

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.

JUNE 16, 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: PLAY 'N LEARN NURSERY SCHOOL**
6. **COUNCIL COMMENTS**
7. **ORDINANCES ON FIRST READING:**

**ORDINANCE NO. 2356-2015
(RESOLUTION NO. 273-2015)**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 160 ENTITLED "PARKS AND RECREATION AREAS" AND MORE PARTICULARLY SECTION 160-12 ENTITLED "ACTIVITIES AND CONDUCT PROHIBITED IN BEACH AREAS AND IN PARKS; DOGS PROHIBITED"

- 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. 2354-2015
(RESOLUTION NO. 274-2015)**

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 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. 2355-2015
(RESOLUTION NO. 275-2015)**

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 (FEMA)

- 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 #14-2015

- Municipal Clerk reads Resolutions by Consent.
 - a. Resol. #276-2015 – Approval of Minutes:
 - Work Session 5/5/15
 - Special Meeting 5/5/15
 - Closed Session 5/5/15
 - Regular Meeting 5/12/15
 - b. Resol. #277-2015 – Interlocal Agreement with the Borough of Prospect Park for the Use of Memorial Pool
 - c. Resol. #278-2015 – Authorizing Issuance of Massagist License: Irina Terentyeva, BRC Sauna & Spa
 - d. Resol. #279-2015 – Refund of Overpayment of Taxes
 - e. Resol. #280-2015 - Authorizing Awarding of Contract with Certain Approved State Contract Vendors - Hertrich Fleet Services; Beyer Ford and Winner Ford
 - f. Resol. #281-2015 - Authorizing Awarding of Contracts with Cranford Cooperative Pricing System
 - g. Resol. #282-2015 - Authorizing Awarding of Contract with Certain Approved State Contract Vendor - Cliffside Body Corporation (Repairs to Department of Public Works Vehicle #949)
 - h. Resol. #283-2015 - Authorizing Participation in the U.S. Communities Government Purchasing Alliance
 - i. Resol. #284-2015 - Tax Appeal Settlement: Eyal & Valerie Golan, 0-44 Saddle River Road
 - j. Resol. #285-2015 - Tax Appeal Settlement: 4111 Route 4 Associates, Inc., 41-11 Route 4
 - k. Resol. #286-2015 - Tax Appeal Settlement: Caspian Realty of New Jersey, LLC, 40-26 Broadway
 - l. Resol. #287-2015 - Tax Appeal Settlement: TCH Properties, LLC, 6-10 Saddle River Road
 - m. Resol. #288-2015 - Tax Appeal Settlement: BGL Properties, LLC, 17-09 Zink Place
 - n. Resol. #289-2015 - Tax Appeal Settlement: Wagaraw Realty, Co., 12-23 River Road
 - o. Resol. #290-2015 - Tax Appeal Settlement: Bergen Plaza, LLC, 10-16 River Road
 - p. Resol. #291-2015 - Interlocal Agreement with the Fair Lawn Community School for the Use of Memorial Pool
 - q. Resol. #292-2015 – Interlocal Agreement with the Fair Lawn Board of Education

- r. Resol. #293-2015 – Confirmation of Fire Board Actions
- s. Resol. #294-2015 – Authorizing Participation in the Houston-Galveston Area Council
- t. Resol. #295-2015 – Authorizing Execution of DOT Grant Agreement – Fair Lawn Avenue Corridor
- u. Resol. #296-2015 – Professional Services Agreement – Design and Construction Supervision Barrier Free Curb Ramp Installations
- v. Resol. #297-2015 - Renewal of Liquor Licenses 2015-2016

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

11. PUBLIC COMMENTS

- Mayor calls for a motion to open time for public comments. Mover, Second, Roll Call.
- Mayor opens time for public comments.
- Mayor calls for a motion to close the time for public comments. Mover, Second, Roll Call.
- Mayor closes the time for public comments.

12. ADJOURNMENT

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

RESOLUTION NO. 273-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2356-2015 entitled:

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 160 ENTITLED "PARKS AND RECREATION AREAS" AND MORE PARTICULARLY SECTION 160-12 ENTITLED "ACTIVITIES AND CONDUCT PROHIBITED IN BEACH AREAS AND IN PARKS; DOGS PROHIBITED"

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 30th day of June, 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. 2356-2015

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 160 ENTITLED "PARKS AND RECREATION AREAS" AND MORE PARTICULARLY SECTION 160-12 ENTITLED "ACTIVITIES AND CONDUCT PROHIBITED IN BEACH AREAS AND IN PARKS; DOGS PROHIBITED."

