

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.

DECEMBER 10, 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 PREPROPERTY MAINTENANCE COMMITTEE BEAUTIFICATION POSTER CONTEST AWARDS**
6. **COUNCIL COMMENTS**
7. **ORDINANCES ON SECOND READING:**

**ORDINANCE NO. 2296-2013
(RESOLUTION NO. 390-2013)**

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 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.
- 8. 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.

9. RESOLUTIONS BY CONSENT #26-2013

- Municipal Clerk reads Resolutions by Consent.
 - a. Resol. #391-2013 – Transfer of Funds
 - b. Resol. #392-2013 – Approval of Minutes:
 - Work Session 10/22/13
 - Closed Session 10/22/13
 - c. Resol. #393-2013 – Award of Bid: Cold Water Meters and Appurtenances
 - d. Resol. #394-2013 – Authorization of Sales of Emergency Appropriation Notes
 - e. Resol. #395-2013 – Cops in Shops
 - f. Resol. #396-2013 – Authorizing the Renewal of the Borough's Partially Self-Funded Health Benefits Program with Insurance Design Administrators (IDA) for the Period 1/1/14 through 12/31/14
 - g. Resol. #397-2013 - Professional Services: Third Party Administrator
 - h. Resol. #398-2013 – Authorizing the Execution of the Subrogation Agreement re NJDEP v. Occidental Chemical Corp., et al
 - i. Resol. #399-2013 - Amending the Professional Services Agreement for Private Collection of Municipal Court Debt
 - j. Resol. #400-2013 - Authorizing Execution of an Agreement with Municipal Nationwide Payment Solution
- Mayor asks for a Mover, Secunder, Roll Call.

10. RESOLUTION NO. 401-2013 - CONFIRMATION OF FIRE BOARD ACTIONS

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

11. RESOLUTION NO. 402-2013 - AUTHORIZING PURCHASES WITH CERTAIN APPROVED STATE CONTRACT VENDORS - BEYER FORD

- Municipal Clerk reads resolution. Mayor asks for a mover, seconder, discussion, roll call.
- 12. RESOLUTION NO. 403-2013 - REJECTION OF BID: FIRE DEPARTMENT AND FIRE PREVENTION BUREAU UNIFORMS**
- Municipal Clerk reads resolution. Mayor asks for a mover, seconder, discussion, roll call.
- 13. RESOLUTION NO. 404-2013 - AUTHORIZING THE DONATION OF A 1985 SPARTAN EMERGENCY ONE FIRE TRUCK**
- Municipal Clerk reads resolution. Mayor asks for a mover, seconder, discussion, roll call.
- 14. RESOLUTION NO. 405-2013 - CONFIRMING ENDORSEMENT OF CDBG APPLICATION FOR AAH OF BERGEN COUNTY, INC.**
- Municipal Clerk reads resolution. Mayor asks for a mover, seconder, discussion, roll call.
- 15. RESOLUTION NO. 406-2013 - CONFIRMING ENDORSEMENT OF CDBG APPLICATION FOR CARE PLUS NEW JERSEY, INC.**
- Municipal Clerk reads resolution. Mayor asks for a mover, seconder, discussion, roll call.
- 16. 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.
- 17. ADJOURNMENT:**
- Mayor calls for motion to adjourn. Mover, Secunder, Roll Call.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

December 10, 2013

RESOLUTION NO. 390-2013

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"

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. 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 232-18 Administration

- (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 232-61 Administration

- (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 | 1st 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 Chapter 232-3 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 232-3 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

