

BOROUGH OF FANWOOD
REGULAR MEETING OF THE MAYOR AND COUNCIL
August 17, 2020 – 6:30 PM

The Regular Meeting of the Mayor and Council was held on August 17, 2020 via virtual and telephone conference at 6:30 pm.

Borough Clerk, Kathleen Holmes, presided and stated: I hereby announce and request that such be included in the minutes of the meeting, that notice of the time, place and date of this meeting has been prominently posted on the bulletin board at Borough Hall, mailed to the Times, the Courier News and Star Ledger, filed with the Borough Clerk by January 10, 2020 and mailed to any person requesting same in accordance with the requirements of the Open Public Meetings Act.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Pledge of Allegiance and moment of silence was led by Mayor Mahr. Mayor Mahr asked for a moment of silence for the people who are struggling with COVID19 still, either emotionally, physically, financially. There are too many people feeling the strain. We need to respect everyone right now and treat people with kindness, too many people are hurting right now and the least we can do is show them some kindness.

ROLL CALL:

Present: Councilman Anthony Carter, Councilwoman Francine Glaser, Councilwoman Erin McElroy-Barker, Councilwoman Katherine Mitchell, Councilwoman Patricia Walsh

Absent: Councilman Jeffrey Banks

Also Present: Mayor Colleen Mahr, Kathleen Holmes, Borough Clerk, Russell Huegel, Borough Attorney, Antonios Panagopoulos, Borough Engineer, and Liz Jeffery, Downtown Coordinator.

Councilwoman Erin McElroy-Barker/Councilwoman Patricia Walsh moved meeting into Executive Session. Motion carried.

Personnel Matters were discussed. No formal Action was taken.

Councilwoman Erin McElroy-Barker/Councilwoman Katherine Mitchell moved meeting back to normal order of business. Motion carried.

REVIEW AND APPROVAL OF MINUTES

Councilwoman Katherine Mitchell/Councilwoman Patricia Walsh moved that the following minutes be approved as written. The motion carried.

Regular Meeting July 20, 2020
Agenda Meeting July 6, 2020

APPOINTMENT AND ANNOUNCEMENTS: INTRODUCTIONS:

Board of Health

Kathleen Thomas
Jan Siegal
Dr. John Hanna

Historic Preservation

Kevin Mason – Class A
Walter Schwaneberg – Alternate #1, Class C
William Malone – Alternate #2, Class C
Josh Hamerman, Class A, Commission Secretary

Councilwoman Katherine Mitchell/Councilwoman Patricia Walsh made a motion to accept all nominations. Motion carried.

DISCUSSION:

Census: Kathleen Holmes, Borough Clerk, announced that Fanwood is doing well. Our Average is 80.8%. We are almost 4% down from 2010 and it is imperative that we get these numbers up for funding. We would like to see it get closer to 100%. She also asked residents to be aware that the Census Bureau will be out in the next couple of weeks canvassing and polling neighborhoods to make sure everyone is counted.

Russell Huegel, Borough Attorney spoke about Executive Orders 171-178 – Note & File

Kathleen Holmes, Borough Clerk also spoke about the changes to the General Election vs. the Primary Election and what everyone can expect with drop boxes, polling places, mail-in-ballots, etc.

PRESENTATION OF COMMUNICATIONS AND REFERRALS:

- Letters from Scotch Plains re: Ordinance No. **2020-6**, rezoning 2650 Route 22 (Block 5503, Lot 1) from Residential to the B-3 Highway Business Zone, and Ordinances **2020-9, 2020-10, 2020-11** to create an Inclusionary Overlay Zone District(s) for certain properties in Downtown Tier 1 to comply with Affordable Housing Obligations and Ordinance **2020-15** to permit Deer Fencing. – **NOTE AND FILE.**
- Memo from Board of Health regarding Chickens as Pets. – **Council to further study and try to come up with a solution.**

Ray Sullivan, Zoning Officer spoke about changes that needed to be made to the Ordinance and stated that he should have it ready for the next regular meeting.