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

SECTION 1. Section 160-12, entitled "Activities and conduct prohibited in beach areas and in parks; dogs prohibited" is deleted in its entirety and replaced with the following:

§160-12. Activities and conduct prohibited in beach area, parks, street hockey courts and tennis courts; dogs prohibited.

A. Bicycles, wagons, carriages and other conveyances, ball playing, dogs or other animals and any form of glass, particularly bottles, shall not be permitted on the beach area. Dogs or other animals are not to be permitted in any of the borough parks, nor shall any person engage in any activity to the annoyance of other persons making use of the park facilities.

B. No person shall operate any motor vehicle, bicycle, skateboard or scooter on the street hockey courts and there further shall be no soccer playing on the street hockey courts.

C. No person shall operate any bicycle, skateboard, scooter or rollerblades on the tennis courts and there shall further be no baseball or soccer playing or any other sport activity on the tennis courts except for tennis.

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

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

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

Attest:

Approved:

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

John Cosgrove, Mayor

Introduced: June 16, 2015

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

RESOLUTION NO. 274-2015

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.

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

SECTION 8. 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 9. 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

June 16, 2015

RESOLUTION NO. 275-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2355-2015 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 (FEMA)**

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. 2355-2015

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 (FEMA)

WHEREAS, the Borough of Fair Lawn has been approved to receive grant funding from the Federal Emergency Management Agency (FEMA) under HMGP-DR-4086-NJ-0136-R in the amount of \$250,000, for a generator project for Emergency Services; and

WHEREAS, receipt of the above grant requires a \$11,698 match of funding from the Borough of Fair Lawn; and

WHEREAS, at the direction of the Borough Manager and approval of the Mayor and Council, via this ordinance, the Borough of Fair Lawn's match requirement for the above stated grant was funded in the 2013 Capital Program in Borough Ordinance #2284-2013; 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 generator project, as detailed in the grant award dated January 9, 2015; and

SECTION 2. The cost of completing said improvement set forth in Section 1 shall be provided as a reimbursement by the State of New Jersey Department of Law and Public Safety in the amount of \$250,000 and by the grant required match from the Borough of Fair Lawn as provided in Ordinance #2284-2013 in an equal amount of \$11,698; and

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 State of New Jersey and the Borough of Fair Lawn's Capital Fund.

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

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

Attest:

Approved:

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

John Cosgrove
Mayor

Introduced: May 26, 2015

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

CONSENT AGENDA 14-2015

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. #276-2015 – Approval of Minutes:
 - Work Session 5/5/15
 - Special Meeting 5/5/15
 - Closed Session 5/5/15
 - Regular Meeting 5/12/15
- b. Resol. #277-2015 – Interlocal Agreement with the Borough of Prospect Park for the Use of Memorial Pool
- c. Resol. #278-2015 – Authorizing Issuance of Massagist License: Irina Terentyeva, BRC Sauna & Spa
- d. Resol. #279-2015 – Refund of Overpayment of Taxes
- e. Resol. #280-2015 - Authorizing Awarding of Contract with Certain Approved State Contract Vendors - Hertrich Fleet Services; Beyer Ford and Winner Ford
- f. Resol. #281-2015 - Authorizing Awarding of Contracts with Cranford Cooperative Pricing System
- g. Resol. #282-2015 - Authorizing Awarding of Contract with Certain Approved State Contract Vendor - Cliffside Body Corporation (Repairs to Department of Public Works Vehicle #949)
- h. Resol. #283-2015 - Authorizing Participation in the U.S. Communities Government Purchasing Alliance
- i. Resol. #284-2015 - Tax Appeal Settlement: Eyal & Valerie Golan, 0-44 Saddle River Road
- j. Resol. #285-2015 - Tax Appeal Settlement: 4111 Route 4 Associates, Inc., 41-11 Route 4

