

NOTE: FORMAL ACTION MAY BE TAKEN AT REGULAR MEETINGS, WORK SESSIONS OR SPECIAL MEETINGS. AGENDAS ARE PUBLISHED 48 HOURS IN ADVANCE TO THE EXTENT KNOWN.

## **AGENDA**

**COUNCIL MEETING**

**7:30 P.M.**

**MAY 14, 2013**

1. **Call to Order by Mayor**
2. **Statement of compliance with the Open Public Meetings Act**
3. **Roll Call**
4. **Flag Salute**
5. **SWEARING IN OF NEW AUXILIARY OFFICERS**
6. **COUNCIL COMMENTS**
7. **ORDINANCES ON FIRST READING:**

**ORDINANCE NO. 2278-2013  
(RESOLUTION NO. 179-2013)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, CHAPTER 74 "BROADWAY SPECIAL DISTRICT", BY AMENDING SCHEDULE A**

- Mayor asks for a motion to read the Resolution of Introduction. Mayor asks for a Mover, Secunder, Roll Call.
- Municipal Clerk reads the Resolution of Introduction. Mayor asks for a Mover, Secunder, Discussion, Roll Call.

**ORDINANCE NO. 2279-2013  
(RESOLUTION NO. 180-2013)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING VARIOUS CHAPTERS TO REVISE FEES AND PENALTIES MORE PARTICULARLY SECTION 160-6D (1) FAIR LAWN RECREATION/COMMUNITY CENTER**

- Mayor asks for a motion to read the Resolution of Introduction. Mayor asks for a Mover, Secunder, Roll Call.
- Municipal Clerk reads the Resolution of Introduction. Mayor asks for a Mover, Secunder, Discussion, Roll Call.

**8. ORDINANCES ON SECOND READING:****ORDINANCE NO. 2271-2013  
(RESOLUTION NO. 181-2013)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125 "ZONING" AND CHAPTER 129 "LAWN FERTILIZING" PERTAINING TO EXCLUDING PERVIOUS PAVING SYSTEMS AS OUTLINED AND DESCRIBED IN NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES MANUAL FEBRUARY 2004, CHAPTER 9.7 "STANDARD FOR PERVIOUS PAVING SYSTEMS" FROM THE DEFINITION OF IMPERVIOUS COVERAGE AND IMPERVIOUS SURFACE CONTINGENT UPON THE PROPER MAINTENANCE OF THE PERVIOUS PAVING SYSTEM FOR MAXIMUM PERMEABILITY**

- Mayor asks for a motion to open the time for public comments asking if anyone wishes to be heard. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor asks for a motion to close the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Municipal Clerk reads the Resolution of Adoption. Mayor asks for a Mover, Secunder, Discussion, Roll Call.

**ORDINANCE NO. 2272-2013  
(RESOLUTION NO. 182-2013)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125 "ZONING" PERTAINING TO BLOCK 1702, LOTS 4 AND 10, KNOWN AS THE NAUGLE PROPERTY**

- Mayor asks for a motion to open the time for public comments asking if anyone wishes to be heard. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor asks for a motion to close the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Municipal Clerk reads the Resolution of Adoption. Mayor asks for a Mover, Secunder, Discussion, Roll Call.

**ORDINANCE NO. 2273-2013  
(RESOLUTION NO. 183-2013)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 2, ENTITLED "ADMINISTRATIVE CODE", ARTICLE IV "BOROUGH MANAGER: PROVIDING FOR THE**

**POSITION OF DEPUTY BOROUGH MANAGER PURSUANT TO N.J.S.A.  
40:69A-90**

- Mayor asks for a motion to open the time for public comments asking if anyone wishes to be heard. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor asks for a motion to close the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Municipal Clerk reads the Resolution of Adoption. Mayor asks for a Mover, Secunder, Discussion, Roll Call.

**ORDINANCE NO. 2274-2013  
(RESOLUTION NO. 184-2013)**

**AN ORDINANCE FIXING THE SALARIES OF EXISTING PART TIME  
EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW  
JERSEY AS AMENDED**

- Mayor asks for a motion to open the time for public comments asking if anyone wishes to be heard. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor asks for a motion to close the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Municipal Clerk reads the Resolution of Adoption. Mayor asks for a Mover, Secunder, Discussion, Roll Call.

**ORDINANCE NO. 2275-2013  
(RESOLUTION NO. 185-2013)**

**AN ORDINANCE FIXING THE SALARIES OF NEW PART TIME  
EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW  
JERSEY AS AMENDED**

- Mayor asks for a motion to open the time for public comments asking if anyone wishes to be heard. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor asks for a motion to close the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Municipal Clerk reads the Resolution of Adoption. Mayor asks for a Mover, Secunder, Discussion, Roll Call.

**ORDINANCE NO. 2277-2013  
(RESOLUTION NO. 186-2013)**

**AN ORDINANCE FIXING THE STIPENDS OF NEW EMPLOYEES OF THE  
BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS  
AMENDED**

- Mayor asks for a motion to open the time for public comments asking if anyone wishes to be heard. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor asks for a motion to close the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Municipal Clerk reads the Resolution of Adoption. Mayor asks for a Mover, Secunder, Discussion, Roll Call.

**9. PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY**

- Mayor calls for a motion to open time for public comments on Consent Agenda items only. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor opens time for public comments asking if anyone wishes to be heard.
- Mayor calls for a motion to close the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor closes the time for public comments.

**10. RESOLUTIONS BY CONSENT #11-2013**

- Municipal Clerk reads Resolutions by Consent.
  - a. Resol. #187-2013 – Approval of Minutes:
    - Closed Session 4/2/13
    - Work Session 4/2/13
    - Special Meeting 4/2/13
    - Closed Session 4/2/13
    - Regular Meeting 4/9/13
    - Closed Session 4/9/13
  - b. Resol. #188-2013 – Sponsoring the Fair Lawn Garden State Grandmas for Quasi-entity III Insurance Coverage through the JIF
  - c. Resol. #189-2013 – Award of Bid: Concession Stand at Memorial Pool
  - d. Resol. #190-2013 – Multi Year Contract: Police Computer Maintenance
  - e. Resol. #191-2013 – Refund of Overpayment of Taxes

- f. Resol. #192-2013 - Approval of Memorandum of Agreement with the Board of Education
- g. Resol. #193-2013 - Interlocal Agreement with the Township of Saddle Brook for the Use of Memorial Pool
- h. Resol. #194-2013 - Interlocal Agreement with the Borough of Elmwood Park for the Use of Memorial Pool
- i. Resol. #195-2013 - Interlocal Agreement with the Borough of Prospect Park for the Use of Memorial Pool
- j. Resol. #196-2013 - Interlocal Agreement with the Fair Lawn Community School for the Use of Memorial Pool

- Mayor asks for a Mover, Second, Roll Call.

