

7/9/14

Work Session

7:00 P.M.

July 15, 2014

1. Banning Fracking in Fair Lawn
(Council Carryover)
(5 minutes)
2. Trunk and Treat
(Council Carryover)
(10 minutes)
3. Recognizing James Croucher
(Mayor Cosgrove)
(5 minutes)
4. Splash and Dash
(Councilmember Swain)
(5 minutes)
5. Emergency Repairs to Naugle House
(Manager Van Kruijning)
(5 minutes)
6. PSE&G Sub-Contract Borough Property Use Agreement
(Manager Van Kruijning)
(5 minutes)
7. Police Department 2014 Capital Projects
(Manager Van Kruijning)
(5 minutes)
8. Amendments to Property Maintenance Code Ordinance
(Manager Van Kruijning)
(10 minutes)
9. August Council Meeting Dates
(Municipal Clerk/Deputy Manager Kwasniewski)
(5 minutes)
10. Miscellaneous Public Comments

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

8:00 P.M.

JULY 15, 2014

1. **Call to Order by Mayor**
2. **Statement of Compliance with the Open Public Meetings Act**
3. **Roll Call**
4. **Flag Salute**
5. **CERTIFICATE OF COMMENDATION - NATIONAL SPECIAL OLYMPICS GAMES**
6. **PRESENTATION TO THE GREEN TEAM**
7. **MANAGER'S REPORT**
8. **COUNCIL COMMENTS**
9. **ORDINANCES ON SECOND READING:**

**ORDINANCE NO. 2320-2014
(RESOLUTION NO. 253-2014)**

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 (FAIR LAWN AVENUE CORRIDOR)

- 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 #14-2014

- Municipal Clerk reads Resolutions by Consent.
 - a. Resol.#254-2014 – Authorizing Purchases with Steelcase Inc. through the National Joint Powers Alliance (NJPA) Cooperative
 - b. Resol. #255-2014 -Authorizing Purchases with TRICO through the National Joint Powers Alliance (NJPA) Cooperative
 - c. Resol. #256-2014 -Multi Year Contract: Police Computer Upgrade
 - d. Resol. #257-2014 -Authorizing Awarding Contracts with Certain Approved State Contract Vendors - SHI International Corp.
 - e. Resol. #258-2014 -Authorizing Awarding Contracts with Certain Approved State Contract Vendors - Dell Marketing LP
 - f. Resol. #259-2014 -Authorizing Awarding Contracts with Certain Approved State Contract Vendors - Promedia Technology Services, Inc.
 - g. Resol. #260-2014 -Award of Bid: Project #2227 - Roadway Improvements 2014 Contract No. 2
 - h. Resol. #261-2014 - Appointment to Fair Lawn Arts Council
 - i. Resol. #262-2014 -CDBG Contract - Columbia Heights Park
 - j. Resol. #263-2014 -Designating Sidewalk Side Day on River Road
 - k. Resol. #264-2014 - Establishing the Fair Lawn Community Garden Committee
 - l. Resol. #265-2014 -Appointments to the Fair Lawn Community Garden Committee
 - m. Resol. #266-2014 -Tax Appeal Settlement - Lincoln Fair Lawn Associates
 - n. Resol. #267-2014 -Tax Appeal Settlement - Damiano Associates
 - o. Resol. #268-2014 -Tax Appeal Settlement - Stratis Holdings, LLC
 - p. Resol. #269-2014 -Tax Appeal Settlement - Varvara Property, LLC

- q. Resol. #270-2014 -Tax Appeal Settlement - Panteleakis Property, LLC
- r. Resol. #271-2014 -Tax Appeal Settlement - Panagiotis & Varvara Panteleakis
- s. Resol. #272-2014 -Tax Appeal Settlement - Filip Properties LLC
- t. Resol. #273-2014 -Approval of Minutes:
 - Regular Meeting 6/17/14
 - Work Session 6/24/14
 - Closed Session 6/24/14
 - Special Meeting 6/24/14
- u. Resol. #274-2014 -Renewal of Liquor Licenses 2014-2015
- v. Resol. #275-2014 -Interlocal Services Agreement with the Board of Education
- w. Resol. #276-2014 -Special Traffic Regulations - Banta Place
- x. Resol. #277-2014 -Authorizing Submission of FEMA Grant
- y. Resol. #278-2014 -Authorizing the Donation of Playground Equipment
- z. Resol. #279-2014 - Award of Bid: One (1) Kubota RTVX900W-H Utility Vehicle or Equivalent