- k. Resol. #286-2015 - Tax Appeal Settlement: Caspian Realty of New Jersey, LLC, 40-26 Broadway
- l. Resol. #287-2015 - Tax Appeal Settlement: TCH Properties, LLC, 6-10 Saddle River Road
- m. Resol. #288-2015 - Tax Appeal Settlement: BGL Properties, LLC, 17-09 Zink Place
- n. Resol. #289-2015 - Tax Appeal Settlement: Wagaraw Realty, Co., 12-23 River Road
- o. Resol. #290-2015 - Tax Appeal Settlement: Bergen Plaza, LLC, 10-16 River Road
- p. Resol. #291-2015 - Interlocal Agreement with the Fair Lawn Community School for the Use of Memorial Pool
- q. Resol. #292-2015 – Interlocal Agreement with the Fair Lawn Board of Education
- r. Resol. #293-2015 – Confirmation of Fire Board Actions
- s. Resol. #294-2015 – Authorizing Participation in the Houston-Galveston Area
- t. Resol. #295-2015 – Authorizing Execution of DOT Grant Agreement – Fair Lawn Avenue Corridor
- u. Resol. #296-2015 – Professional Services Agreement – Design and Construction Supervision Fair Lawn Avenue Corridor
- v. Resol. #297-2015 - Renewal of Liquor Licenses 2015-2016

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

RESOLUTION NO. 276-2015

By

Seconded by

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

Work Session 5/5/15
Special Meeting 5/5/15
Closed Session 5/5/15
Regular Meeting 5/12/15

are hereby approved.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

RESOLUTION NO. 277-2015

By

Seconded by

WHEREAS, the Borough of Prospect Park has requested that the Borough of Fair Lawn permit the usage of Memorial Pool by residents of the Borough of Prospect Park 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 Prospect Park; 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 Prospect Park adopt a resolution concurrent herewith for the execution of said agreement.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

RESOLUTION NO. 278-2015

By

Seconded by

WHEREAS, Irina Terentyeva, residing at 2301 Ocean Avenue, #3D, Brooklyn, New York 11229 has made application to the Borough pursuant to RGO 144-2 to renew her Massagist License at BRC Sauna and Spa; 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 renewal of a massagist license by the aforesaid applicant be and is hereby approved and the Municipal Clerk be and is hereby authorized to issue same.

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

RESOLUTION NO. 279-2015

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>
3324	17	Michael J. Donnelly Esq. for Beshlian, Helen & Robert 75 Eisenhower Parkway, Suite #120 Roseland, New Jersey 07068	\$ 704.30
4802	3	Michael Caccavelli Esq. for 82 Midland Avenue Corp 166 Gatzmer Avenue Jamesburg, New Jersey 08831	\$1,631.23

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

RESOLUTION NO. 280-2015

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) 2015 Chevy Silverado 3500HD Work Truck Regular Cab Chassis DRW 4WD, 137 inch wheel base at a cost of \$53,266.00 under State Contract #A88759; and

WHEREAS, the Borough of Fair Lawn intends to enter into contract for the purchase of said vehicle 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; and

WHEREAS the Borough of Fair Lawn has the need to purchase one (1) 2016 Ford F-250 4WD Reg Cab 137 inch wheel base (with options) at a cost of \$34,154.50; two (2) 2016 Ford F-250 4WD Reg Cab 137 inch wheel base (with options) at a cost of \$32,357.00 each; one (1) 2016 Ford F-250 4WD Reg Cab 137 inch wheel base (with options) at a cost of \$36,415.00 under State Contract #88727; and

WHEREAS, the Borough of Fair Lawn intends to enter into contract for the purchase of said vehicles with Beyer Ford, having an office located at 170 Ridgedale, Avenue, Morristown, NJ 07960, through this resolution and properly

executed purchase agreement, which shall be subject to all the conditions applicable to the current State contracts; and

WHEREAS the Borough of Fair Lawn has the need to purchase one (1) 2016 Police Interceptor Utility All Wheel Drive (with options) at a cost of \$31,756.50 under State Contract #88728; and

WHEREAS, the Borough of Fair Lawn intends to enter into contract for the purchase of said vehicle with Winner Ford, having an office located at 250 Berlin Road, Cherry Hill, NJ 08003, 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 vehicles from Hertrich Fleet Services; Beyer Ford and Winner Ford approved New Jersey State Contract Vendors, pursuant to all conditions of the State Contract #A88759; #88727 and #88728 respectively.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

