

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.

MAY 12, 2015

1. Call to Order by Mayor
2. Statement of Compliance with the Open Public Meetings Act
3. Roll Call
4. Flag Salute
5. AUXILIARY POLICE OFFICER SWEARING IN AND PROMOTIONS
6. COUNCIL COMMENTS
7. ORDINANCES ON FIRST READING:

**ORDINANCE NO. 2352-2015
(RESOLUTION NO. 239-2015)**

AN ORDINANCE OF THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, STATE OF NEW JERSEY, ADOPTING THE REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 5834, LOT 1.02 IN THE BOROUGH IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET. SEQ.

- 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. 2353-2015
(RESOLUTION NO. 240-2015)**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY TO AMEND CHAPTER 163 ENTITLED "PEDDLING AND SOLICITING", MORE PARTICULARLY SECTION 163-9 ENTITLED "PROHIBITED ACTS"

- 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. 2354-2015
(RESOLUTION NO. 241-2015)**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, SPECIFICALLY CHAPTER 125 "ZONING" AND CHAPTER 49 "AFFORDABLE HOUSING" PERTAINING TO INCLUDING THE NEWLY ESTABLISHED OVERLAY DISTRICT ENTITLED, "R-7 AGE-RESTRICTED AFFORDABLE MULTIFAMILY RESIDENTIAL OVERLAY DISTRICT", WITHIN CODE SECTION 125-9, "ZONES ESTABLISHED", DEPICTING THIS NEWLY ESTABLISHED OVERLAY DISTRICT ON THE BOROUGH'S ZONING MAP, WHICH IS INCORPORATED BY REFERENCE THROUGH CODE SECTION 125-10 "OFFICIAL ZONING MAP", AND INCLUDING A NEW SECTION IN CHAPTER 49 ENTITLED "49-14.1 R-7 AGE-RESTRICTED AFFORDABLE MULTIFAMILY RESIDENTIAL OVERLAY DISTRICT", WHICH INCORPORATES THE ASSOCIATED REDEVELOPMENT PLAN INTO THE CODE BY REFERENCE

- 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.

8. ORDINANCES ON SECOND READING:

**ORDINANCE NO. 2343-2015
(RESOLUTION NO. 242-2015)**

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. 2345-2015
(RESOLUTION NO. 243-2015)**

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)

- 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. 2346-2015
(RESOLUTION NO. 244-2015)**

"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 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. 2347-2015
(RESOLUTION NO. 245-2015)**

"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 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. 2348-2015
(RESOLUTION NO. 246-2015)**

“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 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. 2349-2015
(RESOLUTION NO. 247-2015)**

“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 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. 2350-2015
(RESOLUTION NO. 248-2015)**

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 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. 2351-2015
(RESOLUTION NO. 249-2015)**

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 open the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor opens time for public comments asking if anyone wishes to be heard.
- Mayor calls for a motion to close the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Municipal Clerk reads the Resolution of Adoption. Mayor asks for a Mover, Secunder, Discussion, Roll Call.

9. PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

- Mayor calls for a motion to open time for public comments on Consent Agenda items only. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor opens time for public comments asking if anyone wishes to be heard.
- Mayor calls for a motion to close the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor closes the time for public comments.

10. RESOLUTIONS BY CONSENT #12-2015

- Municipal Clerk reads Resolutions by Consent.
 - a. Resol. #250-2015 - Approval of Minutes:
 - Closed Session 4/7/15
 - Work Session 4/7/15
 - Closed Session 4/7/15
 - Regular Meeting 4/14/15
 - b. Resol. #251-2015 - Refund of Overpayment of Taxes
 - c. Resol. #252-2015 - Authorizing Awarding of Contracts with Certain Approved State Contract Vendor - Hertrich Fleet Services (Parking Enforcement Officer's Vehicle)
 - d. Resol. #253-2015 - Interlocal Agreement with the Township of Saddle Brook for the Use of Memorial Pool
 - e. Resol. #254-2015 - Interlocal Agreement with the Borough of Haledon for the Use of Memorial Pool
 - f. Resol. #255-2015 - Authorizing Execution of Land Lease Agreement with the Fair Lawn Board of Education - Tennis Court
 - g. Resol. #256-2015 - Award of Bid: Water Main, Sanitary Sewer, Storm Water Facility Repairs
 - h. Resol. #257-2015 - Extension of Traffic Regulations - Memorial Junior High School
 - i. Resol. #258-2015 - Authorizing Approval of Massage Establishment License - Green Jersey Garden, Inc.
- Mayor asks for a Mover, Secunder, Roll Call.

