

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.**

**SEPTEMBER 23, 2014**

1. Call to Order by Mayor
2. Statement of Compliance with the Open Public Meetings Act
3. Roll Call
4. Flag Salute
5. PROCLAMATIONS: GOLD STAR MOTHER - PARENTS OF FALLEN MILITARY
6. MANAGER'S REPORT
7. COUNCIL COMMENTS
8. ORDINANCES ON FIRST READING:

**ORDINANCE NO. 2231-2014  
(RESOLUTION NO. 326-2014)**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE II, "PARKING", SUBSECTION 232-9, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS AND SUBSECTION 232-13, PARKING TIME LIMITED ON CERTAIN STREETS**

- 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. 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.

**10. RESOLUTIONS BY CONSENT #17-2014**

- Municipal Clerk reads Resolutions by Consent.
  - a. Resol. #327-2014 - DOT Municipal Aid Program Grant Application
  - b. Resol. #328-2014 - Authorizing Approval of Massage License - Massage Envy Spa
  - c. Resol. #329-2014 - Award of Bid: Curb and Sidewalk Replacement
  - d. Resol. #330-2014 - Award of Bid: 2015 GMC Model TK 25903 4WD Regular Cab with Snow Plow
  - e. Resol. #331-2014 - Auction of Surplus Equipment
  - f. Resol. #332-2014 - Authorizing Purchases with Certain Approved State Contract Vendors - Skylands Area Fire Equipment & Training (SAFE-T)
  - g. Resol. #333-2014 - Authorizing Execution of Bergen County Community Development Block Grant - Senior Center Hand Railings
  - h. Resol. #334-2014 - Authorizing Execution of Bergen County Community Development Block Grant - Roadway Improvements to Various Streets
  - i. Resol. #335-2014 - Authorizing Execution of Bergen County Community Development Block Grant - Handicapped Accessible Curb Cuts
  - j. Resol. #336-2014 - Authorizing Execution of Agreement with Cablevision Lightpath, Inc. - Dedicated Internet Access with Integrated Voice Services

- k. Resol. #337-2014 - Approval of Shared Services Agreement with the County of Bergen - Intersection Improvements and Signalization at Fair Lawn Avenue - Dunkerhook Road and Saddle River Road
- l. Resol. #338-2014 - Three Year Moratorium on Fracking and Disposal of Fracking Waste
- m. Resol. #339-2014- Appointment to the Zoning Board of Adjustment
- n. Resol. #340-2014 - Appointment to the Rent Leveling Board

**11. RESOLUTION NO. 341-2014 - APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT - ALTERNATE II**

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

**12. RESOLUTION NO. 342-2014 - APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT - ALTERNATE IV**

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

**13. RESOLUTION NO. 343-2014 - APPROVAL OF MINUTES:**

Closed Session 9/2/14

Work Session 9/2/14

Closed Session 9/2/14

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

September 23, 2014

**RESOLUTION NO. 326-2014**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2231-2014 entitled:

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE II, "PARKING", SUBSECTION 232-9, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS AND SUBSECTION 232-13, PARKING TIME LIMITED ON CERTAIN STREETS**

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 14th day of October, 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.

ORDINANCE NO. 2231-2014

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE II, "PARKING", SUBSECTION 232-9, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS AND SUBSECTION 232-13, PARKING TIME LIMITED ON CERTAIN STREETS

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

SECTION 1: 232-9 Parking prohibited at all times on certain streets is hereby amended as follows:

Add:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Banta Place	West	From the southerly curblineline of Watkins Avenue to a point 130 feet southerly therefrom
Banta Place	West	From the northerly curblineline of Watkins Avenue to a point 190 feet northerly therefrom
Banta Place	West	From the southerly curblineline of Watkins Avenue to a point 310 feet southerly therefrom

SECTION 2: 232-13 Parking time limited on certain streets is hereby amended as follows:

A. Two-hour time limit: 8:00 a.m. to 6:00 p.m.

Delete:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Banta Place	West	From a point 150 feet south of the southerly curblineline of Morlot Avenue

