

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.

APRIL 28, 2015

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

**ORDINANCE NO. 2345-2015
(RESOLUTION NO. 206-2015)**

AN ORDINANCE FIXING THE SALARIES OF CERTAIN NEW EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, AND NEW JERSEY IS AMENDED (PARKING ENFORCEMENT OFFICER (PT))

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

**ORDINANCE NO. 2346 -2015
(RESOLUTION NO. 207-2015)**

"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 FROM THE COUNTY OF BERGEN, DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT THEREFORE (HANDICAPPED ACCESSIBLE CURB RAMPS)."

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

**ORDINANCE NO. 2347-2015
(RESOLUTION NO. 208-2015)**

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 FROM THE COUNTY OF BERGEN, DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT THEREFORE (ROAD RESURFACING)."

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

**ORDINANCE NO. 2348-2015
(RESOLUTION NO. 209-2015)**

"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 FROM THE COUNTY OF BERGEN, DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT THEREFORE (SENIOR CENTER HAND RAILINGS)."

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

**ORDINANCE NO. 2349-2015
(RESOLUTION NO. 210-2015)**

"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 (NJDOT PLAZA ROAD)."

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

**ORDINANCE NO. 2350-2015
(RESOLUTION NO. 211-2015)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR
LAWN 2000, SPECIFICALLY CHAPTER 13, ENTITLED "FIRE DEPARTMENT"**

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

**ORDINANCE NO. 2351-2015
(RESOLUTION NO. 212-2015)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR
LAWN 2000, SPECIFICALLY CHAPTER 104 ENTITLED "FIRE PREVENTION"
MORE SPECIFICALLY SECTION 104.5 ENTITLED "ORGANIZATION"**

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

9. ORDINANCES ON SECOND READING:

**ORDINANCE NO. 2341-2015
(RESOLUTION NO. 213-2015)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN,
2000, BY AMENDING AND SUPPLEMENTING VARIOUS CHAPTERS TO REVISE
FEES**

- 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. 2342-2015
(RESOLUTION NO. 214-2015)**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 223 ENTITLED "TOWING" AND CHAPTER 94, "FEES", ARTICLE VI SCHEDULE OF FEES

- 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. 2343-2015
(RESOLUTION NO. 215-2015)**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", MORE PARTICULARLY SECTION 232-68 ENTITLED "PEDESTRIAN SIGNS"

- 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. 2344-2015
(RESOLUTION NO. 216-2015)**

AN ORDINANCE FIXING THE SALARIES OF CERTAIN NEW EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, AND NEW JERSEY IS AMENDED (CIVIL ENGINEER TRAINEE)

- 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, Second, Roll Call.
- Municipal Clerk reads the Resolution of Adoption. Mayor asks for a Mover, Second, 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, Second, 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, Second, Roll Call.
- Mayor closes the time for public comments.

11. RESOLUTIONS BY CONSENT #10-2015

- Municipal Clerk reads Resolutions by Consent.
 - a. Resol. #217-2015 - Approval of Minutes:
 - Work Session 3/17/15
 - Special Meeting 3/17/15
 - Closed Session 3/17/15
 - Regular Meeting 3/24/15
 - b. Resol. #218-2015 - Professional Services Agreement: Employee Assistance Program
 - c. Resol. #219-2015 - Confirmation of Fire Board Actions
 - d. Resol. #220-2015 - Redevelopment Plan: Kem Site/Fair Lawn Senior Housing
 - e. Resol. #221-2015 - Tax Appeal Settlement: 17-10 Willow Street, LLC
 - f. Resol. #222-2015 - Tax Appeal Settlement: Broadway Medical
 - g. Resol. #223-2015 - Tax Appeal Settlement: Fairfax Realty, Inc.
 - h. Resol. #224-2015 - Tax Appeal Settlement: Mahler Tuckman Realty Assoc.
 - i. Resol. #225-2015 - Tax Appeal Settlement: A B & D Realty, LLC
 - j. Resol. #226-2015 - Tax Appeal Settlement: BMP Realty Assoc. LLC
 - k. Resol. #227-2015 - Tax Appeal Settlement: 10-16 River Road Plaza, LLC
 - l. Resol. #228-2015 - Refund of Overpayment of Taxes
 - m. Resol. #229-2015 - Authorizing Execution of Interlocal Services Agreement: Hawthorne
 - n. Resol. #230-2015- Dedication by Rider - Veterans Trust Account

- o. Resol. #231-2015 - Authorizing the Execution of a Memorandum of Understanding - Full Time Public Safety Telecommunicators of the White and Blue Collar Employees' Association of Fair Lawn
 - p. Resol. #232-2015 - Authorizing Sale of Skate Park Equipment to the Village of Ridgewood
 - q. Resol. #233-2015 - Multi-Year Contract - Clinical Services Management, P.C.
 - r. Resol. #234-2015 - Accepting Donation from the Bicycle Touring Club of North Jersey
 - s. Resol. #235-2015 - Authorizing Issuance of Massage Establishment License: Holistic Center
 - t. Resol. #236-2015 - Adopting Hazard Mitigation Plan
- Mayor asks for a Mover, Secunder, Roll Call.

12. 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.

13. ADJOURNMENT:

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 206-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2345-2015 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”**

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 12th day of May, 2015, 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. 2345-2015

AN ORDINANCE FIXING THE SALARIES OF CERTAIN NEW EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, AND NEW JERSEY IS AMENDED (PARKING ENFORCEMENT OFFICER PART TIME)

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

SECTION 1. That there are hereby established salary ranges for the following classifications of certain employees:

WHEREAS, a need has occurred to amend Ordinance 2275-2013, adopted on May 14, 2013, and

WHEREAS, the position of Parking Enforcement Officer (PT) will be added to Salary Ordinance 2275-2013 as follows:

New Employees hired on or after March 12, 2013	2015 Min / 2015 Max
Parking Enforcement Officer (PT)	20.00 hr. / 30.00 hr.

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

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

SECTION 4. Salary increases are effective only if an employee has not resigned voluntarily or has been terminated with cause. Retired employees are eligible on a prorated basis.

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: April 28, 2015

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 207-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2346-2015 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 FROM THE COUNTY OF BERGEN, DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT THEREFORE (HANDICAPPED ACCESSIBLE CURB RAMPS)."

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 12th day of May, 2015, 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. 2346 -2015

"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 FROM THE COUNTY OF BERGEN, DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT THEREFORE (HANDICAPPED ACCESSIBLE CURB RAMPS)."

WHEREAS, the Borough of Fair Lawn has been approved to receive funds from the County of Bergen, Department of Planning and Economic Development Division of Community Development Block Grant; 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 following improvements at the cost following the items hereinafter set forth.

Handicapped Accessible Curb Ramps	\$ 22,530
Account Number 21-213-745-235-46-26	

SECTION 2. The cost of completing said improvement set forth in Section 1 shall be paid by the Borough out of funds to be received specifically for said purpose in the amount of \$22,530 through the County of Bergen Community Development Block Grant Program.

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, as set forth is authorized and available through the Bergen County Community Development Block Grant.

SECTION 4. It is hereby determined and stated that no supplemental debt statement is required to be made and signed in connection 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: April 28, 2015

Adopted: .

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 208-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2347-2015 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 FROM THE COUNTY OF
BERGEN, DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT
THEREFORE (ROAD RESURFACING)."**

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 12th day of May, 2015, 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. 2347-2015

"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 FROM THE COUNTY OF BERGEN, DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT THEREFORE (ROAD RESURFACING)."

WHEREAS, the Borough of Fair Lawn has been approved to receive funds from the County of Bergen, Department of Planning and Economic Development Division of Community Development Block Grant; 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 following improvements at the cost following the items hereinafter set forth.

Road Resurfacing \$ 162,530
Account Number 21-213-745-155-32-09

SECTION 2. The cost of completing said improvement set forth in Section 1 shall be paid by the Borough out of funds to be received specifically for said purpose in the amount of \$162,530 through the County of Bergen Community Development Block Grant Program.

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, as set forth is authorized and available through the Bergen County Community Development Block Grant.

