

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.

NOVEMBER 26, 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 OF PROPERTY MAINTENANCE COMMITTEE BEAUTIFICATION CERTIFICATES**
6. **PRESENTATION OF GREEN AWARDS**
7. **MANAGER'S REPORT**
8. **COUNCIL COMMENTS**
9. **ORDINANCES ON FIRST READING:**

**ORDINANCE NO. 2296-2013
(RESOLUTION NO. 371-2013)**

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES", ARTICLE VI, "SCHEDULE OF FEES" AND CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC"

- 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.

10. ORDINANCES ON SECOND READING:**ORDINANCE NO. 2295-2013
(RESOLUTION NO. 372-2013)****AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE VIII, "TRAFFIC", MORE PARTICULARLY SECTION 232-54, TRAFFIC CONTROL SIGNALS**

- Mayor asks for a motion to open the time for public comments. 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.
- Municipal Clerk reads the Resolution of Adoption. Mayor asks for a Mover, Secunder, Discussion, Roll Call.

11. 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.

12. RESOLUTIONS BY CONSENT #25-2013

- Municipal Clerk reads Resolutions by Consent.
 - a. Resol. #373-2013 – Transfer of Funds
 - b. Resol. #374-2013 - December Holiday
 - c. Resol. #375-2013 - Approval of Minutes:
 - Regular Meeting 10/8/13
 - Closed Session 10/8/13
 - d. Resol. #376-2013 - Reduction of Performance Bond - Fair Lawn Promenade
 - e. Resol. #377-2013 - Refund of Overpayment of Taxes

- f. Resol. #378-2013 - Authorizing Expenditures from the Affordable Housing Trust Fund for the Purchase of Block 5834, Lot 1.02
- g. Resol. #379-2013 - Cancellation of Water Utilities Unexpended Balances
- h. Resol. #380-2013 - Authorizing Submission of a Grant Extension of the Fair Lawn Municipal Alliance Grant
- i. Resol. #381-2013 - Interlocal Agreement for Nursing Case Management for Childhood Lead Poisoning
- j. Resol. #382-2013 - Increasing the Automobile and General Liability Limits
- k. Resol. #383-2013 - Appointment of Chief Finance Officer
- l. Resol. #384-2013 - Appointment of Borough Manager

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

**13. RESOLUTION NO. 385-2013 - APPROVAL OF MINUTES:
WORK SESSION 10/1/13
CLOSED SESSION 10/1/13**

- Municipal Clerk reads resolution. Mayor asks for a mover, seconder, discussion, roll call.

**14. RESOLUTION NO. 386-2013 - AUTHORIZING EXECUTION OF BERGEN COUNTY
COMMUNITY DEVELOPMENT GRANT CONTRACT
- ROADWAY IMPROVEMENTS**

- Municipal Clerk reads resolution. Mayor asks for a mover, seconder, discussion, roll call.

**15. RESOLUTION NO. 387-2013 - AUTHORIZING EXECUTION OF BERGEN COUNTY
COMMUNITY DEVELOPMENT GRANT CONTRACT
- SENIOR CENTER HAND RAILINGS**

- Municipal Clerk reads resolution. Mayor asks for a mover, seconder, discussion, roll call.

**16. RESOLUTION NO. 388-2013 - AUTHORIZING EXECUTION OF BERGEN COUNTY
COMMUNITY DEVELOPMENT GRANT CONTRACT
- BARRIER FREE RAMPS**

- Municipal Clerk reads resolution. Mayor asks for a mover, seconder, discussion, roll call.

17. RESOLUTION NO. 389-2013 - APPOINTMENT OF AUDITOR - GARBARINI & CO.

- Municipal Clerk reads resolution. Mayor asks for a mover, seconder, 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

November 26, 2013

RESOLUTION NO. 371-2013

By

Seconded by

BE IT RESOLVED that Ordinance No. 2296-2013 entitled:

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES", ARTICLE VI , "SCHEDULE OF FEES" AND CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC",

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 10th day of December, 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. 2296-2013

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES", ARTICLE VI, "SCHEDULE OF FEES" AND CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC"

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FAIR LAWN AS FOLLOWS:

SECTION 1: Chapter 94 Fees is hereby amended as follows:

ARTICLE VI, Schedule of Fees

Delete:

BB. Chapter 232, Vehicles and Traffic. See text of chapter §§ 232-18D, 232-26C, 232-31D, 232-59L, 232-61C(6), 232-61E.

