to the prior owner per request on file.

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

Resolution 19-09-162

Kranz/Mitchell moved to adopt Resolution 19-09-162. Motion carried on the following roll call vote.

RESOLUTION 19-09-162

WHEREAS, three quotes were received to the Borough’s Request for Quotes for the cleaning, prepping and painting 17 decorative lampposts in the Borough, and

WHEREAS, a bid form was provided for a quote submittal from the vendors, and

WHEREAS, TM Painting & Construction, 19 Worth Road, NJ 07753, responded on the appropriate form and is known by the Borough for offices in the Municipal Building and the outside of the Patricia M. Kuran Cultural Arts Center, submitted a quote of \$7,665.00.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that TM Painting be awarded the bid to paint 17 decorative lampposts for an amount not to exceed \$7,665.00.

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

Resolution 19-09-163

Kranz/Mitchell moved to adopt Resolution 19-09-163. Motion carried on the following roll call vote.

RESOLUTION 19-09-163

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 **\$2,000.00** which is now available from the **Heart Grant Trust Fund** 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 **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 **\$2,000.00**

Resolution No. **19-09-163**

Offered by Kranz

Seconded by Mitchell

Adopted: September 16, 2019

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

AGAINST: None

ABSTAINED: None

ABSENT: Carter

Resolution 19-09-164

Kranz/Mitchell moved to adopt Resolution 19-09-164. Motion carried on the following roll call vote.

RESOLUTION 19-09-164

WHEREAS, Shain Schaffer PC was appointed Fanwood’s Tax Appeal Attorney for 2019 through Resolution 19-01-11 in the amount of \$1,000.00, and

WHEREAS, it has become necessary to increase the amount of the contract due to additional tax appeals that were not anticipated when the appointment was made.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that Shain Schaffer’s contract be increased by \$2,000.00, for a total of \$3,000.00.

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

AGAINST: None
ABSTAINED: None
ABSENT: Carter

Ordinance 19-15-S

Kranz/Mitchell moved to adopt Ordinance 19-15-S on First Reading. Motion Carried.

AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY, AMENDING THE OPEN SPACE, RECREATION, FLOODPLAIN PROTECTION, AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND PURSUANT TO N.J.S.A. 40:12-5.7.

Second Reading and Public Hearing will be held on October 21, 2019.

B. Land Use and Historic Preservation (Councilman Banks)

Resolution 19-09-165

Banks/Kranz moved to adopt Resolution 19-09-165. Motion carried.

RESOLUTION 19-09-165

IN SUPPORT OF THE NEW JERSEY STATE LEAGUE OF MUNICIPALITIES’ PETITION FOR RULEMAKING TO AMEND THE UNIFORM CONSTRUCTION CODE

WHEREAS, the State of New Jersey has adopted a Uniform Construction Code (“UCC”) with the purpose to provide for uniform construction standards to insure healthy, safe, and sanitary construction but also less expensive construction for the citizens of the State, and

WHEREAS, the Department of Community Affairs (“DCA”) has granted authority to amend or alter provisions of the UCC to ensure the intent and purposes of the UCC continue to be fulfilled, and

WHEREAS, municipal construction officials act as the enforcing agency tasked with administering and enforcing all provisions of UCC for construction within municipal boundaries, and

WHEREAS, permits and inspections form the foundation for the safe building environment, and

WHEREAS, the DCA made amendments to N.J.A.C. 5:23-1.4, and 2.17A commonly referred to as the “Minor Work” and “Ordinary Maintenance” provisions of the UCC that took effect on March 5, 2018, which undermine the UCCV’s intent and purpose, and

WHEREAS, unless these amendments are retracted or further remedial amendments are made to the UCC, the health, safety and welfare of the citizens of the State will be jeopardized and residents could see overall construction expenses increase if work is not properly performed, and

WHEREAS, the New Jersey State League of Municipalities along with New Jersey's six professional code official associations has filed a petition for rulemaking with the DCA requesting necessary and appropriate amendments be made to ensure the intent and purpose of the UCC is reinforced and preserved.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Fanwood, in the County of Union, New Jersey supports the rulemaking petition submitted by the League and the six professional code official associations and requests that the DCA work to expeditiously and adopt the measures offered by the petition, and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to Governor Phil Murphy and Lieutenant Governor/Commissioner of the New Jersey Department of Community Affairs, Shelia Y. Oliver; Senator Nicholas Scutari, Assemblywoman Linda Carter and Assemblyman James Kennedy; the Director of the Division of Codes and Standards, Edward M. Smith, and the President of the League of Municipalities, Colleen Mahr.

PRIVILEGE OF THE FLOOR BY THE PUBLIC

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

Michael Lewis, resident, commented about the change to Ordinance 19-15-S. He also mentioned that he was going to attend the Township of Scotch Plains Council Meeting where they were going to discuss the Board of Election changing its election date.

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

Mayor Mahr mentioned that Fanwood and Garwood are collecting food for the needy until Halloween. It is a competition to see how much each municipality collects. She also stated that she has started a woman's wellness program at the Dhammakaya Meditation Center. The program starts Saturday, 9/28 at 8:30 am.

Councilwoman Mcelroy-Barker mentioned the Density Ordinance that was introduced but not yet adopted. She was advised to speak with the Planning Board Chairman, Matthew Juckes.

MAYOR AND COUNCIL COMMENTS

No comments this meeting.

ADJOURNMENT

Mcelroy-Barker/Banks moved to adjourn at 8:15 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern
Borough Clerk