11. 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.

12. ADJOURNMENT:

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

May 12, 2015

RESOLUTION NO. 239-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2352-2015 entitled:

AN ORDINANCE OF THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, STATE OF NEW JERSEY, ADOPTING THE REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 5834, LOT 1.02 IN THE BOROUGH IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET. SEQ.

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 26th 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. 2352-2015

AN ORDINANCE OF THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, STATE OF NEW JERSEY, ADOPTING THE REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 5834, LOT 1.02 IN THE BOROUGH IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET. SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("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;

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

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(e), the Borough Council referred the Redevelopment Plan to the Planning Board of the Borough of Fair Lawn (the "Planning Board") for review and recommendation (The Redevelopment Plan is available in the Municipal Clerk's Office); and

WHEREAS, on May 11, 2015 the Planning Board reviewed the Redevelopment Plan and issued a Report to the Borough Council, which found that the Redevelopment Plan was consistent with the Fair Lawn Borough Master Plan and recommended that the Borough Council adopt the Redevelopment Plan;

WHEREAS, the Borough Council desires to adopt this Ordinance and the Redevelopment Plan for the Redevelopment Area in accordance with the Redevelopment Law.

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

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

SECTION 2: The Borough Council of the Borough of Fair Lawn, County of Bergen, State of New Jersey, being the governing body thereof, that pursuant to N.J.S.A. 40A:12A-7 the Council hereby accepts, approves and adopts the Redevelopment Plan for Block 5834, Lot 1.02, a copy of which is available in the Municipal Clerk's Office.

SECTION 3: It is hereby found and determined that the Redevelopment Plan conforms to the Master Plan of the Borough of Fair Lawn.

SECTION 4: It is hereby found and determined that the Redevelopment Plan gives due consideration to the provision of appropriate allowable uses of the Areas as is desirable for improvement, with special consideration for the health, safety and welfare of the residents of the Areas and the Borough of Fair Lawn.

SECTION 5: It is hereby found and determined that the Redevelopment Plan will afford maximum opportunity, consistent with the sound needs of the locality as a whole, for the redevelopment of the area.

SECTION 6: In order to facilitate the implementation of the Redevelopment Plan, it is hereby found and determined that certain official action must be taken by this Body and, accordingly, this body hereby: (a) pledges its cooperation in helping to carry out the Redevelopment Plan, and (b) requests the various officials, departments, boards and agencies of the Borough of Fair Lawn having administrative responsibility in the premises to cooperate in such end and to exercise their respective functions and powers in a manner consistent with the Development Plan and this Ordinance, and take appropriate action upon proposals and measures designed to effectuate the same.

SECTION 7: The Redevelopment Plan for the Area, having been duly reviewed and considered, is hereby approved, and the Borough Clerk is hereby directed to file a copy of the Redevelopment Plan with the minutes of this meeting.

SECTION 8: The Zoning Map of the Borough of Fair Lawn is hereby amended to incorporate the provisions of the Redevelopment Plan and delineate the boundaries of the Redevelopment Area.

SECTION 9: If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication

shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 10: Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

SECTION 11: To the extent that any portion of the Redevelopment Plan conflicts with or amends or modifies any provision of any other of the Borough's development regulations, the Redevelopment Plan shall supersede or amend or modify, as applicable, such development regulations and the Zoning Map included in the Borough's Ordinance shall be deemed amended accordingly.