Avenue to a point 744 feet southerly thereof; from a point 837 feet south of the southerly curblineline of Morlot Avenue to a point 190 feet north of the northerly curblineline of Rosalie Street

Add:

Banta Place

West

From a point 310 feet south of the southerly curblineline of Morlot Avenue to a point 190 feet north of the northerly curblineline of Watkins Avenue; from a point 130 feet south of the southerly curblineline of Watkins Avenue to a point 190 feet north of the northerly curblineline of Rosalie Street

SECTION 3: Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

SECTION 4: All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

SECTION 5. This Ordinance shall take effect upon passage and publication as required by law.

Attest:

Approved:

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

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

Introduced: September 23, 2014

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 23, 2014

**CONSENT AGENDA 17-2014**

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. #327-2014 - DOT Municipal Aid Program Grant Application
- b. Resol. #328-2014 - Authorizing Approval of Massage License - Massage Envy Spa
- c. Resol. #329-2014 - Award of Bid: Curb and Sidewalk Replacement
- d. Resol. #330-2014 - Award of Bid: 2015 GMC Model TK 25903 4WD Regular Cab with Snow Plow
- e. Resol. #331-2014 - Auction of Surplus Equipment
- f. Resol. #332-2014 - Authorizing Purchases with Certain Approved State Contract Vendors - Skylands Area Fire Equipment & Training (SAFE-T)
- g. Resol. #333-2014 - Authorizing Execution of Bergen County Community Development Block Grant - Senior Center Hand Railings
- h. Resol. #334-2014 - Authorizing Execution of Bergen County Community Development Block Grant - Roadway Improvements to Various Streets
- i. Resol. #335-2014 - Authorizing Execution of Bergen County Community Development Block Grant - Handicapped Accessible Curb Cuts
- j. Resol. #336-2014 - Authorizing Execution of Agreement with Cablevision Lightpath, Inc. - Dedicated Internet Access with Integrated Voice Services

- k. Resol. #337-2014 - Approval of Shared Services Agreement with the County of Bergen - Intersection Improvements and Signalization at Fair Lawn Avenue - Dunkerhook Road and Saddle River Road
- l. Resol. #338-2014 - Three Year Moratorium on Fracking and Disposal of Fracking Waste
- m. Resol. #339-2014- Appointment to the Zoning Board of Adjustment
- n. Resol. #340-2014 - Appointment to the Rent Leveling Board

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 23, 2014

**RESOLUTION NO. 327-2014**

By

Seconded by

**WHEREAS**, the Borough of Fair Lawn is requesting funding from the New Jersey Department of Transportation Municipal Aid Program identified as MA-2015-Fair Lawn Borough-00199;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fair Lawn formally approves the grant application for the above stated project;

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application to the New Jersey Department of Transportation on behalf of the Borough of Fair Lawn;

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Fair Lawn and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 23, 2014

**RESOLUTION NO. 328-2014**

By

Seconded by

**WHEREAS**, Massage Envy Spa located at 2150 Promenade Boulevard, Fair Lawn, New Jersey, has made application to the Borough pursuant to RGO144-2 for a massage establishment license; and

**WHEREAS**, the applicant has complied with all of the requirements of the aforesaid ordinance, and there has been no just cause shown why the Mayor and Council should reject said application;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that pursuant to RGO 144-2, et. seq., the application for a massage establishment license by the aforesaid applicant be and is hereby approved and the Municipal Clerk be and is hereby authorized to issue same.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 23, 2014

**RESOLUTION NO. 329-2014**

By

Seconded by

**WHEREAS**, bids were received for Curb and Sidewalk Replacement by the Municipal Clerk on August 12, 2014; and

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

**WHEREAS**, Elite Service Group, LLC having an office located at 180 Oliver Street, Unit R, Paterson, New Jersey 07501 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 Elite Service Group, LLC subject to the execution of purchase orders by the Borough Manager and Borough Treasurer.