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

12. RESOLUTION NO. 280-2014 - CONFIRMATION OF FIRE BOARD ACTIONS

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

13. RESOLUTION NO. 281-2014 - APPROVAL OF MINUTES:

Work Session 6/10/14
Closed Session 6/10/14

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

14. 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.
-

15. ADJOURNMENT:

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 253-2014

By

Seconded by

BE IT RESOLVED that Ordinance No. 2320-2014 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 (FAIR LAWN
AVENUE CORRIDOR)**

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. 2320-2014

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 (FAIR LAWN AVENUE CORRIDOR)

WHEREAS, the Mayor and Council of the Borough of FAir Lawn have been awarded a Grant from the North Jersey Transportation Planning Authority for the Fair Lawn Avenue Corridor Safety Improvements Project; 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: Fair Lawn Avenue Corridor-(CR 76) Safety Improvements
Federal Project #: STP8201 (102) CON
Amount: \$ 511,850

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

SECTION 3. It is hereby determined and stated:

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

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

SECTION 4. It is hereby determined and stated that no supplemental debt statement is required to be made and signed in connections with said purpose, since the gross debt of the Municipality as defined under

the Local Bond Law is not increased by this ordinance and no obligations in the matter of notes or bonds are authorized by this ordinance.

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

Attest:

Approved:

Joanne M. Kwasniewski, RMC/MMC
Municipal Clerk/Deputy Manager

John Cosgrove
Mayor

Introduced: June 17, 2014

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

CONSENT AGENDA 14-2014

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.#254-2014 – Authorizing Purchases with Steelcase Inc. through the National Joint Powers Alliance (NJPA) Cooperative
- b. Resol. #255-2014 -Authorizing Purchases with TRICO through the National Joint Powers Alliance (NJPA) Cooperative
- c. Resol. #256-2014 -Multi Year Contract: Police Computer Upgrade
- d. Resol. #257-2014 -Authorizing Awarding Contracts with Certain Approved State Contract Vendors - SHI International Corp.
- e. Resol. #258-2014 -Authorizing Awarding Contracts with Certain Approved State Contract Vendors - Dell Marketing LP
- f. Resol. #259-2014 -Authorizing Awarding Contracts with Certain Approved State Contract Vendors - Promedia Technology Services, Inc.
- g. Resol. #260-2014 -Award of Bid: Project #2227 - Roadway Improvements 2014 Contract No. 2
- h. Resol. #261-2014 - Appointment to Fair Lawn Arts Council
- i. Resol. #262-2014 -CDBG Contract - Columbia Heights Park
- j. Resol. #263-2014 -Designating Sidewalk Side Day on River Road
- k. Resol. #264-2014 - Establishing the Fair Lawn Community Garden Committee
- l. Resol. #265-2014 -Appointments to the Fair Lawn Community Garden Committee

- m. Resol. #266-2014 -Tax Appeal Settlement - Lincoln Fair Lawn Associates
- n. Resol. #267-2014 -Tax Appeal Settlement - Damiano Associates
- o. Resol. #268-2014 -Tax Appeal Settlement - Stratis Holdings, LLC
- p. Resol. #269-2014 -Tax Appeal Settlement - Varvara Property, LLC
- q. Resol. #270-2014 -Tax Appeal Settlement - Panteleakis Property, LLC
- r. Resol. #271-2014 -Tax Appeal Settlement - Panagiotis & Varvara Panteleakis
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- x. Resol. #277-2014 -Authorizing Submission of FEMA Grant
- y. Resol. #278-2014 -Authorizing the Donation of Playground Equipment
- z. Resol. #279-2014 -Award of Bid: One (1) Kubota RTVX900W-H Utility Vehicle or Equivalent