SECTION 12: This Ordinance shall take effect upon passage and publication in accordance with applicable law.

ATTEST:

APPROVED:

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

John Cosgrove
Mayor

Introduced: May 12, 2015

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

May 12, 2015

RESOLUTION NO. 240-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2353-2015 entitled:

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY TO AMEND CHAPTER 163 ENTITLED "PEDDLING AND SOLICITING", MORE PARTICULARLY SECTION 163-9 ENTITLED "PROHIBITED ACTS"

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 26th 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. 2353-2015

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY TO AMEND CHAPTER 163 ENTITLED "PEDDLING AND SOLICITING", MORE PARTICULARLY SECTION 163-9 ENTITLED "PROHIBITED ACTS"

WHEREAS, the Mayor and Council of the Borough of Fair Lawn publically declare their concern for the safety of the residents visited by peddlers and solicitors and to prevent unfair competition and dishonest practices by regulation of peddler and solicitors; and

WHEREAS, the Mayor and Council wish to restrict the hours peddlers and solicitors may sell to day light;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fair Lawn that the following amendments be made to Chapter 163 ([brackets] denote deletions and underline denotes additions):

SECTION 1. § 163-9B entitled "Prohibited Acts", is hereby amended as follows:

- B. No person covered by this article shall sell or attempt to sell in accordance with the terms of this article before 9:00 a.m. or after [7:00] 5:00 p.m. prevailing time. The aforesaid time limitation shall not apply to persons who are expressly invited into homes by the occupant thereof.

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: May 12, 2015
Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

May 12, 2015

RESOLUTION NO. 241-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2354-2015 entitled:

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, SPECIFICALLY CHAPTER 125 "ZONING" AND CHAPTER 49 "AFFORDABLE HOUSING" PERTAINING TO INCLUDING THE NEWLY ESTABLISHED OVERLAY DISTRICT ENTITLED, "R-7 AGE-RESTRICTED AFFORDABLE MULTIFAMILY RESIDENTIAL OVERLAY DISTRICT", WITHIN CODE SECTION 125-9, "ZONES ESTABLISHED", DEPICTING THIS NEWLY ESTABLISHED OVERLAY DISTRICT ON THE BOROUGH'S ZONING MAP, WHICH IS INCORPORATED BY REFERENCE THROUGH CODE SECTION 125-10 "OFFICIAL ZONING MAP", AND INCLUDING A NEW SECTION IN CHAPTER 49 ENTITLED "49-14.1 R-7 AGE-RESTRICTED AFFORDABLE MULTIFAMILY RESIDENTIAL OVERLAY DISTRICT", WHICH INCORPORATES THE ASSOCIATED REDEVELOPMENT PLAN INTO THE CODE BY REFERENCE

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 26th 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. 2354-2015

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, SPECIFICALLY CHAPTER 125 "ZONING" AND CHAPTER 49 "AFFORDABLE HOUSING" PERTAINING TO INCLUDING THE NEWLY ESTABLISHED OVERLAY DISTRICT ENTITLED, "R-7 AGE-RESTRICTED AFFORDABLE MULTIFAMILY RESIDENTIAL OVERLAY DISTRICT," WITHIN CODE SECTION 125-9, "ZONES ESTABLISHED," DEPICTING THIS NEWLY ESTABLISHED OVERLAY DISTRICT ON THE BOROUGH'S ZONING MAP, WHICH IS INCORPORATED BY REFERENCE THROUGH CODE SECTION 125-10 "OFFICIAL ZONING MAP," AND INCLUDING A NEW SECTION IN CHAPTER 49 ENTITLED "49-14.1 R-7 AGE-RESTRICTED AFFORDABLE MULTIFAMILY RESIDENTIAL OVERLAY DISTRICT," WHICH INCORPORATES THE ASSOCIATED REDEVELOPMENT PLAN INTO THE CODE BY REFERENCE.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("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;

