



**BOROUGH OF FANWOOD
UNION COUNTY, NEW JERSEY
MAYOR AND BOROUGH COUNCIL**

**WORK SESSION MEETING
Monday, March 1, 2021 ~ 7:00 P.M.**

I. OPEN PUBLIC MEETING STATEMENT:

This Meeting was called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was sent to the Times, Westfield, New Jersey, the Courier News, Bridgewater, New Jersey, the Star Ledger, Newark, New Jersey, and the Alternate Press (TAP Into.net). In addition, copies of notice were posted on the bulletin board in the Municipal Building and filed in the Office of the Borough Clerk. Notices on the bulletin board have remained continuously posted. Proper notice having been given the Borough Clerk is directed to include this statement in the minutes of this meeting.

II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

III. ROLL CALL

Mayor Colleen Mahr
Council President Anthony Carter, Jeffrey Banks, Francine Glaser,
Erin McElroy Barker, Katherine Mitchell, Patricia Walsh

IV. DISCUSSIONS, PRESENTATIONS, ANNOUNCEMENTS

a. Appointments

<p>Recreation Commission Eryn Sinclair, Term Expiration 12/31/2025 Ivan Solomahhin, Term Expiration 12/31/2023 (Unexpired) Ruth Eshak Gillespie (Alternate #1), Term Expiration 12/31/2024 (Unexpired) Charlotte McNulty Vacant (Alternate #2), Term Expiration 12/31/2023 (Unexpired) Rosa Mannarino Vacant (Alternate #3), Term Expiration 12/31/2022 (Unexpired) Ken Ashe Vacant (Alternate #4), Term Expiration 12/31/2021 (Unexpired)</p>	<p>Planning Board Adam Matty Class IV, Term Expiration 12/31/2024 Amy Hamill Class IV, Term Expiration 12/31/2022 (Unexpired) Michelle Moore (Alternate #1), Term Expiration 12/31/2022 (Unexpired) Jack Molenaar (Alternate #2), Term Expiration 12/31/2022 (Unexpired) Scott Sinclair (Alternate #3), Term Expiration 12/31/2021 (Unexpired) Whitney Chelnik (Alternate #4), Term Expiration 12/31/2021 (Unexpired)</p>
<p>Environmental Commission Gary Szalc, Term Expiration 12/31/2023 (Vice Chair) Margaret Chowdhury, Term Expiration 12/31/2023 Dave Schwartzberg, Term Expiration 12/31/2023</p>	<p>Historic Preservation Commission Joan Skubish, Class B Term Expiration 12/31/2024 (Chair) Kevin Mason, Class A Term Expiration 12/31/2024 Walter Schwaneberg, Class C Term Expiration 12/31/2022 (Unexpired) William (Billy) Malone (Alternate #1), Class C Term Expiration 12/31/2022 Judi Lynch (Alternate #2), Class C Term Expiration 12/31/2021 Josh Hamerman, Class A (Secretary) Joseph Nagy, Honorary Life Member</p>

Shade Tree Commission Adele Kenny, Term Expiration 12/31/2025	Library Board of Trustees Dr. Jason Hagman, Term Expiration 12/31/2025
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- b. Discussion Topic: Municipal Court
- c. Discussion Topic: Library Private Fund Raising to purchase miscellaneous items
- d. Discussion Topic: LaGrande Park Equipment

V. CORRESPONDENCE, COMMUNICATIONS

- a. New Jersey Policy Perspective resolution regarding Fair Primary Election Ballots
- b. Long Hill Township resolution regarding the Affordable Housing Act