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 254-2014

By

Seconded by

WHEREAS, the Borough of Fair Lawn wishes to avail itself of the right to purchase office furniture under contracts for such materials, supplies and equipment entered into on behalf of the National Joint Powers Alliance (NJPA) Cooperative pursuant to P.L. 2011, c.139 which allows local contracting units to utilize national cooperative contracts as a method of procurement; and

WHEREAS, the purchasing agent has recommended the utilization of these additional State contracts on the grounds that it represents the best price available; and

WHEREAS, Chief Financial Officer will certify the availability of funds for the following contract:

Steelcase Inc. #052910-STI

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the above-mentioned vendors, be awarded the contracts as recommended by the Purchasing Agent.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 255-2014

By

Seconded by

WHEREAS, the Borough of Fair Lawn wishes to avail itself of the right to purchase a Case bucket loader under contracts for such materials, supplies and equipment entered into on behalf of the National Joint Powers Alliance (NJPA) Cooperative pursuant to P.L. 2011, c.139 which allows local contracting units to utilize national cooperative contracts as a method of procurement; and

WHEREAS, the purchasing agent has recommended the utilization of these additional State contracts on the grounds that it represents the best price available; and

WHEREAS, Chief Financial Officer will certify the availability of funds for the following contract:

Trico #060311-CNH

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the above-mentioned vendors, be awarded the contracts as recommended by the Purchasing Agent.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 256-2014

By

Seconded by

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

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

WHEREAS, the above awarded contract requires an ongoing partnership for annual warranty, support, maintenance services, upgrades and E-ticketing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn, hereby authorizes the Chief of Police to contract to migrate the existing Windows Server 2003 to Windows Server 2012 to Spillman Technologies, Inc., having an office located at 4625 West Lake Park Blvd., Salt Lake City, UT 84120 in an amount not to exceed \$11,600.00 and for E-ticketing in an amount not to exceed \$80,000.00;

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 257-2014

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 the Barracuda Network for the Police Department in the amount of \$32,745.00 under State Contract #77560 and

WHEREAS, the Borough of Fair Lawn intends to enter into contract for this purchase with SHI International Corp. having an office located at 290 Davidson Avenue, Somerset, New Jersey 08873 through this resolution and properly executed purchase agreement, which shall be subject to all the conditions applicable to the current State contract;

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), has allocated in the 2014 Municipal Budget for the purchase of the Barracuda Network, 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 Borough Manager to purchase the above listed product from SHI International Corp., an approved New Jersey State Contract Vendor, pursuant to all conditions of the State Contract #77560.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 258-2014

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 Trend Micro Anti Virus and Microsoft Servers for the Police Department in the amount of \$22,116.21, under State Contract #77003; and

WHEREAS, the Borough of Fair Lawn intends to enter into contract for this purchase with Dell Marketing, LP having an office located at One Dell Way, Round Rock, Texas 78682 through this resolution and properly executed purchase agreement, which shall be subject to all the conditions applicable to the current State contract;

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), has allocated in the 2014 Municipal Budget for the purchase of the Trend Micro Anti Virus and Microsoft Servers, 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 Borough Manager to purchase the above listed product from Dell Marketing LP, an approved New Jersey State Contract Vendor, pursuant to all conditions of the State Contract #77003.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 259-2014

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 data communication equipment and computer equipment for the Police Department in the amount of \$81,412.00 and \$46,745.00 respectively, under State Contract #77003; and

WHEREAS, the Borough of Fair Lawn intends to enter into contract for this purchase with Promedia Technology Services, Inc. having an office located at 535 U.S. Highway 46 East, Little Falls, New Jersey 07424 as an authorize CISCO Systems dealers and an authorized EMC Corporation dealer, respectively, through this resolution and properly executed purchase agreement, which shall be subject to all the conditions applicable to the current State contract;