Add:

BB. Chapter 232, Vehicles and Traffic.

(1) Section 232-23

- (a) First vehicle annual \$100
- (b) Each additional vehicle annual \$50
- (c) First vehicle per month \$10
- (d) Each additional vehicle per month \$5

(2) Section 232-63

- (a) Each resident vehicle per day \$1
- (b) Each non-resident vehicle per day \$2

SECTION 2: Section 232-10 entitled "No parking any time on Board of Education property" is deleted in its entirety and replaced with the following:

§232-10 No parking on Board of Education property

A. No parking at any time

Name of School	Location
Fair Lawn High School	Along both sides of driveway in front of school, from the westerly entrance to the easterly exit on Berdan Avenue; along both sides of driveway entrance and exit between Fairclough Place and the High school parking lot at rear of school
Memorial Junior High School	Along both sides of the driveway in front of school from the northerly entrance to the southerly exit on First Street; along both sides of the driveway entrance and exit between Avenue of Heroes and the Memorial Junior High School parking lot
Thomas Jefferson Junior High School	Along the westerly curb of the westerly exit in front of the school, from Morlot Avenue northerly, then easterly for a distance of 317 feet, along the easterly curb of the westerly exit in front of the school from Morlot Avenue, northerly then easterly for a distance of 187 feet; along the entire length of the southerly curbline of the center median island
Edison School	Along the easterly curb of the westerly exit in front of the school, from Fair Lawn Avenue northerly for a distance of 138 feet; along the westerly curb of the westerly exit from Fair Lawn Avenue, northerly then easterly, for a distance of 264 feet
Milnes School	Along both sides of driveway in front of school from the southerly entrance to the northerly exit off Philip Street

Add:

B. No parking between 8:00 AM and 4:00 PM when school is in session:

Name of School	Location
Memorial Junior High School	The parking spaces, excluding those designated parking of vehicles for disabled persons, along the westerly curb of the parking lot behind the school

Section 232-11 entitled "Parking Prohibited during certain hours on certain streets" is hereby amended as follows:

Delete:

No person shall park a vehicle on a public street in the Borough of Fair Lawn, between the hours specified of any day; provided, however, that the Chief of Police is authorized to issue permits for temporary overnight parking on a public street upon application for same with a showing of exceptional hardship, said permits to be displayed on lower left side of the rear window. Such failure to display will be considered a violation of this section. Any such permission shall not supersede the provisions of Title 39 of the Motor Vehicle Act of the State of New Jersey, nor permit parking in a prohibited area, or in violation of § 232-6 establishing snow routes within the Borough of Fair Lawn and prohibiting parking on such streets during or after accumulation of snow, until such streets shall have been plowed sufficiently that parking will not interfere with the normal flow of traffic.

Add:

No person shall park a vehicle on a public street or municipal parking area in the borough between the hours specified and the days specified as follows:

Delete:

A. Between 2:00 a.m. and 5:00 a.m.: all streets.

Add:

A. Between 2:00 a.m. and 5:00 a.m.: all streets and municipal parking areas.

SECTION 3. Section 232-11.1 entitled "Temporary daytime parking" is hereby deleted in its entirety.

SECTION 4. Section 232-15 entitled "Parking in parking stalls" is hereby deleted in its entirety and replaced with the following:

§232-15 Parking stalls

Where parking stalls are painted along a roadway or municipal parking area vehicles shall be parked within the painted lines delineating the parking stall. Where space designations are obliterated, vehicles shall be parked so as not to impede the flow of traffic or interfere with other users of the area.

SECTION 5. Section 232-16 entitled "Parking by permit only in designated residential areas" is deleted in its entirety and replaced with following:

§232-16 Temporary parking

- A. The Chief of Police, or his designee, is authorized to allow temporary parking on a public street or municipal parking area upon demonstration of exceptional hardship. Any such permission shall not supersede the provisions of NJSA Title 39, nor permit parking in a prohibited area, or be in violation of section 232-6 or section 232-8 of the borough code.
- B. Exceptional hardship shall mean the applicant is prohibited from parking on the driveway or parking area of his premises for any of the following situations:
- (1) Construction, reconstruction or some other physical impediment relating to same
 - (2) Medical necessity or infirmity
 - (3) Work hours
 - (4) Visitors
 - (5) No driveway or parking area
 - (6) More vehicles than fit in the driveway or parking area
 - (7) Such other set of circumstances wherein, at the discretion of the Chief of Police, or his designee, the waiver of the parking prohibition outweighs the necessity of its enforcement.

