

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.

OCTOBER 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. **PROCLAMATIONS: VOLUNTEER OF THE YEAR
PANCREATIC CANCER AWARENESS**
6. **MANAGER'S REPORT**
7. **COUNCIL COMMENTS**
8. **ORDINANCES ON SECOND READING:**

**ORDINANCE NO. 2322-2014
(RESOLUTION NO. 367-2014)**

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

- 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.

**ORDINANCE NO. 2323-2014
(RESOLUTION NO. 368-2014)**

AN ORDINANCE TO AMEND CHAPTER 170 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000 ENTITLED "PROPERTY MAINTENANCE" AND CHAPTER 208 ENTITLED "STREETS AND SIDEWALKS"

- 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.

**ORDINANCE NO. 2324-2014
(RESOLUTION NO. 369-2014)**

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 173 ENTITLED "PUBLIC HEALTH NUISANCES", SUBSECTION 173-2. PROHIBITED CONDITIONS"

- 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.

**ORDINANCE NO. 2325-2014
(RESOLUTION NO. 370-2014)**

AN ORDINANCE TO AMEND CHAPTER 170 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000 SPECIFICALLY TO AMEND CHAPTER 2 ENTITLED "ADMINISTRATION, DEPARTMENTS AND BUDGET AND FISCAL PROCEDURES" AND MORE PARTICULARLY ARTICLE II ENTITLED "THE COUNCIL" BY ADDING SECTION 2-20 TO BE ENTITLED "ELIMINATION OF BOROUGH-FUNDED HEALTH BENEFITS"

- 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.

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 #20-2014

- Municipal Clerk reads Resolutions by Consent.
 - a. Resol. #371-2014 - Approval of Minutes:
 - Special Meeting 9/30/14
 - Regular Meeting 10/14/14
 - b. Resol. #372-2014 - Refund of Overpayment of Taxes
 - c. Resol. #373-2014 - December Holiday
 - d. Resol. #374-2014 - Licensing Agreement: 38-39 Victoria Road
 - e. Resol. #375-2014 - Authorizing Issuance of Request for Proposals
 - f. Resol. #376-2014 - Confirmation of Fire Board Actions
- Mayor asks for a Mover, Secunder, Roll Call.

11. RESOLUTION NO. 377-2014 - APPROVAL OF MINUTES:

Work Session 10/7/14
Closed Session 10/7/14

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

12. RESOLUTION NO. 378-2014 - RENEWING THE GROUP DENTAL BENEFITS PROGRAM WITH DELTA DENTAL

- Mayor asks Municipal Clerk to read 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

October 28, 2014

RESOLUTION NO. 367-2014

By

Seconded by

BE IT RESOLVED that Ordinance No. 2322-2014 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**

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. 2322-2014

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

WHEREAS, the Borough of Fair Lawn has been approved to receive grant funding from the Bergen County Open Space Trust Fund in the amount of \$25,000 for Contract #14-00322, for the preparation of historic preservation construction documents for the Naugle-Vanderbeck House 49-19 Dunkerhook Road; and

WHEREAS, receipt of the above grant requires an equal match of funding from the Borough of Fair Lawn; and

WHEREAS, at the direction of the Borough Manager and approval of the Mayor and Council, via this ordinance, the Borough of Fair Lawn's match requirement for the above stated grant was funded in the 2014 Capital Program in Borough Ordinance #2310-2014; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fair Lawn, in the County of Bergen as follows:

SECTION 1. The Borough of Fair Lawn in the County of Bergen shall proceed with the preparation of the historic preservation construction documents for the Naugle Vanderbeck House, as detailed in the grant award dated September 9, 2014; and

SECTION 2. The cost of completing said improvement set forth in Section 1 shall be provided by the County of Bergen Open Space Trust Fund in the amount of \$25,000 and by the grant required match of the Borough of Fair Lawn as provided in Ordinance #2310-2014 in an equal amount of \$25,000; and

SECTION 3. It is hereby determined and stated:

(a) That said purposes are not a current expense. That the same is project 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, as set forth is authorized and available through the Bergen County Open Space Trust Fund and Borough of Fair Lawn's Capital Fund.