December 10, 2013

CONSENT AGENDA 26-2013

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. #391-2013 – Transfer of Funds
- b. Resol. #392-2013 – Approval of Minutes:
Work Session 10/22/13
Closed Session 10/22/13
- c. Resol. #393-2013 – Award of Bid: Cold Water Meters and Appurtenances
- d. Resol. #394-2013 – Authorization of Sales of Emergency Appropriation Notes
- e. Resol. #395-2013 – Cops in Shops
- f. Resol. #396-2013 – Authorizing the Renewal of the Borough's Partially Self-Funded Health Benefits Program with Insurance Design Administrators (IDA) for the Period 1/1/14 through 12/31/14
- g. Resol. #397-2013 - Professional Services: Third Party Administrator
- h. Resol. #398-2013 – Authorizing the Execution of the Subrogation Agreement re NJDEP v. Occidental Chemical Corp., et al
- i. Resol. #399-2013 - Amending the Professional Services Agreement for Private Collection of Municipal Court Debt
- j. Resol. #400-2013 - Authorizing Execution of an Agreement with Municipal Nationwide Payment Solution

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

December 10, 2013

RESOLUTION NO. 391-2013

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;

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.

| | <u>To</u> | <u>From</u> |
|--------------------------------|-----------|-------------|
| Administration OE - Manager | 4,000 | |
| Administration OE - Purchasing | | 4,000 |
| Finance S & W | | 5,000 |
| Fire Prevention S & W | 5,000 | |
| Water Utility OE - Generating | 7,000 | |
| Water Utility - Distribution | | 7,000 |

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

December 10, 2013

RESOLUTION NO. 392-2013

By

Seconded by

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

Work Session 10/22/13
Regular Meeting 10/22/13

are hereby approved.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

December 10, 2013

RESOLUTION NO. 393-2013

By

Seconded by

WHEREAS, bids were received for Cold Water Meters and Appurtenances by the Municipal Clerk on November 19, 2013; and

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

WHEREAS, Rio Supply, Inc. located at 100 Allied Parkway, Sicklerville, New Jersey 08081 is the lowest responsible bidder in accordance with the attached Schedule A;

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 Rio Supply 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.

COUNTY OF BERGEN, NEW JERSEY

BID FORM: COLD WATER METERS and APPURTENANCES

BID DATE: Tuesday, November 19, 2013 @ 11 AM

We have read and agreed to the attached specifications which become a part of this bid form and furnish for the Borough of Fair Lawn Cold Water Meters and Appurtanences

| Item No | Description | Unit | Unit Price | Amount |
|---------|------------------------------------|------|-----------------------|-----------------------|
| 1 | 5/8" Displacement Meter Complete | Unit | \$ 110. ⁰⁰ | 22,000. ⁰⁰ |
| 2 | 3/4" Displacement Meter Complete | Unit | 165. ⁰⁰ | 1,650. ⁰⁰ |
| 3 | 1" Displacement Meter Complete | Unit | 240. ⁰⁰ | 4,800. ⁰⁰ |
| 4 | 1-1/2" Displacement Meter Complete | Unit | 430. ⁰⁰ | 4,300. ⁰⁰ |
| 5 | 2" Displacement Meter Complete | Unit | 545. ⁰⁰ | 2,725. ⁰⁰ |
| 6 | 3" Turbine Meter Complete | Unit | 1,200. ⁰⁰ | 2,400. ⁰⁰ |
| 7 | 4" Turbine Meter Complete | Unit | 1,700. ⁰⁰ | 3,400. ⁰⁰ |
| 8 | 6" Turbine Meter Complete | Unit | 3,000. ⁰⁰ | 6,000. ⁰⁰ |
| 9 | 8" Turbine Meter Complete | Unit | 4,600. ⁰⁰ | 4,600. ⁰⁰ |
| 10 | 2" Compound Meter Complete | Unit | 1,860. ⁰⁰ | 3,720. ⁰⁰ |
| 11 | 3" Compound Meter Complete | Unit | 2,700. ⁰⁰ | 5,400. ⁰⁰ |
| 12 | 4" Compound Meter Complete | Unit | 3,600. ⁰⁰ | 3,600. ⁰⁰ |
| 13 | 6" Compound Meter Complete | Unit | 5,400. ⁰⁰ | 5,400. ⁰⁰ |
| 14 | 2" Strainers | Unit | 575. ⁰⁰ | 575. ⁰⁰ |
| 15 | 3" Strainers | Unit | 800. ⁰⁰ | 1,600. ⁰⁰ |
| 16 | 4" Strainers | Unit | 940. ⁰⁰ | 1,880. ⁰⁰ |
| 17 | 6" Strainers | Unit | 1,800. ⁰⁰ | 1,800. ⁰⁰ |
| 18 | 8" Strainers | Unit | 3,500. ⁰⁰ | 3,500. ⁰⁰ |