SECTION 4. It is hereby determined and stated that no supplemental debt statement is required to be made and signed in connection 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: April 28, 2015

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 209-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2348-2015 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 FROM THE COUNTY OF BERGEN, DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT THEREFORE (SENIOR CENTER HAND RAILINGS)."

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 12th day of May, 2015, 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. 2348-2015

"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 FROM THE COUNTY OF BERGEN, DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT THEREFORE (SENIOR CENTER HAND RAILINGS)."

WHEREAS, the Borough of Fair Lawn has been approved to receive funds from the County of Bergen, Department of Planning and Economic Development Division of Community Development Block Grant; 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 following improvements at the cost following the items hereinafter set forth.

Senior Center Hand Railings \$17,530
Account Number 21-213-745-124-40-69

SECTION 2. The cost of completing said improvement set forth in Section 1 shall be paid by the Borough out of funds to be received specifically for said purpose in the amount of \$17,530 through the County of Bergen Community Development Block Grant Program.

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, as set forth is authorized and available through the Bergen County Community Development Block Grant.

SECTION 4. It is hereby determined and stated that no supplemental debt statement is required to be made and signed in connection 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: April 28, 2015

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 210-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2349-2015 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 (NJDOT PLAZA ROAD).”

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 12th day of May, 2015, 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. 2349-2015

"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 (NJDOT PLAZA ROAD)."

WHEREAS, the Borough of Fair Lawn has been approved to receive funds from the State of New Jersey, Department of Transportation.

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 following improvements at the cost following the items hereinafter set forth.

Improvements to Plaza Road

SECTION 2. The cost of completing said improvement set forth in Section 1 shall be paid by the Borough out of funds to be received specifically for said purpose in the amount of \$149,000.00 through the State of New Jersey Department of Transportation 2015 Municipal Aid Program.

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 the State of New Jersey.

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: April 28, 2015

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 211-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2350-2015 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR
LAWN 2000, SPECIFICALLY CHAPTER 13, ENTITLED "FIRE DEPARTMENT"**

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 12th day of May, 2015, 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. 2350-2015

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 13, ENTITLED "FIRE DEPARTMENT"

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

SECTION 1: Chapter 13 of the Code of the Borough of Fair Lawn 2000 is hereby amended as follows:

1. **§13-9** entitled "**Number of members in companies; qualifications**" is hereby amended as follows:

Delete:

§13-9 "Number of members in companies; Qualifications."

Add:

§13-9 Qualifications.

Company Nos. 1, 2, 3 and 4 shall consist of regular firefighters, probationary firefighters and associate firefighters for each company. The complement of members shall include all officers. Qualifications of active members:

B. Probationary firefighter.

Delete:

(2) Each company shall have no more than 10 probationary firefighters.

C. Associate firefighter

Delete:

(1) An associate firefighter may be a nonresident who is available in Fair Lawn for duty at least 40 hours per week. He/she must meet the requirements of Subsection B.

Add:

(1) An associate firefighter may be a nonresident who is available in Fair Lawn for duty at least 20 hours per week with a written letter

from his/her employer approving work time response. He/she must meet the requirements of Subsection B.

2. Section 13-13 entitled "Elections of Company Officers" is hereby amended as follows:

§ 13-13. Elections of Company Officers.

A. The election of the officers of the respective fire companies shall take place at the annual election of each company as fixed by the company's bylaws. Election shall be by ballot, and no member shall be elected to any office unless he/she shall have at least three years of service as an active regular member, completed training as required in § 13-9B, has met all state-mandated requirements, maintained a minimum of 30% attendance for the current and previous year and has received the majority of all votes cast and is otherwise free from any, all and every indebtedness to the company.

3. Section 13-17 entitled "Qualifications" is hereby amended as follows:

Add:

No member of the Borough Fire Department shall be eligible for nomination for election as Chief, Assistant Chief, Deputy Chief or Battalion Chief that has not maintained a minimum of 30% attendance for the current and previous year.

4. Section 13-19 entitled "Qualifications" is hereby deleted in its entirety and replaced with the following new Section 13-19:

§ 13-19. Voting; designation of Board of Election.

Active regular members of each Fire Company that have met the minimum performance requirements shall then vote separately for the election of the Chief, Assistant Chief, Deputy Chief and Battalion Chief, the election to be held in a secluded area at the Fire Department headquarters in the Borough on the first Wednesday of December of each year. The Fire Board shall designate eight members, two from each fire company (preferably senior members), to act as a Board of Elections to conduct said election. The polls shall be open from 7:00 p.m. to 9:00 p.m., prevailing time. The election shall be by secret ballot, ballots to be printed by the order of the Fire Board and delivered to the Board of Elections designated before the time of the election. If a member cannot be present at the election, an absentee ballot shall be permitted. A member may

obtain an absentee ballot by contacting the Fire Clerk via email or regular mail at least 14 days prior to the election. The Fire Clerk will then email or send a ballot via regular mail to the member requesting same. The member must then return the ballot to the Fire Clerk via regular or certified mail or in person by the end of business day two business days prior to the election. If ballot is handed in to the Fire Clerk, the Clerk shall give a receipt to the member. The ballot must be placed in a sealed envelope, the envelope shall be signed by the member who shall print their name underneath the signature on the outside of the envelope and write "election ballot" on the outside of the envelope. The Fire Clerk will then hand deliver the sealed envelopes to the tellers the night of the election.

5. Section 13-45 entitled "Duty to attend drills" is hereby deleted in its entirety and replaced with the following:

§ 13-45. Duty to attend drills.

It shall be the duty of each active member to attend a minimum of one drill every two months and at least 12 drills a year. Drills shall be called by the Chief of the Department or the Fire Company Captain.

6. Section 13-46 entitled "Credit for attending alarms and drills" is hereby deleted in its entirety and replaced with the following:

§ 13-46. Credit for attending alarms and drills.

Each active member of the Department shall attend and be in actual recorded attendance and render fire service at not less than 15% of the regular alarms answered by the company of which he/she may be a member during any calendar year. Active service years will only accumulate when 30% is met.

7. Section 13-77 entitled "Number of junior firefighters in each company" is hereby deleted in its entirety.

8. Section 13-79 entitled "Qualifications; duties and other miscellaneous provisions" shall be amended as follows:

Delete A.

Add:

A. Junior firefighters shall be at least 16, but not more than 18, years old and must supply proper proof of age to the Board of Fire Commissioners. Junior

firefighters shall be residents of the Borough of Fair Lawn and citizens of the United States of America or Junior firefighters shall be citizens of the United States of America and his/her legal guardian is an Active Regular member of the Department. Junior firefighters shall be sound in body and in good health, able to read, write and speak the English language well and intelligently, be of good moral character and not have been convicted of any crime. Junior firefighters shall attend and complete with passing grades the junior firefighter course as well as maintain reasonable and acceptable grades in their regular schoolwork.

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 thereto 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: April 28, 2015

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 212-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2351-2015 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR
LAWN 2000, SPECIFICALLY CHAPTER 104 ENTITLED "FIRE PREVENTION"
MORE SPECIFICALLY SECTION 104.5 ENTITLED "ORGANIZATION"**

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 12th day of May, 2015, 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. 2351-2015

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR
LAWN 2000, SPECIFICALLY CHAPTER 104 ENTITLED "FIRE PREVENTION"
MORE SPECIFICALLY SECTION 104.5 ENTITLED "ORGANIZATION"**

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

SECTION 1: Chapter 104 of the Code of the Borough of Fair Lawn 2000 is hereby amended as follows:

1. **§104-5** entitled "**Organization**" is hereby amended as follows:

§104-5. Organization.

Delete:

- A. The Fire Prevention Bureau, established by this article shall be under the direct supervision and control of the Fair Lawn Fire Marshal who shall report to the Chief of the Fair Lawn Fire Department.

Add:

- A. The Fire Prevention Bureau, established by this article shall be under the direct supervision and control of the Fair Lawn Fire Marshal who shall report to the Construction Official of the Fair Lawn Department of Buildings and Inspections.