**11. RESOLUTION NO. 197-2013 - LIQUOR LICENSE PERSON TO PERSON TRANSFER – AROUND DA CORNER TO RAIL YARD LLC**

- Mayor asks Municipal Clerk to read resolution. Mover, Second, Discussion, Roll Call.

**12. PUBLIC HEARING ON 2013 BUDGET**

- Mayor asks for a motion to open the time for public hearing on the 2013 Budget. Mayor asks for Mover, Second, Discussion, Roll Call.
- Mayor opens time for public comments asking if anyone wishes to be heard.
- Mayor calls for motion to close the time for public comments. Mayor asks for a Mover, Second, Roll Call.
- Mayor closes the time for public comments.

**13. RESOLUTION NO. 198-2013 – ADOPTION OF 2013 BUDGET**

- Mayor asks Municipal Clerk to read resolution. Mover, Second, Discussion, Roll Call.

**14. PUBLIC HEARING ON RRIC BUDGET AND CONSIDERATION OF ASSESSMENTS IN THE RIVER ROAD IMPROVEMENT DISTRICT**

- Mayor asks for a motion to open the time for public hearing on the RRIC Budget and the assessments in the River Road Special Improvement District.
- Mayor asks for Mover, Second, Discussion, Roll Call.
- Mayor opens time for public comments asking if anyone wishes to be heard.
- Mayor calls for motion to close the time for public comments. Mayor

asks for a Mover, Secunder, Roll Call.

- Mayor closes the time for public comments.

**15. RESOLUTION NO. 199-2013 – ADOPTION OF RIVER ROAD IMPROVEMENT CORPORATION BUDGET**

- Mayor asks Municipal Clerk to read resolution. Mover, Secunder, Discussion, Roll Call.

**16. PUBLIC HEARING ON BIC BUDGET AND CONSIDERATION OF ASSESSMENTS IN THE BROADWAY IMPROVEMENT DISTRICT**

- Mayor asks for a motion to open the time for public hearing on the BIC Budget and the assessments in the Broadway Special Improvement District.
- Mayor asks for Mover, Secunder, Discussion, Roll Call.
- Mayor opens time for public comments asking if anyone wishes to be heard.
- Mayor calls for motion to close the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor closes the time for public comments.

**17. RESOLUTION NO. 200-2013 – ADOPTION OF BROADWAY IMPROVEMENT CORPORATION BUDGET**

- Mayor asks Municipal Clerk to read resolution. Mover, Secunder, Discussion, Roll Call.

**18. PUBLIC COMMENTS**

- Mayor calls for a motion to open time for public comments. Mover, Secunder, Roll Call.
- Mayor opens time for public comments.
- Mayor calls for a motion to close the time for public comments. Mover, Secunder, Roll Call.
- Mayor closes the time for public comments.

**19. ADJOURNMENT:**

- Mayor calls for motion to adjourn. Mover, Secunder, Roll Call.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 179-2013**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2278-2013 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN,  
2000, CHAPTER 74 "BROADWAY SPECIAL DISTRICT", BY AMENDING  
SCHEDULE A**

be introduced and does now pass a first reading and that said ordinance be further considered for final passage at a regular meeting of the Borough Council to be held at the Municipal Building, 8-01 Fair Lawn Avenue, Fair Lawn, New Jersey, on the 28th day of May, 2013, at 7:30 p.m. or as soon thereafter as the matter can be reached and at said time and place, all persons interested be given an opportunity to be heard concerning the same, and the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law prior to said hearing with a notice of its introduction and of the time and place, when, and where said ordinance will be considered for final passage.

**ORDINANCE NO. 2278-2013**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, CHAPTER 74 "BROADWAY SPECIAL DISTRICT", BY AMENDING SCHEDULE A**

**BE IT ORDAINED** by the Borough Council of the Borough of Fair Lawn, as follows:

**SECTION 1.** Schedule A is hereby amended as follows:

Delete the property known as Block 1206, Lot 18 located at 39-60 Broadway and owned by Mac Brothers Developers, LLC, 88 Dillingham Place, Englewood Cliffs, NJ 07632 as an assessable property and add said property as an exempt property since the Borough of Fair Lawn now owns said property.

**SECTION 2:** Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part thereto to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

**SECTION 3:** All ordinances, codes or parts thereof that are inconsistent with this Ordinance are repealed or otherwise modified.

**SECTION 4:** This Ordinance shall take effect upon passage and publication as required by law.

ATTEST:

APPROVED:

\_\_\_\_\_  
Joanne M. Kwasniewski, RMC/CMC/MMC

\_\_\_\_\_  
John Cosgrove, Mayor

Introduced: May 14, 2013

Adopted:

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 180-2013**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2279-2013 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING VARIOUS CHAPTERS TO REVISE FEES AND PENALTIES MORE PARTICULARLY SECTION 160-6D (1) FAIR LAWN RECREATION/COMMUNITY CENTER**

be introduced and does now pass a first reading and that said ordinance be further considered for final passage at a regular meeting of the Borough Council to be held at the Municipal Building, 8-01 Fair Lawn Avenue, Fair Lawn, New Jersey, on the 28th day of May, 2013, at 7:30 p.m. or as soon thereafter as the matter can be reached and at said time and place, all persons interested be given an opportunity to be heard concerning the same, and the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law prior to said hearing with a notice of its introduction and of the time and place, when, and where said ordinance will be considered for final passage.

**ORDINANCE NO. 2279-2013**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000 BY AMENDING AND SUPPLEMENTING VARIOUS CHAPTERS TO REVISE FEES AND PENALTIES MORE PARTICULARLY SECTION 160-6D(1) FAIR LAWN RECREATION/COMMUNITY CENTER**

**BE IT ORDAINED** by the Borough Council of the Borough of Fair Lawn, as follows:

**Section 1. Chapter 94 FEES** is hereby amended as follows:

ARTICLE VI Schedule of Fees

**94-12 Miscellaneous fees** is hereby amended as follows:

N. Chapter 160, Parks and Recreation

(5) Section 160-6D(1), Fair Lawn Recreation/Community Center.