STANDING COMMITTEE REPORTS:

A. Administration and Finance – Councilwoman Erin McElroy-Barker

Councilwoman Erin McElroy-Barker/Councilwoman Katherine Mitchell moved to accept the Tax Collectors report for the month of July. Motion carried on the following roll call vote:

TAX COLLECTORS REPORT - MONTH OF JUNE 2020

TAX COLLECTIONS	MONTH TO DATE	YEAR TO DATE
2019 Regular & Added	\$ 9,007.18	\$ 162,344.97
2020 Regular & Added	\$ 457,217.92	\$ 16,727,916.58
Property Maintenance Liens	\$ -	\$ -
Sewer Receipts		
2019 Sewer	\$ 83.45	\$ 2,860.59
Interest & Costs	\$ -	\$ -
On Municipal Revenue	\$ 4,151.30	\$ 18,183.86
Tax Sale Costs	\$ -	\$ -
Miscellaneous - Returned Check Fees	\$ -	\$ 60.00
	\$ -	\$ -
Year End Penalty	\$ -	\$ 3,086.62
2019 Special Pilot	\$ 17,019.62	\$ 180,453.20
2020 Special Pilot	\$ 59,233.19	\$ 117,880.45
Municipal Lien Redeemed	\$ -	\$ -
Interest on Municipal Lien Redeemed	\$ -	\$ -
Tax Sale Premiums	\$ -	\$ -
	\$ -	\$ -
TOTAL 2020 COLLECTIONS		
MONTH/YEAR TO DATE	\$ 46,712.66	\$ 17,212,786.27

FIRST THREE QUARTERS	\$ 25,761,143.68	\$ 12,880,571.84
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Percent of Collection - First Half	64.93%
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Special Assessments	\$	-	\$	-
Curbing	\$	-	\$	-
Interest on Curbing				

AYES: Councilman Anthony Carter, Councilwoman Francine Glaser, Councilwoman Erin McElroy-Barker, Councilwoman Katherine Mitchell, Councilwoman Patricia Walsh
 NAYS: None
 ABSENT: Councilman Jeffrey Banks
 ABSTENTIONS: None

Councilwoman Erin McElroy-Barker spoke about how the third-quarter tax collection is going and hopefully our budget will be ok for this year. Ms. McElroy-Barker also gave a report on the Truth, Racial Healing, Transformation Committee and announced the next meeting date, which will be Thursday, August 20, 2020. She stressed that this is the time to be kind and understanding to all our neighbors.

B. Public Safety – Councilman Anthony Carter

Councilman Carter had no report.

C. Public Works – Councilwoman Katherine Mitchell

Councilwoman Mitchell gave the report for the month of July. She announced that September will be the clean-up, permits are needed. The date will be the September 21 for the North side of town and the September 28 for the South side. Ms. Mitchell explained that monies allocated through a grant have not been used for the seniors; therefore, a survey will be submitted to all seniors in Scotch Plains and Fanwood to best decide how to allocate the money.

D. Land Use & Historic Preservation – Councilwoman Patricia Walsh

Councilwoman Walsh reported that the foundation at the train station is complete. All work was paid through a grant. Councilwoman Walsh gave the Fire Department report. Ms. Walsh also announced that the Mayor and herself met with the new group Real Parent Association through the Truth and Racial Healing transformation and how they plan to work on working on being culturally responsible throughout the community.

E. Recreation and Community Services – Mayor Mahr

Mayor Mahr commended the DPW and First Responders for a job well done during the hurricane last week. She also gave a brief report for the month of July for the Recreation Department. She stated that the recreations program for the summer are going extremely well.

F. Health and Senior Services – Councilwoman Francine Glaser

Councilwoman Glaser gave a report for the months of March, April, May, June and July. Ms. Glaser asked all residents to call either the Police or the Board of Health if you see properties that are not being maintained.

G. Engineering – Antonios Panagopoulos

Mr. Panagopoloulos stated that all is quiet and nothing new to report. He did speak on the completion of various projects, as well as future projects and funding from the DOT.

H. Economic Development – Liz Jeffery

Ms. Jeffery gave a report on the Economic Development of the Downtown Area. She announced that Fanwood is a finalist for an Assistance Grant for around the train station. Ms. Jeffery also announced that Fanwood has been recognized with the Municipal Innovation Award for our cultural and recreational events. She spoke about the car show and how successful it was.