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

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

WHEREAS, on May 11, 2015 the Planning Board reviewed the Redevelopment Plan and issued a Report to the Borough Council, which found

that the Redevelopment Plan was consistent with the Fair Lawn Borough Master Plan and recommended that the Borough Council adopt the Redevelopment Plan;

WHEREAS, the Borough Council desires to adopt this Ordinance to amend Chapters 125 and 49 of the Borough Code in order to establish the "R-7 Age-Restricted Affordable Multifamily Residential Overlay District" within the referenced sections of the Borough Code and depict the "R-7 Age-Restricted Affordable Multifamily Residential Overlay District" on the Borough of Fair Lawn Zoning Map in accordance with the Redevelopment Plan for the Property and the Redevelopment Law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fair Lawn that the following amendments be made to Chapter 125, Chapter 49 and the Borough of Fair Lawn Zoning Map, which is incorporated into Chapter 125 by reference:

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

SECTION 2. Borough of Fair Lawn Code Section 125-9, "Zones Established," is hereby amended to include the newly established Overlay District entitled, "R-7 Age-Restricted Affordable Multifamily Residential Overlay District".

SECTION 3. The Borough of Fair Lawn "Zoning Map" and Code Section 125-10, entitled "Official Zoning Map," which incorporates the "Zoning Map" of the Borough of Fair Lawn by reference, is hereby amended to depict the "R-7 Age-Restricted Affordable Multifamily Residential Overlay District" on the Borough of Fair Lawn "Zoning Map".

SECTION 4. Chapter 49, Entitled "Affordable Housing" of the Code of the Borough of Fair Lawn is hereby amended to include a new section entitled "49-14.1 R-7 Age-Restricted Affordable Multifamily Residential Overlay District," which incorporates the Redevelopment Plan for the Property (which is on file in the Municipal Clerk's Office) into the Code by reference.

SECTION 5. It is hereby found and determined that the amendments to the above referenced sections of the Code of the Borough of Fair Lawn are in accordance with Section 6.1 of the Redevelopment Plan and conform to the Master Plan of the Borough of Fair Lawn.

SECTION 5. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 6. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

SECTION 7. To the extent that any portion of the above referenced amendments to the Code of the Borough of Fair Lawn conflict with or amend or modify any provision of any other of the Borough's development regulations, these amendments and the associated Redevelopment Plan for the Property shall supersede or amend or modify, as applicable, such development regulations and the Zoning Map included in the Borough's Ordinance shall be deemed amended accordingly.

SECTION 8. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

Attest:

Approved:

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

John Cosgrove, Mayor

Introduced: May 12, 2015

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

May 12, 2015

RESOLUTION NO. 242-2015

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

May 12, 2015

RESOLUTION NO. 243-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2345-2015 entitled:

**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)**

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. 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

May 12, 2015

RESOLUTION NO. 244-2015

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).”**

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. 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

May 12, 2015

RESOLUTION NO. 245-2015

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)."**

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. 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

May 12, 2015

RESOLUTION NO. 246-2015

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).”**

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. 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

May 12, 2015

RESOLUTION NO. 247-2015

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).”**

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. 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

May 12, 2015

RESOLUTION NO. 248-2015

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"**

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. 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

May 12, 2015

RESOLUTION NO. 249-2015

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"**

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. 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