SECTION 4. It is hereby determined and stated that the supplemental debt statement has been made and signed in connection with said purpose, as defined under the Local Bond Law.

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 October 14, 2014

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

October 28, 2014

RESOLUTION NO. 368-2014

By

Seconded by

BE IT RESOLVED that Ordinance No. 2323-2014 entitled:

**AN ORDINANCE TO AMEND CHAPTER 170 OF THE CODE OF THE
BOROUGH OF FAIR LAWN 2000 ENTITLED "PROPERTY MAINTENANCE"
AND CHAPTER 208 ENTITLED "STREETS AND SIDEWALKS"**

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. 2323-2014

AN ORDINANCE TO AMEND CHAPTER 170 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000 ENTITLED "PROPERTY MAINTENANCE" AND CHAPTER 208 ENTITLED "STREETS AND SIDEWALKS"

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

Chapter 170 PROPERTY MAINTENANCE is hereby amended as follows:

SECTION 1: Section 170-3 entitled "Definitions" is hereby amended as follows:

Add:

DAYS – Days shall be considered calendar days in all cases. Days will be counted from the date of the notice.

SECTION 2: Section 170-19 entitled "Enforcement Procedure" is amended as follows:

Add:

- C. In the event that conditions require immediate action, posting said notice on the property will serve as the only legal notice required to proceed.
- D. If after the time set forth in said notice the owner of such property does not comply, the Construction Official or his designee may notify the Borough Manager to request that the Borough perform necessary maintenance so as to protect public health safety and welfare. The construction official or his designee shall provide the Borough Manager with a written description of the necessary maintenance.
- E. The Borough Manager may, after the request has been made by the Construction Official or his designee or any person directed by the Borough Manager arrange to perform such maintenance, charging the actual costs of same, plus 25% to the property owner. This cost shall become a lien on the property and shall be filed by the Borough with the appropriate recording or municipal officer to reflect the nature and amount of the lien.

SECTION 3: Section 170-20 entitled "Emergency conditions" is hereby deleted and replaced with the following:

§ 170-20. Emergency Conditions; violation of article.

- A. Whenever the enforcement officer finds that an emergency condition in violation of this article exists, which condition requires immediate attention in order to protect the public health or safety, he may issue an order by service of notice as set forth in § 170-19, reciting the existence of such an emergency condition and requiring that such action be taken by the violator as soon as is reasonably necessary to meet the emergency.
- B. Notice to the property owner may be made by sending a letter by certified mail, return receipt requested and regular mail to the property owner's last known address, by posting said notice on the property or by sending such notice to such other known individuals or entities or agents of the property owner or who have an interest in the property. In the event that the property is in foreclosure, notice may also be sent to the mortgagee in the manner set forth herein.
- C. In the event that conditions require immediate action, posting notice on the property will serve as the only legal notice required to proceed.

SECTION 4: Section 170-21 entitled "Nonemergency conditions; violation of article" is hereby deleted and replaced with the following:

§ 170-21. Nonemergency Conditions; violation of article.

- A. Whenever the Enforcement Officer finds that a condition in violation of this article exists, he may issue an order by service of notice as set forth in § 170-19, reciting the existence of such condition and requiring that such action be taken by the violator within a reasonable time set forth in said notice. Notwithstanding any other provision of this article, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith within the time frame set forth.
- B. Notice to the property owner may be made by sending a letter by certified mail, return receipt requested and regular mail to the property owner's last known address, by posting said notice on the property or by sending such notice to such other known individuals or entities or agents of the property owner or who have an interest in the property. In the event that the property is in foreclosure, notice may also be sent to the mortgagee in the manner set forth herein.
- C. Clearing of Litter, Brush, Debris, Snow; Notice to Remove

Such notice shall contain a description of the property affected sufficiently definite in terms to identify it, and a notice that unless the

property is brought into compliance with the ordinances within a reasonable time set forth in said notice after service of notice the Borough will proceed to maintain the property, including the mowing of the lawn or removing snow from the sidewalk and shall cause the cost of such removal and maintenance to be charged as a municipal lien against the premises.

