

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.**

**June 18, 2013**

1. **Call to Order by Mayor**
2. **Statement of Compliance with the Open Public Meetings Act**
3. **Roll Call**
4. **Flag Salute**
5. **PRESENTATION TO THE FAIR LAWN HIGH SCHOOL CAST OF "RUNAWAYS"**
6. **COUNCIL COMMENTS**
7. **MANAGER'S REPORT**
8. **ORDINANCES ON FIRST READING:**

**ORDINANCE NO. 2283-2013  
(RESOLUTION NO. 228-2013)**

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

- Mayor asks for a motion to read the Ordinance by Title. 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. 2284-2013  
(RESOLUTION NO. 229-2013)**

**BOND ORDINANCE APPROPRIATING \$2,267,700, AND  
AUTHORIZING THE ISSUANCE OF \$2,154,315 BONDS OR NOTES OF  
THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES  
AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN,  
IN THE COUNTY OF BERGEN, NEW JERSEY**

- Mayor asks for a motion to read the Ordinance by Title. 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. 2285-2013  
(RESOLUTION NO. 230-2013)**

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$510,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$484,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION**

- Mayor asks for a motion to read the Ordinance by Title. 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. 2286-2013  
(RESOLUTION NO. 231-2013)**

**BOND ORDINANCE APPROPRIATING \$326,400, AND AUTHORIZING THE ISSUANCE OF \$310,080 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS WATER SUPPLY AND DISTRIBUTION SYSTEM IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY.**

- Mayor asks for a motion to read the Ordinance by Title. 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. 2287-2013  
(RESOLUTION NO. 232-2013)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 160 ENTITLED "PARKS AND ECREATION AREAS" MORE SPECIFICALLY SUBSECTION 160-6 ENTITLED "MEMBERSHIP FEES"**

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

**9. ORDINANCES ON SECOND READING:**

**ORDINANCE NO. 2280-2013  
(RESOLUTION NO. 233-2013)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 62 "ANIMALS" PERTAINING TO THE ESTABLISHMENT OF LICENSING FEES FOR POTENTIALLY DANGEROUS DOGS**

- 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. 2281-2013  
(RESOLUTION NO. 234-2013)**

**AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE**

- 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. 2282-2013  
(RESOLUTION NO. 235-2013)**

**AN ORDINANCE FIXING THE STIPENDS OF EXISTING 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.

#### **10. 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.

#### **11. RESOLUTIONS BY CONSENT #14-2013**

- Municipal Clerk reads Resolutions by Consent.
  - a. Resol. #236-2013 - Approval of Minutes
    - Work Session 5/7/13
    - Closed Session 5/7/13
    - Regular Meeting 5/14/13
  - b. Resol. #237-2013 - Refund of Overpayment of Taxes
  - c. Resol. #238-2013 - Renewal of Liquor Licenses 2013-2014
  - d. Resol. #239-2013 - Award of Bid: Project #2216-2013
    - Roadway Improvements
  - e. Resol. #240-2013 - Award of Bid: Bioxide Odor & Corrosion Control Chemical
  - f. Resol. #241-2013 - Appointment to the Local Ethics Board
  - g. Resol. #242-2013 - Appointment to Fair Lawn Borough Gardens Committee
  - h. Resol. #243-2013 - Appointment to Fair Lawn Arts Council
  - i. Resol. #244-2013 - Appointment to Green Team Advisory Committee
  - j. Resol. #245-2013 - Interlocal Agreement with the Borough of Haledon for the Use of Memorial Pool
  - k. Resol. #246-2013 - Interlocal Agreement with the Borough of Woodland Park for the Use of Memorial Pool

- l. Resol. #247-2013 - Extension of Agreement: Radio Repair and Maintenance
- m. Resol. #248-2013 - Authorizing Mayor and Municipal Clerk to Execute Parking Agreement Extension between the Borough and JP Morgan Chase Bank, N.A.
- n. Resol. #249-2013 - Appointment to Community Development
- o. Resol. #250-2013 - Authorizing an Amendment to the Employee Handbook and Personnel Policies and Procedures Manual - Responding Fire, Rescue and Medical Emergency Calls

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

## **12. 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.

## **13. ADJOURNMENT:**

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

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 228-2013**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2283-2013 entitled:

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

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 16th day of July, 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. 2283-2013

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

WHEREAS, a need has arisen to amend Ordinances 2266-2013 and 2267-2013 adopted on April 23, 2013.