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

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

<b>Proj. Name :</b> Curb and Sidewalk Replacement <b>Bid Date:</b> August 12, 2012				<b>ENGINEER'S ESTIMATE</b>		Elite Service Group LLC 180 Oliver St Unit R Paterson, NJ 07501	
Item #	Description	Unit	Quantity	Unit Price	Amount	Unit Price	Amount
1	Concrete Vertical Curb (6" x 8" x 18")	LF	200	27.00	5,400.00	17.50	3,500.00
2a	Concrete Sidewalk 4" Thick	SY	100	60.00	6,000.00	75.00	7,500.00
2b	Concrete Sidewalk 6" Thick	SY	25	65.00	1,625.00	77.00	1,925.00
3	Dense Graded Aggregate 4" Thick	SY	40	25.00	1,000.00	10.00	400.00
4	HMA Asphalt Surface Course 9.5M-64 (1-1/2" thick)	SY	40	80.00	3,200.00	65.00	2,600.00
<b>TOTALS</b>					\$ 17,225.00		\$ 15,925.00

Schedule "A"

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 23, 2014

**RESOLUTION NO. 330-2014**

By

Seconded by

**WHEREAS**, bids were received for 2015 GMC Model TK25903 4 WD regular cab with Snow Plow by the Municipal Clerk on September 9, 2014; and

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

**WHEREAS**, Beyer Bros. Corp. having an office located at 109 Broad Avenue, Fairview, New Jersey 07022 is the sole responsible bidder in the amount of \$37,284.67;

**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 Beyer Bros. Corp. 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

September 23, 2014

**RESOLUTION NO. 331-2014**

By

Seconded by

**WHEREAS**, the Mayor and Council of the Borough of Fair Lawn has determined that the following items described below are not needed for public use; and

**WHEREAS**, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of an online auction service; and

**WHEREAS**, the sale is being conducted pursuant to Local Finance No. 2008-9; and

**WHEREAS**, the terms and conditions of the agreement entered into with GovDeals is available on GovDeals' website and are available in the Municipal Clerk's Office; and

**WHEREAS** the Borough of Fair Lawn has the property listed in Schedule A, attached hereto and desires to sell same online;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the Municipal Clerk is hereby authorized to post an offer to sell the items listed on Schedule A on an auction website as follows:

Online auction site: GovDeals.com

Auction fees: None other than what is outlined in State Contract A70967

Method of Payment: Check

Shipping: N/A – all items must be picked up

Possession: Every item is sold "AS IS WHERE IS"

Other Terms: in accordance with the Conditions of Sale in Schedule A

Minimum Bid: \$5 for all items except as more specifically set forth in  
Schedule A

## Schedule A

<u>Item Description</u>	<u>Minimum Bid</u>
1) Three (3) Kevlar Crown Vic Trunk Liners	\$25.00 each
2) E-Trade ATM Machine	\$25.00
3) Nine (9) Five (5) Drawer File Cabinets One (1) Two (2) Drawer File Cabinet One (1) Typewriter Table One (1) Easel board One (1) file card holder	\$30.00
4) Miscellaneous Siren and Light Bar Controls	\$50.00

Aye   Nay   Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 23, 2014

**RESOLUTION NO. 332-2014**

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 twelve (12) sets of personal protective equipment and twelve (12) hoods, at \$25,636.16 under State Contract #A80948, and

**WHEREAS**, the Borough of Fair Lawn intends to issue a purchase order for this purchase with Skylands Area Fire Equipment and Training (SAFE-T), having an office located at 23 Hamburg Turnpike, Unit A, Riverdale, New Jersey 07457, an authorized dealer of Morning Pride Manufacturing, LLC D/B/A Honeywell First Response which shall be subject to all the conditions applicable to the current State contracts;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Lawn pursuant to N.J.A.C. 5:30-5.5(b), has allocated funds in the 2014 Municipal Budget for the purchase of personal protective 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 Skylands Area Fire Equipment and Training (SAFE-T), 23 Hamburg Turnpike, Unit A, Riverdale, New Jersey 07457, an approved and authorized New Jersey State Contract dealer, pursuant to all conditions of the State Contract #A80948.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 23, 2014