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), has allocated in the 2014 Municipal Budget for the purchase of the above listed equipment, 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 Borough Manager to purchase the above listed equipment from Promedia Technology Services, Inc., an approved New Jersey State Contract Vendor, pursuant to all conditions of the State Contract #83083 and #75580, respectively.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 260-2014

By

Seconded by

WHEREAS, bids were received for Project #2227 - Roadway Improvements 2014 Contract No. 2 by the Municipal Clerk / Deputy Manager on July 8, 2014; and

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

WHEREAS, Smith Soudy Asphalt Construction Co., Inc. having an office located at 150 Anderson Avenue, Wallington, New Jersey is the lowest responsible bidder in the amount of 848,728.50;

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 Smith Soudy Asphalt Construction Co. Inc. subject to the execution of purchase orders by the Borough Manager and Borough Treasurer;

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

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 261-2014

By

Seconded by

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

Candace Feinberg
3-03 Pickett Place

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 262-2014

By

Seconded by

BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Lawn wish to enter into a Bergen County Trust Fund Project Contract ("Contract") with the County of Bergen for the purpose of using a \$20,000.00 matching grant award from 2013 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the municipal park project entitled Columbia Heights Passive Park Creation located in Columbia Heights Park at 97 Heights Avenue, Lot 59 in Block 6806 on the tax maps of the Borough of Fair Lawn;

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorize James Van Kruiningen, Borough Manager to be a signatory to the aforesaid Contract; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about December 4, 2015; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund's requirements; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund's requirements

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 263-2014

By

Seconded by

WHEREAS, the Mayor and Council desire to permit and authorize a sidewalk sale on Saturday, September 13, 2014 on the River Road sidewalk from Fair Lawn Avenue to Berdan Avenue during the hours of 9:00 a.m. to 6:00 p.m.; and

WHEREAS, it has been determined that such a sale would be in the public interest;

NOW THEREFORE, BE IT RESOLVED by the Borough of Fair Lawn that during the normal business hours of 9:00 a.m. to 6:00 p.m. on Saturday, September 13, 2014, the River Road Improvement Corporation is hereby authorized to hold a sidewalk sale for items, except alcoholic beverages, beer and wine, on the sidewalk immediately in front of the places of business located on River Road from Fair Lawn Avenue to Berdan Avenue; and

BE IT FURTHER RESOLVED that vendors be restricted to stationary locations; and

BE IT FURTHER RESOLVED that sidewalks shall not be obstructed for pedestrian traffic and that no solicitation or transaction be made in violation of the Borough Code of Fair Lawn, and that no vendor locations be allowed on any street during the period of the sidewalk sale.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 264-2014

By
Seconded by

WHEREAS, the Mayor and Council wishes to form the Fair Lawn Community Garden Committee; and

WHEREAS, community gardens are a public good and community gardening converts public and private lands into neighborhood civic spaces where people grown vegetables, fruits, flowers and herbs that they otherwise could not grow; and

WHEREAS, the Mayor and Council recognizes that many New Jersey towns have been proactive in creating and improving community garden spaces; and

WHEREAS, the Borough of Fair Lawn and other towns throughout New Jersey have recognized the value which community gardens can add to the health, vitality and civic pride of a neighborhood;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the Fair Lawn Community Garden Committee is hereby created. The terms and conditions of the Fair Lawn Community Garden Committee are as follows:

1. The initial membership of the Committee shall be five (5) members.
2. The Fair Lawn Community Garden Committee's members serve for three (3) years. In the event of a vacancy, a person appointed serves for the balance of the unexpired term, at which point he or she may be appointed a regular member by the Mayor and Council upon recommendation of the Fair Lawn Community Gardens Committee.

3. The Mayor and Council hereby appoint the Borough Manager as liaison to the Fair Lawn Community Garden Committee.

4. The Fair Lawn Community Garden Committee may establish bylaws not inconsistent with its purpose, this resolution, and the general ordinances and rules and regulations of the Borough.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 265-2014

By

Seconded by

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the following named individuals be appointed to serve on the Fair Lawn Community Garden Committee for the terms as noted.