SECTION 6. Section 232-18 entitled "Administration" is deleted in its entirety and replaced with following new section 232-18:

§232-18 Administration

- A. Applications for parking permission under this chapter shall be made under the following terms and conditions:
- (1) Permission is issued for each vehicle separately
 - (2) It does not guarantee a parking space

- (3) It is only good for the specified request (overnight, day, etc)
 - (4) The vehicle must be parked in front of your house, or, in close proximity to your apartment, unless prohibited by a fire hydrant, no parking zone etc.
 - (5) If an actual permit document is issued it must be displayed in the vehicle as prescribed by the issuing authority.
 - (6) Permission granted for two consecutive nights or days shall be made by telephone or other means at the police communication center.
 - (7) Permission granted for up to two weeks shall be made in person at the police communication center.
 - (8) Permission granted for each month, or any part of a month after two weeks shall be made in writing on forms provided by the borough at police records for a fee as established in Part II, Chapter 94 of this code.
 - (9) Permission granted annually shall be made in writing on forms provided by the borough at police records for a fee as established in Part II, Chapter 94 of this code.
 - (10) Permission shall be granted for such other set of circumstances wherein, at the discretion of the Chief of Police, or his designee, the waiver of the parking duration outweighs the necessity of its enforcement
- B. An application for permission to park is not assurance that permission will be granted. Permission may be denied or revoked if a condition established in section 232-16 is not satisfied or ceases.

SECTION 7. Section 232-19 entitled "Surrender of permit" is deleted in its entirety and replaced with the following new section.

§232-19 Maximum number of permits.

- A. The maximum number of vehicles allowed to park for each residence or apartment shall be two.
- B. Additional vehicles may be granted permission to park at the discretion of the chief of police or his designee.

SECTION 8. Section 232-20 entitled "Stickers for fire and ambulance personnel" is deleted in its entirety and replaced with the following new section.

§232-20 Surrender of permit.

Permits will be invalid upon expiration and must be surrendered to the issuing authority or be destroyed.

SECTION 9. Section 232-21 entitled "Maximum number of permits" is deleted in its entirety and replaced with the following new section.

§232-21 Parking prohibited for street sweeping.

Street	When	Side	Location
Abbott Road North	1st Tues. of each month	East	From a point 75 feet north of the northerly curblines of High Street to a point 250 northerly therefrom
High Street	1st Wed. of each month	North	From a point 115 feet east of the easterly curblines of Abbott Road North to a point 180 feet easterly therefrom
Sampson Road	1 st Wed. of each month	West	From the northerly curblines of Stewart Place to a point 330 feet northerly therefrom
Warren Road	1st Tues. of each month	North	From Sandford Road to Abbott Road

SECTION 10. Section 232-22 entitled "Reserved permits" is deleted in its entirety.

SECTION 11. Section 232-23 entitled "Violations and penalties" is amended as follows:

Delete

- B. Anyone parking in the areas set forth on § 232-16 without the required permit shall be subject to a penalty of \$30 for each offense and shall be subject to having their vehicles towed at their own expense.

Add

- B. Anyone parked without the required permission as set forth in Article III shall be subject to a penalty as described in part II Chapter 94 of this code.

SECTION 12. Sections 232-24 through 32 are hereby deleted in their entirety.

SECTION 13. ARTICLE IX, Municipal Parking Areas shall be changed to **"Municipal Commuter Parking Areas"**.

SECTION 14. Section 232-58 entitled "Municipal parking area designated" is hereby amended as follows:

Delete:

- C. The Columbia Terrace Park parking lot contiguous to Pathmark, the bowling alley and the tennis courts at or near Hemlock Avenue.