SECTION 5: Chapter 208 entitled "Streets and Sidewalks" is amended as follows:

Delete:

208-1. Duty to remove snow, ice, grass and weeds from sidewalks and gutters; time permitted.

Add:

208-1. Duty to remove snow and ice from sidewalks and gutters; time permitted.

SECTION 6: 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 7: All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

SECTION 8: 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 October 14, 2014
Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

October 28, 2014

RESOLUTION NO. 369-2014

By

Seconded by

BE IT RESOLVED that Ordinance No. 2324-2014 entitled:

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 173 ENTITLED "PUBLIC HEALTH NUISANCES", SUBSECTION 173-2. PROHIBITED CONDITIONS"

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. 2324-2014

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 173 ENTITLED "PUBLIC HEALTH NUISANCES", SUBSECTION 173-2. PROHIBITED CONDITIONS

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

Chapter 173 PUBLIC HEALTH NUISANCES is hereby amended as follows:

SECTION 1: Section 173-2 Prohibited conditions is deleted in its entirety and replaced with the following:

§ 173-2. Prohibited conditions.

In addition to those nuisances set forth in the Public Health Nuisance Code of New Jersey (1953), the following are hereby declared to be nuisances and injurious to residents of the Borough:

A. Any matter, thing, condition or act which after investigation by the health officer or other enforcing official that annoys, injures or endangers the safety, health, welfare, comfort, or repose of the public; offends public decency or aesthetic sensibilities; interferes with, obstructs or render dangerous any street, highway or other public way; or in any way renders the public insecure in life or property of this Borough is hereby declared to be a public nuisance and shall include but not be limited to the following:

(1) Pollution or existence of a condition or conditions which cause or threaten pollution of any waters in this municipality in such manner as to cause or threaten injury to any of the inhabitants of this municipality either in their health, comfort or property.

(2) The escape into the open air from any stack, vent, chimney or any entrance to the open air or from any fire into the open air of such quantities of smoke, flash, dust, fumes, vapors, mists or gases as to cause injury, detriment or annoyance to the inhabitants of this municipality or endanger their comfort, repose, health or safety.

(3) The growth, existence or presence of ragweed on any plot of land, lot, highway, right-of-way or any other public or private place.

(4) The growth, existence or presence of poison ivy within 20 feet of any property line.

(5) The existence or presence of any water or other liquid in which mosquito larvae breed or exist.

(6) The existence or presence of any accumulation of garbage, refuse, manure or animal or vegetable matter which may attract flies and to which flies may have access or in which fly larvae or pupae breed or exist.

(7) Depositing, accumulating or maintaining any matter or thing which serves as food for insects or rodents and to which they may have access or which serves or constitutes a breeding place or harborage for insects or rodents in or on any land, premises, building or other place.

B. It shall be unlawful for any person or persons to commit, maintain or allow any nuisance, as declared and described in this section.

SECTION 2: All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

SECTION 3: 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 October 14, 2014

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

October 28, 2014

RESOLUTION NO. 370-2014

By

Seconded by

BE IT RESOLVED that Ordinance No. 2325-2014 entitled:

AN ORDINANCE TO AMEND CHAPTER 170 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000 SPECIFICALLY TO AMEND CHAPTER 2 ENTITLED "ADMINISTRATION, DEPARTMENTS AND BUDGET AND FISCAL PROCEDURES" AND MORE PARTICULARLY ARTICLE II ENTITLED "THE COUNCIL" BY ADDING SECTION 2-20 TO BE ENTITLED "ELIMINATION OF BOROUGH-FUNDED HEALTH BENEFITS"

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. 2325-2014

AN ORDINANCE TO AMEND CHAPTER 170 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000 SPECIFICALLY TO AMEND CHAPTER 2 ENTITLED "ADMINISTRATION, DEPARTMENTS AND BUDGET AND FISCAL PROCEDURES" AND MORE PARTICULARLY ARTICLE II ENTITLED "THE COUNCIL" BY ADDING SECTION 2-20 TO BE ENTITLED "ELIMINATION OF BOROUGH-FUNDED HEALTH BENEFITS"