<u>Names and Address</u>	<u>Term Commences</u>	<u>Term Expires</u>
Jane McCrum 35 Koenig Court	7/15/14	7/14/17
Jane Spindel 395 Plaza Road North	7/15/14	7/14/17
Jorge Wei 13-08 B Sperber Road	7/15/14	7/14/17
Natalya Kaminar 13-33 Sampson Road, Apt. A	7/15/14	7/14/17
Stanley Olejarz 23-12 Raphael Street	7/15/14	7/14/17

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 266-2014

By

Seconded by

WHEREAS, Lincoln Fair Lawn Associates filed real property tax appeals for the years 2008 through 2012 (Docket Nos. 006594-2008, 004178-2009, 004358-2010, 009188-2011 & 010277-2012); and

WHEREAS, the real property assessments for the subject premises, located at 13-01 Pollitt Drive, (Lot 2 in Block 4702 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2008 through 2010 were as follows:

Land	\$ 2,565,000
Improvements	<u>\$ 1,860,100</u>
Total	\$ 4,425,100

and;

WHEREAS, for the year 2011 the assessments for the subject premises were as follows:

Land	\$ 2,565,000
Improvements	<u>\$ 1,135,000</u>
Total	\$ 3,700,000

and;

WHEREAS, for the year 2012 the assessments for the subject premises were as follows:

Land	\$ 2,493,800
Improvements	<u>\$ 745,900</u>
Total	\$ 3,239,700

WHEREAS, the 2008 and 2009 tax appeals may be settled by reduction of the aforesaid assessments as follows:

Land	\$ 2,565,000
Improvements	<u>\$ 1,460,100</u>
Total	\$ 4,025,100

and;

WHEREAS, the 2010 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land	\$ 2,565,000
Improvements	<u>\$ 1,260,100</u>
Total	\$ 3,825,100

and;

WHEREAS, the 2011 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land	\$ 2,565,000
Improvements	<u>\$ 735,000</u>
Total	\$ 3,300,000

and;

WHEREAS, as part of the settlement agreement the 2012 tax appeal will be withdrawn; and

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

WHEREAS, the Mayor and Council have been advised by the Borough's Assessor and by the Borough Attorney of the Borough that said settlement is in the Borough's interest;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that said settlement be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the Borough Attorney of the Borough of Fair Lawn be and is hereby authorized to take all steps necessary to effect said settlement; and

BE IT FURTHER RESOLVED that all actions taken by the Borough Attorney in effecting said settlement be and they are hereby ratified and confirmed.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 267-2014

By

Seconded by

WHEREAS, Damiano Associates filed real property tax appeals for the years 2008 through 2012 (Docket Nos. 009782-2008, 015657-2009, 020015-2010, 018394-2011 & 018269-2012); and

WHEREAS, the real property assessments for the subject premises, located at 30-16-20 Broadway, (Lot 77 in Block 2207 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2008 through 2010 were as follows:

Land	\$ 338,400
Improvements	<u>\$ 279,500</u>
Total	\$ 617,900

and;

WHEREAS, for the year 2011 the assessments for the subject premises were as follows:

Land	\$ 338,400
Improvements	<u>\$ 186,600</u>
Total	\$ 525,000

and;

WHEREAS, for the year 2012 the assessments for the subject premises were as follows:

Land	\$ 282,000
Improvements	<u>\$ 198,000</u>
Total	\$ 480,000

and;

WHEREAS, the 2008 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land	\$ 338,400
Improvements	<u>\$ 236,600</u>
Total	\$ 575,000

and;

WHEREAS, the 2009 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land	\$ 338,400
Improvements	<u>\$ 211,600</u>
Total	\$ 550,000

and;

WHEREAS, the 2010 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land	\$ 338,400
Improvements	<u>\$ 186,600</u>
Total	\$ 525,000

and;

WHEREAS, the 2011 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land	\$ 338,400
Improvements	<u>\$ 161,600</u>
Total	\$ 500,000

and;

WHEREAS, as part of the settlement agreement the 2012 tax appeal will be withdrawn, and the 2013 assessments will be reduced to a total of \$425,000; and