Add:

A discount shall be allowed for the rentable space excluding the theater based on the number of times rented in a calendar year as follows:

<b>Discount</b>	<b>Usage</b>
10 percent	3 - 5 times
20 percent	6 – 11 times
25 percent	12 – 14 times
30 percent	15 or more times

A maintenance fee of up to \$40.00 an hour will be charged for each use.

Delete:

**Hourly Rates**

<b>Room</b>	<b>Corporate</b>	<b>Non Resident</b>	<b>Resident</b>	<b>Non-profit Government</b>	<b>Borough Sponsored</b>	<b>Community Theater</b>	<b>Minimum Rental By Hours</b>
Set-Up	\$40	\$40	\$40	\$40			
Clean-Up	\$40	\$40	\$40	\$40			
Gymnasium							
Set-up/clean up			\$40				

**Section 2.** Except as herein amended and supplemented, Chapter 94 shall remain in full force and effect.

**Section 3.** Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

**Section 4.** All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

**Section 5.** This Ordinance shall take effect upon passage and publication as required by law.

Attest:

Approved:

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Joanne M. Kwasniewski, RMC/CMC/MMC  
Municipal Clerk

---

John Cosgrove, Mayor

Introduced: May 14, 2013

Adopted:

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 181-2013**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2271-2013 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125 "ZONING" AND CHAPTER 129 "LAWN FERTILIZING" PERTAINING TO EXCLUDING PERVIOUS PAVING SYSTEMS AS OUTLINED AND DESCRIBED IN NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES MANUAL FEBRUARY 2004, CHAPTER 9.7 "STANDARD FOR PERVIOUS PAVING SYSTEMS" FROM THE DEFINITION OF IMPERVIOUS COVERAGE AND IMPERVIOUS SURFACE CONTINGENT UPON THE PROPER MAINTENANCE OF THE PERVIOUS PAVING SYSTEM FOR MAXIMUM PERMEABILITY**

was posted on the bulletin board in the principal Municipal Building of this municipality on which bulletin board public notices are customarily posted, and that copies of said ordinance were made available to members of the general public requesting the same;

**NOW, THEREFORE, BE IT RESOLVED**, that this ordinance be passed upon second and final reading and that the Municipal Clerk be authorized to advertise the same according to law.

**ORDINANCE NO. 2271-2013**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125 "ZONING" AND CHAPTER 129 "LAWN FERTILIZING" PERTAINING TO EXCLUDING PERVIOUS PAVING SYSTEMS AS OUTLINED AND DESCRIBED IN NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES MANUAL FEBRUARY 2004, CHAPTER 9.7 "STANDARD FOR PERIOUS PAVING SYSTEMS" FROM THE DEFINITION OF IMPERVIOUS COVERAGE AND IMPERVIOUS SURFACE CONTINGENT UPON THE PROPER MAINTENANCE OF THE PERVIOUS PAVING SYSTEM FOR MAXIMUM PERMEABILITY**

**WHEREAS**, the Fair Lawn Zoning Board of Adjustment pursuant to N.J.S. 40:55D-70.1 has reviewed their decisions on the applicants and appeals for variances for 2012;

**WHEREAS**, the Fair Lawn Board of Adjustment have reported to the Mayor and Council of the Borough of Fair Lawn their findings relating to the Borough's zoning ordinance provisions in the "2013 Annual Report for the Zoning Board of Adjustment";

**WHEREAS**, the Fair Lawn Board of Adjustment, as permitted by statute, included their recommendations for zoning ordinance amendment revisions:

1. Impervious coverage
2. Swimming pools;
3. Off street parking/driveway
4. Fences on corner lot properties;

**WHEREAS**, the Mayor and Council of the Borough of Fair Lawn publically declare their appreciation and admiration for the volunteers of the Fair Lawn Board of Adjustment and especially extend their gratitude for complying with N.J.S. 40:55D-70.1;

**WHEREAS**, the Mayor and Council of the Borough of Fair Lawn have reviewed the above recommendations and determined it has the authority to amend the zoning ordinances under the Municipal Land Use Law in order to better regulate the use of property and improve the Borough's zoning regulations so as to arrive at results that are in the best interests of our residents and of the Borough as a whole;

**WHEREAS**, the Mayor and Council of the Borough of Fair Lawn have unanimously agreed to make the appropriate changes to the Borough's zoning ordinance based on the Fair Lawn Board of Adjustment's recommendations for impervious coverage and swimming pools.

**BE IT ORDAINED** by the Mayor and the Borough council of the Borough of Fair Lawn, as follows:

**SECTION I.** Chapter 125-8 Definitions is hereby amended as follows:

**ARTICLE II – Definitions**

IMPERVIOUS COVERAGE ---

Delete:

pools

Add:

Pervious paving systems as outlined and described in New Jersey Stormwater Best Management Practices Manual February 2004, Chapter 9.7 are exempt from the definition of impervious coverage contingent upon regular and effective maintenance of the pervious paving system. The three acceptable pervious paving systems are porous paving, permeable pavers with storage bed and permeable pavers without storage bed.

**SECTION II:** Chapter 125-53B Stormwater management is hereby amended as follows:

B. Definitions

IMPERVIOUS SURFACE

Add:

Pervious paving systems as outlined and described in New Jersey Stormwater Best Management Practices Manual February 2004, Chapter 9.7 are exempt from the definition of impervious surface contingent upon regular and effective maintenance of the pervious paving system. The three acceptable pervious paving systems are porous paving, permeable pavers with storage bed and permeable pavers without storage bed.

**SECTION III:** Chapter 129-1 Lawn Fertilizing is hereby amended as follows:

IMPERVIOUS SURFACE

Add:

Pervious paving systems as outlined and described in New Jersey Stormwater Best Management Practices Manual February 2004, Chapter 9.7 are exempt from the definition of impervious surface contingent upon regular and effective maintenance of the pervious paving system. The three acceptable pervious paving systems are

porous paving, permeable pavers with storage bed and permeable pavers without storage bed.

**SECTION IV:** Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part thereto to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

**SECTION V:** All ordinances, codes or parts thereof that are inconsistent with this Ordinance are repealed or otherwise modified.