Delete:

- I. Annual and monthly report of the Fire Prevention Bureau. The Fire Marshal shall provide a monthly report to the Fire Board. In addition, an annual report of the Fire Prevention Bureau shall be provided to the Fire Chief and transmitted to the Borough Manager. Such reports shall contain all proceedings under this code with such statistics as the Chief of the Fire Department may wish to include therein; the Chief of the Fire Department shall also recommend any amendments to the Code which in his/her judgment shall be desirable.

Add:

- I. Annual and monthly report of the Fire Prevention Bureau. The Fire Marshal shall provide a monthly report to the Construction Official and Fire Board. In addition, an annual report of the Fire Prevention Bureau shall be provided to the Construction Official, Fire Board and transmitted to the Borough Manager. Such reports shall contain all proceedings under this code with such statistics as the Construction Official or Fire Board may wish to include therein; the Construction Official shall also recommend any amendments to the Code which in his/her judgment shall be desirable.

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 thereto 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: April 28, 2015

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 213-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2341-2015 entitled:

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING VARIOUS CHAPTERS TO REVISE FEES

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. 2341-2015

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING VARIOUS CHAPTERS TO REVISE FEES

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

Section 1. CHAPTER 85 CONSTRUCTION CODES, UNIFORM is hereby amended as follows:

§85-3C. Fees

C. The plumbing subcode fees shall be:

- (1) The plumbing subcode permit minimum fee shall be \$80.
- (2) First fixture and/or first stack: \$54.
- (3) Each additional fixture and/or stack: \$21.
- (4) Water softener, storage tank, water line to swimming pool, lawn sprinkler, grease traps, sewer pumps, etc.: \$65 each.
- (5) Replacement of water line or sewer line: \$90.
- (6) Hot-water boilers, steam boilers, gas heating systems, storage tanks: \$80.
- (7) Water heaters:
 - (a) Residential: flat fee of \$80.
 - (b) Commercial: \$125.
- (8) Oil burner and storage facilities:
 - (a) Oil burner:
 - [1] Residential: \$80.
 - [2] Commercial: \$150.
 - (b) Oil tank to 550 gallons, install or remove:
 - [1] Residential: \$75.
 - [2] Commercial: \$125.

(c) Oil tank over 550 gallons, install or remove:

[1] Residential: \$80.

[2] Commercial: \$150.

(d) Gasoline tanks, install or remove: \$250.

(9) Gas piping:

(a) First unit:

[1] Residential: \$40.

[2] Commercial: \$135.

(b) Each additional unit:

[1] Residential: \$25.

[2] Commercial: \$75.

F. Certificate of Occupancy / Temporary Certificate of Occupancy

- (1) The fee for a certificate of occupancy shall be 4% of the permit fee, with a minimum fee of \$50 for one and two-family and a minimum fee of \$125 for all others.
- (2) The fee for a certificate of continued occupancy shall be \$175.
- (3) The fee for a certificate of occupancy granted pursuant to a change of use shall be \$175.
- (4) The fee for a Code letter at the time of resale or when refinancing a one or two-family dwelling or other Code letter requests shall be \$50.
- (5) The fee for a change in contractor shall be \$25 per subcode.
- (6) The fee for a temporary certificate of occupancy (UCC) shall be \$45. The maximum time period for a TCO shall be (60) sixty calendar days. After the initial (60) sixty day period each extension will be considered a new TCO.

- G. The Mechanical Inspector fee (R-3, R-4, R-5 use groups only and does not include the electrical subcode) shall be:
- (1) Minimum fee: \$ 80.
 - (2) Heat producing appliances (i.e. Furnace, Boilers, Gas Fire Places and Stoves) oil, gas: \$160.
 - (3) Replacement of a non-testable backflow preventers with another appliance: \$21.
 - (4) Replacement of a non-testable backflow preventer alone: \$80.
 - (5) Chimney liner: \$80.
 - (6) Generators: \$160.
 - (7) Residential gas pipe: \$40.
 - (8) Water Heater: \$80.
 - (9) All other (Duct work, Hydronic Heating etc.): \$65.
 - (10) Condensate line:
 - (a) First line: \$65.
 - (b) Each additional line: \$21.

The Mechanical inspector fee applies only to the installation of the specific residential mechanical equipment listed when it is not part of a larger multi subcode residential project. When mechanical equipment is being installed as part of a larger project the fees under the individual subcode sections shall apply.

The Mechanical inspector fee section does not apply to any commercial installation.

Section 2. Chapter 94 FEES is hereby amended as follows:

§94-12 Miscellaneous fees is hereby amended as follows:

- (2) Section 160-6A. Annual membership fees and other charges to permit the use of parks, playgrounds, swimming pools and all other municipally

operated recreation facilities:

Memorial Pool, Inter-local pool membership agreements

Memorial Pool

Type	Fee
Family membership (Parents & all children not having completed 12 th School year. Also, any college student up to 23 years of age who lives at the parents Fair Lawn address. You must Include a driver's license for proof of age and residency.)	\$200
Single Adult membership	\$ 95
Junior membership	\$ 60
Senior Citizen (62 years or older) Proof of age is required	\$ 25

Inter-local Pool Membership Agreements

Type	Fee
Family membership	\$325
Adult membership	\$160
Seniors	\$ 95
Guest fees – Per Day	
Weekdays	\$10 per guest
Weekends/Holidays	\$20 per guest

(4) Section 160-6C. Recreation programs.

Add:

Program	Fees
Camp Iroquois – Cherokee	
(1) One Week Session	\$110
Before Care (1) one week session 8:00 a.m. to 9:00 a.m.	\$ 35
After Care (1) one week session 5:00 p.m. to 6:00 p.m.	\$ 35
Camp Small Fry	
(1) One Week Session	\$ 75

Section 3. Except as herein amended and supplemented, Chapter 94 shall remain in full force and effect.

Section 4. 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 5. All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

Section 6. 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

Introduced: April 14, 2015

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 214-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2342-2015 entitled:

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 223 ENTITLED "TOWING" AND CHAPTER 94, "FEES", ARTICLE VI SCHEDULE OF FEES

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 2342-2015

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 223 ENTITLED "TOWING" AND CHAPTER 94, "FEES", ARTICLE VI SCHEDULE OF FEES

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fair Lawn that:

SECTION 1: Chapter 94 FEES is hereby amended as follows:

§94-12 Miscellaneous Fees

Delete the entire section:

Z. Chapter 223, towing and storage and related fees:

Add:

Z. Chapter 223, towing and storage and related fees:

(1) Light Duty Fees:

- (a) Towing – For the first 5 miles, not to exceed \$100
- (b) Towing – For each additional mile, not to exceed \$2 per mile
- (c) Recovery / Winching – \$50 per hour (1 hour minimum)
- (d) Storage – Inside, \$20 for the first day, \$40 each additional day
- (e) Storage – Outside, \$15 for the first day, \$30 each additional day
- (f) Road Service - \$50 plus the cost of fuel and parts

(2) Medium Duty Fees:

- (a) Towing – For the first 5 miles, not to exceed \$200
 - (b) Towing – For each additional mile, not to exceed \$5 per mile
 - (c) Recovery / Winching – \$100 per hour (1 hour minimum)
 - (d) Storage – Inside, \$100 for the first day, \$150 each additional day

- (e) Storage – Outside, \$50 for the first day, \$100 each additional day
- (f) Road Service - \$100 per hour plus the cost of fuel and parts

(3) Heavy Duty Fees:

- (a) Towing – Per single unit, for the first 5 miles not to exceed \$300
- (b) Towing – Per single unit, for each additional mile, not to exceed \$10 per mile
- (c) Towing – Per combination unit, for the first 5 miles, not to exceed \$400
- (d) Towing – Per combination unit, for each additional mile, not to exceed \$20 per mile
- (e) Recovery / Winching – \$300 per hour (1 hour minimum)
- (f) Storage – Inside, per single unit \$150 for the first day, \$200 each additional day
- (g) Storage – Inside, per combination unit, \$200 for the first day, \$250 each additional day
- (h) Storage – Outside, per single unit, \$100 for the first day, \$150 each additional day
- (i) Storage – Outside, per combination unit, \$150 for the first day, \$200 each additional day
- (j) Road Service – \$150 per hour, plus the cost of fuel and parts

