

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

SPECIAL MEETING

6:30 P.M.

JANUARY 28, 2013

1. STATEMENT OF COMPLIANCE
2. Parking Issues – Commuter Parking Lot Permits
(Council Carryover)
3. Miscellaneous Public Comments
4. Adjournment

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.

JANUARY 28, 2014

1. **Call to Order by Mayor**
2. **Statement of Compliance with the Open Public Meetings Act**
3. **Roll Call**
4. **Flag Salute**
5. **POLICE PROMOTIONS**
6. **MANAGER'S REPORT**
7. **COUNCIL COMMENTS**
8. **ORDINANCES ON FIRST READING:**

**ORDINANCE NO. 2298-2014
(RESOLUTION NO. 59-2014)**

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 (BERDAN GROVE INCLUSIONARY PARK)

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

**ORDINANCE NO. 2299-2014
(RESOLUTION NO. 60-2014)**

AN AMENDMENT TO ORDINANCE # 2267-2013 FIXING THE SALARIES OF NEW EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED

- 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.

9. ORDINANCES ON SECOND READING:

**ORDINANCE NO. 2297-2014
(RESOLUTION NO. 61-2014)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR
LAWN 2000, SPECIFICALLY CHAPTER 125 "ZONING" TO ALLOW
CERTAIN INCREASES IN MAXIMUM IMPERVIOUS COVERAGE RELATED
TO SWIMMING POOLS AND PERVIOUS PAVERS**

- 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.

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 #3-2014

- Municipal Clerk reads Resolutions by Consent.
 - a. Resol. #62-2014 – Transfer of Funds
 - b. Resol. #63-2014 - Refund of Overpayment of Taxes
 - c. Resol. #64-2014 - Fair Lawn Recreation Facility Review
Committee
 - d. Resol. #65-2014 - Appointment to Environmental Commission

- e. Resol. #66-2014 - Professional Services - Special Counsel for Specific Projects
- f. Resol. #67-2014 - Change Order - Project No. 2216 Roadway Improvements 2013
- g. Resol. #68-2014 - Appointment of Deputy Manager
- h. Resol. #69-2014 - Dissolution of the Advisory Committee on the Americans with Disabilities Act
- i. Resol. #70-2014 - Appointment to the Zoning Board
- j. Resol. #71-2014 - Professional Service - Disciplinary Hearing Officer
- k. Resol. #72-2014 - Authorizing Multi Year Contract for Copiers
- l. Resol. #73-2014 - Cancellation of Grant Balance
- m. Resol. #74-2014 - Cancellation of Capital Ordinances

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

12. RESOLUTION NO. 75-2014 - APPROVAL OF MINUTES:

Closed Session - 12/3/13

Work Session - 12/3/13

Closed Session - 12/3/13

Regular Meeting - 12/10/13

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

13. 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.

14. ADJOURNMENT:

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

RESOLUTION NO. 59-2014

By

Seconded by

BE IT RESOLVED that Ordinance No. 2298-2014 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 (BERDAN GROVE
INCLUSIONARY PARK)**

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 11th day of February, 2014, 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.

**BOROUGH OF FAIR LAWN
ORDINANCE NO. 2298-2014**

**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 (BERDAN GROVE
INCLUSIONARY PARK)**

WHEREAS, the Mayor and Council of the Borough of Fair Lawn on February 19, 2013, approved by Resolution No. 103-2013 the application for a grant to receive funds from the County of Bergen Open Space Trust Funds; and

WHEREAS, the Mayor and Council of the Borough of Fair Lawn have been awarded grant monies based upon the above County 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: Berdan Grove Inclusionary Playground
Contract Number: 10-02068
Account Number: - 006-910-785-20-31
Open Space Trust Funds: \$30,000

Attest:

Approved:

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

John Cosgrove, Mayor

Introduced: January 21, 2014
Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

RESOLUTION NO. 60-2014

By

Seconded by

BE IT RESOLVED that Ordinance No. 2299-2014 entitled:

**AN AMENDMENT TO ORDINANCE # 2267-2013 FIXING THE SALARIES
OF NEW 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 11th day of February, 2014, 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.