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

WHEREAS, the Mayor and Council have been advised by the Borough's Assessor and by the Borough Attorney of the Borough that said settlement is in the Borough's interest;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that said settlement be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the Borough Attorney of the Borough of Fair Lawn be and is hereby authorized to take all steps necessary to effect said settlement; and

BE IT FURTHER RESOLVED that all actions taken by the Borough Attorney in effecting said settlement be and they are hereby ratified and confirmed.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 268-2014

By

Seconded by

WHEREAS, Stratis Holdings, LLC filed a real property tax appeal for the year 2009 (Docket No. 011628-2009); and

WHEREAS, the real property assessments for the subject premises, located at 10-04 River Road, (Lot 20 in Block 5506 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2009 were as follows:

Land	\$ 390,500
Improvements	<u>\$ 208,700</u>
Total	\$ 599,200

and;

WHEREAS, the 2009 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land	\$ 390,500
Improvements	<u>\$ 144,500</u>
Total	\$ 535,000

and;

WHEREAS, the settlement for 2009 of \$535,000 will also carry through to 2010 and 2011 via the Freeze Act; and

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

WHEREAS, the Mayor and Council have been advised by the Borough's Assessor and by the Borough Attorney of the Borough that said settlement is in the Borough's interest.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that said settlement be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the Borough Attorney of the Borough of Fair Lawn be and is hereby authorized to take all steps necessary to effect said settlement; and

BE IT FURTHER RESOLVED that all actions taken by the Borough Attorney in effecting said settlement be and they are hereby ratified and confirmed.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 269-2014

By

Seconded by

WHEREAS, Varvara Property, LLC filed real property tax appeals for the years 2011 through 2013 (Docket Nos. 018709-2011, 007520-2012 & 008355-2013); and

WHEREAS, the real property assessments for the subject premises, located at 2-27 Saddle River Road, (Lot 13 in Block 1301 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2011 were as follows:

Land	\$ 800,000
Improvements	<u>\$ 476,600</u>
Total	\$1,276,600

and;

WHEREAS, for the years 2012 and 2013 the assessments for the subject premises were as follows:

Land	\$ 560,000
Improvements	<u>\$ 477,500</u>
Total	\$1,037,500

and;

WHEREAS, the 2011 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land	\$ 800,000
Improvements	<u>\$ 275,000</u>
Total	\$1,075,000

and;

WHEREAS, as part of the settlement agreement the 2012 and 2013 tax appeals will be withdrawn, and the 2014 assessments will be reduced to a total of \$950,000; and

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

WHEREAS, the Mayor and Council have been advised by the Borough's Assessor and by the Borough Attorney of the Borough that said settlement is in the Borough's interest.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that said settlement be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the Borough Attorney of the Borough of Fair Lawn be and is hereby authorized to take all steps necessary to effect said settlement; and

BE IT FURTHER RESOLVED that all actions taken by the Borough Attorney in effecting said settlement be and they are hereby ratified and confirmed.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 270-2014

By

Seconded by

WHEREAS, Panteleakis Property, LLC filed real property tax appeals for the years 2011 and 2012 (Docket Nos. 018705-2011 & 001776-2012); and

WHEREAS, the real property assessments for the subject premises, located at 2-45 Saddle River Road, (Lot 12 in Block 1301 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2011 were as follows:

Land	\$ 290,500
Improvements	<u>\$ 55,900</u>
Total	\$ 346,400

and;

WHEREAS, for the year 2012 the assessments for the subject premises were as follows:

Land	\$ 203,300
Improvements	<u>\$ 50,300</u>
Total	\$ 253,600

and;

WHEREAS, the 2011 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land	\$ 290,500
Improvements	<u>\$ 9,500</u>
Total	\$ 300,000

and;

WHEREAS, as part of the settlement agreement the 2012 tax appeal will be withdrawn; and

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

WHEREAS, the Mayor and Council have been advised by the Borough's Assessor and by the Borough Attorney of the Borough that said settlement is in the Borough's interest.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that said settlement be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the Borough Attorney of the Borough of Fair Lawn be and is hereby authorized to take all steps necessary to effect said settlement; and