(4) Miscellaneous Towing Related Fees:

- (a) Absorbents - \$20
- (b) After Hours Release Fee - \$65
- (c) Crane / Rotator and/or Other Specialty Equipment - \$650 per hour
- (d) Debris Clean Up, Standard - \$20
- (e) Debris Clean Up, Extensive - \$50 per hour

- (f) Driveshaft / Axle removal - \$40
- (g) Extra Personnel - \$50 per hour
- (h) Tarping - \$50
- (i) Vehicle Wrapping, front or rear - \$40
- (j) Vehicle Wrapping, one side - \$50

(5) Borough Towing Related Fees

- (a) Initial Towing Application - \$200
- (b) Annual Towing Reapplication - \$100
- (c) Annual Towing License - \$400
- (d) Towing of Borough Vehicles – One half of the regular rate

SECTION 2: Section 223-2 entitled "Purpose and Intent" is hereby amended as follows:

§ 223-2. Purpose and intent

A. Insert after N.J.S.A. 40:48-2-49 et seq.:

N.J.S.A. 56:13-7 et seq. and as guided by the NJ Division of Consumer Affairs, and as guided by the Garden State Towers Association, Inc.,

Delete B in its entirety.

SECTION 3: Section 223-3 entitled "Definitions" is hereby amended as follows:

Delete the following definitions in their entirety:

CLASS A VEHICLE

CLASSIFICATION OF TOWING VEHICLES

OWNER

PRIVATE PARKING LOT

TOW

TRESPASS TOWING

WRECKER

Add:

ABSORBENTS – Any group of products used to soak up spills or vehicle fluids including oil dry, absorbent pads, socks, booms, etc.

ADMINISTRATION CHARGE – Charges for services including but not limited to physical inspection, telephone and/or fax calls, copying of documentation, removal of personal items and additional office paperwork before and at the time of release.

ANNUAL TOWING LICENSE – Upon approval of a tow company application, the Borough shall issue an annual towing company license. The tow company license shall be valid from May 1st of the issuing year and shall expire on April 30 of the following year.

CLASSIFICATION OF TOWING VEHICLES

A. LIGHT DUTY TOW TRUCK

Used to tow and recover small light duty vehicles up to 10,000 pounds.

B. MEDIUM DUTY TOW TRUCK

Used to tow and recover small commercial type vehicles up to 26,000 pounds or light duty vehicles unable to be recovered with light duty tow truck or flatbed.

C. HEAVY DUTY TOW TRUCK

(1) Commercial manufactured truck with wrecker body

(2) Minimum GVWR 26,001 pounds.

(3) Used to tow and recover commercial type vehicles over 26,001 pounds GVW or smaller vehicles unable to be recovered by other means.

D. HYDRAULIC FLATBED CAR CARRIER

Commercial motor vehicle designed exclusively to transport motor vehicles by means of bodily winching motor vehicles from roadway level up onto hydraulic bed for transporting purposes.

DEBRIS CLEANUP

- (1) Standard – refers to the amount of debris removal that should reasonably be anticipated at the scene of a motor vehicle crash or incident. The standard site cleanup is usually defined from the point of impact to the final resting place of the vehicle and the associated debris field.
- (2) Extensive – refers to the removal of debris as defined in standard clean up, and areas of pre and post impact where vehicle disintegration and/or other property damage occurs as a result of a crash or other incident.

EXTRA PERSONNEL – The additional personnel needed to complete a recovery, winching or towing of a vehicle that is beyond the scope of a basic tow. The charge for additional personnel shall be based on a per person hourly rate with a one hour minimum.

LABOR – The additional work done at the scene by the tow truck operator that is beyond the scope of a basic tow. The charge for additional labor shall be based on an hourly rate in fifteen minute increments.

PRIVATE PROPERTY OWNER – Means the owner or lessee of private property or an agent of such owner or lessee, but shall not include a private property towing company acting as an agent of such owner or lessee.

TARPING – Covering or recovering a vehicle to prevent against further weather damage or unauthorized access.

TOWING – Means the moving or removing from public or private property or from a storage facility by a motor vehicle of a consumer's motor vehicle that is damaged as a result of an accident or otherwise disabled, is recovered after being stolen or is illegally or otherwise without authorization or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. Dues or other charges of clubs or associations which provide towing services to club or association members shall not be considered a service charge for purposes of this definition; and when a tow truck and/or hydraulic flatbed carrier takes in its possession the care, control and custody of a motor vehicle by means of standard industry procedures.

TOWING, NON-CONSENSUAL – Means the towing of a motor vehicle without the consent of the owner or operator of the vehicle.

TOWING, PRIVATE PROPERTY – Means the non-consensual towing from private property or from a storage facility by a motor vehicle of a consumer's motor vehicle

that that is damaged as a result of an accident or otherwise disabled, is recovered after being stolen or is illegally or otherwise without authorization or the immobilization of or preparation for moving or removing of such motor vehicle for which a service charge is made, either directly or indirectly. This term shall not include the towing of a motor vehicle that has been abandoned on private property in violation of section 1 of P.L. 196, c. 305 (39:4-56.5), provided that the abandoned vehicle is reported to the appropriate law enforcement agency prior to removal and the vehicle is removed in accordance with section 1 of P.L. 1973, c.137 (C.39:4-56.6).

VEHICLE ACCESS CHARGE – Owner and/or insurance representative must be accompanied into the secured storage yard facility to inspect, remove personal belongings, adjust and take vehicle photographs. Documentation such as the driver license of the vehicle owner or business card of the insurance representative must be photocopied and time stamped when this additional service is performed.

VEHICLE OWNER – A person, firm, corporation or partnership who owns and/or operates a vehicle on the roads and highways within the Borough of Fair Lawn, which vehicles, by reason of being disabled or abandoned on the roads and highways of the Borough, requires towing and/or storage.

WAIT TIME – Additional time a tow operator spends at the scene other than the time required for actual tow and/or recovery.

WINCHING – The process of moving a motor vehicle by the use of additional chains, slings and additional lengths of winch cable from a position that is not accessible for direct hook up by conventional means for towing and/or loading onto a tow vehicle. Winching is not pulling a vehicle onto a flatbed carrier or lifting a motor vehicle by conventional means (tow slings, wheel lift, etc.)

WRAP – Material used to cover exposed areas from weather elements.

WRECKING – The process of removing wreckage from the roadway, e.g. the vehicle and its debris including the removal of vehicle pieces and other objects from a crash scene, with the end result being that roadway is returned to pre-crash condition.

SECTION 4: Section 232-5 entitled Qualification, criteria and application procedures for emergency towing and road service is hereby deleted in its entirety.

Add:

§232-5. Qualification, criteria, application and licensing procedures for towing operators.

A. Application:

It shall be the responsibility of the Police Department to review all applications submitted by towing operators to be considered for providing this service to the borough. On forms provided by the borough, applications will be accepted approximately two months prior to the expiration of the existing tow licenses. A non-refundable fee to cover the administrative expense of processing the application shall be collected at the time of application as set forth in §94-12Z. All towing operators shall submit documentation that they are in compliance with current New Jersey laws and the qualification and criteria requirements set forth below.

B. Qualifications and Criteria

(1) Insurance.