| Item No | Description | Unit | Unit Price | Amount |
|---------|------------------------|------|----------------------|----------------------|
| 19 | Transmitters | Unit | 750. ⁰⁰ | 3,750. ⁰⁰ |
| 20 | Wall Receptacles | Unit | 15. ⁰⁰ | 750. ⁰⁰ |
| 21 | 3/4" Washers | Unit | .18 | 18. ⁰⁰ |
| 22 | 1" Washers | Unit | .34 | 34. ⁰⁰ |
| 23 | 1-1/2" Washers | Unit | 1.75 | 87. ⁵⁰ |
| 24 | Wire | Unit | 78. ⁰⁰ | 156. ⁰⁰ |
| 25 | 5/8" Registers | Unit | 88. ⁰⁰ | 4,400. ⁰⁰ |
| 26 | 1" Registers | Unit | 88. ⁰⁰ | 2,200. ⁰⁰ |
| 27 | Meter Interface Unit | Unit | 110. ⁰⁰ | 5,500. ⁰⁰ |
| 28 | Data Collection Device | Unit | 7,200. ⁰⁰ | 7,200. ⁰⁰ |

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

December 10, 2013

RESOLUTION NO. 394-2013

By
Seconded by

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. Pursuant to an ordinance of the Borough of Fair Lawn, in the County of Bergen, New Jersey (the "Borough") entitled: "An ordinance authorizing and appropriating \$450,000 for a special emergency for the Borough of Fair Lawn, County of Bergen reassessment program", finally adopted on September 20, 2011 (#2228-2011), special emergency notes of the Borough are hereby authorized to be issued pursuant to the Local Budget Law of New Jersey (N.J.S.A. 40A:4-1 et seq. and, in particular, N.J.S.A. 40A:4-55) in a principal amount not exceeding \$270,000, including (to any extent necessary) the renewal of any special emergency notes heretofore issued therefore.

Section 2. The following matters in connection with the special emergency notes (the "Notes") referred to in Section 1 hereof are hereby determined:

(a) All Notes issued hereunder shall mature at such times as may be determined by the chief financial officer, interim chief financial officer or treasurer (the "Chief Financial Officer") of the Borough, provided that no Note shall mature later than one year from the date of the first Note issued hereunder unless the Borough shall have paid and retired amounts of such Notes sufficient to allow it, in accordance with provisions of Section 40A:4-55 of the Local Budget Law, to renew a portion thereof beyond the first anniversary date of the first of such Notes;

(b) All Notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer; and

(c) The Notes shall be in the form prescribed by resolution heretofore adopted by the governing body of the Borough determining the form of special emergency notes issued pursuant to the Local Budget Law, and the Notes shall be signed or sealed by the Chief Financial Officer, the Mayor and the Borough Clerk in any manner permitted by law notwithstanding that said form or resolution may otherwise provide.

Section 3. The Chief Financial Officer is hereby authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution, and the Chief Financial Officer's signature upon the Notes shall be conclusive as to such determinations.

Section 4. The Chief Financial Officer is hereby authorized to sell the Notes from time to time at public or private sale in such amounts as the Chief Financial Officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefore.

Section 5. Any instrument issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 6. The Chief Financial Officer is hereby authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of Notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.