Add:

- C. Fair Lawn residents

Street	Side	Location
Pollitt Drive	West	From a point 27 feet north of the northerly curb line of Carlton Place to a point 700 feet north of the northerly curb line of Carlton Place
		From a point 60 feet south of the southerly curb line of Carlton Place to a point 700 feet south of the southerly curb line of Carlton Place

SECTION 15. Section 232-59 entitled "Metered parking at Saddle River Road lot" is deleted in its entirety.

SECTION 16. Section 232-60 entitled "All night parking permitted" is deleted in its entirety.

SECTION 17. Section 232-61 entitled " Parking stickers" is deleted in its entirety and replaced with the following:

§232-61 Administration

- A. No person shall park a vehicle in the municipal areas designated in chapter 232-58 from 5:00 a.m. to 9:00 a.m. each day, Saturdays, Sundays and federal and state legal holidays excepted, without complying with the provisions of this chapter.
- B. Applications for permission shall be made in writing on forms provided by the police department.
- C. After application has been accepted, a daily fee to park shall apply as prescribed in Chapter 94 of this code.
- D. A parking space is not guaranteed.
- E. Resident and non-resident vehicles shall be parked in their designated spaces.
- F. If an actual permit document is issued it must be displayed in the vehicle as prescribed by the issuing authority.

SECTION 18. Section 232-62 entitled " Parking regulations" is hereby deleted in its entirety.

SECTION 19. Section 232-63 entitled "Violations and penalties; towing away of cars" is hereby deleted in its entirety and replaced with the following.

§232-63 Violations and penalties.

- A. Anyone who willfully falsifies the information given on the application required herein or who fraudulently obtains permission to park shall be subject to a penalty as provided in Chapter 1, Article III.
- B. Any person who violates the other provisions of this article shall be subject to a fine as prescribed in Chapter 94 of this code.
- C. Any person who parks in violation of this article may be subject to having their vehicle towed to a place designated by the Chief of Police and be liable for towing and storage charges in accordance with law.

SECTION 20. Section 232-66 entitled "Municipal parking areas for overnight parking" is hereby deleted in its entirety.

SECTION 21. 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 22. All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

SECTION 23. 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: November 26, 2013

Adopted:

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

RESOLUTION NO. 372-2013

By

Seconded by

BE IT RESOLVED that Ordinance No. 2295-2013 entitled:

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE VIII, "TRAFFIC", MORE PARTICULARLY SECTION 232-54, TRAFFIC CONTROL SIGNALS

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. 2295-2013

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE VIII, "TRAFFIC", MORE PARTICULARLY SECTION 232-54, TRAFFIC CONTROL SIGNALS

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FAIR LAWN AS FOLLOWS:

SECTION 1: 232-54 Traffic control signals is hereby amended as follows:

B. No person shall make a right turn on red at any of the following described locations:

Add:

(6) Fair Lawn Avenue and Saddle River Road

- (a) From eastbound on Fair Lawn Avenue to southbound onto Saddle River Road
- (b) From westbound on Dunkerhook Road to northbound onto Saddle River Road
- (c) From northbound on Saddle River Road to eastbound onto Dunkerhook Road
- (d) From southbound on Saddle River Road to westbound onto Fair Lawn Avenue

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 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 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
Municipal Clerk

John Cosgrove
Mayor

Introduced: October 29, 2013

Adopted: November 26, 2013

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

CONSENT AGENDA 25-2013

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. #373-2013 – Transfer of Funds
- b. Resol. #374-2013 - December Holiday
- c. Resol. #375-2013 - Approval of Minutes:
 - Regular Meeting 10/8/13
 - Closed Session 10/8/13
- d. Resol. #376-2013 - Reduction of Performance Bond - Fair Lawn Promenade
- e. Resol. #377-2013 - Refund of Overpayment of Taxes
- f. Resol. #378-2013 - Authorizing Expenditures from the Affordable Housing Trust Fund for the Purchase of Block 5834, Lot 1.02
- g. Resol. #379-2013 - Cancellation of Water Utilities Unexpended Balances
- h. Resol. #380-2013 - Authorizing Submission of a Grant Extension of the Fair Lawn Municipal Alliance Grant
- i. Resol. #381-2013 - Interlocal Agreement for Nursing Case Management for Childhood Lead Poisoning
- j. Resol. #382-2013 - Increasing the Automobile and General Liability Limits
- k. Resol. #383-2013 - Appointment of Chief Finance Officer
- l. Resol. #384-2013 - Appointment of Borough Manager