**SECTION VI:** This Ordinance shall take effect upon passage and publication as required by law.

ATTEST:

APPROVED:

\_\_\_\_\_  
Joanne M. Kwasniewski, RMC/CMC/MMC  
Municipal Clerk

\_\_\_\_\_  
John Cosgrove, Mayor

Introduced: April 23, 2013

Adopted:

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 182-2013**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2272-2013 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN  
2000, SPECIFICALLY CHAPTER 125 "ZONING" PERTAINING TO BLOCK 1702,  
LOTS 4 AND 10, KNOWN AS THE NAUGLE PROPERTY**

was posted on the bulletin board in the principal Municipal Building of this municipality on which bulletin board public notices are customarily posted, and that copies of said ordinance were made available to members of the general public requesting the same;

**NOW, THEREFORE, BE IT RESOLVED**, that this ordinance be passed upon second and final reading and that the Municipal Clerk be authorized to advertise the same according to law.

**ORDINANCE NO. 2272-2013**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125 "ZONING" PERTAINING TO BLOCK 1702, LOTS 4 AND 10, KNOWN AS THE NAUGLE PROPERTY**

**WHEREAS**, the Borough of Fair Lawn purchased Block 1702, Lots 4 and 10, 41-41 Dunkerhook Road, commonly known as the Naugle Property, on October 5, 2011 for historic preservation and open space purposes;

**WHEREAS**, the property was purchased with Borough Open Space Funds, funds from the State of New Jersey Department of Environmental Protection Green Acres Program and funds from the Open Space Trust Fund and Historic Preservation Trust Fund Grant Program of the County of Bergen, which funding restricts the use of the property for open space recreation and historic purposes;

**WHEREAS**, the current zoning of the Naugle Property is R-5-2 Townhouse Residential Zone, which is inconsistent with the development restrictions on the property;

**WHEREAS**, the Borough Council determines it has the authority to amend the zoning of the property under the Municipal Land Use Law in order to better regulate the use of the property and improve the Borough's zoning regulations.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Fair Lawn Chapter 125 is hereby amended:

**SECTION I.** Chapter 125-9 entitled "Zones Enumerated," is hereby amended to add the 'POS Public Open Space' zone.

**SECTION II.** Chapter 125-10 entitled "Zoning Map," is hereby amended to indicate the 'POS Public Open Space Zone' in the map legend and on Block 1702, Lots 4 and 10, commonly known as the Naugle Property.

**SECTION III.** Chapter 125 "Zoning" is hereby amended to add §30.1, a new zoning district entitled 'POS Public Open Space,' which shall have the following standards:

§125-30.1 POS Public Open Space Zone.

- A. Permitted uses. All municipal uses shall be permitted, including open space and historic preservation of structures and sites.

B. Bulk, area, yard and parking regulations. No minimum requirements shall be established for municipal uses.

**SECTION IV.** All ordinances, codes or parts thereof that are inconsistent with this Ordinance are repealed or otherwise modified.

**SECTION V.** This Ordinance shall take effect upon passage and publication as required by law.

Attest:

Approved:

\_\_\_\_\_  
Joanne M. Kwasniewski, RMC/CMC/MMC  
Municipal Clerk.

\_\_\_\_\_  
John Cosgrove, Mayor

Introduced: April 23, 2013

Adopted:

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 183-2013**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2273-2013 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 2, ENTITLED "ADMINISTRATIVE CODE", ARTICLE IV "BOROUGH MANAGER: PROVIDING FOR THE POSITION OF DEPUTY BOROUGH MANAGER PURSUANT TO N.J.S.A. 40:69A-90**

was posted on the bulletin board in the principal Municipal Building of this municipality on which bulletin board public notices are customarily posted, and that copies of said ordinance were made available to members of the general public requesting the same;

**NOW, THEREFORE, BE IT RESOLVED**, that this ordinance be passed upon second and final reading and that the Municipal Clerk be authorized to advertise the same according to law.

**ORDINANCE NO. 2273-2013**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 2, ENTITLED "ADMINISTRATIVE CODE", ARTICLE IV "BOROUGH MANAGER: PROVIDING FOR THE POSITION OF DEPUTY BOROUGH MANAGER PURSUANT TO N.J.S.A. 40:69A-90**

**WHEREAS**, the Borough Council is empowered pursuant to NJSA 40:69A-90 to create, determine and define the powers and duties of its executive and administrative departments; and

**WHEREAS**, the Borough Council has deemed necessary for the proper and efficient conduct of the affairs of the Borough to create the position of deputy borough manager which shall not be included in the classified service under Title 11 of the Revised Statutes; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and the Council of the Borough of Fair Lawn, as follows:

**SECTION 1:** Chapter 2 **ADMINISTRATIVE CODE** is hereby amended as follows:

**ARTICLE IV – BOROUGH MANAGER**

1. Section 2-25 entitled "Acting Manger" is hereby deleted in its entirety and replaced with the following new Section 2-25:

**§ 2-25. Acting Manager**

During any absence of the Manager or in the event of his/her disability, the Deputy Borough Manager shall exercise the powers and perform the duties of that office.

Where the concurrent absence of both the Manager and Deputy Borough Manager is temporary such as vacation, seminars or brief illness, the Acting Manager shall be selected by the Manager from any of the Department Heads, except the Borough Attorney or Municipal Judge or Chief Financial Officer. If the concurrent absence of both the Manager and Deputy Borough Manager is prolonged for a period of 30 days or more, the Council shall then determine the appropriate person to serve as Acting Manager.

2. Article IV "Borough Manager" is hereby amended to add §2-32 to create a new, non-civil service position entitled "Deputy Borough Manager".

**§ 2-32 Deputy Borough Manager**

There shall be a Deputy Borough Manager appointed by the Council pursuant to N.J.S.A. 40:69A-90. The Deputy Borough Manager shall perform the following duties:

A. During any absence of the Borough Manager or in the event of his/her disability, the Deputy Borough Manager shall perform the duties and responsibilities of the

Borough Manager, pursuant to the applicable provisions of the Administrative Code of the Borough of Fair Lawn.

B. Under administrative direction of the Borough Manager, plans, directs and coordinates a variety of highly responsible and complex programs and projects within the Borough.

C. Performs administrative work assisting the Borough Manager in the management of the Borough which work involves assisting in the direction and supervision of all departments and other activities of the governmental unit; may be responsible for providing assistance in special projects, and the development and planning, research and other related functions; general direction is received from the Borough Manager through conferences, directives or discussion.

D. Acts as the Borough's website administrator which duties include but are not limited to: reviewing Website policies and procedures; Website professional services agreements, Website budgetary items; considering site-wide upgrades to Website features/technologies or changes in site-wide graphics; and evaluating questionable content or external links for compliance with standards. The assignment of specific responsibilities may be adjusted from time to time to meet the needs of the Borough.