WHEREAS, the Mayor and Council of the Borough of Fair Lawn unanimously adopted Resolution No. 107-2014 – Elimination of Medical Benefits for Elected officials on February 25, 2014 and is hereby incorporated by reference; and

WHEREAS, the Mayor and Council of the Borough of Fair Lawn wishes to codify the passage of said Resolution; and

WHEREAS, the State of New Jersey has determined that, as part of its Local Government Best Practices program, elected officials should be excluded from Borough-funded Health Benefits; and

WHEREAS, the Mayor and Council have traditionally been afforded the opportunity to participate in the Borough sponsored Borough's Health Benefits program, at Borough expense, without an official policy statement, via resolution or ordinance, providing for such participating in the Borough's Health Benefits program; and

WHEREAS, in order to continue its mission of full compliance with the State's Local Government Best Practices program and to maximize State aid contingent on successful participation in that program, it is necessary to amend Chapter 2, Article II of the Borough Code governing "The Council".

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

Chapter 2 ADMINISTRATION, DEPARTMENTS AND BUDGET AND FISCAL PROCEDURES is hereby amended as follows:

SECTION 1: Article II entitled "The Council" is hereby amended as follows:

Add:

§ 2-20. Elimination of Borough-Funded Health Benefits

A. All elected, newly elected or newly re-elected members of the Borough Council shall not be eligible for Borough subsidized health benefits, specifically including but not limited to hospital, medical, dental, major medical insurance benefits and prescription benefits.

B. Elected, newly elected or newly re-elected members of the Borough Council may obtain health benefits through the Borough by contributing one hundred percent (100%) of the costs of the hospital, medical, dental, major medical insurance benefits and prescription benefits and may also obtain hospital, medical, dental, major medical insurance benefits and prescription benefits for his/her dependents through the Borough by contributing one hundred percent (100%) of the cost of the hospital, medical, dental, major medical insurance benefits and prescription benefits for said dependents.

SECTION 2: Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

SECTION 3: All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

SECTION 4: This Ordinance shall take effect upon passage and publication as required by law.

Attest:

Approved:

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

John Cosgrove, Mayor

Introduced October 14, 2014
Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

October 28, 2014

CONSENT AGENDA 20-2014

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. #371-2014 - Approval of Minutes:
Special Meeting 9/30/14
Regular Meeting 10/14/14
- b. Resol. #372-2014 - Refund of Overpayment of Taxes
- c. Resol. #373-2014 - December Holiday
- d. Resol. #374-2014 - Licensing Agreement: 38-39 Victoria Road
- e. Resol. #375-2014 - Authorizing Issuance of Request for Proposals
- f. Resol. #376-2014 - Confirmation of Fire Board Actions

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

October 28, 2014

RESOLUTION NO. 371-2014

By

Seconded by

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

Special Meeting 9/30/14
Regular Meeting 10/14/14

are hereby approved.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

October 28, 2014

RESOLUTION NO. 372-2014

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>
4610	17	Robert E. Spiotti, Attorney for Novik, Lyudmila 165 Passaic Avenue, Suite 103A Fairfield, New Jersey 07004	\$958.17

(Refund of overpayment of 2011 taxes as a result of a Tax Court Judgment)

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

October 28, 2014

RESOLUTION NO. 373-2014

By

Seconded by

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

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

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

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

BE IT FURTHER RESOLVED that said compensatory time for all Borough Employees, Police Officers and Dispatchers, shall have no monetary value and if not used by March 31, 2015 the time shall be forfeited; and