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

RESOLUTION NO. 373-2013

By

Seconded by

WHEREAS, the Borough Treasurer has certified that it has become necessary to expend for the purposes of certain accounts herein set forth, amounts in excess of sums respectively appropriated therefore; and

WHEREAS, there is an excess of appropriations in other accounts herein set forth, over and above the amounts deemed to be necessary to fulfill the purposes of such appropriations;

NOW, THEREFORE, BE IT RESOLVED, that the transfers between appropriations of the 2013 Current and Water Utility Budgets, as per list attached, and are hereby approved by the Borough Council.

2013 BUDGET Transfers

		<u>To</u>	<u>From</u>
Administration	S&W	7,000	
Administration	OE	4,000	
Cultural Center	S&W	2,500	
Finance	S&W		(35,000)
Mun Clerk	S&W		(15,000)
Tax Collector	S&W	1,800	
Assessor	S&W	4,500	
Engineering	S&W		(6,000)
Planning Board	S&W	2,000	
Board of Adjustment	S&W	1,000	
Construction Code	S&W		(15,000)
Insurance - Workers Comp	OE		
Police	S&W		
Dispatchers	S&W		(30,000)
Emergency Management	S&W	6,100	
Fire	S&W	500	
Storm Damage- Sandy	OE		
Fire Prevention	S&W	5,500	
Mun Court	S&W		(5,000)
DPW Admin	S&W	1500	
Roads	S&W		
Recycling	S&W	235,000	
Electrical	OE	2,000	
Shade Tree	S&W	29,000	
Sewer	S&W		(10,000)
Buildings & Grounds	S&W	7,000	
Buildings & Grounds	OE		
Maintenance Garage	S&W	4,000	
Community Service	OE		(25,000)
Dept of Health	S&W	6,000	
Social Services	S&W		(20,000)
Animal Control	S&W		(10,000)
Recreation	S&W	25,000	
Parks	S&W	10,000	
Terminal Leave	S&W		
Liability for Retire	S&W	100,000	
Salary Adj	S&W		(189,800)
DCRP-Retirement System	OE		
Social Security	OE		(100,000)
Pmt of BCIA Principal	OE	305,000	
Pmt of BCIA Interest	OE	20,000	
Pmt of BAN Principal	OE		(305,000)
Pmt of BAN Interest	OE		(13,600)

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

RESOLUTION NO. 374-2013

By

Seconded by

WHEREAS, the Mayor and Council of the Borough of Fair Lawn has authorized all Borough Employees a half day on Christmas Eve or a half Day on New Year's Eve; and

WHEREAS, all Borough offices shall remain open for the public during normal hours on Christmas Eve Day and New Years Eve Day; and

WHEREAS, the Mayor and Council of the Borough of Fair Lawn has authorized (4) hours of compensatory time to all Police Officers and Police Dispatchers and is offering the option of (4) hours compensatory time to all Borough Employees; and

WHEREAS, should the Borough Employee choose not to take a half day on Christmas Eve or New Year's Eve, the Borough Employee shall be entitled to four (4) hours compensatory time; and

BE IT FURTHER RESOLVED that said compensatory time for all Borough Employees, Police Officers and Dispatchers, shall have no monetary value and if not used by June 30, 2014 the time shall be forfeited; and

BE IT FURTHER RESOLVED that compensatory time for all of the above stated employees, must be used in one (1) four hour block.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

RESOLUTION NO. 375-2013

By

Seconded by

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

Regular Meeting 10/8/13
Closed Session 10/8/13

are hereby approved.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

RESOLUTION NO. 376-2013

By

Seconded by

WHEREAS, Fair Lawn Promenade has entered into a Developer's Agreement with the Borough of Fair Lawn and the Planning Board; and

WHEREAS, certain improvements relating to said project have been satisfactorily completed or partially completed; and

WHEREAS, pursuant to statute Fair Lawn Promenade has submitted to the Borough Engineer, a list of improvements for review for the purpose of reducing the performance guaranty that Fair Lawn Promenade has heretofore filed with the Borough of Fair Lawn; and