E. Assists in the preparation/distribution of Borough Employee Personnel & Policies.

F. Assists in the preparation/distribution of Borough Standard Operating Guidelines.

G. Acts as the Borough Manager's designee or liaison to boards, committees or commissions of the Borough.

H. Prepares, establishes and maintains special reports, records, files and documents as assigned by the Borough Manager

I. Edits and compiles public information releases in conjunction with the Borough Manager.

J. Performs all other related duties and responsibilities as assigned and approved by the Borough Manager.

**SECTION 2:** Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part thereto to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

**SECTION 3:** All ordinances, codes or parts thereof that are inconsistent with this Ordinance are repealed or otherwise modified.

**SECTION 4:** This Ordinance shall take effect upon passage and publication as required by law.

ATTEST:

APPROVED:

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Joanne M. Kwasniewski, RMC/CMC/MMC  
Municipal Clerk

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John Cosgrove, Mayor

Introduced: April 23, 2013

Adopted:

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 184-2013**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2274-2013 entitled:

**AN ORDINANCE FIXING THE SALARIES OF EXISTING PART TIME  
EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW  
JERSEY AS AMENDED**

was posted on the bulletin board in the principal Municipal Building of this municipality on which bulletin board public notices are customarily posted, and that copies of said ordinance were made available to members of the general public requesting the same;

**NOW, THEREFORE, BE IT RESOLVED**, that this ordinance be passed upon second and final reading and that the Municipal Clerk be authorized to advertise the same according to law.

**ORDINANCE NO. 2274-2013**

**AN ORDINANCE FIXING THE SALARIES OF EXISTING PART TIME EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED**

**BE IT ORDAINED** by the Borough Council of the Borough of Fair Lawn, as follows:

**SECTION 1.** That there is hereby established a change in title for the classification of certain employee's attached herein.

**SECTION 2.** That all salaries not covered by this ordinance will remain effective until amended by further salary ordinances.

**SECTION 3.** In order to be eligible for retroactive payment, an employee must have been employed by the Borough of Fair Lawn on March 11, 2013.

**SECTION 4.** This ordinance shall take effect upon passage and publication as required by statute.

Attest:

Approved:

\_\_\_\_\_  
Joanne M. Kwasniewski, RMC/CMC/MMC  
Municipal Clerk

\_\_\_\_\_  
John Cosgrove  
Mayor

Introduced: April 23, 2013

Adopted:



<u>Salaries</u>								
Council	2,500	20.20	9.23	20.50	9.36	20.81	9.58	21.28
Judge of the Municipal Court	25,000	18.41	8.53	18.69	8.66	18.97	8.85	19.40
Legal Assistant - Rent Leveling Board	7,500	55.55	9.23	56.38	9.36	57.23	9.58	58.52
Prosecutor	19,900	27.27	9.12	27.68	9.26	28.09	9.47	28.73
Public Defender	5,200	15.15	8.20	15.38	8.32	15.61	8.51	15.96
<u>Part-time No Step Ups</u>								
Recreation Leader Hourly	9.09	20.20	9.23	20.50	9.36	20.81	9.58	21.28
Recreation Leader Hourly-Special Activities	8.40	18.41	8.53	18.69	8.66	18.97	8.85	19.40
Recreation - Program Instructors - Hourly - No Steps	9.09	55.55	9.23	56.38	9.36	57.23	9.58	58.52
Recreation Supervisor Hourly - No Step	8.99	27.27	9.12	27.68	9.26	28.09	9.47	28.73
Seasonal Hourly-No Steps	8.08	15.15	8.20	15.38	8.32	15.61	8.51	15.96

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 185-2013**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2275-2013 entitled:

**AN ORDINANCE FIXING THE SALARIES OF NEW PART TIME EMPLOYEES OF  
THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS  
AMENDED**

was posted on the bulletin board in the principal Municipal Building of this municipality on which bulletin board public notices are customarily posted, and that copies of said ordinance were made available to members of the general public requesting the same;

**NOW, THEREFORE, BE IT RESOLVED**, that this ordinance be passed upon second and final reading and that the Municipal Clerk be authorized to advertise the same according to law.

**ORDINANCE NO. 2275-2013**

**AN ORDINANCE FIXING THE SALARIES OF NEW PART TIME EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED**

**BE IT ORDAINED** by the Borough Council of the Borough of Fair Lawn, as follows:

**SECTION 1.** That there is hereby established a change in title for the classification of certain employee's attached herein.

**SECTION 2.** That all salaries not covered by this ordinance will remain effective until amended by further salary ordinances.

**SECTION 3.** This ordinance shall take effect upon passage and publication as required by statute.

Attest:

Approved:

\_\_\_\_\_  
Joanne M. Kwasniewski, RMC/CMC/MMC  
Municipal Clerk

\_\_\_\_\_  
John Cosgrove  
Mayor

Introduced: April 23, 2013

Adopted:

Civil Service Title	2013 Salary Range		2014 Salary Range		2015 Salary Range	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Animal Control Officer - Per Hour	13.84	27.76	14.08	28.25	14.40	28.88
Building Inspector - Per Hour	36.90	43.48	37.54	44.24	38.39	45.24
Clerk 1 - Per Hour	15.21	21.75	15.48	22.13	15.82	22.62
Code Enforcement Officer - Per Hour	29.77	37.60	30.29	38.26	30.98	39.12
Fire Marshall/Deputy Fire Marshall - Per Hour	15.68	32.29	15.96	32.86	16.32	33.60
Electrical Inspector Per Hour	23.22	38.81	23.63	39.49	24.16	40.37
Elevator Subcode Official - Per Hour	23.22	38.81	23.63	39.49	24.16	40.37
Fire Prevention Specialist - Per Hour	14.97	30.23	15.23	30.76	15.57	31.46
Fire Protection Subcode Official - Per Hour	10.18	38.81	10.35	39.49	10.59	40.37
Graduate Nurse Public Health - Per Hour	24.03	33.67	24.46	34.26	25.01	35.03
Keyboarding Clerk 1 - Per Hour	6.69	15.36	6.81	15.63	6.93	15.98
Laborer 1 - Per Hour	8.83	16.13	8.61	16.41	8.61	16.78
Mechanic - Per Hour	6.69	23.07	6.81	23.47	6.93	24.00
Omnibus Operator-Per Hour	11.42	19.98	11.62	20.33	11.88	20.79
Plumbing Subcode Official-Per Hour	23.93	38.15	24.35	38.82	24.90	39.69
Pound keeper	13.84	27.76	14.08	28.25	14.40	28.88
Public Safety Telecommunication Trainee (90 Days)	17.00	17.00	17.00	17.00	17.00	17.00
Public Safety Telecommunication Trainee (after 90 Days)	17.55	20.76	17.86	21.12	18.26	21.60
Registered Environmental Health Specialist Health	23.93	35.90	24.35	36.53	24.90	37.35
Senior Registered Environmental Health Specialist Health	23.93	35.90	24.35	36.53	24.90	37.35
School Traffic Guard	14.30	14.30	14.55	14.55	14.88	14.88
Part-time No Step Ups						
Recreation Leader Hourly	8.30	18.45	8.43	18.73	8.62	19.15
Recreation Leader Hourly-Special Activities	7.68	16.82	7.79	17.07	7.97	17.46
Recreation - Program Instructors - Hourly -No Steps	8.30	50.74	8.43	51.51	8.62	52.66
Recreation Supervisor Hourly - No Step	8.21	24.91	8.33	25.28	8.52	25.85
Seasonal Hourly-No Steps	7.38	13.84	7.49	14.05	7.66	14.36