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

**SECTION 1.** The positions of Assistant Superintendent of Public Works, Assistant Superintendent of Recreation, Recreation Supervisor and Supervisor of Public Works are hereby deleted from Ordinances 2266-2013 and 2267-2013, upon the signing of the Borough of Fair Lawn's Supervisor's Bargaining Unit Contract.

**SECTION 2.** The positions of Assistant Superintendent of Public Works, Assistant Superintendent of Recreation, Recreation Supervisor and Supervisor of Public Works will be added to the Borough of Fair Lawn's Supervisor's Bargaining Unit and such salaries will correspond to the effective date of the contract.

**SECTION 3.** The position of Maintenance Worker 2 Grounds be added to the Blue and White Collar Bargaining Unit Salary Ordinances 2266-2013 and 2267-2013 as follows:

Existing Employee on or before March 11, 2013	<u>2013 Min/2013 Max</u>	<u>2014 Min/2014 Max</u>	<u>2015 Min/2015 Max</u>
Maintenance Worker 2 Grounds/Senior Park Maintenance Worker	53,304 / 70,928	54,237 / 72,169	55,457 / 73,793
New Employee Hired on or after March 12, 2013			
Maintenance Worker 2 Grounds/Senior Park Maintenance Worker	47,974 / 63,836	48,813 / 64,953	49,912 / 66,415

**SECTION 4.** That there are hereby established salary ranges for the following classifications of certain employees:

	<u>2013 Min/2013 Max</u>	<u>2014 Min/2014 Max</u>	<u>2015 Min/2015 Max</u>
Light and Sound Technician (P/T)	10.00 / 15.00	10.00 / 15.00	10.00/15.00
Senior Light and Sound Technician (P/T)	10.00 /15.00	10.00 /15.00	10.00 /15.00

**SECTION 5.** That all salaries not covered by this ordinance will remain effective until amended by further salary ordinances.

**SECTION 6.** Annual salaries shall be paid in accordance with the executed contract for the Full Time Blue and White Bargaining Unit hired before March 11, 2013.

**SECTION 7.** Annual salaries shall be paid in biweekly installments and weekly, hourly and per diem shall be paid for such periods.

**SECTION 8.** 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 9.** 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: June 18, 2013

Adopted:

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 229-2013**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2284-2013 entitled:

**BOND ORDINANCE APPROPRIATING \$2,267,700, AND AUTHORIZING THE ISSUANCE OF \$2,154,315 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY**

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 16th day of July, 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.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 230-2013**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2285-2013 entitled:

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS  
ROADS IN AND BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF  
BERGEN, NEW JERSEY, APPROPRIATING \$510,000 THEREFOR AND  
AUTHORIZING THE ISSUANCE OF \$484,500 BONDS OR NOTES OF THE  
BOROUGH FOR FINANCING SUCH APPROPRIATION**

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 16th day of July, 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.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 231-2013**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2286-2013 entitled:

**BOND ORDINANCE APPROPRIATING \$326,400, AND AUTHORIZING THE ISSUANCE OF \$310,080 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS WATER SUPPLY AND DISTRIBUTION SYSTEM IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY.**

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 16th day of July, 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.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 232-2013**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2287-2013 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 160 ENTITLED "PARKS AND RECREATION AREAS" MORE SPECIFICALLY SUBSECTION 160-6 ENTITLED "MEMBERSHIP FEES"**

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 16th day of July, 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. 2287-2013**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000 BY AMENDING AND SUPPLEMENTING CHAPTER 160 ENTITLED "PARKS AND RECREATION AREAS" MORE SPECIFICALLY SUBSECTION 160-6 ENTITLED "MEMBERSHIP FEES"**

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

**Section 1.** Chapter 160 PARKS AND RECREATION AREAS is hereby amended as follows:

**160-6. Membership fees** is hereby amended as follows:

Delete:

D. Fair Lawn Recreation/Community Center

(4) Civic/Service organizations will have free use of the conference room, card room, art room and theater, Monday through Thursday, 6:30 p.m. to 10:00 p.m., based upon a policy set forth by the Borough Manager.