- (a) Guideline. The towing operator shall maintain insurance policies of the type and with the minimum limits indicated below and in a form satisfactory to the borough. The towing operator shall provide a certified copy of the policies and/or certificates of insurance satisfactory to the Borough of Fair Lawn prior to the commencement of work.
- (b) Garage liability insurance. Limit of liability shall not be less than \$1,000,000 combined single limit (bodily injury and property damage) per occurrence including premises operations and products/completed operations.
- (c) Automobile liability insurance. Limit of liability shall not be less than \$1,000,000 combined single limit (bodily injury and property damage) per occurrence.
- (d) Garage keeper's legal liability insurance. Physical drainage insurance policies shall be specifically endorsed to provide direct primary insurance, where applicable, for vehicles in tow, possession of or storage on property owned or controlled by the operator. Limit of said coverage shall be not less than \$100,000.
- (e) Excess umbrella insurance. Limit of liability shall be not less than \$1,000,000 providing protection in excess of the \$1,000,000 garage and auto liability coverage. NOTE: this requirement may be waived if the limits of liability in Subsection 1(b) and 1(c) above are not less than \$1,500,000 combined single limit.
- (f) Additional Insured. On all liability policies, the Borough of Fair Lawn shall be added as an additional insured, and insurance certificates

shall indicate such coverage as primary coverage notwithstanding any insurance carried by the municipality.

- (g) Worker's compensation insurance. Statutory coverage, including employers liability coverage with a limit of at least \$500,000/\$500,000/\$500,000.
- (h) Additional Insurance requirements.

- [1] Certified copies of all insurance policies provided above or certificates thereof satisfactory to the Borough of Fair Lawn shall be furnished prior to a towing operator performing towing services. Each such policy or certificate shall contain a provision that it is not subject to change, cancellation or nonrenewal unless 30 days prior written notice via certified mail/return receipt shall have been given to the Borough of Fair Lawn by the towing operator's insurer. These must be received 30 days prior to commencement of towing operations.
- [2] Providing any insurance required herein does not relieve the towing operator of any of the responsibilities or obligations assumed by it for which it may be liable by law or otherwise.
- [3] If any policies contain deductibles or co-payments, it shall be the responsibility of the towing operator to pay such sums at the same time a claim is settled by its insurance company.
- [4] If any policies contain limits of liability with an aggregate limit, the towing operator or its insurance company shall provide the municipality, quarterly during the policy period, a statement evidencing the limits of liability required to be in force.
- [5] Failure to provide and continue in force such insurance as required above shall be deemed a material breach by the towing operator.
- [6] All policies shall be written in either a company licensed to do business in the State of New Jersey or a New Jersey eligible Surplus Lines Company, with a minimum Best rating of A-X. They shall be written on an ISO (Insurance Service Office) form or better.

- (2) Indemnity. The towing operator will defend, indemnify and hold harmless the borough from any and all claims for personal injury or property damage arising out of the operation of any towing services or repair services. The towing operator will further defend the municipality at its expense, in connection with any claim, demand, suit or action brought against the municipality arising out of the awarding or operation of any towing, garage or repair services under this chapter.
- (3) Business office. Any person, firm, corporation or partnership operating a towing and storage business shall endeavor to maintain a principal place of operation within the Borough as a property taxpayer. In maintaining a principal place of operation with the Borough, any person, firm, corporation or partnership operating a towing and storage business shall conform to a legally approved zoning and/or site plan and shall comply fully with all of the Borough's zoning, land use and property maintenance codes. Failure to comply with the Borough's zoning, land use and development and property maintenance codes may subject any operator to suspension from the Rotational Duty Service List upon request to the Borough Manager from the Borough's Construction Code Official, Zoning Officer or Property Maintenance Officer. In no event shall the principal place of operation be further than one mile from the border of the Borough of Fair Lawn.
- (4) Storage facility. All towing operators shall have a storage facility which can accommodate a minimum of 10 medium-sized vehicles. The storage facilities shall be lighted, fenced and/or secured in order to guaranty the safe storage of all vehicles in accordance with the minimum requirements for indoor and outdoor secure and unsecured storage facilities as defined under §223-3 of this chapter. The storage facility, however, shall be no further than five miles from the border of the Borough of Fair Lawn. The storage facility for any towing operator which provides towing service to the Borough on the rotational duty service list, shall be no further than one mile from the border of the Borough of Fair Lawn and legally zoned and operational in the municipality.
- (5) Vehicles. In addition to other equipment which is necessary for the safe performance of towing emergency road and storage services, all towing operators must own and have available at least two light duty tow trucks, one flatbed truck, one medium duty tow truck, and one heavy-duty tow truck. Failure of the towing operator to own or have available at least one heavy-duty tow truck shall not disqualify the owner from being added to the rotation for towing; however, the available heavy duty tow truck utilized must be have a Borough tow license.

- (6) Equipment. All towing operators' trucks shall be equipped with brooms, shovels and any other street sweeping equipment for the purpose of clearing debris off the roadways. The towing operator shall at the time of removing any motor vehicle, in response to a police request, remove from the public or private roads or highways, any motor vehicle debris or material in the area surrounding the vehicle, except for any debris or material which may be hazardous, such as oil, gasoline, kerosene or other petroleum or chemical products. The cleanup of debris, other than hazardous materials, shall be performed by the towing operator, without charge to the Borough of Fair Lawn or the vehicle owner.
- (7) Miscellaneous.
 - (a) The towing operators' wrecker(s) and all other vehicles shall be properly licensed and registered with the New Jersey Motor Vehicle Commission. All towing operators' vehicles shall display New Jersey commercial license plates.
 - (b) All towing operators shall have facilities and equipment that will ensure and guarantee the furnishing of prompt and efficient services for all standard passenger automobiles.
 - (c) The towing operators' company name, address and telephone number(s) shall be prominently and permanently displayed on both sides of all wrecker(s) and other towing vehicles.

C. Licensing.

- (1) It shall be the responsibility of the Borough Manager or his/her designee, upon recommendation of the Chief of Police, to issue a license to towing operators that have complied with the criteria as set forth in the application process. The license year shall be from the last Monday in June to the Last Sunday in June of the following year.
- (2) The licensing fee shall be as set forth in §94-12Z.

SECTION 5: Section 232-6 entitled Minimum standards governing operator performance is hereby deleted in its entirety.

Add:

§232-6. Minimum standards governing operator performance.

A. All towing operators selected to serve on a rotational basis must guarantee the availability of all services to the Borough Manager seven days a week, 24 hours a

day. In this respect, a towing operator shall immediately respond to any type of towing emergency road service or storage call with the appropriate vehicle and/or equipment within 20 minutes after receipt of telephone notification from the Police Department's Dispatcher/Desk Officer. Unless heavy or unusual traffic conditions or inclement weather within the borough prevent a towing operator from arriving at the scene within 20 minutes, failure to respond within the time frame shall be considered a breach of this chapter. In the event that a towing operator fails to respond within 20 minutes from the time of the call, the Police Department reserves the right to contact the next available towing operator on the rotational list and utilize its services.

- B. In times of emergencies and/or natural disasters, the Borough of Fair Lawn reserves the right to contact other towing service operators who may not be on the rotational list.
- C. The owner of a vehicle involved in an accident shall have the right, if he/she so desires, to designate a towing operator of his/her choice as long as public safety needs do not dictate otherwise.
- D. Employees of the towing operator, in responding to a call, shall request and be afforded police assistance during the course of providing towing, emergency road services or removal of abandoned or accident vehicles when such employees find it necessary to turn around, back up, tow in the opposite direction of traffic or cross the median.
- E. A towing operator shall not permit a vehicle to be removed from the site of a vehicular accident, the scene of a crime or any other instance or situation without the prior approval and permission of a police officer and/or superior at the scene.
- F. No towing operator serving on the Rotational Duty Service List shall charge for private towing and storage services in excess of the amounts established in §94-12Z herein for towing and storage services initiated by the Borough Police Department or any other Borough department or official.
- G. No towing operator serving on the Rotational Duty Service List shall be engaged in the practice of "cruising," as hereinabove defined in §223-3.

SECTION 6: Section 223-7 entitled "Fee schedule for the removal and storage of vehicles" is hereby amended as follows:

Delete:

- C. between the hours of 8:30 a.m. and 4:30 p.m.

Add:

- C. during regular business hours.

Delete:

- F. Fees for towing, storage and ancillary services.

Add:

- F. Fees as set forth in Chapter 94, Article VI of this Code.