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 186-2013**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2277-2013 entitled:

**AN ORDINANCE FIXING THE STIPENDS OF NEW EMPLOYEES OF THE  
BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED**

was posted on the bulletin board in the principal Municipal Building of this municipality on which bulletin board public notices are customarily posted, and that copies of said ordinance were made available to members of the general public requesting the same;

**NOW, THEREFORE, BE IT RESOLVED**, that this ordinance be passed upon second and final reading and that the Municipal Clerk be authorized to advertise the same according to law.

**ORDINANCE NO. 2277-2013**

**AN ORDINANCE FIXING THE STIPENDS OF NEW EMPLOYEES OF THE  
BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS  
AMENDED**

**BE IT ORDAINED** by the Borough Council of the Borough of Fair Lawn, as follows:

**SECTION 1.** That there is hereby established a change in title for the classification of certain employee's attached herein.

**SECTION 2.** That all salaries not covered by this ordinance will remain effective until amended by further salary ordinances.

**SECTION 3.** This ordinance shall take effect upon passage and publication as required by statute.

Attest:

Approved:

\_\_\_\_\_  
Joanne M. Kwasniewski, RMC/CMC/MMC  
Municipal Clerk

\_\_\_\_\_  
John Cosgrove  
Mayor

Introduced: April 23, 2013

Adopted:

	2013		2014		2015	
	Min	Max	Min	Max	Min	Max
Municipal Emergency Management Coordinator	0	22,500	0	22,500	0	22,500
Deputy Municipal Manager	18,000	27,000	18,000	27,000	18,000	27,000
Acting Manager	0	26,653	0	26,653	0	26,653
Asst Purchasing Agent	6,990	11,235	6,990	11,235	6,990	11,235
Fire Clerk	1,009	3,705	1,009	3,705	1,009	3,705
Fixed Asset Clerk	0	2,462	0	2,462	0	2,462
Nursing Supervisor						
Secretary Board of Adjustment	4,916	8,016	4,916	8,016	4,916	8,016
Secretary/Planning Board/Mun. Housing Liaison	10,260	13,441	10,260	13,441	10,260	13,441

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**CONSENT AGENDA 11-2013**

By  
Seconded by

**WHEREAS**, the following resolutions having heretofore been placed on this Resolutions by Consent Agenda which require no discussion and same having been previously reviewed by each Councilmember, be and are hereby adopted, ratified, and confirmed in their entirety by the Mayor and Council of the Borough of Fair Lawn:

- a. Resol. #187-2013 – Approval of Minutes:
  - Closed Session 4/2/13
  - Work Session 4/2/13
  - Special Meeting 4/2/13
  - Closed Session 4/2/13
  - Regular Meeting 4/9/13
  - Closed Session 4/9/13
- b. Resol. #188-2013 – Sponsoring the Fair Lawn Garden State Grandmas for Quasi-entity III Insurance Coverage through the JIF
- c. Resol. #189-2013 – Award of Bid: Concession Stand at Memorial Pool
- d. Resol. #190-2013 – Multi Year Contract: Police Computer Maintenance
- e. Resol. #191-2013 – Refund of Overpayment of Taxes
- f. Resol. #192-2013 - Approval of Memorandum of Agreement with the Board of Education
- g. Resol. #193-2013 - Interlocal Agreement with the Township of Saddle Brook for the Use of Memorial Pool
- h. Resol. #194-2013 - Interlocal Agreement with the Borough of Elmwood Park for the Use of Memorial Pool
- i. Resol. #195-2013 - Interlocal Agreement with the Borough of Prospect Park for the Use of Memorial Pool
- j. Resol. #196-2013 - Interlocal Agreement with the Fair Lawn Community School for the Use of Memorial Pool

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 187-2013**

By

Seconded by

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that the Council Minutes of:

Closed Session 4/2/13  
Work Session 4/2/13  
Special Meeting 4/2/13  
Closed Session 4/2/13  
Regular Meeting 4/9/13  
Closed Session 4/9/13

are hereby approved.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 188-2013**

By

Seconded by

**WHEREAS**, the Borough of Fair Lawn, (hereinafter the Borough) is a member of the Bergen County Municipal Joint Insurance Fund for all property and casualty coverages; and

**WHEREAS**, the Bergen County Municipal JIF provides for member municipalities to sponsor non-governmental civic and/or recreational organizations that provide invaluable benefit to the community for General Liability coverage as a designated Quasi Entity; and

**WHEREAS**, the Fair Lawn Garden State Grandmas is a charitable and educational organization which supports goodwill projects and is dedicated to contributing to research relating to children's diseases and the well being of sick children.

**WHEREAS**, the Fair Lawn Garden State Grandmas is a 501(c)3 not for profit entity and therefore meets the underwriting criterion of a Quasi III - Civic Organization in accordance with the underwriting requirements promulgated by the JIF and MEL.