Add:

(4) Fair Lawn civic/service organizations will have free use of the facility Monday through Thursday, 6:30 p.m. to 10:00 p.m., based upon a policy set forth by the Borough Manager.

**Section 2.** Except as herein amended and supplemented, Chapter 160 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: June 18, 2013

Adopted:

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 233-2013**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2280-2013 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR  
LAWN 2000, SPECIFICALLY CHAPTER 62 "ANIMALS" PERTAINING TO  
THE ESTABLISHMENT OF LICENSING FEES FOR POTENTIALLY  
DANGEROUS DOGS**

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. 2280-2013**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 62 "ANIMALS" PERTAINING TO THE ESTABLISHMENT OF LICENSING FEES FOR POTENTIALLY DANGEROUS DOGS**

**WHEREAS**, the Mayor and Council of the Borough of Fair Lawn declare that it is the intent of the Governing Body to protect the public against the health and safety risks posed by potentially dangerous dogs. By their very nature, dogs classified as "potentially dangerous" pose a direct threat to the people and other animals that live in the same community or may otherwise come in to contact with them;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Fair Lawn that the following amendments be made to Chapter 62:

Section I. Borough Code §62-2B entitled "Regulations governing the keeping of dogs", is hereby amended to add §62-2B(4) as follows:

A person registering a dog declared by the Municipal Court or Superior Court to be potentially dangerous dog in accordance with state law shall pay the sum of \$700 per year as a license fee pursuant to N.J.S.A. 4:19-31.

Section II. All ordinances, codes or parts thereof that are inconsistent with this Ordinance are repealed or otherwise modified.

Section III. 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: May 28, 2013

Adopted:

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 234-2013**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2281-2013 entitled:

**“AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE”**

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. 2281-2013**

**“AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE.”**

**WHEREAS** ,the Mayor and Council of the Borough of Fair Lawn on October 05, 2010, have approved, Resolution No. 341-2010 to apply for a grant to receive funds from the County of Bergen Community Development; and

**WHEREAS**, the Mayor and Council of the Borough of Fair Lawn have been awarded grant monies based upon the above state grant application; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Fair Lawn, in the County of Bergen

**SECTION 1.** The Borough of Fair Lawn in the County of Bergen shall proceed with the following improvements at the cost following the projects hereinafter set forth.

**Project:** Improvements to Municipal Parks

**Contract Number:** TFMP-FL-11-00591

**Account Number:** - 006-910-785-20-31

**County Funds:-** \$75,000

**Borough Match:** \$75,000

**Grant Extension Date:** 09/07/2013

**SECTION 2.** The cost of completing said improvement set forth in Section 1 is limited to 100 percent of the cost of completed construction work including construction supervision, inspection and material testing or the amount of the allotment, whichever is less.

**SECTION 3.** It is hereby determined and stated:

(a) That said purposes are not a current expense. That the same is an improvement which the Municipality may lawfully make or acquire and that no part of the cost of said improvement has been or shall be specifically assessed on properties specifically benefited.

(b) It is not necessary to finance said purpose by the issuance of obligations by the Borough of Fair Lawn pursuant to the Local Bond Law of the State of New Jersey, for the reason that monies sufficient to cover the whole cost thereof shall be available through the State of New Jersey.

**SECTION 4.** It is hereby determined and stated that no supplemental debt statement is required to be made and signed in connections with said purpose, since the gross debt of the Municipality as defined under the Local Bond Law is not increased by this ordinance and no obligations in the matter of notes or bonds are authorized by this ordinance.