SPECIAL COMMITTEE REPORTS

None

PRESENTATION OF CLAIMS

Councilwoman Erin McElroy-Barker/Councilwoman Katherine Mitchell moved the payment of claims. Motion carried on the following roll call vote:

BE IT RESOLVED that claims in the amount of, 1,035,947.00 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.

AYES: Councilman Anthony Carter, Councilwoman Francine Glaser, Councilwoman Erin McElroy-Barker, Councilwoman Katherine Mitchell, Councilwoman Patricia Walsh

NAYS: None

ABSENT: Councilman Jeffrey Banks

ABSTENTIONS: None

PRIVILEGE OF FLOOR BY THE PUBLIC (AGENDA ITEMS ONLY)

Councilwoman Katherine Mitchell/Councilwoman Patricia Walsh moved to open the floor to the public. Motion carried

Facebook Live Question: Are Movies in the Park going to happen this summer? Mayor Mahr stated that they would not.

Councilwoman Patricia Walsh/Councilwoman Katherine Mitchell moved to Close the floor to the public. Motion carried

OLD BUSINESS:

None

CONSENT AGENDA:

None

NEW BUSINESS:

A. Administration and Finance (Councilwoman Erin McElroy-Barker)

Councilwoman Erin McElroy-Barker/Councilwoman Katherine Mitchell moved **Resolution 20-08-150**. Motion carried with the following roll call.

**BOROUGH OF FANWOOD
RESOLUTION 20-08-150**

**RESOLUTION OF THE BOROUGH OF FANWOOD AUTHORIZING AN AGREEMENT
WITH BERTO CONSTRUCTION FOR THE RECONSTRUCTION OF FOREST ROAD
PARK PHASE 1 IMPROVEMENTS**

WHEREAS, the Borough of Fanwood ("the Borough") in conjunction with the Fanwood Recreation Commission has determined that Forest Road Park is in need of improvements to serve the recreational and aesthetic needs of its citizens and the public; and

WHEREAS, a plan was previously received and approved from CME Associates ("design plan") by the Borough and the Fanwood Recreation Commission; and

WHEREAS, the Borough solicited bids pursuant to the Public Contracts Law, *N.J.S.A. 40A:11-1 et. seq.*, and received the lowest bid from Berto Construction to perform the improvements to Forest Road Park under the design plan of Phase I including demolition of its basketball court, excavation, removal and disposal of soil, dirt and other regulated materials, storm drainage improvements, walkway restoration, and other site restoration; and

WHEREAS, *N.J.S.A. 40A:11-22* provides for the public contract bidding process and further provides that when a contractor submits a bid for a public contract and a surety bond is required by the municipality's bid specifications, the contractor shall also submit with the bid certificate from a surety company stating that it will provide the contractor with a bond in such sum as is required in the bid specifications; and

WHEREAS, N.J.S.A. 40A:11-22 also permits a contractor who desires to offer the bond of an individual instead of that of a surety company, to submit with his bid a certificate signed by such individual similar to that required of a surety company; and

WHEREAS, N.J.S.A. 40A:11-22 further provides that the contracting unit may reject any such bid if it is not satisfied with the sufficiency of the individual surety offered; and

WHEREAS, the Borough has determined to establish criteria for evaluating the sufficiency of individual sureties premised upon requirements which must be satisfied by surety companies pursuant to Chapters 17 to 33C of N.J.S.A. 17:17-1 *et. seq.*; and

WHEREAS, the governing body wishes to enter into the Agreement with the low bidder in order to perform the Forest Road Park Phase I project in accordance with its goals;

NOW, THEREFORE BE IT RESOLVED, the governing body hereby approves and accepts the bid of Berto Construction, 625 Leesville Ave., Rahway, NJ 07065 and hereby authorizes the Mayor to enter into an Agreement with Berto Construction to provide reconstruction and other construction services for Forest Road Park Phase I Project not to exceed \$784,764.50 as set forth in their submitted bid; and

NOW THEREFORE BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Fanwood that whenever any bidder seeks to utilize an individual surety rather than a company, that individual surety shall be required to satisfy the following criteria:

A. A contractor submitting a bid to the Authority that proposes to use the surety bond of an individual shall submit with his bid a Certificate signed by the individual in the form and containing the conditions prescribed in N.J.S.A. 2A:44-147, including but not limited to,

1. The proposed individual surety shall have a minimum of \$375,000.00 in cash assets;
2. The proposed individual surety shall have unencumbered assets of at least \$50,000.00 over liabilities;
3. The proposed individual surety shall not be exposed to a risk or hazard in excess of ten (10%) of their total net assets;

B. A contractor submitting a bid to the Authority that proposes to use the surety bond of an individual shall also submit with its bid a certified public accountant's certified report which sets forth that the individual surety has sufficient cash and unencumbered assets to parallel the administrative regulations promulgated by the State of New Jersey for surety companies and also sets forth that the individual is not subjecting him or herself to excessive risk. Specifically, the accountant's report should state:

1. The proposed individual surety shall have a minimum of \$375,000.00 in cash assets;
2. The proposed individual surety shall have unencumbered assets of

at least \$50,000.00 over liabilities;

3. The proposed individual surety shall not be exposed to a risk or hazard in excess of ten (10%) of their total net assets;

C. Within five (5) days of awarding a bid to a contractor that proposes to utilize an individual surety who satisfies all of the terms and conditions set forth herein, the proposed individual surety shall deposit with the Borough of Fanwood the sum of \$50,000.00 in public stocks or bonds which shall be retained by the Authority until such time as the surety bond is released. In the event that the proposed individual surety fails to make said deposit, the award of the contract to the contractor shall be deemed null and void and of no effect; and

BE IT FURTHER RESOLVED, that the criteria set forth herein for potential individual sureties shall be made a part of all bid documents prepared on behalf of the Borough of Fanwood; and

IT IS FURTHER RESOLVED that this Resolution shall take effect immediately in accordance with the terms of this Resolution and the attached Notice approved by the Borough Attorney.

Attached hereto is the certification of the Chief Financial Officer of the Borough of Fanwood which states that there are legally appointed funds to cover the costs of this contract.

This is to certify that the above is a true copy of a resolution adopted by the Borough Council on August 17, 2020.

AYES: Councilman Anthony Carter, Councilwoman Francine Glaser, Councilwoman Erin McElroy-Barker, Councilwoman Katherine Mitchell, Councilwoman Patricia Walsh

NAYS: None

ABSENT: Councilman Banks,

ABSTENTIONS: None

Councilwoman Erin McElroy-Barker/Councilwoman Katherine Mitchell moved **Resolution 20-08-151**. Motion carried with the following roll call.

**BOROUGH OF FANWOOD
RESOLUTION 20-08-151**

WHEREAS, the Borough of Fanwood is in need of part time assistance in recertification with Sustainable Jersey, and due to Covid19, the Green Team has been unable to produce the documents required in a timely manner; and

WHEREAS, A qualified individual for part time employment has been located to the services necessary to obtain the documentation needed in order for the Borough to file on time.

NOW, THEREFORE, BE IT RESOLVED the Governing Body hereby authorizes the Borough Administrator to continue to hire Kiersten Swaak in a part time capacity to work on the recertification with Sustainable Jersey at a fee not to exceed \$1,000.00.

AYES: Councilman Anthony Carter, Councilwoman Francine Glaser, Councilwoman Erin McElroy-Barker, Councilwoman Katherine Mitchell, Councilwoman Patricia Walsh

NAYS: None

ABSENT: Councilman Banks,

ABSTENTIONS: None

Councilwoman Erin McElroy-Barker/Councilman Anthony Carter moved
Resolution 20-08-152. Motion carried with the following roll call.

**BOROUGH OF FANWOOD
RESOLUTION 20-08-152**

WHEREAS, Russell J. Huegel, Esq. was appointed the Borough Attorney for the year commencing January 1, 2020; and

WHEREAS, the 2020 invoices from Russell J. Huegel, Esq. exceed the authorized amount in the 2020 contract;

WHEREAS, the governing body wishes to remain current with its obligations;

NOW THEREFORE BE IT RESOLVED, that the contract of Russell J. Huegel, Esq. is hereby amended by the governing body to accommodate the amount of \$25,000.00.