**NOW, THEREFORE BE IT RESOLVED**, the Mayor and Council of the Borough of Fair Lawn, County of Bergen, State of New Jersey, hereby recognizes and acknowledges the inherent benefit of the Fair Lawn Garden State Grandmas as a valuable civic organization in the Community and further, requests the Executive Committee of the Bergen County Municipal Joint Insurance Fund provide Quasi III status to the group, thus providing General Liability and Non-Owned and Hired Auto insurance coverage to the Organization; and

**BE IT FURTHER RESOLVED**, the Borough Risk Management Consultant is hereby directed, in coordination with the organization's leaders and Borough Manager, to effectuate the necessary application and supporting documentation for a June 1,

2013 effective date with said documentation to be provided to the Bergen County JIF for approval as soon as administratively practical; and

**BE IT FURTHER RESOLVED**, a certified copy of this Resolution shall be forwarded to Professional Insurance Associates, 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Risk Management Consultant to the Borough.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 189-2013**

By

Seconded by

**WHEREAS**, informal quotes were received for the Concession Stand at Memorial Pool by the Recreation and Parks Department on March 1, 2013; and

**WHEREAS**, said quotes were referred to the Borough Manager for consideration and recommendation; and

**WHEREAS**, F&B Deli, LLC located at 107 South Avenue East, Cranford, New Jersey 07016 with a mailing address to Mohammed Mehel, 183A Mereline Avenue, Woodland Park, New Jersey 07424, is the highest responsible quote in the amount of \$5,000.00 annually for a one season license beginning June 3, 2013 and ending September 2, 2013;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that upon recommendation of the Borough Manager and appropriate Department Head, the award be made to F&B Deli, LLC;

**BE IT FURTHER RESOLVED**, that the Mayor and Municipal Clerk be and are hereby authorized to execute the appropriate license agreement approved by the Borough Attorney.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 190-2013**

By  
Seconded by

**WHEREAS**, the Governing Body of the Borough of Fair Lawn, County of Bergen, New Jersey has a need to contract for Public Safety Software maintenance; and

**WHEREAS**, Spillman Technologies Inc., was awarded a contract on August 7, 2007, by Resolution No. 249-2007, for the Fully Integrated Public Safety Software System; and

**WHEREAS**, the above awarded contract requires an ongoing partnership for annual warranty, support and maintenance services; and

**WHEREAS**, this annual service fee for 2013 is \$49,005, which includes warranty, support and maintenance for the Fully Integrated Public Safety Software System; and

**WHEREAS**, in accordance with N.J.S.A.40A11-5(1)(dd), the selection and purchase of proprietary software and maintenance can be made using price and other factors as a basis for purchase; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn, hereby authorizes the Chief of Police to contract for the warranty, support and maintenance for the Fully Integrated Public Safety Software System, to Spillman Technologies, Inc., 4625 West Lake Park Blvd., Salt Lake City, UT 84120 in an amount not to exceed \$49,005.

**BE IT FURTHER RESOLVED** that the authorization of this project has been subject to the availability of funds in the 2013 Municipal Budget - Police Department Other Expenses, supported by Requisition #R3-00576.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 191-2013**

By

Seconded by

**WHEREAS**, the Tax Collector has requested permission from the Borough Council to make refunds of tax/water overpayments in accordance with the directive of the Director of Local Government Services;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the Tax Collector be and is hereby authorized to make refunds to the following as listed;

**BE IT FURTHER RESOLVED** that the Treasurer/Chief Financial Officer be and is hereby authorized to make payments upon receipt of proper vouchers.

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
2313	7	Quinn, Nancy J. 34-09 Southern Drive Fair Lawn, New Jersey 07410	1,961.00

(Refund of overpayment of 2013 taxes as a result of a duplicate payment)

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 192-2013**

By

Seconded by

**WHEREAS**, the Borough of Fair Lawn and the Fair Lawn Board of Education desire to amend the Uniform Statement Memorandum of Agreement, approved by Resolution No. 88-2012 on February 14, 2012 to include sharing information for verifying student residency within the Borough of Fair Lawn; and

**WHEREAS**, the Board of Education has developed registration procedures and established relationships with the Borough's Tax Assessor's office, the Water Department and the Fair Lawn Police Department in verifying student residence issues; and

**WHEREAS**, a shared service will be beneficial to the residents of Fair Lawn since such an agreement may result in better use of limited school funds by ferreting out those students who do not reside in Fair Lawn; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the Uniform Statement Memorandum of Agreement be amended to include sharing services for residency issues.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 193-2013**

By

Seconded by

**WHEREAS**, the Township of Saddle Brook has requested that the Borough of Fair Lawn permit the usage of Memorial Pool by residents of the Township of Saddle Brook and their guests for the season beginning June 27, 2013 through September 2, 2013; and

**WHEREAS**, providing said service will be beneficial to the residents of Fair Lawn by generating revenue for the Borough;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that the Borough hereby enter into an interlocal government services agreement with the Township of Saddle Brook; and

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk be and they are hereby authorized to execute said agreement in a form to be approved by the Borough Attorney; and

**BE IT FURTHER RESOLVED** that this resolution is subject to the condition that the Township of Saddle Brook adopt a resolution concurrent herewith for the execution of said agreement.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 194-2013**

By

Seconded by

**WHEREAS**, the Borough of Elmwood Park has requested that the Borough of Fair Lawn permit the usage of Memorial Pool by residents of the Borough of Elmwood Park and their guests for the season beginning June 27, 2013 through September 2, 2013; and

**WHEREAS**, providing said service will be beneficial to the residents of Fair Lawn by generating revenue for the Borough;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that the Borough hereby enter into an interlocal government services agreement with the Borough of Elmwood Park; and

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk be and they are hereby authorized to execute said agreement in a form to be approved by the Borough Attorney; and

**BE IT FURTHER RESOLVED** that this resolution is subject to the condition that the Borough of Elmwood Park adopt a resolution concurrent herewith for the execution of said agreement.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 195-2013**

By

Seconded by

**WHEREAS**, the Borough of Prospect Park has requested that the Borough of Fair Lawn permit the usage of Memorial Pool by residents of the Borough of Prospect Park and their guests for the season beginning June 27, 2013 through September 2, 2013; and

**WHEREAS**, providing said service will be beneficial to the residents of Fair Lawn by generating revenue for the Borough;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that the Borough hereby enter into an interlocal government services agreement with the Borough of Prospect Park; and

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk be and they are hereby authorized to execute said agreement in a form to be approved by the Borough Attorney; and

**BE IT FURTHER RESOLVED** that this resolution is subject to the condition that the Borough of Prospect Park adopt a resolution concurrent herewith for the execution of said agreement.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 196-2013**

By

Seconded by

**WHEREAS**, the Board of Education of the Borough of Fair Lawn has requested that the Borough of Fair Lawn permit the usage of Memorial Pool by the Community School, on Tuesdays through Fridays between 10:30 a.m. and 1:30 p.m. and Mondays, Tuesdays, Wednesdays and Fridays between 1:30 p.m. and 3:30 p.m., rain dates provided at the discretion of the Superintendent of Parks and Recreation, for its camp program for the summer of 2013, commencing on July 1, 2013 through August 23, 2013; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the Borough enter into an agreement with the Board of Education for the purpose of providing the aforesaid services; and