**BOROUGH OF FAIR LAWN
ORDINANCE NO. 2299-2014**

**AN AMENDMENT TO ORDINANCE # 2267-2013 FIXING THE SALARIES OF NEW EMPLOYEES
OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED**

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

SECTION 1. That there is hereby established a change in hourly rates for the classification of certain employee's hereinbelow set:

<u>Title</u>	<u>Effective January 1, 2014</u>		<u>Effective January 1, 2015</u>	
	<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>
Registered Environmental Health Specialist	45,000	66,485	46,013	67,981

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

SECTION 3. Annual salaries shall be paid in biweekly installments and weekly and hourly shall be paid for such periods.

SECTION 4. Salary increases are effective only if an employee has not resigned voluntarily or has been terminated with cause.

SECTION 5. 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: January 21, 2014
Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

RESOLUTION NO. 61-2014

By

Seconded by

BE IT RESOLVED that Ordinance No. 2297-2014 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR
LAWN 2000, SPECIFICALLY CHAPTER 125 "ZONING" TO ALLOW
CERTAIN INCREASES IN MAXIMUM IMPERVIOUS COVERAGE RELATED
TO SWIMMING POOLS AND PERVIOUS PAVERS**

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. 2297-2014

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125 "ZONING" TO ALLOW CERTAIN INCREASES IN MAXIMUM IMPERVIOUS COVERAGE RELATED TO SWIMMING POOLS AND PERVIOUS PAVERS

WHEREAS, the Fair Lawn Zoning Board of Adjustment pursuant to N.J.S. 40:55D-70.1 has reviewed its decisions on the applications and appeals for variances for 2012 and reported the findings in the "2013 Annual Report for the Zoning Board of Adjustment";

WHEREAS, the 2013 Annual Report included recommendations for zoning ordinance amendment revisions with respect to maximum impervious coverage on residential properties;

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

WHEREAS, the Mayor and Council of the Borough of Fair Lawn has sought input from the Fair Lawn Planning Board regarding maximum impervious coverage for single- and two-family residential lots, and the Planning Board agrees that certain relief from maximum impervious coverage is appropriate;

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

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fair Lawn that the following amendments be made to Chapter 125:

SECTION I.

Borough Code §125-12 entitled "Schedule of Area, Yard & Building Requirements," is hereby amended to add the footnote symbol "(P)" to the right of the maximum impervious coverage column in the following zoning districts:

- | | |
|---------------------------|-----------------------------|
| R-1-1, R-1-2, R-1-3, R-2: | All housing types |
| R-3-1: | 1 & 2 family dwellings only |
| R-3-2: | 1 & 2 family dwellings only |
| R-5-1, R-5-2: | 1 family dwellings only |

B-1, B-2, B-3:

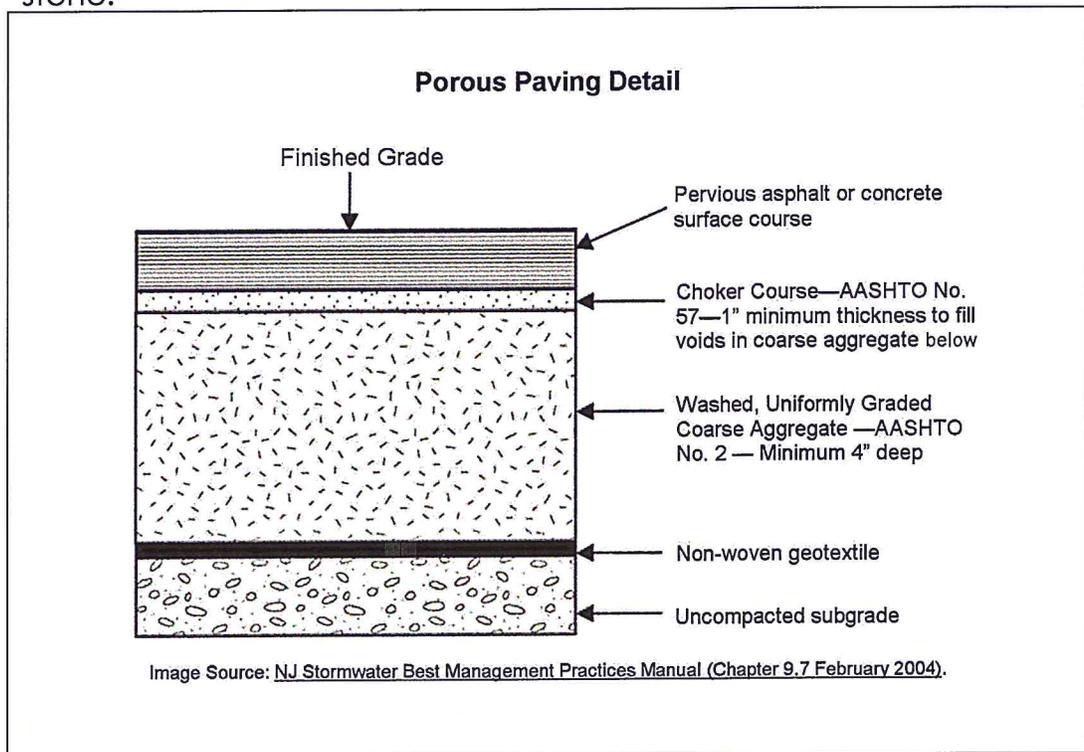
1 & 2 family dwellings only

SECTION II.

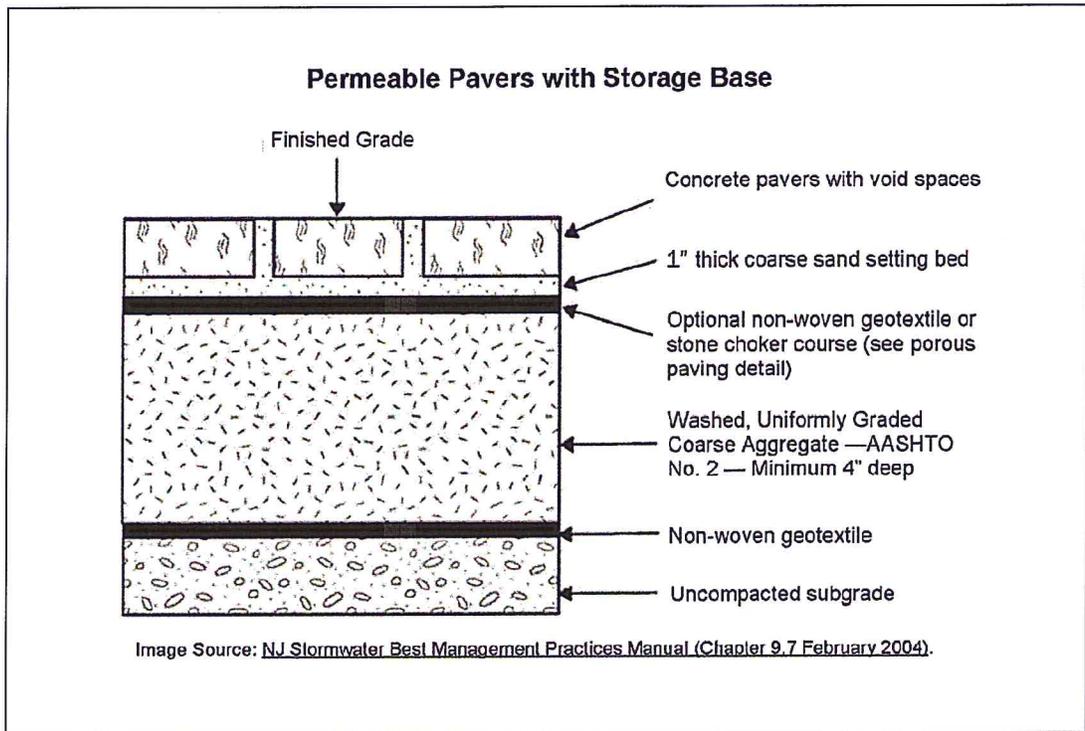
Borough Code §125-12 entitled "Schedule of Area, Yard & Building Requirements," is hereby amended to add paragraph P as follows:

P. Permitted increases in impervious coverage:

1. Up to fifty percent (50%) of the surface area of swimming pools shall be considered pervious; and
2. A coverage increase of up to 10% shall be permitted for permeable pavers or porous paving installed and maintained in accordance with the New Jersey Stormwater Best Management Practices Manual (Chapter 9.7 February 2004), as amended. The two acceptable systems are:
 - a. Type I: Porous paving - Porous asphalt or concrete paving constructed over runoff storage bed of uniformly graded broken stone.



- b. Type II: Permeable pavers with storage bed - Impervious concrete pavers with surface voids constructed over runoff storage bed of uniformly graded broken stone.



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

SECTION IV. 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: January 7, 2014

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

CONSENT AGENDA 3-2014

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. #62-2014 – Transfer of Funds
- b. Resol. #63-2014 - Refund of Overpayment of Taxes
- c. Resol. #64-2014 - Fair Lawn Recreation Facility Review
Committee
- d. Resol. #65-2014 - Appointment to Environmental Commission
- e. Resol. #66-2014 - Professional Services - Special Counsel for
Specific Projects
- f. Resol. #67-2014 - Change Order - Project No. 2216 Roadway
Improvements 2013
- g. Resol. #68-2014 - Appointment of Deputy Manager
- h. Resol. #69-2014 - Dissolution of the Advisory Committee on the
Americans with Disabilities Act
- i. Resol. #70-2014 - Appointment to the Zoning Board
- j. Resol. #71-2014 - Professional Service - Disciplinary Hearing
Officer
- k. Resol. #72-2014 - Authorizing Multi Year Contract for Copiers
- l. Resol. #73-2014 - Cancellation of Grant Balance
- m. Resol. #74-2014 - Cancellation of Capital Ordinances

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

RESOLUTION NO. 62-2014

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 Budget Appropriation Reserves, as per list attached, and are hereby approved by the Borough Council.

		January 28, 2014	
		To	From
Mayor and Council	OE		(75,000)
Liability	OE	90,000	
Manager	S&W	500	
Manager	OE		(500)
Purchasing	OE		(5,000)
Clerk	S&W		(4,500)
Clerk	OE		(3,000)
Finance	S&W		(15,000)
Collector	OE		(5,000)
Engineering	SW		(3,000)
Emergency Management	OE		(5,000)
Police	S&W		(8,000)
Police	OE		(8,000)
Dispatchers	S&W		(21,000)
Fire	OE		(10,000)
Ambulance	OE		(15,000)
Fire Prevention	S&W		(1,500)
Court	S&W		(5,800)
Court	OE		(4,000)
Buildings & Grounds	S&W		(1,500)
Health	S&W		(3,000)
Social Services	OE		(5,000)
Animal Control	S&W		(9,000)
Maintenance Garage	OE		
Roads	S&W		(15,000)
Roads	OE	25,000	
Sewer	OE	1,500	
Recreation	S&W	75,000	
Recreation	OE	5,000	
Parks	S&W		(5,000)
Recycling	S&W	150,000	
Postage	OE		(5,000)
Celebration of Public Events	OE	5,000	
PFRS	OE	96,700	
Cons PFRS	OE		(17,000)
Salary & Wages	OE		(98,900)
BAN Interest	OE	4,700	
Utilities	OE		(25,000)
Garbage and Trash	OE		(75,000)
Garbage and Trash-Dumping	OE		(4,700)
Salary & Wages	OE		(240,700)
Reserve for Terminal Leave	S&W	243,200	
Water Utility	S&W		(8,000)
Water Utility-Distribution	OE	8,000	