BE IT FURTHER RESOLVED that all actions taken by the Borough Attorney in effecting said settlement be and they are hereby ratified and confirmed.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 271-2014

By

Seconded by

WHEREAS, Panagiotis & Varvara Panteleakis filed real property tax appeals for the years 2011 and 2012 (Docket Nos. 018716-2011 & 001775-2012); and

WHEREAS, the real property assessments for the subject premises, located at 2-39 Saddle River Road, (Lot 12.01 in Block 1301 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2011 were as follows:

Land	\$ 304,200
Improvements	<u>\$ 246,400</u>
Total	\$ 550,600

and;

WHEREAS, for the year 2012 the assessments for the subject premises were as follows:

Land	\$ 212,900
Improvements	<u>\$ 219,200</u>
Total	\$ 432,100

and;

WHEREAS, the 2011 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land	\$ 304,200
Improvements	<u>\$ 170,800</u>
Total	\$ 475,000

and;

WHEREAS, as part of the settlement agreement the 2012 tax appeal will be withdrawn; and

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

WHEREAS, the Mayor and Council have been advised by the Borough's Assessor and by the Borough Attorney of the Borough that said settlement is in the Borough's interest.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that said settlement be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the Borough Attorney of the Borough of Fair Lawn be and is hereby authorized to take all steps necessary to effect said settlement; and

BE IT FURTHER RESOLVED that all actions taken by the Borough Attorney in effecting said settlement be and they are hereby ratified and confirmed.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 272-2014

By

Seconded by

WHEREAS, Filip Properties, LLC filed real property tax appeals for the years 2011 through 2013 (Docket Nos. 018742-2011, 018314-2012 & 018235-2013); and

WHEREAS, the real property assessments for the subject premises, located at 15-05 River Road, (Lot 15 in Block 5717 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2011 were as follows:

Land	\$ 600,000
Improvements	<u>\$ 195,900</u>
Total	\$ 795,900

and;

WHEREAS, for the years 2012 and 2013 the assessments for the subject premises were as follows:

Land	\$ 600,000
Improvements	<u>\$ 185,000</u>
Total	\$ 785,000

and;

WHEREAS, as part of the settlement agreement the 2011 and 2012 tax appeals will be withdrawn; and

WHEREAS, the 2013 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land	\$ 600,000
Improvements	<u>\$ 150,000</u>
Total	\$ 750,000

and;

WHEREAS, as part of the settlement agreement the 2014 assessments will be reduced to a total of \$700,000; and

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

WHEREAS, the Mayor and Council have been advised by the Borough's Assessor and by the Borough Attorney of the Borough that said settlement is in the Borough's interest.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that said settlement be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the Borough Attorney of the Borough of Fair Lawn be and is hereby authorized to take all steps necessary to effect said settlement; and

BE IT FURTHER RESOLVED that all actions taken by the Borough Attorney in effecting said settlement be and they are hereby ratified and confirmed.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 273-2014

By

Seconded by

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

Regular Meeting 6/17/14
Work Session 6/24/14
Closed Session 6/24/14
Special Meeting 6/24/14

are hereby approved.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 274-2014

By

Seconded by

WHEREAS, application has been made for the renewal of Liquor License for fiscal year beginning July 1, 2014 and ending June 30, 2015, by the following:

<u>License Number</u>	<u>Fee</u>	<u>Type</u>	<u>Licensee</u>
0217-33-019-006	\$2,000.00	PRC	KMM LLC t/a Sel-Rite Bar & Liquors 17-65 River Road

WHEREAS, it appears to the Mayor and Council that proper notice of intention to apply for said license has been made and that the license fee of \$2,000 for a Plenary Retail Consumption License accompanied the aforesaid application;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that renewal of the aforesaid license is approved; that said license become effective July 1, 2014 and that the Municipal Clerk be and is hereby authorized and directed to issue said license.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 275-2014