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk be and they are hereby authorized to execute said agreement in a form to be prepared by the Borough Attorney; and

**BE IT FURTHER RESOLVED** that this resolution is subject to the condition that the Board of Education adopt a resolution concurrent herewith for the execution of said agreement.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 197-2013**

By

Seconded by

**WHEREAS**, an application has been filed for a person to person transfer of Plenary Retail Consumption License 0217-33-008-005 heretofore issued to Around Da Corner, LLC.; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Lawn do hereby approve effective May 15, 2013, the transfer for the aforesaid Plenary Retail Consumption License to Rail Yard LLC, and do hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows:

"This license subject to all of its terms and conditions is hereby transferred to Rail Yard, LLC effective May 15, 2013"

**BE IT FURTHER RESOLVED** that this is a pocket license and shall be maintained in the office of the Municipal Clerk until such time as a place to place transfer has been approved.

**SECTION 2 - UPON ADOPTION FOR YEAR 2013**  
 (Only to be Included in the Budget as Finally Adopted)

**RESOLUTION No. 198-2013**

Be it Resolved by the \_\_\_\_\_ Mayor and Council \_\_\_\_\_ of the \_\_\_\_\_ Borough  
 of \_\_\_\_\_ Fair Lawn \_\_\_\_\_, County of \_\_\_\_\_ Bergen \_\_\_\_\_ that the budget set forth is hereby

adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 34,712,843.35 (Item 2 below) for municipal purposes, and
- (b) \$ \_\_\_\_\_ (Item 3 below) for school purposes in Type I School Districts only (NJS 18A:9-2) to be raised by taxation, and
- (c) \$ \_\_\_\_\_ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (NJS 18A:9-2) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ \_\_\_\_\_ (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ 1,502,380.65 (Sheet 38) Minimum Library Levy

RECORDED VOTE  
 (Insert last name)

Ayes { Nays { Abstained { Absent {

**SUMMARY OF REVENUES**

<b>1. General Revenues</b>			
Surplus Anticipated		08-100	\$3,000,000.00
Miscellaneous Revenues Anticipated		13-099	\$6,626,228.95
Receipts from Delinquent Taxes		15-499	\$990,000.00
<b>2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)</b>			
<b>3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:</b>			
Item 6, Sheet 42		07-195	
Item 6(b), sheet 11 (NJS 40A:4-14)		07-191	
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only			
<b>4. To be Added to the Certificate for Amount to be Raised by Taxation for Schools in Type II School Districts Only:</b>			
Item 6(b), Sheet 11 (NJS 40A:4-14)		07-191	\$0.00
<b>5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY</b>			
		07-192	1,502,380.65
Total Revenues		13-299	\$46,831,452.95

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS		XXXXXX	XXXXXXXXXX
Within "CAPS"		XXXXXXXXXX	XXXXXXXXXX
(a & b) Operations Including Contingent		30001-00	31,486,450.00
(e) Deferred Charges and Statutory Expenditures		30004-00	3,806,500.00
(g) Cash Deficit		46-885	0.00
Excluded from "CAPS"		XXXXXXXXXX	XXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"		60023-00	4,304,502.95
(c) Capital Improvements		60002-00	130,000.00
(d) Municipal Debt Service		60003-00	3,589,000.00
(e) Deferred Charges - Municipal		60024-00	215,000.00
(f) Judgments		37-480	0.00
(h) Transferred to Board of Education for Use of Local Schools (NJS 40:48-17.18, 17.3)		29-405	0.00
(g) Cash Deficit		46-885	0.00
(k) For Local District School Purposes		6008-00	0.00
(m) Reserve for Uncollected Taxes		50-899	3,300,000.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (NJS 40A:4-13)		60010-00	0.00
Total Appropriations		30000-00	46,831,452.95

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 14 day of May, 2013. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2013 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 14th, day of May, 2013, Joanne M. Kwasniewski, RMC, CMC, MMC, Clerk.  
*signature*

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 199-2013**

By

Seconded by

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn, County of Bergen that the Budget for the River Road Special Improvement District herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated and all the sums therein set forth as appropriations and authorization of the amount of

\$150,000 River Road Special Improvement District Budget

2013 RIVER ROAD SPECIAL IMPROVEMENT DISTRICT

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<u>ANTICIPATED REVENUE</u>	<u>PRIVATE</u>	<u>COUNTY</u>	<u>BOROUGH</u>	<u>SPECIAL ASSESSMENT</u>
Trustees, Fees	2,685	0	0	0
Other	19,875	0	0	150,000
<b>TOTAL REVENUES</b>	<b>22,560</b>	<b>0</b>	<b>0</b>	<b>150,000</b>
<u>APPROPRIATIONS</u>				
Professional & Clerical Exp	9,170	0	0	60,905
Other Operating Expenses	4,300	0	0	28,700
Promotional/Marketing Exp	7,780	0	0	51,705
Res for Capital/Contingency	1,310	0	0	8,690
<b>TOTAL APPROPRIATIONS</b>	<b>22,560</b>	<b>0</b>	<b>0</b>	<b>150,000</b>

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

May 14, 2013

**RESOLUTION NO. 200-2013**

By

Seconded by

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn, County of Bergen that the Budget for the Broadway Special Improvement District herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated and all the sums therein set forth as appropriations and authorization of the amount of

\$118,200 Broadway Special Improvement District Budget

2013 Broadway Special Improvement District Budget

<u>ANTICIPATED REVENUE</u>	<u>PRIVATE</u>	<u>COUNTY</u>	<u>BOROUGH</u>	<u>SPECIAL ASSESSMENT</u>
Trustees, Fees	1,850	0	0	0
Other	47,240	0	0	118,200
<b>TOTAL REVENUES</b>	<b>49,090</b>	<b>0</b>	<b>0</b>	<b>118,200</b>
<u>APPROPRIATIONS</u>				
Professional & Clerical Exp	20,300	0	0	67,700
Other Operating Expenses	6,240	0	0	23,500
Promotional/Marketing Exp	9,500	0	0	27,000
Res for Capital/Contingency	13,050	0	0	31,415
<b>TOTAL APPROPRIATIONS</b>	<b>49,090</b>	<b>0</b>	<b>0</b>	<b>118,200</b>