VI. STANDING COMMITTEE REPORTS

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| 1. Administration and Finance
Municipal Court | Councilmember Erin McElroy Barker
Joy Veeck, Municipal Court Administrator |
| 2. Public Safety | Police Commissioner Patricia Walsh |
| 3. Public Works
Department of Public Works
Engineering
Construction/ Building Department | Councilmember Francine Glaser
Clinton H. Dickson, Director
Antonios Panagopoulos, T&M Associates
Frank Spallone, Construction Official |
| 4. Land Use & Historic Preservation
Fanwood Memorial Library | Councilmember Jeffrey Banks
Dan Weiss, Director |
| 5. Recreation and Community Services | Council President Anthony Carter |
| 6. Health and Senior Citizens Services | Councilmember Katherine Mitchell |
| 7. Executive Projects & Appointments
Downtown Redevelopment / Economic
Development | Mayor Colleen Mahr
Elizabeth Jeffery, Director |

VII. UNFINISHED (OLD) BUSINESS

VIII. NEW BUSINESS

1. RESOLUTIONS (IMMEDIATE ACTION ITEMS)

2021-03-66 (A&F)	RESOLUTION SETTING THE WORK HOURS FOR THE ZONING OFFICER MOTION - Administration and Finance: Councilmember Erin McElroy Barker
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2. ORDINANCES –FIRST READING, INTRODUCTION (IMMEDIATE ACTION ITEMS)

O-2021-08-R (PUB. SAFETY)	AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY, ESTABLISHING THE POWERS & DUTIES OF POLICE CHIEF; POWERS & DUTIES OF POLICE DIRECTOR OF THE FANWOOD POLICE DEPARTMENT MOTION - Public Safety: Police Commissioner Patricia Walsh
O-2021-09-S (A&F)	AN ORDINANCE OF THE BOROUGH OF FANWOOD, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53(h) IN THE AMOUNT OF \$110,000 FOR SEVERANCE LIABILITIES RESULTING FROM ACCRUED LEAVE IN CONNECTION WITH THE RETIREMENT OF EMPLOYEES MOTION - Administration and Finance: Councilmember Erin McElroy Barker

3. ITEMS FOR CONSENT AGENDA ON 03/15/2021

IX. PRIVILEGE OF THE FLOOR BY THE PUBLIC

General comments on any item; 5 minutes per speaker. Speakers are requested to please state name and address for the record.

X. EXECUTIVE CLOSED SESSION

2021-03-67	RESOLUTION AUTHORIZING AN EXECUTIVE CLOSED SESSION <u>SUBJECT MATTER</u> <ol style="list-style-type: none">1. Matters relating to personnel.2. Matters relating to litigation.3. Matters falling within the attorney-client privilege. MOTION - Council President Anthony Carter
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XI. ADJOURNMENT

***Upcoming Meetings: Regular Meeting of March 15, 2021 - 7:00 PM

BOROUGH OF FANWOOD, UNION COUNTY, NEW JERSEY

RESOLUTION: 2021-02-66

RESOLUTION SETTING THE WORK HOURS FOR THE ZONING OFFICER

WHEREAS, the Borough of Fanwood (“Borough”) employs a part-time Zoning Officer; and

WHEREAS, the currently the work hours of the Zoning Officer are eight (8) hours per week; and

WHEREAS, due to the volume of work, there is a need to increase the work hours.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fanwood, in the County of Union and State of New Jersey does hereby authorize the Zoning Officer to work sixteen (16) hours per week.

BOROUGH OF FANWOOD, UNION COUNTY, NEW JERSEY

ORDINANCE: O-2021-08-R

AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY, ESTABLISHING THE POWERS & DUTIES OF POLICE CHIEF; POWERS & DUTIES OF POLICE DIRECTOR OF THE FANWOOD POLICE DEPARTMENT

WHEREAS, the Borough of Fanwood (“the Borough”), wishes to determine the management of the Fanwood Police Department.

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

Explanation: Material underlined ____ is added.
Material bracketed [] is deleted.