WHEREAS, the Borough Engineer has submitted his findings that certain improvements have been installed in a satisfactory and workman like manner and in accordance with the proposed site design.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Performance Guaranty be reduced to \$2,062,110.00 and the Cash Performance Guarantee be reduced to \$271,740.60.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

RESOLUTION NO. 377-2013

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>
3726	1	Jonathan F. Donath, Esq. for Plaza Rd Co-op Community SE 350 Kemble Avenue Morristown, New Jersey 07962	\$210.30

(Refund of overpayment of 2008 taxes as a result of a Tax Court Judgment)

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

RESOLUTION NO. 378-2013

By

Seconded by

WHEREAS, the Borough of Fair Lawn has established an Affordable Housing Trust Fund; and

WHEREAS, pursuant to Resolution No. 56-2013, the Mayor and Council of Fair Lawn have authorized the Borough to execute an agreement with Fair Lawn Promenade, LLC; and

WHEREAS, pursuant to this stated agreement Fair Lawn Promenade has paid \$1.5 million to the Fair Lawn Affordable Housing Trust Fund; and

WHEREAS, pursuant to Resolution No. 56-2013, the Mayor and Council of Fair Lawn have authorized the Borough to execute an agreement with Fair Lawn Senior Housing; and

WHEREAS, under this stated agreement the Borough of Fair Lawn will purchase Block 5834 Lot 1.02 a/k/a Hadco Property with the funds from Fair Lawn Promenade in the amount of \$1.5 million;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn, County of Bergen that it hereby authorizes the release of the Affordable Housing Trust funds in the amount of \$1.5 million in accordance with the purchase agreement authorized by Resolution 56-2013 for the purchase of Block 5834 Lot 1.02, Hadco Property.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

RESOLUTION NO. 379-2013

By

Seconded by

WHEREAS, NJSA 40A:4-60 provides that any unexpended balances of appropriations may, by resolution of the Mayor and Council, be cancelled prior to the end of the fiscal year; and

WHEREAS, there are certain unexpended balances as of November 12, 2013, in the Water Purchases in the amount of \$275,000 that the Borough Chief Financial Officer recommends that be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn cancel from the 2013 Water Utility Budget the amount of \$275,000 for Water Purchases.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

RESOLUTION NO. 380-2013

By
Seconded by

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Mayor and Council of the Borough of Fair Lawn, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Mayor and Council was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal rather than calendar year cycle; and

WHEREAS, funding has been made available to Fair Lawn Municipal Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind grant requirement for the extension funding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council does hereby authorize the submission of the grant extension for the Fair Lawn Municipal Alliance grant in the amended amount of:

DEDR	\$22,919.00
Cash Match	\$ 5,729.00
In Kind	\$17,189.00

The Mayor and Council hereby acknowledge the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance audit requirements.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

RESOLUTION NO. 381-2013

By

Seconded by

WHEREAS, the New Jersey Department of Health requires that local health departments have a Memorandum of Understanding (MOU) with a regional site for public health nurse case management for childhood lead poisoning; and

WHEREAS, the nearest regional site to the Borough of Fair Lawn is the City of Paterson Health Department;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the Borough enter into a Memorandum of Understanding (MOU) with the City of Paterson Health Department; and

BE IT FURTHER RESOLVED that the Mayor and Health Officer be authorized to execute said Memorandum of Understand (MOU).

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

RESOLUTION NO. 382-2013

By

Seconded by

WHEREAS, the Borough of Fair Lawn (hereinafter, the Borough) is a member of the Bergen County Municipal Joint Insurance Fund (hereinafter, the Fund) for all Property and Casualty coverages (including but not limited to Property, General Liability , Inland Marine and Workers Compensation); and

WHEREAS, the Borough maintains a \$9.9 million General Liability limit, excess of the Borough's Self-Insured Retention (SIR) of \$100,000, subject to the coverage terms, limitations and conditions; and

WHEREAS, the Borough's Risk Management Consultant (hereinafter, the RMC) has performed due diligence in reviewing the Borough's coverage limits and the options offered by the Fund and recommended at a Public Meeting held November 12, 2013, the Borough consider increasing the limit of liability by \$10 million for a total limit of liability of \$19.9 million excess of the \$100,000 SIR for an additional premium in 2014 of approximately \$9,940; and