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

October 28, 2014

RESOLUTION NO. 374-2014

By

Seconded by

WHEREAS, the Mayor and Council of the Borough of Fair Lawn does hereby grant to Ellen and Yhuda Portek, residing at 38-39 Victoria Road (Lot 22 in Block 2501 on the Tax Assessment Map of the Borough of Fair Lawn), the right to construct a fence across the Borough's right of way, as shown more particularly on Schedule "A", attached hereto and made a part hereof, and which shall be done pursuant to and in accordance with all statutes, ordinances, rules and regulations of the State of New Jersey, County of Bergen and Borough of Fair Lawn.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the Mayor and Municipal Clerk be and they are hereby authorized to execute a License Agreement with Ellen and Yhuda Portek, to be prepared by the Borough Attorney.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

October 28, 2014

RESOLUTION NO. 375-2014

By

Seconded by

WHEREAS, it has become necessary for the Borough of Fair Lawn (hereinafter the "Borough") to engage professionals for the following the Borough desires to appoint such professionals by a "fair and open process" pursuant to N.J.S.A. 19:44A-20.1 et seq.: Auditor, Bond Counsel, Broker of Record Medical/Dental, Environmental Consultant, Open Space Planner, Planner of Record, Risk Manager and Special Legal Counsel; and

WHEREAS, a "fair and open process" constitutes the following: (1) public advertisement of a Request for Proposals (hereinafter the "RFP") with twenty (20) calendar days notice prior to the receipt of responses to the RFP; (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under publicly disclosed criteria established, in writing, by the municipality prior to the solicitation of qualifications; and (4) the municipality shall publicly open and announce the qualifications when awarded; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn, County of Bergen and State of New Jersey that requests RFPs for Auditor, Bond Counsel, Broker of Record Medical/Dental, Environmental Consultant, Open Space Planner, Planner of Record, Risk Manager and Special Legal Counsel are hereby authorized.

BE IT FURTHER RESOLVED, that the RFPs for the professional services as set forth herein above shall be prepared and published in accordance with N.J.S.A. 40A-20.7 et seq. and all such RFPs shall be evaluated on the basis of the most advantageous RFP, all factors considered, including, but not limited to: (1) experience and reputation in the profession; (2) knowledge of the subject matter to be addressed under contract; (3) availability to accommodate any required meetings of the Borough; (4) price proposal; (5) and any other factors if demonstrated to be in the best interest of the Borough.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

October 28, 2014

RESOLUTION NO. 376-2014

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:

Jack Polan
8-39 Lake Street
Co. 2

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

October 28, 2014

RESOLUTION NO. 377-2014

By

Seconded by

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

Work Session 10/7/14
Closed Session 10/7/14

are hereby approved.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

October 28, 2014

RESOLUTION NO. 378-2014

By
Seconded by

WHEREAS, the Borough of Fair Lawn, hereinafter referred to as the Borough, provides a comprehensive dental benefits program to eligible employees, dependents and retirees; and

WHEREAS, the Borough's Health Benefits Consultant, as a matter of due diligence, has thoroughly examined the plan use and network utilization and further, engaged in active negotiations for the Borough's Dental Program, which currently consists of the Premier Plus Advantage Plan and the PPO Plan, both administered by Delta Dental of NJ, Inc.; and

WHEREAS, the renewal rates presented after negotiation, provide rate stability for the Borough by providing a rate decrease of 1.75% for a 12-month rate guarantee or a flat (0%) increase, for a 24-month rate guarantee as illustrated by the renewal offer presented by Delta Dental of NJ and attached herewith.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Fair Lawn, County of Bergen, State of New Jersey, hereby authorizes the renewal of the dental benefits contract with Delta Dental of New Jersey for the period January 1, 2015 through December 31, 2016; and

BE IT FURTHER RESOLVED, the Governing Body does authorize and affirm the implementation of this renewal maintains the current plan design(s) of benefits; thereby ensuring the moral and contractual obligation of the Borough; and

BE IT FURTHER RESOLVED, the Borough Manager's recommendation is hereby affirmed and further, in accordance with the existing terms and conditions of the Agreement with the renewal rate provisions, as promulgated herewith; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to PIA Security Programs, Inc., 429 Hackensack Street, P.O. Box 818 Carlstadt NJ, Health Benefits Consultant to the Borough, the Borough Chief Financial Officer and Municipal Auditor.