**SECTION 5.** This ordinance shall take effect after publication thereof and final passage as required by law.

ATTEST:

APPROVED:

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

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

Introduced: May 28, 2013

Adopted:

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 235-2013**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2282-2013 entitled:

**AN ORDINANCE FIXING THE STIPENDS OF EXISTING 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. 2282-2013**

**AN ORDINANCE FIXING THE STIPENDS OF EXISTING 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: May 28, 2013  
Adopted:

**BOROUGH OF FAIR LAWN  
Ordinance 2282-2013**

<u>Existing Employee Stipend</u>	2012 Min	2012 Max	2013 Min	2013 Max	2014 Min	2014 Max	2015 Min	2015 Max
Municipal Emergency Management Coordinator	-	-	25,000	25,000	25,438	25,438	26,010	26,010
Deputy Municipal Manager	-	29,910	20,000	30,000	20,350	30,525	20,808	31,212
Acting Manager	7,845	12,608	7,884	12,797	8,021	13,021	8,202	13,314
Asst Purchasing Agent	1,132	4,158	1,138	4,221	1,158	4,294	1,184	4,391
Fixed Asset Clerk	-	2,762	-	2,804	-	2,853	-	2,917
Nursing Supervisor	-	2,295	-	2,329	-	2,370	-	2,423
Secretary Board of Adjustment	5,517	8,996	5,544	9,131	5,641	9,291	5,768	9,500
Secretary/Planning Board/Mun Housing Liaison	11,514	15,083	11,571	15,310	11,773	15,578	12,038	15,928
Website Administrator	-	5,050	-	5,126	-	-	-	-

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

### CONSENT AGENDA 14-2013

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. #236-2013 - Approval of Minutes  
Work Session 5/7/13  
Closed Session 5/7/13  
Regular Meeting 5/14/13
- b. Resol. #237-2013 - Refund of Overpayment of Taxes
- c. Resol. #238-2013 - Renewal of Liquor Licenses 2013-2014
- d. Resol. #239-2013 - Award of Bid: Project #2216-2013  
Roadway Improvements
- e. Resol. #240-2013 - Award of Bid: Bioxide Odor & Corrosion  
Control Chemical
- f. Resol. #241-2013 - Appointment to the Local Ethics Board
- g. Resol. #242-2013 - Appointment to Fair Lawn Borough Gardens  
Committee
- h. Resol. #243-2013 - Appointment to Fair Lawn Arts Council
- i. Resol. #244-2013 - Appointment to Green Team Advisory  
Committee
- j. Resol. #245-2013 - Interlocal Agreement with the Borough of  
Haledon for the Use of Memorial Pool
- k. Resol. #246-2013 - Interlocal Agreement with the Borough of  
Woodland Park for the Use of Memorial  
Pool
- l. Resol. #247-2013 - Extension of Agreement: Radio Repair and  
Maintenance
- m. Resol. #248-2013 - Authorizing Mayor and Municipal Clerk to  
Execute Parking Agreement Extension

between the Borough and JP Morgan Chase Bank, N.A.

- n. Resol. #249-2013 - Appointment to Community Development
- o. Resol. #250-2013 - Authorizing an Amendment to the Employee Handbook and Personnel Policies and Procedures Manual - Responding Fire, Rescue and Medical Emergency Calls

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 236-2013**

By

Seconded by

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

Work Session 5/7/13  
Closed Session 5/7/13  
Regular Meeting 5/14/13

are hereby approved.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 237-2013**

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>
4411	23	Main Street Title & Settlement 190 Main Street, Suite 305 Hackensack, New Jersey 07601	\$2,339.00

(Refund of 2013 taxes as a result of taxes paid in error)

2603	3	BAC Tax Services Corp. P.O. Box 10211 Van Nuys, CA 91401	\$2,383.00
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(Refund of overpayment of 2013 taxes as a result of a duplicate payment)

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 238-2013**

By  
Seconded by

**WHEREAS**, application has been made for the renewal of Liquor Licenses for fiscal year beginning July 1, 2013 and ending June 30, 2014, by the following:

<u>License Number</u>	<u>Fee</u>	<u>Type</u>	<u>Licensee</u>
0217-32-001-004	\$2,000.00	PRC	Guy and Walsh, Inc. t/a J.J.'s Pub 25-01 Broadway Fair Lawn, New Jersey 07410
0217-33-002-007	\$2,000.00	PRC	J-Mart, Inc. t/a Fort Apache- Fair Lawn 18-15 Maple Avenue Fair Lawn, New Jersey 07410
0217-33-003-006	\$2,000.00	PRC	Krokeai, Inc. t/a Oceanos Restaurant 2-27 Saddle River Road Fair Lawn, New Jersey 07410
0217-44-004-005	\$1,635.00	PRD	P and Y, Inc. t/a Morlot Wines & Liquors 22-10 Morlot Avenue Fair Lawn, New Jersey 07410
0217-33-005-006	\$2,000.00	PRC	Vilgry Enterprises, Inc. Davia Restaurant 6-09 Fair Lawn Avenue Fair Lawn, New Jersey 07410
0217-33-006-006	\$2,000.00	PRC	Gotham Beverage, Inc. Gotham City Diner 39-10 Broadway Fair Lawn, New Jersey 07410

0217-33-007-005	\$2,000.00	PRC	F.J.'s Reservoir Bar & Grill t/a the Dutch House Tavern 24-07 Fair Lawn Avenue Fair Lawn, New Jersey 07410
0217-33-008-005	\$2,000.00	PRC	The Rail Yard, LLC 14-22 & 14-26 Plaza Road Fair Lawn, New Jersey 07410
0217-33-009-001	\$2,000.00	PRC	Fair Lawn Athletic Club 14-19 Parmelee Avenue Fair Lawn, New Jersey 07410
0217-33-012-003	\$2,000.00	PRC	13-50 River Road Corp. t/a Empress Restaurant 13-50 River Road Fair Lawn, New Jersey 07410
0217-44-013-011	\$1,635.00	PRD	B & B Liquors, Inc. t/a B & B Liquors, Inc. 13-05 River Road Fair Lawn, New Jersey 07410
0217-33-014-003	\$2,000.00	PRC	Leiserv, Inc. t/a Brunswick Fair Lawn Lanes 22-22 Maple Avenue Fair Lawn, New Jersey 07410
0217-33-015-002	\$2,000.00	PRC	Owl & I Inc. t/a Rivas Grill House 6-18 Maple Avenue Fair Lawn, New Jersey 07410
0217-44-016-006	\$1635.00	PRD	Alison Beverages of N.J., Inc. t/a Shop Rite Liquors of Fair Lawn 35-07 Broadway Fair Lawn, New Jersey 07410
0217-33-017-010	\$2,000.00	PRC	R.P.T. Inc. t/a River Palm Terrace II 41-11 Route 4 West Fair Lawn, New Jersey 07410

0217-33-19-006	\$2,000.00	PRC	KMM, LLC t/a Sel-Rite Bar & Liquors 17-65B River Road Fair Lawn, New Jersey 07410
0217-33-020-009	\$1,635.00	PRD	Sai Leela, LLC t/a Radburn Liquor 14-35 Plaza Road Fair Lawn, New Jersey 07410
0217-33-022-004	\$2,000.00	PRC	St. Efraim Inc. t/a Land & Sea Restaurant 20-12 Fair Lawn Avenue Fair Lawn, New Jersey 07410
0217-33-024-003	\$2,000.00	PRC	BRC Sauna & Spa, Inc. 24-20 Broadway Fair Lawn, New Jersey 07410
0217-31-025-002	\$150.00	C	Harry Coppendyke Post 171 American Legion 17-08 River Road Fair Lawn, New Jersey 07410
0217-36-031-002	\$2,000.00	Hotel / Motel	Noble I/HY Fairlawn OP Co. LLC Hyatt Place Fair Lawn/Paramus 41-01 Broadway (Route 208 N) Fair Lawn, New Jersey 07410

**WHEREAS**, it appears to the Mayor and Council that proper notice of intention to apply for said license has been made and that the license fee of \$2,000 for a Plenary Retail Consumption License, \$2,000.00 for a Hotel/Motel Exception, \$1,635 for a Plenary Retail Distribution License and \$150 for a Club License accompanied each of the aforesaid applications;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council that renewal of the aforesaid licenses be approved; that said licenses become effective July 1, 2013 and that the Municipal Clerk be and is hereby authorized and directed to issue said licenses.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 239-2013**