Attached hereto is the certification of the Chief Financial Officer of the Borough of Fanwood which states that there are legally appointed funds to cover the costs of amended contract.

This is to certify that the above is a true copy of a resolution adopted by the Borough Council on August 17, 2020.

AYES: Councilman Anthony Carter, Councilwoman Francine Glaser, Councilwoman Erin McElroy-Barker, Councilwoman Katherine Mitchell, Councilwoman Patricia Walsh

NAYS: None

ABSENT: Councilman Jeffrey Banks

ABSTENTIONS: None

Councilwoman Erin McElroy-Barker/Councilwoman Patricia Walsh moved
Resolution 20-08-153. Motion carried with the following roll call.

**BOROUGH OF FANWOOD
RESOLUTION NO. 20-08-153**

WHEREAS, an overpayment of taxes has occurred on the following property and the mortgage company, having provided proof of duplicate payment is requesting a refund.

PROPERTY OWNER	ADDRESS	AMOUNT
Pearce, John & Rosemarie	221 Second Avenue	\$5,164.13

BE IT RESOLVED that the Tax Collector is hereby authorized to refund the overpayment.

AYES: Councilman Anthony Carter, Councilwoman Francine Glaser, Councilwoman Erin McElroy-Barker, Councilwoman Katherine Mitchell, Councilwoman Patricia Walsh

NAYS: None

ABSENT: Councilman Jeffrey Banks

ABSTENTIONS: None

Councilwoman Erin McElroy-Barker/Councilwoman Patricia Walsh moved
Resolution 20-08-154. Motion carried with the following roll call.

**BOROUGH OF FANWOOD
RESOLUTION NO. 20-08-154**

WHEREAS, an overpayment of taxes has occurred on the following property and the mortgage company, having provided proof of duplicate payment is requesting a refund.

PROPERTY OWNER	ADDRESS	AMOUNT
Argawal, Sushil	130 Belvidere Avenue	\$5,034.24

BE IT RESOLVED that the Tax Collector is hereby authorized to refund the overpayment.

AYES: Councilman Anthony Carter, Councilwoman Francine Glaser, Councilwoman Erin McElroy-Barker, Councilwoman Katherine Mitchell, Councilwoman Patricia Walsh

NAYS: None
ABSENT: Councilman Jeffrey Banks
ABSTENTIONS: None

Councilwoman Erin McElroy-Barker/Councilwoman Patricia Walsh moved
Resolution 20-08-155. Motion carried with the following roll call.

**BOROUGH OF FANWOOD
RESOLUTION NO. 20-08-155**

WHEREAS, an application for a liquor license renewal for license year 2020-2021 has been completed by South Avenue Liquors, Inc. and submitted to ABC; the required fee was paid to the Borough; and a tax clearance certificate from the NJ Department of Treasury and the required fee was paid to the Borough for the following License:

Plenary Retail Consumption License:
South Avenue Liquors, Inc
d/b/a Fanwood Liquors
61-65 South Avenue
Fanwood, New Jersey 07023
2005-44-001-005
And

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council that a liquor license be issued to South Avenue Liquors, Inc., for the period of July 1, 2020 through June 30, 2021 for the license listed above.

This is to certify that the above is a true and exact copy of a resolution adopted by the Borough Council on August 17, 2020.

AYES: Councilman Anthony Carter, Councilwoman Francine Glaser, Councilwoman Erin McElroy-Barker, Councilwoman Katherine Mitchell, Councilwoman Patricia Walsh
NAYS: None
ABSENT: Councilman Jeffrey Banks
ABSTENTIONS: None

Councilwoman Erin McElroy-Barker/Councilman Anthony Carter moved
Resolution 20-08-156. Motion carried with the following roll call.

**Borough of Fanwood
Resolution 20-08-156**

WHEREAS, the Mayor and Council have a need to acquire a psychological service to assist in the hiring of police officers for the Fanwood Police Department; and

WHEREAS, Richard Cevalco, Ed.D., P.A. of 52 Stratford Drive, Manalapan, New Jersey has submitted a proposal to provide the requested service to the Borough; and

WHEREAS, governing body has determined that it wishes to engage these services for the stated purpose; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk be, and hereby are authorized to enter into a contract with Richard Cevalco, Ed. D, P.A. 52 Stratford Drive, Manalapan, NJ 07726 in accordance with the terms of this Resolution and the attached Notice approved by the Borough Attorney.