SECTION 7: Section 232-8 entitled, Establishment of towing operator's rotational list is hereby amended as follows:

Delete:

Following the approval of applications by the Borough Manager,

Add:

Following the issuance of a tow license by the Borough Manager,

SECTION 8: Section 223-10 entitled "Hours of Operation" is hereby amended as follows:

Delete:

during the hours of 7:00 a.m. to 10:00 a.m.

Add:

Monday through Friday, except holidays, from 8:00 a.m. to 5:00 p.m.

SECTION 9: 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 thereto 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 10: All ordinances, codes or parts thereof that are inconsistent with this Ordinance are repealed or otherwise modified.

SECTION 11: This Ordinance shall take effect on June 29, 2015.

ATTEST:

APPROVED:

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

John Cosgrove, Mayor

Introduced: April 14, 2015

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 215-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2343-2015 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN
2000, SPECIFICALLY CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC",
MORE PARTICULARLY SECTION 232-68 ENTITLED "PEDESTRIAN SIGNS"**

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 2343-2015

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", MORE PARTICULARLY SECTION 232-68 ENTITLED "PEDESTRIAN SIGNS"

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fair Lawn that:

SECTION 1: Section 232-68 entitled "Pedestrian signs" is hereby amended as follows:

§ 223-68. Pedestrian signs.

Add:

Name of Street

Intersection of

Fair Lawn Avenue

Mandon Place

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 thereto 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: April 14, 2015

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 216-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2344-2015 entitled:

**AN ORDINANCE FIXING THE SALARIES OF CERTAIN NEW EMPLOYEES OF
THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, AND NEW JERSEY IS
AMENDED (CIVIL ENGINEER TRAINEE)**

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. 2344-2015

AN ORDINANCE FIXING THE SALARIES OF CERTAIN NEW EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, AND NEW JERSEY IS AMENDED (CIVIL ENGINEER TRAINEE)

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

SECTION 1. That there are hereby established salary ranges for the following classifications of certain employees:

WHEREAS, a need has occurred to amend Ordinance 2267-2013, adopted on April 23, 2013, and

WHEREAS, the position of Civil Engineer Trainee will be added to the Borough of Fair Lawn's Blue and White Collar Bargaining Unit Salary Ordinance 2267-2013 as follows:

<u>New Employees hired on or after March 12, 2013</u>	<u>2015 Min / 2015 Max</u>
Civil Engineer Trainee	55,761 / 84,114

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

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

SECTION 4. Salary increases are effective only if an employee has not resigned voluntarily or has been terminated with cause. Retired employees are eligible on a prorated basis.

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: April 14, 2015
Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

CONSENT AGENDA 10-2015

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. #217-2015 - Approval of Minutes:
 - Work Session 3/17/15
 - Special Meeting 3/17/15
 - Closed Session 3/17/15
 - Regular Meeting 3/24/15
- b. Resol. #218-2015 - Professional Services Agreement: Employee Assistance Program
- c. Resol. #219-2015 - Confirmation of Fire Board Actions
- d. Resol. #220-2015 - Redevelopment Plan: Kem Site/Fair Lawn Senior Housing
- e. Resol. #221-2015 - Tax Appeal Settlement: 17-10 Willow Street, LLC
- f. Resol. #222-2015 - Tax Appeal Settlement: Broadway Medical
- g. Resol. #223-2015 - Tax Appeal Settlement: Fairfax Realty, Inc.
- h. Resol. #224-2015 - Tax Appeal Settlement: Mahler Tuckman Realty Assoc.
- i. Resol. #225-2015 - Tax Appeal Settlement: A B & D Realty, LLC
- j. Resol. #226-2015 - Tax Appeal Settlement: BMP Realty Assoc. LLC
- k. Resol. #227-2015 - Tax Appeal Settlement: 10-16 River Road Plaza, LLC
- l. Resol. #228-2015 - Refund of Overpayment of Taxes
- m. Resol. #229-2015 - Authorizing Execution of Interlocal Services Agreement: Hawthorne
- n. Resol. #230-2015- Dedication by Rider - Veterans Trust Account

- o. Resol. #231-2015 - Authorizing the Execution of a Memorandum of Understanding - Full Time Public Safety Telecommunicators of the White and Blue Collar Employees' Association of Fair Lawn
- p. Resol. #232-2015 - Authorizing Sale of Skate Park Equipment to the Village of Ridgewood
- q. Resol. #233-2015 - Multi-Year Contract - Clinical Services Management, P.C.
- r. Resol. #234-2015 - Accepting Donation from the Bicycle Touring Club of North Jersey
- s. Resol. #235-2015 - Authorizing Issuance of Massage Establishment License: Holistic Center
- t. Resol. #236-2015 - Adopting Hazard Mitigation Plan

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 217-2015

By

Seconded by

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

Work Session 3/17/15
Special Meeting 3/17/15
Closed Session 3/17/15
Regular Meeting 3/24/15

are hereby approved.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 218-2015

By

Seconded by

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

WHEREAS, Clinical Services Management, P.C. having a principal place of business at 6 Prospect Street, Suite 3B and 3C, Midland Park, New Jersey 07432, has indicated that it will continue to provide the services for an Employee Assistance Program to the Borough in accordance with the pricing schedule attached hereto and made a part hereof as Schedule "A";

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

1. That upon the recommendation of the Borough Manager that said services is necessary, a contract be awarded to the aforesaid Clinical Services Management, P.C. pursuant to and in accordance with its proposal for an employee assistance program, which services are to be billed as set forth in the proposal.
2. The term of the contract shall be from May 15, 2015 and expiring on June 30, 2018.
3. No additional services shall be rendered for which Clinical Services Management, P.C. shall seek additional payment without written authorization by the Borough pursuant to law.

4. The Mayor and Municipal Clerk are hereby authorized to execute said contract to be approved by the Borough Attorney, provided all statutory requirements are met.

5. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because said services are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids.

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

BE IT FURTHER RESOLVED that Clinical Services Management, P.C. have complied with the Business Entity Disclosure Certification for non-fair and open contracts required pursuant to N.J.S.A. 19:44A-20.8.

BE IT FURTHER RESOLVED that this resolution is contingent upon the Chief Financial Officer filing a Certificate of Availability of Funds with the Municipal Clerk's Office.

PRICING TABLE

PRICING (based upon a projection of up to 250 permanent employees and emergency services personnel covered for the year and up to 200 temporary/seasonal employees covered during July and August	\$10,800.00 per year payable in installments of \$2,700.00 per quarter
Staff numbers will be confirmed on a quarterly basis commencing three months after the start of the contract. Additional staff, above the maximums outlined above will be billed at \$3.00 (three dollars) per employee/ per month	\$3.00 per employee/ per month for additional employees beyond the maximums indicated

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 219-2015

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:

Dillon Rinaldo
19-13 Saddle River Road
Co. 4

Scott Greco
26-12 Kipp Street
Co. 4

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 220-2015

By

Seconded by

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land located therein constitute an area in need of rehabilitation; and

WHEREAS, in accordance with the LRHL the Municipal Council of the Borough of Fair Lawn (the "Borough Council") designated Block 5834, Lot 1.02 in the Borough of Fair Lawn, in the County of Bergen (the "Property"), known as the rear portion of the KEM property, as an area in need of rehabilitation on September 11, 2012 through the adoption of Resolution No. 273-2012;

WHEREAS, the Borough Council directed the Planner of Record, Matrix New World Engineering, to prepare a Redevelopment Plan for the Property at the sole expense of Bergen County United Way;

WHEREAS, the Planner of Record prepared a Redevelopment Plan for the Property and has submitted said Redevelopment Plan to the Borough Council for review;

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(e), the Borough Council seeks to refer to the Planning Board of the Borough of Fair Lawn (the "Planning Board") for review and recommendation, a Redevelopment Plan for the Property (the "Redevelopment Plan", on file on the Municipal Clerk's Office).