By  
Seconded by

**WHEREAS**, bids were received for Project #2216 - 2013 Roadway Improvements by the Municipal Clerk on June 4, 2013; and

**WHEREAS**, said bids were referred to the Borough Manager and appropriate Department Head for consideration and recommendation; and

**WHEREAS**, Crossroads Pavement Maintenance, LLC having an office located at 81 Franklin Avenue, Nutley, New Jersey 07110 is the lowest responsible bidder in the amount of \$825,557.30;

**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 Crossroads Pavement Maintenance, LLC, subject to the execution of purchase orders by the Borough Manager and Borough Treasurer.

**BE IT FURTHER RESOLVED**, that the award of this bid is subject to the Borough Treasurer executing the appropriate Certificate of Availability of Funds; and

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

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 240-2013**

By  
Seconded by

**WHEREAS**, bids were received for Bioxide Odor & Corrosion Control Chemical by the Municipal Clerk on June 4, 2013; and

**WHEREAS**, said bids were referred to the Borough Manager and appropriate Department Head for consideration and recommendation; and

**WHEREAS**, Siemens Industry, Inc. having an office located at 2650 Tallevast Road, Sarasota, Florida 34243 is the lowest responsible bidder for total price per gallon of solution (delivered) - Year 1 \$2.464 per gallon and Year 2 \$2.49 per gallon;

**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 Siemens Industry, Inc. subject to the execution of purchase orders by the Borough Manager and Borough Treasurer.

**BE IT FURTHER RESOLVED**, that the award of this bid is subject to the Borough Treasurer executing the appropriate Certificate of Availability of Funds; and

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

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 241-2013**

By  
Seconded by

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the following named individual be and is hereby appointed by the Mayor, with the consent of the Council, to serve on the Local Ethics Board of the Borough of Fair Lawn for the term as noted:

<u>Name and Address</u>	<u>Term Commences</u>	<u>Term Expires</u>
Richard Seibel 33-07 Halsey Road	6/11/13	12/31/16*

\* filling unexpired term

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 242-2013**

By  
Seconded by

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn the following named individual be and is hereby appointed to serve at the pleasure of the Council on the Fair Lawn Borough Gardens Committee:

Deborah Farkas  
12-07 Western Drive

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 243-2013**

By  
Seconded by

**WHEREAS**, pursuant to Resolution No. 220-2013 the Mayor and Council established the Fair Lawn Arts Council;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn the following named individual be and is hereby appointed to serve at the pleasure of the Council on the Fair Lawn Arts Council:

Jon G. Taner  
0-30 Hamlin Court

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 244-2013**

By  
Seconded by

**WHEREAS**, pursuant to Resolution No. 268-2009 the Mayor and Council established the Green Team Advisory Committee;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that the following individual be and is hereby appointed to serve at the pleasure of the Council on the Green Team Advisory Committee and shall have his term terminate on December 31, 2013.

Han Broekman  
4 Allen Place

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 245-2013**

By  
Seconded by

**WHEREAS**, the Borough of Haledon has requested that the Borough of Fair Lawn permit the usage of Memorial Pool to their residents and families 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 Haledon; 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 Haledon adopt a resolution concurrent herewith for the execution of said agreement.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 246-2013**

By  
Seconded by

**WHEREAS**, the Borough of Woodland Park has requested that the Borough of Fair Lawn permit the usage of Memorial Pool to their residents and families 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 Woodland 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 Woodland Park adopt a resolution concurrent herewith for the execution of said agreement.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 247-2013**

By

Seconded by

**WHEREAS**, pursuant to Resolution No. 156-2012 dated May 15, 2012, the Borough entered into an agreement dated June 1, 2012 with Royal Communications, Inc. located at 244 E. Union Turnpike, Wharton, New Jersey 07885 as the lowest responsible bidder for Radio Repair and Maintenance; and

**WHEREAS**, Royal Communications will extend all current pricing and will include the eighteen (18) additional portable radios recently purchased at the same rate stated in the current agreement; and

**WHEREAS**, said agreement contained a provision to extend said agreement for another year at the Borough's option;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that the Borough exercise said option and the agreement be extended for a period of one year, retroactive to May 9, 2013 and ending on May 8, 2014;

**BE IT FURTHER RESOLVED**, that this extension is subject to the Borough Treasurer executing the appropriate certificate of availability of funds.