Section 1. Section § 67-9 is hereby amended as follows:

- A. The Chief of Police shall be the executive head of the Police Department and shall be responsible to the Mayor and Council for the efficiency and routine day-to-day operations, and the Chief of Police shall be the final departmental authority in all matters of policy, operations, and discipline and shall, pursuant to policies established by the Public Safety Committee.
- (1) The Chief of Police shall be responsible for the general safety and welfare of the citizens of the Borough.
- (2) In addition to enforcing the laws of this state, the County of Union and the Borough, the Chief shall, under the provisions of law and this chapter, have the power and authority to:
- [(1)] (3) Make, administer, and enforce rules and regulations and special emergency directives for the control, disposition, and discipline of the Police Department and its officers and personnel.
- [(2)] (4) Establish procedures for the hearing and determination of charges of violations of Department rules and regulations by any member of the Police Department. Officers charged with a violation resulting in a fine, reprimand, suspension, removal, or dismissal from the Department must receive written notification of such charges preferred against them in a timely manner as may be prescribed by rules and regulations of the Police Department or applicable laws or contracts. All charges shall be examined, heard, and investigated as directed by the Chief of Police. The Chief of Police may appoint a Board of Discipline selected from among the members of the Police Department to hear such charges.

[(3)] (5) In his/her/their discretion, deduct and withhold salary from any member of the Police Department on account of absence for any cause without leave.

[(4)] (6) Have and exercise all the functions, powers and duties of a department head as otherwise prescribed by the Borough Code.

[(5)] (7) Have, exercise, and discharge the functions, powers, and duties of the Department.

[(6)] (8) Prescribe the internal organization of the Department and the duties of his/her subordinates and assistants.

[(7)] (9) Administer the work of the Department through the divisions established by the rules and regulations of the Department and such other units of administration as he/she/their may find necessary or desirable.

[(8)] (10) Assign officers and employees within the Department and prescribe functions, powers, and duties to them.

[(9)] (11) Delegate such of the Police Chief's power and authority as he/she may deem necessary for the efficient administration of the Department, to be exercised under his/her/their discretion and supervision by division heads or the Officer in Charge; and

[(10)] (12) Report at least monthly to the Mayor and Council, in such form as shall be approved by the Public Safety Committee, on the work of the Department during the preceding month.

B. The Chief of Police shall be responsible for the general safety and welfare of the citizens of the Borough. In addition to enforcing the laws of this state, the County of Union and the Borough, the Chief shall, under the provisions of law and this chapter, have the power and authority to:

(1) Issue any licenses or permits for any federal, state, county or Borough regulation as may be the responsibility of the Police Department.

(2) Communicate to the Board of Health the presence of any contagious or infectious disease or the existence of any nuisance in the Borough which may be detrimental to public health.

(3) Inspect streets, roads, sidewalks, alleyways, and public and private properties for hazards which may affect the safety, health, or welfare of the citizens of the Borough. The Chief shall report such inspections and hazards to the Public Safety Committee for referral to the Mayor and Council; and

(4) Close any streets or parts of streets whenever it is deemed to be in the best interests of the general safety or welfare of the users of said streets or the Borough.

(5) Exercise any other powers and functions delegated to the Chief of Police by the Office of the Governor.

C. Police Director. There is hereby established the position of Police Director of the Borough of Fanwood. The Police Director may be appointed by the Governing Body to head the Police Department, serving at the pleasure of the Governing Body.

(1) Should a vacancy arise in the position of Chief of Police, either due to retirement, resignation, death, termination or dismissal, or the Chief of Police has otherwise relinquished his/her/their powers, functions and duties, the Police Director shall serve as the head of the Police Department.

(2) Unless otherwise prohibited by law, the Police Director shall assume and exercise the authority and responsibilities of the Chief of Police and shall promulgate procedures, directives and orders for day-to-day administration and operation of the Department.

(3) Without limitation, this authority shall include the duties and responsibilities established under N.J.S.A. 40A:14-118 and the duties and responsibilities established under this Code. Wherever there is a reference in any law or ordinance to the Chief of Police or to the Police Chief, such reference shall be deemed to mean the Police Director.

(4) In those instances, in which the Police Director is precluded by law from acting, the Officer in Charge or ranking officer shall assume those duties.