**RESOLUTION NO. 333-2014**

By

Seconded by

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Lawn wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using \$17,530 in 2014 Community Development Block for Senior Hand Railings; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council hereby authorizes Borough Manager Van Kruijning to be a signatory to aforesaid Grant Agreement; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council hereby authorizes Borough Manager Van Kruijning, to sign all county vouchers submitted in connection with the aforesaid project; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council recognizes that the Borough of Fair Lawn is liable for any funds not spent in accordance with the Grant Agreement; and that the liability of the Mayor and Council is in accordance with HUD requirements.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 23, 2014

**RESOLUTION NO. 334-2014**

By

Seconded by

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Lawn wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using \$162,530 in 2014 Community Development Block for Roadway Improvements to Various Streets; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council hereby authorizes Borough Manager Van Kruijning to be a signatory to aforesaid Grant Agreement; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council hereby authorizes Borough Manager Van Kruijning, to sign all county vouchers submitted in connection with the aforesaid project; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council recognizes that the Borough of Fair Lawn is liable for any funds not spent in accordance with the Grant Agreement; and that the liability of the Mayor and Council is in accordance with HUD requirements.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 23, 2014

**RESOLUTION NO. 335-2014**

By

Seconded by

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Lawn wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using \$22,530 in 2014 Community Development Block for Handicapped Accessible Curb Ramps; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council hereby authorizes Borough Manager Van Kruijning to be a signatory to aforesaid Grant Agreement; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council hereby authorizes Borough Manager Van Kruijning, to sign all county vouchers submitted in connection with the aforesaid project; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council recognizes that the Borough of Fair Lawn is liable for any funds not spent in accordance with the Grant Agreement; and that the liability of the Mayor and Council is in accordance with HUD requirements.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 23, 2014

**RESOLUTION NO. 336-2014**

By

Seconded by

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, by Resolution No. 226-2014, dated June 17, 2014, the Borough entered into a Cooperative Purchasing Agreement with the County of Passaic for the purchase of goods and services; and

**WHEREAS**, the County of Passaic through the Passaic County Cooperative Pricing Agreement awarded a contract for dedicated internet access with integrated voice services to Cablevision Lightpath, Inc.; and

**WHEREAS**, in a thorough review of the cost comparison of our current services, the Borough will receive a substantial savings by switching its current internet and telephone services to Cablevision Lightpath, Inc. for dedicated internet access with integrated voice services; 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; 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 is available funding in the budget appropriations and the Mayor and Council are committing to provide sufficient funding to execute an agreement with Cablevision Lightpath, Inc., 200 Jericho

Quadrangle, Jericho, New York 11753 for dedicated internet access with integrated voice services. Funds for certification are therefore being made available and certified against the appropriation for Borough Utilities, Account Number 4-01-31-430-000-760.; 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.

Agreement Period:	60 months (5 years)
Recurring Monthly Amount:	\$ 11,240.00
Total Amount of Agreement:	\$ 674,400.00

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn, hereby authorizes an agreement for dedicated internet access with integrated voice services to Cablevision Lightpath, Inc., 200 Jericho Quadrangle, Jericho, New York 11753; and

**BE IT FURTHER RESOLVED**, that the Borough Manager is hereby authorized to enter into an agreement with Cablevision Lightpath, Inc. approved by the Borough Attorney.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 23, 2014

**RESOLUTION NO. 337-2014**

By

Seconded by

**WHEREAS**, an agreement is necessary to delineate the responsibilities of Bergen County and the Borough for the intersection improvement and signalization at Fair Lawn Avenue - Dunkerhook Road and Saddle River Road; and

**WHEREAS**, a shared services agreement has been prepared by the County Counsel;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the Mayor and Municipal Clerk / Deputy Manager be authorized to execute said share services agreement.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 23, 2014