May 12, 2015

CONSENT AGENDA 12-2015

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. #250-2015 - Approval of Minutes:
 - Closed Session 4/7/15
 - Work Session 4/7/15
 - Closed Session 4/7/15
 - Regular Meeting 4/14/15
- b. Resol. #251-2015 - Refund of Overpayment of Taxes
- c. Resol. #252-2015 - Authorizing Awarding of Contracts with Certain Approved State Contract Vendor - Hertrich Fleet Services (Parking Enforcement Officer's Vehicle)
- d. Resol. #253-2015 - Interlocal Agreement with the Township of Saddle Brook for the Use of Memorial Pool
- e. Resol. #254-2015 - Interlocal Agreement with the Borough of Haledon for the Use of Memorial Pool
- f. Resol. #255-2015 - Authorizing Execution of Land Lease Agreement with the Fair Lawn Board of Education - Tennis Court
- g. Resol. #256-2015 - Award of Bid: Water Main, Sanitary Sewer, Storm Water Facility Repairs
- h. Resol. #257-2015 - Extension of Traffic Regulations - Memorial Junior High School
- i. Resol. #258-2015 - Authorizing Approval of Massage Establishment License - Green Jersey Garden, Inc.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

May 12, 2015

RESOLUTION NO. 250-2015

By

Seconded by

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

Closed Session 4/7/15
Work Session 4/7/15
Closed Session 4/7/15
Regular Meeting 4/14/15

are hereby approved.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

May 12, 2015

RESOLUTION NO. 251-2015

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>
2401	2	Hartigan, Donna Marie 16 West Bergamo Road Madison, NH 03849	\$230.50

(Refund of overpayment of Water charges due to a wrong final reading)

3717	4	Pace, Rhea & Emily Cannizzaro 11 Brighton Place Fair Lawn, New Jersey 07410	\$694.52
4614	15	Cooper, Norman G. & Vickie E. 8 Bryson Road Fair Lawn, New Jersey 07410	\$620.25

(Refund of overpayment of 2015 taxes as result of a Homestead Rebate received from the State of New Jersey)

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

May 12, 2015

RESOLUTION NO. 252-2015

By

Seconded by

WHEREAS, the Borough of Fair Lawn, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of Fair Lawn has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS the Borough of Fair Lawn has the need to purchase one (1) 2016 Chevy Impala 4 door color white, at \$19,063.00 under State Contract #A88729; and

WHEREAS, the Borough of Fair Lawn intends to enter into contract for this purchase with Hertrich Fleet Services, having an office located at 1427 Bay Road, Milford, DE 19963, through this resolution and properly executed purchase agreement, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Fair Lawn pursuant to N.J.A.C. 5:30-5.5(b), has allocated in the 2015 Municipal Budget for the purchase of said vehicle, and through this resolution a certification of availability of funds will be completed by the Chief Finance Officer.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Fair Lawn authorizes the Borough Manager to purchase the above listed vehicle from Hertrich Fleet Services, an approved New Jersey State Contract Vendor, pursuant to all conditions of the State Contract #A88729.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

May 12, 2015

RESOLUTION NO. 253-2015

By

Seconded by

WHEREAS, the Township of Saddle Brook has requested that the Borough of Fair Lawn permit the usage of Memorial Pool by residents of the Township of Saddle Brook and their guests; 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 hereby enter into an interlocal government services agreement with the Township of Saddle Brook; and

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

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

May 12, 2015

RESOLUTION NO. 254-2015

By

Seconded by

WHEREAS, the Borough of Haledon has requested that the Borough of Fair Lawn permit the usage of Memorial Pool by residents of the Borough of Haledon and their guests; 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 hereby enter into an interlocal government services agreement with the Borough of Haledon; and

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

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

May 12, 2015

RESOLUTION NO. 255-2015

By

Seconded by

WHEREAS, the Mayor and Council of the Borough of Fair Lawn wish to enter into a Land Lease Agreement with the Fair Lawn Board of Education to allow the Board of Education to construct a tennis court on a portion of Borough owned land at Block 4511, Lot 1.01;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the Mayor and Municipal Clerk / Deputy Manager be and are hereby authorized to execute said Land Lease Agreement with the Board of Education.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

May 12, 2015

RESOLUTION NO. 256-2015

By
Seconded by

WHEREAS, bids were received for Water Main, Sanitary Sewer, Storm Water Facility Repairs by the Assistant Municipal Clerk on April 28, 2015; and