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Borough Council hereby refers the Redevelopment Plan, on file with the Municipal Clerk's Office, to the Planning Board for review and recommendation in accordance with the requirements of *N.J.S.A. 40A:12A-7(e)*.
3. The Borough Council authorizes and directs the Planning Board to prepare a report of its recommendations (the "Planning Board Report") regarding the Redevelopment Plan in accordance with *N.J.S.A. 40A:12A-7(e)*. The Planning Board Report is to be submitted to the Borough Council within forty-five (45) days of the adoption of this Resolution.
4. The Municipal Clerk shall forward a copy of this Resolution to the Planning Board for review pursuant to *N.J.S.A. 40A:12A-7(e)*.
5. Effective Date. This resolution shall take effect immediately.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 221-2015

By

Seconded by

WHEREAS, 17-10 Willow Street, LLC filed real property tax appeals for the years 2011 through 2014 (Docket Nos. 005670-2011, 009277-2012, 008412-2013 & 007523-2014); and

WHEREAS, the real property assessments for the subject premises, located at 17-10 Willow Street (Lot 2 in Block 4301 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2011 were as follows:

Land:	\$2,670,000
Improvements:	<u>\$3,665,400</u>
Total:	\$6,335,400

and;

WHEREAS, for 2012 through 2014 the real property assessments were as follows:

Land:	\$2,937,000
Improvements:	<u>\$2,933,500</u>
Total:	\$5,870,500

and;

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

Land:	\$2,670,000
Improvements:	<u>\$2,830,000</u>
Total:	\$5,500,000

and;

WHEREAS, as part of the settlement agreement the 2012 through 2014 tax appeals will be withdrawn; and

WHEREAS, as an integral part of the settlement agreement the 2015 assessments were reduced to a total of \$5,300,000; 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 settlement results in an approximate total tax refund for tax years 2011 through 2014 in the amount of \$19,523.30, of which the plaintiff has agreed to take as a credit against future taxes upon issuance of the judgments; and

WHEREAS, the Mayor and Council have been advised by the Borough's Tax Assessor and by the Borough Attorney that said settlement is in the Borough's best 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 the Borough Tax Collector is hereby authorized to credit the proposed refund of \$19,523.30 to successive tax bills upon issuance of the judgments; and

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 222-2015

By

Seconded by

WHEREAS, Broadway Medical Center, LLC filed real property tax appeals for the years 2013 and 2014 (Docket Nos. 005664-2013 & 000677-2014); and

WHEREAS, the real property assessments for the subject premises, located at 22-18 Broadway (Lot 28 in Block 3226.01 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2013 and 2014 were as follows:

Land:	\$1,244,500
Improvements:	<u>\$5,813,500</u>
Total:	\$7,058,000

and;

WHEREAS, as part of the settlement agreement the 2013 tax appeal will be withdrawn; and

WHEREAS, the 2014 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land:	\$1,244,500
Improvements:	<u>\$5,515,500</u>
Total:	\$6,400,000

and;

WHEREAS, as an integral part of the settlement agreement the 2015 assessments were reduced to a total of \$6,100,000; 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 settlement results in an approximate total tax refund for tax years 2013 through 2014 in the amount of \$20,424.32, of which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgments; and

WHEREAS, the Mayor and Council have been advised by the Borough's Tax Assessor and by the Borough Attorney that said settlement is in the Borough's best 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 the Borough Tax Collector is hereby authorized to issue a refund in the amount of \$20,424.32 upon issuance of the judgments; and

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 223-2015

By

Seconded by

WHEREAS, Fairfax Realty, Inc., filed real property tax appeals for the years 2013 and 2014 (Docket Nos. 009436-2013 & 007657-2014); and

WHEREAS, the real property assessments for the subject premises, located at 20-12 Fair Lawn Avenue (Lot 1 in Block 4619 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2013 and 2014 were as follows:

Land:	\$ 898,600
Improvements:	<u>\$ 456,900</u>
Total:	\$1,355,500

and;

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

Land:	\$ 898,600
Improvements:	<u>\$ 401,400</u>
Total:	\$1,300,000

and;

WHEREAS, the 2014 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land:	\$ 898,600
Improvements:	<u>\$ 351,400</u>
Total:	\$1,250,000

and;

WHEREAS, as an integral part of the settlement agreement the 2015 assessments were reduced to a total of \$1,200,000; 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 settlement results in an approximate total tax refund for tax years 2013 through 2014 in the amount of \$4,851.33, of which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgments; and

WHEREAS, the Mayor and Council have been advised by the Borough's Tax Assessor and by the Borough Attorney that said settlement is in the Borough's best 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 the Borough Tax Collector is hereby authorized to issue a refund in the amount of \$4,851.33 upon issuance of the judgments; and

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 224-2015

By

Seconded by

WHEREAS, Mahler Tuckman Realty Assoc., filed real property tax appeals for the years 2012 and 2013 (Docket Nos. 010833-2012 & 018333-2013); and

WHEREAS, the real property assessments for the subject premises, located at 25-15 Fair Lawn Avenue (Lot 2 in Block 3709 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2012 and 2013 were as follows:

Land:	\$1,285,900
Improvements:	<u>\$ 240,700</u>
Total:	\$1,526,600

and;

WHEREAS, the 2012 and 2013 tax appeals may be settled by reduction of the aforesaid assessments as follows:

Land:	\$1,285,900
Improvements:	<u>\$ 214,100</u>
Total:	\$1,500,000

and;

WHEREAS, the 2013 settlement of a total assessment of \$1,500,000 will also carry to 2014 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 settlement results in an approximate total tax refund for tax years 2012 through 2014 in the amount of \$2,328.82, of which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgments; and

WHEREAS, the Mayor and Council have been advised by the Borough's Tax Assessor and by the Borough Attorney that said settlement is in the Borough's best 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 the Borough Tax Collector is hereby authorized to issue a refund in the amount of \$2,328.82 upon issuance of the judgments; and

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 225-2015

By

Seconded by

WHEREAS, A B & D Realty, LLC filed real property tax appeals for the years 2012 and 2013 (Docket Nos. 010885-2012 & 017987-2013); and

WHEREAS, the real property assessments for the subject premises, located at 24-18 Maple Avenue (Lot 7 in Block 5904 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2012 and 2013 were as follows:

Land:	\$ 688,200
Improvements:	<u>\$ 340,300</u>
Total:	\$1,028,500

and;

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

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

Land:	\$ 688,200
Improvements:	<u>\$ 236,800</u>
Total:	\$ 925,000

and;

WHEREAS, the 2013 settlement of a total assessment of \$925,000 will also carry to 2014 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 settlement results in an approximate total tax refund for tax years 2012 through 2014 in the amount of \$6,225.53, of which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgments; and

WHEREAS, the Mayor and Council have been advised by the Borough's Tax Assessor and by the Borough Attorney that said settlement is in the Borough's best 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 the Borough Tax Collector is hereby authorized to issue a refund in the amount of \$6,225.53 upon issuance of the judgments; and

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 226-2015

By

Seconded by

WHEREAS, BMP Realty Assoc., LLC filed real property tax appeals for the years 2012 and 2013 (Docket Nos. 010908-2012 & 018334-2013); and

WHEREAS, the real property assessments for the subject premises, located at 15-01 Pollitt Drive, Unit 8B (Lot 3 in Block 4802 Qualifier C008B on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2012 and 2013 were as follows:

Land:	\$ 269,200
Improvements:	<u>\$ 780,500</u>
Total:	\$1,049,700

and;

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

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

Land:	\$ 269,200
Improvements:	<u>\$ 730,800</u>
Total:	\$1,000,000

and;

WHEREAS, the 2013 settlement of a total assessment of \$1,000,000 will also carry to 2014 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 settlement results in an approximate total tax refund for tax years 2012 through 2014 in the amount of \$2,989.46, of which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgments; and

WHEREAS, the Mayor and Council have been advised by the Borough's Tax Assessor and by the Borough Attorney that said settlement is in the Borough's best 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 the Borough Tax Collector is hereby authorized to issue a refund in the amount of \$2,989.46 upon issuance of the judgments; and

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 227-2015

By

Seconded by

WHEREAS, 10-16 River Road Plaza, LLC filed a real property tax appeal for the year 2012 (Docket No. 008445-2012); and

WHEREAS, the real property assessments for the subject premises, located at 10-16 River Road (Lot 10 in Block 5506 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2012 were as follows:

Land:	\$ 807,400
Improvements:	<u>\$ 674,700</u>
Total:	\$1,482,100

and;

WHEREAS, the 2012 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land:	\$ 807,400
Improvements:	<u>\$ 492,600</u>
Total:	\$1,300,000

and;

WHEREAS, since the property was only appealed for 2012 by this attorney, the Freeze Act will not apply for the subsequent years; 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 settlement results in an approximate total tax refund for tax year 2012 in the amount of \$5,564.98, of which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgment; and

WHEREAS, the Mayor and Council have been advised by the Borough's Tax Assessor and by the Borough Attorney that said settlement is in the Borough's best 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 the Borough Tax Collector is hereby authorized to issue a refund in the amount of \$5,564.98 upon issuance of the judgment; and

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 228-2015

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>
2813	18	Wells Fargo RE Tax Svc, LLC 1 Home Campus MAC #X2301-37 ATT: WCP Des Moines, IA 50328	\$6,782.26

(Refund of overpayment of 2014 taxes as a result of a duplicate payment)

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 229-2015

By

Seconded by

WHEREAS, the Borough of Hawthorne has requested the Borough of Fair Lawn to continue to provide it with the maintenance and repair of its fire apparatus; and

WHEREAS, providing said service will be beneficial to the residents of Fair Lawn by generating revenue for the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the Borough enter into an inter-local government services agreement with the Borough of Hawthorne for the purpose of providing maintenance and repair of the Borough of Hawthorne's fire apparatus for a term commencing on May 1, 2015 and expiring on April 30, 2017 at an hourly rate of \$80.00 to be paid by the Borough of Hawthorne to the Borough of Fair Lawn within thirty (30) days of receipt of an invoice for said service;

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and they are hereby authorized to execute said agreement to be prepared by the Borough Attorney; and

BE IT FURTHER RESOLVED that this resolution is subject to the condition that the Borough of Hawthorne adopt a resolution concurrent herewith for the execution of said agreement.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 230-2015

By

Seconded by

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, N.J.S.A. 40:48C-6 allows municipalities to receive amounts to pay for the expenditures of Fair Lawn Veterans in need, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn, County of Bergen, and State of New Jersey as follows:

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures of Fair Lawn Veterans in need a temporary assistance as per N.J.S.A. 40A:4-39.
2. The Municipal Clerk of the Borough of Fair Lawn is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 231-2015

By

Seconded by

WHEREAS, the Mayor and Council of the Borough of Fair Lawn and the Full-Time Public Safety Telecommunicators of the White and Blue Collar Employees' Association of Fair Lawn have agreed to terms that are reflected in the Memorandum of Understanding between the Borough of Fair Lawn and the Full-Time Public Safety Telecommunicators of the White and Blue Collar Employees' Association of Fair Lawn; and

WHEREAS, the Memorandum of Understanding implements a Temporary Work Schedule Trial Period only for Full-Time Public Safety Telecommunicators commencing on June 11, 2015 and shall conclude on December 23, 2015; and

WHEREAS, the provisions of this Memorandum of Understanding are intended for the Trial Period only and are not intended to change any other provisions, past practice, or policies nor to set precedent if these provisions affect other provisions, practice or policy. All other Articles and terms of the Collective Bargaining Agreement between the Borough of Fair Lawn and the White and Blue Collar Employees' Association of Fair Lawn shall continue without interruption for the term thereof.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Municipal Clerk be and are hereby authorized to execute the Memorandum of Understanding between the Full-Time Public Safety Telecommunicators of the White and Blue Collar Employees' Association of Fair Lawn in a form acceptable to the Labor Counsel and Borough Attorney.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 232-2015

By

Seconded by

WHEREAS, the Borough of Fair Lawn is the owner of certain pieces of skate park recreational equipment as referenced and listed hereto; and

WHEREAS, the Mayor and Council of the Borough of Fair Lawn has determined that said skate park recreational equipment is no longer needed by the Borough and is surplus property; and

WHEREAS, the Village of Ridgewood has offered to acquire the aforesaid skate park recreational equipment for the sum of \$7,500.00 dollars; and

WHEREAS, the Borough of Fair Lawn is desirous of accepting the offer by the Village of Ridgewood for the sale of the aforesaid skate park recreational equipment;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the certain pieces of skate park recreational equipment is hereby declared to be surplus property which is no longer needed for Borough use; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Fair Lawn that it has authorized the sale of the above referenced equipment to the Village of Ridgewood for and in consideration of a purchase price of \$7,500.00.

SKATE PARK EQUIPMENT

- (1) Skatewave Flat Grind Rail
- (1) Skatewave Skate Table
- (1) Skatewave Quarter Pipe 4X8 (48i) ST
- (1) Skatewave Bank 4X8 (48iDKS) STE
- (1) Skatewave Street Grindbox 5x47x
- (1) Skatewave Street Ledge 11x19x96

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 233-2015

By
Seconded by

WHEREAS, as required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-14.5, and any other applicable requirement, I, Karen Palermo, Chief Financial Officer of the Borough of Fair Lawn has ascertained that the 2015 Municipal Budget to award a contract to Clinical Services Management, P.C. 6 Prospect Street, Suite 3B and 3C, Midland Park, NJ 07432 to furnish and provide Employee Assistance Program to the Borough as detailed in the agreement signed and approved by the Mayor and Council in an annual amount of \$ 10,800. Funds for certification are therefore being made available and certified against the appropriation for Other Insurance, Account Number Y-01-23-212-000-920.

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

Contract Period: May 15, 2015 to June 30, 2018.

Total Amount of Contract: \$33,750.00

Amount Certified for Initial Seven (7) months: \$6,300

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

Second Year:	2013	\$ 10,800
Third Year:	2014	\$ 10,800
Fourth Year:	2015	\$ 5,850

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn, hereby authorizes the contract for a Clinical Services Management, P.C. 6 Prospect Street, Suite 3B and 3C, Midland Park, NJ 07432 to furnish and provide Employee Assistance Program to the Borough in an amount not to exceed \$33,750.00.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 234-2015

By
Seconded by

WHEREAS, the Bicycle Touring Club of North Jersey having an address of P.O. Box 853, Ridgewood, New Jersey, 07451, was established in 1978 and is a non-profit, all-volunteer bicycling club dedicated to promoting bicycling for recreation and transportation; and

WHEREAS, the Bicycle Touring Club of North Jersey wishes to donate a bicycle rack to the Borough of Fair Lawn; and

WHEREAS, N.J.S.A. 40A:5-29 provides that any local unit is authorized and empowered to accept gifts made to the Municipality;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fair Lawn:

1. Hereby accepts the donation of the bicycle rack from the Bicycle Touring Club of North Jersey.
2. The Borough Manager and Borough Clerk are hereby authorized to undertake and execute any and all documents required to complete the conveyance of the donated bicycle rack as approved by the Borough Attorney.

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Fair Lawn, expresses gratitude to the Bicycle Touring Club of North Jersey for its generous gift and support of our community.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 235-2015

By

Seconded by

WHEREAS, Holistic Center located at 19-03 Maple Avenue, Unit 1, 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 the issuance of a massage establishment license by the aforesaid applicant be and are hereby approved and the Municipal Clerk be and is hereby authorized to issue same.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 28, 2015

RESOLUTION NO. 236-2015

By
Seconded by

WHEREAS, the Borough of Fair Lawn, NJ, has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk;

WHEREAS, the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan;

WHEREAS, a Hazard Mitigation Plan has been developed by the Mitigation Planning Committee;

WHEREAS, the Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS, the draft plan was provided to each participating jurisdiction and was posted on the County Office of Emergency Management's website so as to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law, and

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

1. The Bergen County Multi-Jurisdictional *Hazard Mitigation Plan*, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on April 13, 2015 by the Bergen County Office of Emergency Management is hereby adopted as an official plan of the Borough of Fair Lawn; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey

Office of Emergency Management may be incorporated without further action.

2. The Borough of Fair Lawn departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Borough of Fair Lawn, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Bergen County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.