Attached hereto is the certification of the Chief Financial Officer of the Borough of Fanwood which states that there are legally appointed funds to cover the costs of this contract.

This is to certify that the above is a true copy of a resolution adopted by the Borough Council on August 17, 2020.

AYES: Councilman Anthony Carter, Councilwoman Francine Glaser, Councilwoman Erin McElroy-Barker, Councilwoman Katherine Mitchell, Councilwoman Patricia Walsh
NAYS: None

ABSENT: Councilman Jeffrey Banks

ABSTENTIONS: None

Councilwoman Erin McElroy-Barker/Councilman Anthony Carter moved
Resolution 20-08-157. Motion carried with the following roll call.

**BOROUGH OF FANWOOD
RESOLUTION 20-08-157**

WHEREAS, Jalloh & Jalloh was appointed the Borough Attorney for the year commencing January1, 2020; and

WHEREAS, the 2020 invoices from Jalloh & Jalloh exceed the authorized amount in the 2020 contract;

WHEREAS, the governing body wishes to remain current with its obligations;

NOW THEREFORE BE IT RESOLVED, that the contract of Jalloh & Jalloh, 21 West Blancke Street, Linden, NJ 07036 is hereby amended by the governing body to accommodate the amount of \$5,000.00

Attached hereto is the certification of the Chief Financial Officer of the Borough of Fanwood which states that there are legally appointed funds to cover the costs of amended contract.

This is to certify that the above is a true copy of a resolution adopted by the Borough Council on August 17, 2020.

AYES: Councilman Anthony Carter, Councilwoman Francine Glaser, Councilwoman Erin McElroy-Barker, Councilwoman Katherine Mitchell, Councilwoman Patricia Walsh

NAYS: None

ABSENT: Councilman Jeffrey Banks

ABSTENTIONS: None

Councilwoman Erin McElroy-Barker/Councilwoman Patricia Walsh moved **Resolution 20-08-158**. Motion carried with the following roll call.

**BOROUGH OF FANWOOD
RESOLUTION 20-08-158**

WHEREAS, the Borough of Fanwood ("the Borough") has memorialized its policies, procedures, rights and obligations for its employees in the Fanwood Employee Handbook ("Handbook"); and

WHEREAS, the State of New Jersey have suffered the effects of the COVID-19 virus, an infectious respiratory disease which has endangered the public health and paralyzed the economy of the region and as a result, Governor Phillip Murphy has issued a series of executive orders declaring a public health state of emergency; and

WHEREAS, many of the State of New Jersey's executive orders have modified workplace and employment practices to mitigate the disease and insure employee and public safety; and

WHEREAS, the governing body has determined that it wishes to update its Handbook to reflect the changing realities of the workplace and further wish to incorporate some of these best practices for the Borough going forward for the future; and

WHEREAS, the governing further determines it is necessary to amend its Handbook for this purpose; and

NOW THEREFORE BE IT RESOLVED, the governing body of the Borough of Fanwood that its Employee Handbook is hereby amended to include a section on "Public Health Emergency" policies and directs the Borough Administrator to circulate the policy and have Borough employees acknowledge receipt of that policy.

This is to certify that the above is a true copy of a resolution adopted by the Borough Council on August 17, 2020.

AYES: Councilman Anthony Carter, Councilwoman Francine Glaser, Councilwoman Erin McElroy-Barker, Councilwoman Katherine Mitchell, Councilwoman Patricia Walsh

NAYS: None

ABSENT: Councilman Jeffrey Banks

ABSTENTIONS: None

Councilwoman Erin McElroy-Barker/Councilman Anthony Carter moved
Resolution 20-08-159. Motion carried with the following roll call.