Section 7. The Chief Financial Officer is hereby further authorized and directed to file a copy of this resolution, as adopted, and all other resolutions or ordinances relating to the authorization of the aforementioned special emergency appropriation with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 8. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the Notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the Notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the Notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the Notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the Notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 9. All action heretofore taken by Borough officials with respect to the sale, issuance and delivery of the Notes is hereby ratified, confirmed, adopted and approved.

Section 10. This resolution shall take effect immediately.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

December 10, 2013

RESOLUTION NO. 395-2013

By
Seconded by

WHEREAS, the Division of Alcoholic Beverage Control (ABC) is responsible for administering the Office of Juvenile Justice Delinquency Prevention (OJJDP) State Block Grant Program Enforcing the Underage Drinking laws;

WHEREAS, the Borough of Fair Lawn wishes to apply to ABC and accept funds in the sum of \$3,439.41 in connection with a project entitled Cops in Shops; for the period of November 15, 2013 to August 30, 2014;

WHEREAS, the Mayor and Council of the Borough of Fair Lawn has reviewed said application and finds approval thereof to be in the best interests of the municipality; and

WHEREAS, said project is a joint project between the State of New Jersey (ABC) and the Borough of Fair Lawn for the purposes therein described;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council 1) that as a matter of public policy the Borough of Fair Lawn wishes to participate with the State of New Jersey (ABC) to the greatest extent possible; 2) that the Division of Alcoholic Beverage Control (ABC) be requested to accept said application on behalf of the municipality; and 3) that the appropriate fiscal officer will accept the funds in connection with said project from the ABC and make disbursements in accordance with said application.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

December 10, 2013

RESOLUTION NO. 396-2013

By
Seconded by

WHEREAS, the Borough provides medical and prescription benefits through a partially self-funded plan administered by Insurance Design Administrators (IDA), a UHY Advisors Company, located in Oakland, NJ; and

WHEREAS, the Health Benefits Consultant has secured a renewal proposal from IDA, the incumbent Third Party Administrator; and

WHEREAS, the renewal proposal from IDA includes an Alternate Renewal underwritten by Nationwide Re-Insurance that would reduce re-insurance costs for the existing level of benefits in accordance with the contractual requirements promulgated by the various collective bargaining unit agreements within the Borough.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn, County of Bergen, State of New Jersey, the Renewal Proposal through IDA offering the following terms and conditions that:

Provides Re-Insurance through Nationwide Re-Insurance Company, Inc.

Maintains a \$100,000 SIR per covered participant
Provides for a contract with an Incurred in 12/ Paid in 15 Specific
Stop Loss and Incurred in 12/Paid in 12 Aggregate Stop Loss
\$200,000 Laser on one (1) participant
Aggregate Attachment Point of \$5,716,792
Maximum Program Liability of \$6,424,978

is hereby accepted and directed to the Borough Manager and Benefits Consultant for implementation; and

BE IT FURTHER RESOLVED, the Borough Manager and Borough Benefits Consultant are further directed and authorized to take the appropriate steps necessary to effectuate full implementation of the renewal; and

BE IT FURTHER RESOLVED, the contract award for the insurance component of the proposal is to a duly licensed and admitted Insurance Company within the State of NJ and therefore, such award is exempt from the requirements set forth by P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51) N.J.S.A.19:44A-20.5 et seq.

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to the Borough CFO, Borough Auditor, IDA, Third Party Administrators of the Program, and PIA Security Programs, Inc., 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ Benefits Consultant to the Borough.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

December 10, 2013

RESOLUTION NO. 397-2013

By
Seconded by

WHEREAS, the Borough of Fair Lawn awarded a contract to Insurance Design Administrators (IDA), a UHY Advisors Company pursuant to resolution No. 396-2013 for providing health self-insurance administration; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of a contract for "Professional Services" without competitive bids, and the contract itself must be available for public inspection,

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

1. Insurance Design Administrators (IDA), located at 169 Ramapo Valley Road, Oakland, New Jersey 07436 be and they are hereby appointed as plan administrators for the Borough of Fair Lawn's self insurance program;

2. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract pursuant to the renewal proposal which is on file in the Municipal Clerk's office with Insurance Design Administrators (IDA), a UHY Advisors Company;

3. The term of the contract shall be from January 1, 2014 and expiring on December 31, 2014.

4. A notice of this resolution shall be published in The Record as required by law.

BE IT FURTHER RESOLVED that Insurance Design Administrators (IDA) has complied with the Business Entity Disclosure Certification for non-fair and open contracts required pursuant to N.J.S.A. 19:44A-20-8; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Determination of Value be placed on file with this resolution.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

December 10, 2013

RESOLUTION NO. 398-2013

By

Seconded by

WHEREAS, the Mayor and Council of the Borough of Fair Lawn have agreed to settle the matter of NJDEP v. Occidental Chemical Corp., et al; and

WHEREAS, the defense of this matter has been borne by the New Jersey Environmental Risk Management Fund (EJIF); and

WHEREAS, the EJIF seeks to collect from the Borough's insurance carriers;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Municipal Clerk be and are hereby authorized to execute the Subrogation Agreement prepared by Dorsey & Semrau attorneys for the New Jersey Environmental Risk Management Fund.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

December 10, 2013

RESOLUTION NO. 399-2013

By
Seconded by

WHEREAS, by Resolution No. 195-2012, dated June 12, 2012, the Mayor and Council awarded a contract for the collection of Municipal Court Debt to Alliance One Receivables Management, Inc. having an office at 4850 Street Road E, Suite 300, Trevose, Pennsylvania 19053; and

WHEREAS, all such contracts must be approved by the Administrative Office of the Courts; and

WHEREAS, the Administrative Office of Courts approved said contract on November 19, 2013;

NOW, THEREFORE, BE IT RESOLVED that said contract will now be entered into with Alliance One Receivables Management Inc. for a two year term from the date said contract becomes effective pursuant to the Administrative Office of the Courts.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

December 10, 2013

RESOLUTION NO. 400-2013

By
Seconded by

WHEREAS, the Department of Community Affairs, Division of Local Government Services has promulgated regulations at NJSA 5:30-9.1 et seq., which authorizes and permits municipalities to accept credit card, debit card, e-checks and electronic fund transfers in accordance with the provisions of the Administrative Code; and

WHEREAS, pursuant to NJSA 40A: 5-43, et sq. and NJSA 2B:1-5, NJAC 5:30-9.1 and Supreme Court Rule 7:14-4(c), municipal courts are permitted to accept credit cards and debit cards for payment of Municipal Court fees and fines; and

WHEREAS, the acceptance of these methods will serve as a convenient alternative payment method for payment of Borough permits, licenses, registrations, taxes, water rents, fees, penalties and all other municipal charges payable and collectible to Borough Departments; and

WHEREAS, the acceptance of these methods for Municipal Court fines is more effective and the Municipal Court work load relative to the collection of fines and fees will be reduced; and

WHEREAS, the Borough will not incur the transaction fees associated with the use of credit cards, debits cards, e-checks and electronic fund transfers for payment of Borough permits, licenses, registrations, taxes, water rents and municipal charges other than for Municipal Court fines since the fee is assessed to each individual user; and

WHEREAS, the aforesaid rules require that the Borough of Fair Lawn pay the transaction fees charged for providing this service for Municipal court fines, penalties and payments; and

WHEREAS, the Borough Manager and Chief Financial Officer have explored the options available and obtained quotations from local service providers to supply the above services; and

WHEREAS, the Borough Manager and Chief Financial Officer have determined the most reasonable and least expensive option is with Municipal Nationwide Payment Solutions.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn, that, pursuant to the authority and regulations of the Division of Local Government, the Borough of Fair Lawn's Tax and Water Collection Departments, Department of Public Works, Police Department, Municipal Clerk, Municipal Court, Health and Human Services Department, Engineering Department, Recreation Department and Building Department are authorized and permitted to accept and collect payment by appropriate credit card, debit card, e-checks and electronic fund transfers of permits, licenses, registrations, taxes, water rents, fines, fees, penalties and all other municipal charges that are due and owing to the Borough of Fair Lawn; and