Aye Nay Abstain
Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

RESOLUTION NO. 63-2014

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>
1109	2	Core Logic Refund Unit DFW 1-3 1 Core Logic Drive Westlake, Texas 76262	\$2,422.74
1205	17	Core Logic Refund Unit DFW 1-3 1 Core Logic Drive Westlake, Texas 76262	\$2,122.83
2205	51	Core Logic Refund Unit DFW 1-3 1 Core Logic Drive Westlake, Texas 76262	\$2,324.92
2321	1	Core Logic Refund Unit DFW 1-3 1 Core Logic Drive Westlake, Texas 76262	\$1,177.69

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
2526	6	Core Logic Refund Unit DFW 1-3 1 Core Logic Drive Westlake, Texas 76262	\$2,092.18
3507	4	Core Logic Refund Unit DFW 1-3 1 Core Logic Drive Westlake, Texas 76262	\$1,958.64
4604	19	Core Logic Refund Unit DFW 1-3 1 Core Logic Drive Westlake, Texas 76262	\$2,735.12

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

5620	44	Neidani, David 1-01 Saddle River Road Fair Lawn, New Jersey 07410	\$1,000.15
5620	46	Neidani, David 1-01 Saddle River Road Fair Lawn, New Jersey 07410	\$1,719.95

(Refund of overpayment of 2013 taxes as a result of a judgment from Bergen County Tax Board)

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

RESOLUTION NO. 64-2014

By
Seconded by

BE IT RESOLVED that the following individuals be and are hereby appointed to the Fair Lawn Recreational Facilities Review Committee effective January 28, 2014 and expiring January 22, 2015:

John Ietto
11-14 1st Street

Jeffrey Mazzola
0-99 Yerger Road

Jerry Cunningham
4 Fernwood Drive

Bernard Weinstein
40-12 Ackerman Avenue

Joan Goldstein
12 Bedford Place

Todd Newman
10-07 Essex Place

Jay I. Morgenstern
42-00 Fox Court

Borough Manager

Bruce Watson
Fair Lawn Board of Education
37-01 Fair Lawn Avenue

Joanne Wilson
Fair Lawn Board of Education
37-01 Fair Lawn Avenue

Jack Susser
33-09 Hillside Terrace

Allan Caan
19-62 Chandler Drive

James Graff

Ron Barbarulo
10-27 3rd Street

Ken Garrison

BE IT FURTHER RESOLVED that Councilmember Peluso and Mayor Cosgrove be and are hereby appointed as co-liaisons to the Fair Lawn Recreation Facility Review for the term of one year, effective January 1, 2014.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

RESOLUTION NO. 65-2014

By
Seconded by

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn the following named individuals be and are hereby appointed by the Mayor, with the consent of the Council, to serve on the Environmental Commission of the Borough of Fair Lawn for the terms as noted:

<u>NAME AND ADDRESS</u>	<u>TERM COMMENCES</u>	<u>TERM EXPIRES</u>
Michael Ciolino 6-17 Essex Place	1/21/14	12/31/16

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

RESOLUTION NO. 66-2014

By
Seconded by

WHEREAS, the Borough of Fair Lawn has a need to acquire certain legal services for certain specific projects as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Manager has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, Richard A. Lustgarten, Esq., of Goodman & Lustgarten, having offices at 12-28 Burbank Street, Fair Lawn, New Jersey 07410, has agreed to continue to provide legal services for specific projects as listed on this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that Richard A. Lustgarten, Esq. of Goodman and Lustgarten of 12-28 Burbank Street, Fair Lawn, New Jersey 07410 be and he is hereby appointed to handle the aforesaid matters effective January 1, 2014 and terminate on December 31, 2014.

BE IT FURTHER RESOLVED that the above referenced services shall be paid to Richard A. Lustgarten, Esq., at the rate of \$100 per hour plus out-of-pocket disbursements.

BE IT FURTHER RESOLVED that Richard A. Lustgarten, Esq. of Goodman and Lustgarten 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.