**BOROUGH OF FANWOOD
RESOLUTION 20-08-159**

WHEREAS, the State of New Jersey authorizes under circumstances to seize and subject to forfeiture certain property as defined by *N.J.S.A. 2C:64-1 et. seq.*; and

WHEREAS, the Borough of Fanwood ("the Borough"), maintains a Municipal Law Enforcement Trust Account/Fund ("Trust Account") designated for those funds representing seized property pursuant to *N.J.S.A. 2C:64-1 et. seq.*; and

WHEREAS, the Fanwood Police Department's Officer in Charge has requested funds from the Trust Account to be utilized in connection with the purchase of software/equipment from Power DMS to assist with Departmental functions: and

WHEREAS, the Union County Prosecutor's Office has reviewed and approved the use of the funds for this purchase as being in furtherance of a legitimate law enforcement purpose pursuant to *N.J.S.A. 2C:64-1 et. seq.*; and

WHEREAS, the governing body has determined that it is necessary and useful to utilize the funds in this manner; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor & Council of the Borough of Fanwood, hereby authorize the Borough Administrator and the Fanwood Police Department to spend \$3,472.50 to DMS Power for the purchase of software/equipment for its stated purpose.

Attached hereto is the certification of the Chief Financial Officer of the Borough of Fanwood which states that there are legally appointed funds to cover the costs of this purchase.

This is to certify that the above is a true copy of a resolution adopted by the Borough Council on August 17, 2020.

AYES: Councilman Anthony Carter, Councilwoman Francine Glaser, Councilwoman Erin McElroy-Barker, Councilwoman Katherine Mitchell, Councilwoman Patricia Walsh

NAYS: None

ABSENT: Councilman Jeffrey Banks

ABSTENTIONS: None

Councilwoman Erin McElroy-Barker/Councilwoman Patricia Walsh moved
Resolution 20-08-160. Motion carried with the following roll call.

**BOROUGH OF FANWOOD
RESOLUTION 20-08-160**

**RESOLUTION OF THE BOROUGH OF FANWOOD AUTHORIZING AN AGREEMENT
WITH CME ASSOCIATES FOR ADMINISTRATIVE AND SUPERVISORY SERVICES
OF FOREST ROAD PARK PHASE 1 IMPROVEMENTS**

WHEREAS, the Borough of Fanwood ("the Borough") in conjunction with the Fanwood Recreation Commission has determined that Forest Road Park is in need of improvements to serve the recreational and aesthetic needs of its citizens and the public;

WHEREAS, the Fanwood Recreation Commission has solicited assistance and ideas from CME Associates, who is appointed to provide the Borough with special engineering services to fulfill its vision for the Forest Road Park improvements;

WHEREAS, the Borough is in receipt of a proposal dated August 14, 2020 from CME Associates to address the many and varied administrative needs of this phase of the Forest Road Park Project including but not limited to, construction meetings, schematic reviews, monitor the construction work, measuring all pay items, and making field inspections of the contractor's work; and

WHEREAS, the governing body wishes to enter into the Agreement with CME in order to receive these services for the Forest Road Park Phase I project in accordance with its goals;

NOW THEREFORE BE IT RESOLVED, the governing body hereby authorizes the Mayor to enter into an Agreement with CME Associates to provide engineering services for Forest Road Park Phase I Project not to exceed \$53,637.00 as set forth in its August

14, 2020 proposal.

IT IS FURTHER RESOLVED that this Resolution shall take effect immediately.

This is to certify that the above is a true copy of a resolution adopted by the Borough Council on August 17, 2020.

AYES: Councilman Anthony Carter, Councilwoman Francine Glaser, Councilwoman Erin McElroy-Barker, Councilwoman Katherine Mitchell, Councilwoman Patricia Walsh

NAYS: None

ABSENT: Councilman Jeffrey Banks

ABSTENTIONS: None

B. Public Works (Councilwoman Katherine Mitchell)

Councilwoman Katherine Mitchell/Councilwoman Patricia Walsh moved
Resolution 20-08-161. Motion carried with the following roll call.

**BOROUGH OF FANWOOD
RESOLUTION 20-08-161**

WHEREAS, three quotes were solicited for the rental of a bulk waste truck, by the Director of Public Works, for the 2020 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 \$2,150.00/day and \$300.00 per hour overtime, as a backup if the Borough needs Regional Industries' services, not to exceed \$8,600.00.

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

This is to certify that the above is a true and exact copy of a resolution adopted by the Borough Council on August 17, 2020.