BE IT FURTHER RESOLVED, that the Borough Manager and Chief Financial Officer are hereby authorized and directed to execute the appropriate service agreement with Municipal Nationwide Payment Solutions.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

December 10, 2013

RESOLUTION NO. 401-2013

By

Seconded by

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the actions taken by the Board of Fire Commissioners at their meetings be and are hereby confirmed as follows:

Applications:

Dennis Svetlakov
10-01 12th Street
Co. 1

Arthur Safavi
10-15 2nd Street
Co. 1

Dominick Cortes
14-10 George Street
Co. 1

Allen Chen
5-20 17th Street
Co. 3

Resignations:

Nicholas Cicchella
5-34 Summit Avenue
Co. 3

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

December 10, 2013

RESOLUTION NO. 402-2013

By

Seconded by

WHEREAS, the Borough of Fair Lawn, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of Fair Lawn has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Borough of Fair Lawn has the need to purchase one (1) 2014 Ford Explorer 4WD 4-Door Black, at \$24,708.00 under State Contract # T-2007/A83013; and

WHEREAS, the Borough of Fair Lawn intends to enter into a purchase agreement for this purchase with Celebrity Ford, D/B/A Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07962, which shall be subject to all the conditions applicable to the current State contracts.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fair Lawn pursuant to N.J.A.C. 5:30-5.5(b), have allocated in Capital Ordinance C-04-06-053-375-109 for the purchase of above stated vehicle, and through this resolution a certification of availability of funds will be completed by the Chief Finance Officer.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Fair Lawn authorizes the Acting Borough Manager to purchase the above listed vehicles from Celebrity Ford, D/B/A Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07962, an approved New Jersey State Contract Vendor, pursuant to all conditions of the individual State Contract #T-2007/A83013.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

December 10, 2013

RESOLUTION NO. 403-2013

By

Seconded by

WHEREAS, bids were received for Fire Department and Fire Prevention Bureau Uniforms by the Municipal Clerk on November 26, 2013; and

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

WHEREAS, the bid submission by the sole bidder was incomplete since Page 20 of the Bid Form Proposal was inadvertently left out of the submission;

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 Heads the sole bid for Fire Department and Fire Prevention Bureau Uniforms be rejected and be rebid.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

December 10, 2013

RESOLUTION NO. 404-2013

By

Seconded by

WHEREAS, the Borough of Fair Lawn would like to donate said fire apparatus to the Bergen County Law & Public Safety Institute to be only used to provide hands-on experience and training for the benefit of firefighter trainees from across Bergen County; and

WHEREAS, N.J.S.A. 40A:11-36(2) permits the disposition, by resolution and without advertisement of bids, of personal property no longer needed for public use to another government entity; and

WHEREAS, the Bergen County Law & Public Safety Institute is willing to accept the donation of the 1985 Pumper bearing VIN# 529XT6F07FC423814.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Lawn authorizes the donation of said vehicle to the Bergen County Law & Public Safety Institute and the Municipal Clerk is hereby authorized to execute the appropriate transfer approved by the Borough Attorney.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

December 10, 2013

RESOLUTION NO. 405-2013

By

Seconded by

WHEREAS, a Bergen County Community Development grant of \$15,274 has been proposed by AAH of Bergen County, Inc. for permanent supportive housing in 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 CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fair Lawn hereby confirms 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

December 10, 2013

RESOLUTION NO. 406-2013

By

Seconded by

WHEREAS, a Bergen County Community Development grant of \$101,871 has been proposed by Care Plus NJ, Inc. for Children's Services in the municipality 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 CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fair Lawn hereby confirms 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.