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

BE IT FURTHER RESOLVED that a notice of this resolution shall be published in The Record as required by law.

BE IT FURTHER RESOLVED that the award of this non-fair and open contract is contingent upon the Chief Financial Officer filing a Certificate of Availability of Funds with the Municipal Clerk's office.

Cases to be handled by Richard A. Lustgarten, Esq.:

Superior Court:

Harraka

Worker's Compensation:

Roskowsky
Raymond

Liability:

Bruno
Cho

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

RESOLUTION NO. 67-2014

By

Seconded by

WHEREAS, there is an existing contract between the Borough of Fair Lawn and Crossroads Pavement Maintenance, LLC for 2013 Roadway Improvements and

WHEREAS, it has been certified by the Borough Manager and Borough Engineer that the changes identified and listed in accordance with the documents on file in the Municipal Clerk's office are hereby required;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that in accordance with the recommendations made herewith, Change Order No. 1 be and is hereby approved.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

RESOLUTION NO. 68-2014

By

Seconded by

BE IT RESOLVED that pursuant to Ordinance No. 2273-2013, the Mayor and Council hereby appoint Joanne M. Kwasniewski, RMC,MMC as the Deputy Borough Manager.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

RESOLUTION NO. 69-2014

By

Seconded by

WHEREAS, on April 23, 1996, the Mayor and Council established the Advisory Committee on the Americans with Disabilities Act an advisory committee for the disabled residents in Fair Lawn; and

WHEREAS, the committee, among many other benefits, has helped to ensure that Borough is aware of the obstacles to the handicapped and advocate for increased accessibility for the handicapped to public buildings and businesses; and

WHEREAS, the Fair Lawn Community Center, Inc. (FLCC) on September 12, 2012 established the ADA Advisory Committee (ADA Committee) pursuant to the FLCC's By-law entitled "Article XIII - Committees - Section 2 - Other Committees - Advisory Committees"; and

WHEREAS, the ADA Committee will, among other things, consult, advise and assist the Borough on ADA needs; and

WHEREAS, the Mayor and Council no longer requires the Borough's Advisory Committee on the Americans with Disabilities Act formed on April 23, 1996; and

WHEREAS, the Mayor and Council wishes to dissolve the Borough's Advisory Committee on the Americans with Disabilities Act;

NOW THEREFORE BE IT RESOLVED that the Borough's Advisory Committee on the Americans with Disabilities Act formed on April 23, 1996 is hereby dissolved.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

RESOLUTION NO. 70-2014

By

Seconded by

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the following named individual be and e hereby appointed to the Zoning Board of Adjustment of the Borough of Fair Lawn for the term as noted:

NAME AND ADDRESS

Avi Naveh
32-02 Norwood Drive
Alternate IV

TERM COMMENCES

1/21/14

TERM EXPIRES

12/31/15

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

RESOLUTION NO. 71-2014

By
Seconded by

WHEREAS, the Borough Council has deemed it necessary to obtain professional services as a Disciplinary Action Officer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Joseph L. Verruni having an office located at 2855 Allaire Road, Wall, New Jersey 07719, will serve as a Disciplinary Action Hearing Officer in the event the need for said disciplinary action hearing officer should occur;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FAIR LAWN as follows:

1. That upon the recommendation of the Borough Manager that said services are necessary, a contract be awarded to the aforesaid Joseph L. Verruni at a rate of \$95.00 per hour;
2. No additional services shall be rendered for which Joseph L. Verruni shall seek additional payment without written authorization by the Borough pursuant to law.
3. The contract shall commence on January 28, 2014 and terminate on December 31, 2014.
4. The Mayor and Municipal Clerk are hereby authorized to execute a contract with Joseph L. Verruni in a form approved by the Borough Attorney, provided all statutory requirements are met.
5. A notice of this resolution shall be published in The Record as required by law.