AYES: Councilman Anthony Carter, Councilwoman Francine Glaser, Councilwoman Erin McElroy-Barker, Councilwoman Katherine Mitchell, Councilwoman Patricia Walsh

NAYS: None

ABSENT: Councilman Jeffrey Banks

ABSTENTIONS: None

Councilwoman Katherine Mitchell/Councilwoman Patricia Walsh moved **Resolution 20-07-162**. Motion carried with the following roll call.

**BOROUGH OF FANWOOD
RESOLUTION 20-08-162**

WHEREAS, the Borough of Fanwood wishes to participate in Union County's program for leaf composting at its Conservation Center in 2020.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Mayor and Clerk are hereby authorized to sign a Memorandum of Understanding and an Indemnification Agreement attached hereto with the County of Union as a requirement to use its facility.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Union County Division of Public Works and Fanwood's Director of Public Works.

This is to certify that the above is a true and exact copy of a resolution adopted by the Borough Council on August 17, 2020.

AYES: Councilman Anthony Carter, Councilwoman Francine Glaser, Councilwoman Erin McElroy-Barker, Councilwoman Katherine Mitchell, Councilwoman Patricia Walsh
NAYS: None

ABSENT: Councilman Jeffrey Banks

ABSTENTIONS: None

PRIVILEGE OF THE FLOOR BY THE PUBLIC:

Councilwoman Katherine Mitchell and Councilwoman Erin McElroy-Barker moved to open the floor to the public. Motion carried.

Michael Lewis, 41 Beech Avenue, would like to know if the density cap ordinance that was tabled last year would be reintroduced. No answer was giving, except that the Borough Attorney, Russ Huegel will check with Planning Board attorney.

Mr. Lewis also inquired about Resolution 08-20-150 regarding Forest Road Park Improvements. He would like to know how much of the grant money will be dedicated to the Skate Park. Mayor Mahr informed him that none of the money would be dedicated to the Park. This grant is specifically dedicated to the Forest Road Park project.

Mr. Lewis also asked what exactly is going on with the property located at 40 South Avenue, and what was the site originally? Mr. Jeffery said there was a site plan filed, but not scheduled, for the property, which was the former Il Songo Restaurant. Store front and residential units are expected.

Councilman Anthony Carter/Councilwoman Katherine Mitchell moved to close the meeting to the public. Motion carried

MAYOR AND COUNCIL COMMENTS:

Mayor Mahr urged all residents to support our local businesses. She also spoke about school opening would be all virtual and not the hybrid they were expecting. She also announced that school opening is pushed back to September 14. Ms. Mahr spoke about the concerns for parents with the virtual learning.

Councilman Carter spoke about the survey that was sent to the parents and that 82% of the parents replied. For the safety of the Children and the staff, for now, it was decided to go virtually. Mr. Carter spoke about a banner he saw....to paraphrase, without deviation from the norm, he stressed that all of mankind can do this, with words, thoughts, actions. Let's move out of the normal and move forward to make mankind kinder.

Councilwoman Walsh agreed with Councilman Carter, continue to try and be kind. Please wear your mask.

Councilwoman Katherine Mitchell stated that there is a social security scam phone call out there and reminded all residents to NOT give out their social security number. Ms. Mitchell also thanked everyone who donated food to Immaculate Heart. It was greatly appreciated. Ms. Mitchell spoke about the shenanigans with the Post Office and asked residents to please mail their ballots early. She wished everyone to enjoy the remainder of the summer.

Mayor Mahr spoke about mail delivery in Fanwood and urged residents to please reach out if they are having problems with their mail.

Councilwoman Francine Glaser echoed what Councilman Carter said.... Be kind to your neighbors, wear your masks, over your nose.

Councilwoman Erin McElroy-Barker also echoed what everyone was saying about being kind. She stated that she is very concerned about the children with the school season. Ms. McElroy-Barker congratulated New Jersey on keep our numbers low. Under 1%.

Mayor reminded everyone to the Truth and Racial Healing meeting this Thursday. The Topic is "Our Children, Our Community, what do we have to do"?

Councilman Anthony Carter/Councilwoman Katherine Mitchell moved to adjourn the meeting. Motion carried

The meeting adjourned at 8:27 PM.

Respectfully submitted

Kathleen M. Holmes
Borough Clerk