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

WHEREAS, Colonnelli Brothers, Inc. having an office located at 409 So. River Street, Hackensack, New Jersey 07601 is the lowest primary bidder, John Garcia Construction Co. Inc. having an office located at 183 Friar Lane, Clifton, New Jersey 07013 is the secondary bidder and Dutra Excavating & Sewer having an office located at 10 Stone Hollow Road, Montvale, New Jersey 07645 is the tertiary bidder, in accordance with the attached "Schedule A" and

WHEREAS, the following bidders shall be awarded the contract to be used only in the event of an emergency when none of the first three bidders are available to respond in a timely manner: J. Fletcher Creamer & Son, Inc., 101 E. Broadway, Hackensack, New Jersey 07601; Montana Construction Corp. Inc, 80 Contant Avenue, Lodi, New Jersey 07644 and M. Ingannamorte & Son, Inc., 20 Chestnut Street, Suite 1, Tenafly, New Jersey 07670;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that upon recommendation of the Borough Manager and appropriate Department Head, the award be made to Colonnelli Brothers, Inc., John Garcia Construction Co., Inc, Dutra Excavating & Sewer, J. Fletcher Creamer & Son, Inc., Montana Construction Corp., Inc. and M. Ingannamorte & Son, Inc. subject to the execution of purchase orders by the Borough Manager and Borough Treasurer.

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

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

BID RESULTS

Bid: WATER MAIN, SANITARY SEWER & STORMWATER FACILITY REPAIRS

Bid Date: 4/28/15

Bidder and Location	Colonnelli Bros. Hackensack	John Garcia Const Clifton	Dutra Excavating Montvale
Item 1: Backhoe	\$100	\$80	\$124
Item 2: Truck, Dump	\$88	\$111	\$99
Item 3: Truck, Utility	\$15	\$125	\$65
Item 4: Storage Box	\$1	\$0.01	\$20
Item 5: Air Compressor	\$20	\$0.01	\$19
Item 6: Pumps			
a) 4" Pump	\$1	\$0.01	\$0.01
b) 6" Pump	\$1	\$0.01	\$0.01
Item 7: Labor	\$88	\$60	\$80
Item 8: Supervisor	\$1	\$0.01	\$1
Item 9: Materials (Cost Plus)	15%	15%	15%
Item 10: Additional Equipment (Cost Plus)	15%	15%	15%

Bidder and Location	J. Fletcher Creamer Hackensack	Montana Construction Lodi	M.Ingannamorte & Son Tenafly
Item 1: Backhoe	\$195	\$100	\$150
Item 2: Truck, Dump	\$200	\$150	\$150
Item 3: Truck, Utility	\$222	\$10	\$100
Item 4: Storage Box	\$0.01	\$100	\$50
Item 5: Air Compressor	\$0.01	\$1	\$25
Item 6: Pumps			
c) 4" Pump	\$0.01	\$10	\$25
d) 6" Pump	\$0.01	\$10	\$1
Item 7: Labor	\$0.01	\$75	\$80
Item 8: Supervisor	\$0.01	\$100	\$90
Item 9: Materials (Cost Plus)	15%	15%	15%
Item 10: Additional Equipment (Cost Plus)	15%	15%	15%

/cmt
4/28/15

Schedule "A"

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

May 12, 2015

RESOLUTION NO. 257-2015

By

Seconded by

WHEREAS, on February 24, 2015 the Mayor and Council adopted Resolution No. 117-2015 designating the left side of the driveway in front of Memorial School from the northerly entrance to the southerly exit on First Street as stopping or standing prohibited at all times; and

WHEREAS, the Police Department has indicated that additional time is needed for monitoring to ensure that the safety hazard has been eliminated through this restriction;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the aforesaid designation be continued through June 30, 2015.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

May 12, 2015

RESOLUTION NO. 258-2015

By

Seconded by

WHEREAS, Green Jersey Garden, Inc., located at 26-01 Pellack Drive, 2nd Floor, Fair Lawn, New Jersey, has made application to the Borough pursuant to RGO144-2 for a massage establishment license; and

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

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