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

BE IT FURTHER RESOLVED that the award of this non-fair and open contract is contingent upon the Chief Financial Officer filing a Certificate of Availability of Funds with the Municipal Clerk's Office.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

RESOLUTION NO. 72-2014

By
Seconded by

WHEREAS, pursuant to N.J.A.C. 5:30-14.5(c)4, multi-year contracts entered into for periods in excess of twelve (12) months shall be certified and charged to the respective budgets in accordance with the time(s) at which the respective work or services are performed or liability for payment is otherwise incurred. Accordingly, commitments and payments required in excess of the initial twelve (12) months are contingent upon necessary funds being appropriated in future budgets by a subsequent Governing Body; and

WHEREAS, as required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-14.5, and any other applicable requirement, the Chief Financial Officer of the Borough of Fair Lawn has ascertained that there are available in the temporary budget appropriations and the council are committing to provide sufficient funding in the 2014 Municipal Budget to award a contract to Kyocera Mita America, 225 Sand Road, Fairfield, New Jersey 07004 for a Copier Machine Lease Agreement in the amount of \$4,981.90. Funds for certification are therefore being made available and certified against the appropriation for the Department of Purchasing, Account Number 4-01-20-113-000-590.; and

WHEREAS, pursuant to N.J.A.C. 5:30-14.5(c)4, multi-year contracts entered into for periods in excess of twelve (12) months shall be certified and charged to the respective budgets in accordance with the time(s) at which the respective work or services are performed or liability for payment is otherwise incurred. Accordingly, commitments and payments required in excess of the initial twelve (12) months are contingent upon necessary funds being appropriated in future budgets by a subsequent Governing Body.

Contract Period: 24 months

Total Amount of Contract: \$10,416.70

Amount Certified for Initial Eleven (11) months: \$ 4,981.90

Outstanding Balance(s) to be certified for the remainder of the contract for the:

Second Year: 2015

\$ 5,434.80

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn, hereby authorizes the contract for a Copier Lease Agreement to Kyocera Mita, 225 Sand Road, Fairfield, New Jersey 07004 in accordance with State Contract No. 53090.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

RESOLUTION NO. 73-2014

By

Seconded by

WHEREAS, the Borough of Fair Lawn was awarded some grants; and

WHEREAS, the below grants have been completed and all funds expended yet balances remain on the books; and

WHEREAS, the Borough has unspent monies and receivables in prior years grants allocated for this purpose which should be cancelled; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn, that the below stated grant receivables and offsetting budget appropriations be cancelled.

Grant Appropriated Reserves	9,363.77	
DWI - Receivable		1,708.77
Forestry Receivable		600.00
Flood Grant Receivable		7,055.00

BE IT FURTHER RESOLVED that the grant receivables and grant appropriations in the amount of \$9,363.77 be cancelled.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

RESOLUTION NO. 74-2014

By

Seconded by

WHEREAS there are various capital ordinances that have been on the books of the Borough for a number of years; and

WHEREAS the capital project has been cancelled; and

WHEREAS the Mayor and Counsel wishes to cancel the below listed unspent unfunded balances.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn, that the following capital ordinances be and are hereby cancelled and that any residual amount be credited to the Deferred Charges to Future Taxation - Unfunded.

Unfunded Balance
12/31/2013

Ord. 1884-2001 Multi Purpose	119,000.00
Ord. 1922-2002 Multi Purpose	70,850.00
Ord. 1929-2002 - Multi Purpose	193,153.51
Ord. 1941-2003 - Multi Purpose	955,000.00
Ord. 1965-2003 - Multi Purpose	344,373.25
Ord. 1992-2004 - Multi Purpose	257,242.35
Ord. 2017-2005 - Multi Purpose	50,000.00
Ord. 2030-2005 - Multi Purpose	76,000.00

BE IT FURTHER RESOLVED that the amount of \$2,065,619.11 be cancelled to Deferred Charges to Future Taxation - Unfunded.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

January 28, 2014

RESOLUTION NO. 75-2014

By

Seconded by

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

Closed Session - 12/3/13
Work Session - 12/3/13
Closed Session - 12/3/13
Regular Meeting -12/10/13

are hereby approved.