(5) The Police Director shall have the power and authority to:

(a) Be responsible to the Appropriate Authority for the efficiency and routine day-to-day operations of the Police Department. Make, administer, and enforce rules and regulations and special emergency directives for the control, disposition, and discipline of the Police Department and its officers and personnel.

(b) Establish procedures for the hearing and determination of charges of violations of Department rules and regulations by any member of the Police Department.

(c) In his/her/their discretion, deduct and withhold salary from any member of the Police Department on account of absence for any cause without leave.

(d) Have and exercise all the functions, powers and duties of a department head as otherwise prescribed by the Borough Code, including but not limited to preparing an annual budget request for the needs of the Department and administer same.

(e) Prescribe the internal organization of the Department and the duties of his/her/their subordinates and assistants.

(f) Administer the work of the Department through the divisions established by the rules and regulations of the Department and such other units of administration as he/she/they may find necessary or desirable.

(g) Assign officers and employees within the Department and prescribe functions, powers, and duties to them.

(h) Delegate power and authority as he/she/they may deem necessary for the efficient administration of the Department, to be exercised under his/her/their discretion and supervision by division heads or the Officer in Charge.

(i) Report at least monthly to the Mayor and Council, in such form as shall be approved by the Public Safety Committee, on the work of the Department during the preceding month.

(j) Keep abreast of the public safety requirements of the Borough and formulate policies, plans and procedures to determine needs.

(k) Regularly review the ordinances of the Borough dealing with public safety and make recommendations to the Public Safety Committee.

(l) Establish and maintain relations with school, civil, and private organizations to assure a full understanding of the public safety effort.

(m) Conduct public relations and public information programs on behalf of the Department in order to maintain the required relationship between the department and the citizens of the Borough of Fanwood.

(6) In the event the Office of Police Director is vacant, the powers described in this section shall extend to the Chief of Police or the designated Officer in Charge.

(7) The authority reserved for the Chief of Police shall be divested from the Police Director at such time as an individual is appointed to fill the position of Chief of Police.

Section 2. Repealed. All ordinances or parts thereof inconsistent herewith are repealed as to such inconsistencies.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Effective date. This ordinance shall take effect upon its passage and publication as allowed by law.

BOROUGH OF FANWOOD, UNION COUNTY, NEW JERSEY

ORDINANCE: O-2021-09-S

AN ORDINANCE OF THE BOROUGH OF FANWOOD, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53(h) IN THE AMOUNT OF \$110,000 FOR SEVERANCE LIABILITIES RESULTING FROM ACCRUED LEAVE IN CONNECTION WITH THE RETIREMENT OF EMPLOYEES

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fanwood, County of Union, State of New Jersey that in accordance with N.J.S.A. 40A:4-53:

1. The sum of \$110,000 is hereby appropriated for severance liabilities resulting from accrued leave resulting from the retirement of employees, and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53.
2. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S.A. 40A:4-55).
3. This ordinance shall take effect as provided by law.

BOROUGH OF FANWOOD, UNION COUNTY, NEW JERSEY

RESOLUTION: 2021-03-67

RESOLUTION AUTHORIZING AN EXECUTIVE CLOSED SESSION

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-7, et seq., commonly known as the “Sunshine Law”, requires that Municipal Council meetings be open to the public except for the discussion of certain subjects; and

WHEREAS, the “Sunshine Law” requires that a closed session be authorized by resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fanwood, County of Union, State of New Jersey that the following portion of this meeting shall be closed to the public and the meeting shall be resumed at the end of the closed session.

BE IT FURTHER RESOLVED that the subjects to be discussed and the time of public release of the minutes of the closed session are indicated below:

SUBJECT MATTER

1. Matters relating to personnel.
2. Matters relating to litigation.
3. Matters falling within the attorney-client privilege.

TIME WHEN AND THE CIRCUMSTANCES UNDER WHICH THE SUBJECT MATTER CAN BE DISCLOSED:

Upon authorization by the Borough Attorney as required by law.