**RESOLUTION NO. 338-2014**

By

Seconded by

**WHEREAS**, our State Senate and Assembly found that the process of hydraulic fracturing for natural gas exploration and production has been found to use and release a variety of chemicals and materials that, if introduced into the air, surface waters, or ground water of the State, raise concerns about potential contamination and pollution; and

**WHEREAS**, hydraulic fracturing is not occurring and is unlikely to occur in New Jersey in the foreseeable future nevertheless the governing body has determined that it is prudent and in the best interest of the people of the Borough to declare a moratorium on hydraulic fracturing in order for the State Department of Environmental Protection to continue analyzing and studying the potential impact of hydraulic fracturing and whether hydraulic fracturing could have or is likely to have an adverse impact on air and water quality in this State; and

**WHEREAS**, the State of New Jersey previously enforced a moratorium on hydraulic fracturing that expired on January 13, 2013; and

**WHEREAS**, the State Department of Environmental Protection continues to analyze the potential impact of hydraulic fracturing into whether hydraulic fracturing could have or is likely to have an adverse impact on air and water quality in this State; and

**WHEREAS**, Fair Lawn sources the majority of its drinking water from local wells; and

**WHEREAS**, the clearing of land for pipeline expansions to facilitate the transportation of natural gas sourced from hydraulic fracturing has disrupted protected forests in the Highlands region and elsewhere; and

**WHEREAS**, the regulatory requirements for ultimate treatment and disposal of such waste are not clear with regard to whether it may be disposed of at a landfill or must be treated at a wastewater treatment facility; and

**WHEREAS**, the Governing Body of the Borough of Fair Lawn has determined that it is prudent and in the best interest of its residents to declare a moratorium on hydraulic fracturing and the treatment, discharge, disposal, or storage of wastewater, wastewater solids, sludge, drill cuttings or other byproducts resulting from hydraulic fracturing.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fair Lawn hereby imposes a three (3) year moratorium on the practice of hydraulic fracturing and the treatment, discharge, disposal, or storage of wastewater, wastewater solids, sludge, drill cuttings or other byproducts resulting from hydraulic fracturing within the limits of the Borough of Fair Lawn; and

**BE IT FURTHERE RESOLVED** that the Mayor and Council of the Borough of Fair Lawn hereby prohibit the use of Borough property or rights of way in the construction of pipelines primarily designed to transport natural gas sourced from hydraulic fracturing processes.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 23, 2014

**RESOLUTION NO. 339-2014**

By

Seconded by

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the following named individuals be and are hereby appointed to the Zoning Board of Adjustment of the Borough of Fair Lawn for the terms as noted:

<u>Name and Address</u>	<u>Term Commences</u>	<u>Term Expires</u>
Samuel Racenstein 13-12 Lyle Terrace Alternate I	9/23/14	12/31/15 *
Avi Naveh 32-02 Norwood Drive Alternate III	9/23/14	12/31/15*

\* Filling unexpired term

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 23, 2014

**RESOLUTION NO. 340-2014**

By

Seconded by

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the following named individual be and are hereby appointed to serve at the pleasure of the Council on the Rent Leveling Board of Fair Lawn:

Alternate Tenant Member

Zelda Abramowitz  
16-24 Chandler Drive

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 23, 2014

**RESOLUTION NO. 341-2014**

By

Seconded by

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

<u>Name and Address</u>	<u>Term Commences</u>	<u>Term Expires</u>
Bradford E. Pohlman 37-01 Stelton Terrace Alternate II	9/23/14	12/31/14 *

\* Filling unexpired term

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 23, 2014

**RESOLUTION NO. 342-2014**

By

Seconded by

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

<u>Name and Address</u>	<u>Term Commences</u>	<u>Term Expires</u>
Mark Zharnest 48 Schweid Court Alternate IV	9/23/14	12/31/15*

\* filling unexpired term

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 23, 2014

**RESOLUTION NO. 343-2014**

By

Seconded by

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

Closed Session 9/2/14  
Work Session 9/2/14  
Closed Session 9/2/14

are hereby approved.