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

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 248-2013**

By  
Seconded by

**WHEREAS**, the Mayor and Council hereby authorize the extension of the lease and the modification and amendment of the terms of the Parking Agreement dated June 12, 1998 between the Borough of Fair Lawn and JP Morgan Chase Bank, N.A.;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to execute the Parking Agreement Extension between the Borough of Fair Lawn and JP Morgan Chase Bank, N.A.

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 249-2013**

By  
Seconded by

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the following named individuals be and are hereby appointed to serve on the Community Development Program effective July 1, 2013 through June 30, 2014 as follows:

Member:

Councilmember Kurt Peluso  
30-15 Southern Drive

Alternate Member:

Deputy Mayor John Cosgrove  
7 Langan Court

Aye Nay Abstain

Baratta  
Peluso  
Swain  
Trawinski  
Cosgrove

June 18, 2013

**RESOLUTION NO. 250-2013**

By  
Seconded by

**WHEREAS**, N.J.S.A. 40A:9-160.1 provides that the Governing Body of any municipality shall grant time off from work with pay for municipal employees who are members of a volunteer fire company serving the municipality, volunteers in first aid or rescue squads serving the municipality when such employees are called to respond to alarms occurring during the hours of their employment; and

**WHEREAS**, the Borough has permitted employees who are members of the Fair Lawn Fire Department, and/or Fair Lawn Ambulance Corps and/or the Fair Lawn Rescue Squad to respond to calls during hours of their employment without loss of pay when so requested; and

**WHEREAS**, the Mayor and Council recognize the importance of proper staffing of the Fire Department and Ambulance Corps and Rescue Squad to enable those organizations to respond appropriately to fire, medical and rescue emergencies; and

**WHEREAS**, the Mayor and Council wish to amend the Employee Handbook and Personnel Policies and Procedures Manual to set forth a formal policy consistent with State statute and its own past practice, permitting Borough employees who are members of the Fair Lawn Fire Department, and/or the Fair Lawn Ambulance Corps and/or the Fair Lawn Rescue Squad to respond to calls during hours of their employment without loss of pay when so requested;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the Employee Handbook and Personnel Policies and Procedures Manual is hereby amended, effective immediately, by adding a new section substantially in the form attached hereto.

**Borough of Fair Lawn  
Personnel Policies and Procedures Manual  
Employee Handbook**

**TIME OFF WITH PAY FOR VOLUNTEER EMERGENCY RESPONDERS**

**POLICY:**

Borough employees who are members in good standing of the Fair Lawn Fire Department, and/or the Fair Lawn Ambulance Corps and/or the Fair Lawn Rescue Squad shall be permitted to respond during their normal hours of employment without loss of pay to emergency calls or alarms that these volunteer organizations respond to within their service areas.

**PROCEDURE:**

When a Borough employee who is a member in good standing of the Fair Lawn Fire Department, and/or the Fair Lawn Ambulance Corps and/or the Fair Lawn Rescue Squad is summoned during normal working hours to respond to an emergency call or alarm, the employee shall immediately notify his or her Department Head or Supervisor and request permission to respond. Permission from the Department Head and/or Supervisor shall not unreasonably be withheld.

Any employee responding to an emergency call or alarm who is away from work in excess of two (2) hours shall make a reasonable effort to inform their Department Head or Supervisor of the time they expect to return to work.

Upon return to work from an emergency call or alarm, the employee shall notify his or her Department Head or Supervisor.

No Borough employee responding to an emergency call or alarm as authorized by the procedure outlined above shall suffer any loss of pay as a result of missing time from work.