WHEREAS, the Governing Body after due consideration and deliberation concluded the additional coverage limit was in the Borough's best interest.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn, County of Bergen, State of New Jersey that the Borough Manager and the RMC are hereby authorized and directed to effectuate the increase in the General Liability limit, as enumerated above, in accordance with the requirements promulgated by the Bergen County Municipal Joint Insurance Fund for a January 1, 2014 effective date; and

BE IT FURTHER RESOLVED that 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

November 26, 2013

RESOLUTION NO. 383-2013

By

Seconded by

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that Karen Palermo, 252 Jefferson Avenue, Paramus, New Jersey 07652 be appointed as Chief Finance Officer effective January 1, 2014 in accordance with the agreement prepared by the Acting Borough Manager and reviewed by the Borough Attorney.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

RESOLUTION NO. 384-2013

By

Seconded by

BE IT RESOLVED that pursuant to NJSA 40:69a-89 the Mayor and Council hereby appoints James Van Kruiningen as Municipal Manager; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk by and are hereby authorized to execute the form of agreement setting forth the terms and conditions of employment of the Municipal Manager as prepared by the Borough Attorney.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

RESOLUTION NO. 385-2013

By

Seconded by

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

Work Session 10/1/13
Closed Session 10/1/13

are hereby approved.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

RESOLUTION NO. 386-2013

By

Seconded by

WHEREAS, a Bergen County Community Development grant of \$190,000 has been proposed by the Borough of Fair Lawn for Roadway Improvements in the municipality of the Borough of Fair Lawn; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Fair Lawn; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development funds.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Lawn do hereby confirm endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

RESOLUTION NO. 387-2013

By

Seconded by

WHEREAS, a Bergen County Community Development grant of \$20,000 has been proposed by the Borough of Fair Lawn for Senior Center Hand Railings in the municipality of the Borough of Fair Lawn; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Fair Lawn; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development funds.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Lawn do hereby confirm endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

RESOLUTION NO. 388-2013

By

Seconded by

WHEREAS, a Bergen County Community Development grant of \$25,000 has been proposed by the Borough of Fair Lawn for Barrier Free Ramps in the municipality of the Borough of Fair Lawn; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Fair Lawn; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development funds.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Lawn do hereby confirm endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

November 26, 2013

RESOLUTION NO. 389-2013

By

Seconded by

WHEREAS, it is necessary for the Borough of Fair Lawn to engage the services of an Auditor; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.1 et seq., the Borough may not award contracts with a value in excess of \$17,500.00 to a business entity which has made reportable contributions in excess of \$300.00, in the aggregate, to the member municipality's political parties or to any candidate's committee of any person serving in an elective public office of the member municipality when such contract was awarded, unless said business entity is awarded a contract under a "fair and open process" pursuant to N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, a "fair and open process" constitutes the following: (1) public advertisement of a Request for Qualifications (hereinafter the "RFQ") with ten (10) calendar days notice prior to the receipt of responses to the RFQ; (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under publicly disclosed criteria established, in writing, by the public entity prior to the solicitation of qualifications; and (4) the public entity shall publicly open and announce the qualifications when awarded; and

WHEREAS, the Borough previously solicited responses from firms and persons interested in providing auditing services pursuant to a "fair and open" process as described above, with a return date of November 1, 2013; and

WHEREAS, the Borough received a timely and complete response from Garbarini & Co. P.C., having an office located at Division Avenue and Route 17S, P.O. Box 362, Carlstadt, New Jersey 07072; and

WHEREAS, the Borough's review team has determined that Garbarini & Co. P.C., has complied with the requirements of the RFQ and have deemed them to be qualified to provide the aforementioned Auditor to the Borough; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that:

1. That a contract be awarded to Garbarini & Co. P.C. for Auditor Services for the Borough of Fair Lawn, in accordance with the RFQ.
2. The term of the contract shall be from July 1, 2014 and expiring on December 31, 2014.
3. No additional services shall be rendered for which the Contractor shall seek additional payment without written authorization by the Borough pursuant to law.
4. The Mayor and Municipal Clerk are hereby authorized to execute an Agreement with Garbarini & Co. P.C., P. O. Box 362, Carlstadt, New Jersey 07072.
5. A notice of this resolution shall be published in The Record as required by law.