By

Seconded by

WHEREAS, the Borough of Fair Lawn and the Fair Lawn Board of Education wish to enter into an interlocal services agreement for cooperative purchasing, motor vehicle maintenance services and photocopying services; and

WHEREAS, entering into such an interlocal services agreement will be beneficial to the residents of Fair Lawn since such an agreement may result in savings to the Borough;

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

BE IT FURTHER RESOLVED that the Mayor and the Municipal Clerk be and they are hereby authorized to execute said agreement.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 276-2014

By
Seconded by

WHEREAS, the Mayor and Council has recently been advised that a particular traffic situation exists at several areas on Banta Place; and,

WHEREAS, the Mayor and Council deem it in the best interest of safety in those areas to adopt special traffic regulations,

NOW, THEREFORE, BE IT RESOLVED, that pursuant to NJSA 39:4-197.3, the following areas of Banta Place will be designated as parking prohibited at all times for the reasons listed:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>	<u>Reason</u>
Banta Place	West	From the intersection of Watkins Avenue to a point 130 feet southerly there from	Driveway access for large trucks at 3-35 Banta Place
Banta Place	West	From the intersection of Watkins Avenue to a point 190 feet northerly there from	Driveway access for large trucks at 4-01 Banta Place
Banta Place	West	From the southerly curb line of Morlot Avenue to a point 310 feet southerly there from	PSE&G substation renovation encroaching on roadway

BE IT FURTHER RESOLVED that, as per NJSA 39:4-197.3, this special traffic regulation shall be for a period not in excess of three months.

BE IT FURTHER RESOLVED that, if this special traffic regulation is successful with creating a safer environment at these locations, an ordinance will be enacted to continue the regulations as per NJSA 39:4-197.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 277-2014

By

Seconded by

WHEREAS, the Emergency Management Performance Grant program that provides resources to assist State and local governments to sustain and enhance all-hazards emergency management capabilities. States have the opportunity to use EMPG funds to further strengthen their ability to support emergency management activities while simultaneously addressing issues of national concern as identified in the National Priorities of the National Preparedness Guidelines; and

WHEREAS, the FEMA Grant would allow for Federal funding in the amount of \$5,000.00; and

WHEREAS, the FEMA Grant agreement would require a Borough match of \$5,000.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn, County of Bergen that it hereby authorized the appropriated Borough officials to submit the FEMA Grant Application to provide for funding of the Office of Emergency Management Coordinator's salary.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 278-2014

By

Seconded by

WHEREAS, the playground equipment at Berdan Grove does not comply with the ADA specifications for playground equipment for public use; and

WHEREAS, because the playground equipment does not meet current ADA safety standards it cannot be reused in the United States and therefore has no value other than as scrap; and

WHEREAS, the Mayor and Council have determined that the playground equipment described is no longer necessary or useful to the Borough; and

WHEREAS, the scrap value of the playground equipment is less than the cost of removal of the equipment; and

WHEREAS, Kids Around the World, a not -for- profit corporation with the mission to build playgrounds for children in underprivileged locations outside the United States has offered to accept the playground equipment.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fair Lawn acknowledges that the existing playground equipment at Berdan Grove has no value and authorizes the donation of the playground equipment to KIDS Around the World.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 279-2014

By

Seconded by

WHEREAS, bids were received for One (1) Kubota RTVX900X-H Utility Vehicle or Equivalent by the Municipal Clerk/Deputy Manager on July 8, 2014; and

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

WHEREAS, Wilfred MacDonald, Inc. having an office located at 19 Central Boulevard, South Hackensack, New Jersey 07606 is the sole responsible bidder in the amount of \$25,244.00;

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 Wilfred MacDonald, Inc. subject to the execution of purchase orders by the Borough Manager and Borough Treasurer.

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

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 280-2014

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:

Arthur Safavi
10-15 2nd Street
Co. 1

Dominick Cortez
14-10 George Street
Co. 1

Kevin Carney
30-11 High Street
Co. 4

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

July 15, 2014

RESOLUTION NO. 281-2014

By

Seconded by

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

Work Session 6/10/14
Closed Session 6/10/14

are hereby approved.