RESOLUTION NO. 281-2015

By

Seconded by

WHEREAS, according to guidelines set forth by the State of New Jersey Department of Community Affairs/Division of Local Government Services allowance is granted to registered members identified in a contract, are subject to the overall terms of a master contract awarded to a cooperative; and,

WHEREAS, the Borough of Fair Lawn is a member of the Cranford Cooperative Pricing System - ID # 47-CPCPS; and

WHEREAS, the Borough of Fair Lawn intends to enter into a purchasing agreement for the purchase of one (1) 2015 (new) Chevrolet Tahoe 4WD PPV, full size four door SUV at \$31,800 from Mall Chevrolet, 75 Haddonfield Road, Cherry Hill, NJ 08002 which shall be subject to all the conditions applicable to the current Cranford Police Cooperative Pricing System;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Fair Lawn, pursuant to guidelines set forth by Department of Community Affairs, have allocated for the purchase of Police vehicles in the 2015 Municipal Budget-Police Department Other Expenses, and through this resolution a certification of availability of funds will be made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Fair Lawn authorizes the Borough Manager to purchase the above listed vehicles from Mall Chevrolet pursuant to all conditions of the Cranford Police Cooperative Pricing System; and

BE IT FURTHER RESOLVED, that the duration of the contracts between the Borough of Fair Lawn and the Cranford Police Cooperative Pricing System shall be from January 1, 2015 to December 31, 2015.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

RESOLUTION NO. 282-2015

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 have repairs made to Borough vehicle #949, 1998 Volvo WG4 Dump Truck at a cost of \$24,074.00 under State Contract #73499; and

WHEREAS, the Borough of Fair Lawn intends to enter into contract for the repair of said vehicle with Cliffside Body Corporation, having an office located at 130 Broad Avenue, Fairview, NJ 07022, through this resolution and properly executed purchase agreement, which shall be subject to all the conditions applicable to the current State contracts; and

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 maintenance of Borough vehicles, 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 have said vehicle repaired by Cliffside Body Corporation an approved New Jersey State Contract Vendor, pursuant to all conditions of the State Contract #73499.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

RESOLUTION NO. 283-2015

By

Seconded by

WHEREAS, Governor Christie approved Assembly Bill 2786 in November 2011 modifying New Jersey's procurement code to allow municipalities to purchase such materials, supplies and equipment through a nationally recognized and accepted cooperative purchasing agreement; and

WHEREAS, the US Communities Government Purchasing Alliance is such an organization; and

WHEREAS, there is no fee to participate in this optional use program; and

WHEREAS, the Purchasing Agent has recommended the utilization of US Communities Government Purchasing Alliance where the contracts will result in lower costs;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Purchasing Agent is hereby authorized to utilize the US Communities Government Purchasing Alliance.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

RESOLUTION NO. 284-2015

By

Seconded by

WHEREAS, Eyal & Valerie Golan filed real property tax appeals for the years 2012 through 2014 (Docket Nos. 018294-2012, 017108-2013 & 014954-2014); and

WHEREAS, the real property assessments for the subject premises, located at 0-44 Saddle River Road (Lot 2 in Block 1211 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2012 through 2014 were as follows:

Land:	\$428,500
Improvements:	<u>\$416,600</u>
Total:	\$845,100

and;

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

Land:	\$428,500
Improvements:	<u>\$346,500</u>
Total:	\$775,000

and;

WHEREAS, the 2013 and 2014 tax appeals may be settled by reduction of the aforesaid assessments as follows:

Land:	\$428,500
Improvements:	<u>\$311,500</u>
Total:	\$740,000

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 2012 through 2014 in the amount of \$8,384.11, 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; and

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 \$8,384.11 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

June 16, 2015

RESOLUTION NO. 285-2015

By

Seconded by

WHEREAS, 4111 Route 4 Associates, Inc. filed real property tax appeals for the years 2013 and 2014 (Docket Nos. 004439-2013 & 005987-2014); and

WHEREAS, the real property assessments for the subject premises, located at 41-11 Route 4 (Lot 6 in Block 1201 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2013 and 2014 were as follows:

Land:	\$1,015,200
Improvements:	<u>\$1,018,500</u>
Total:	\$2,033,700

and;

WHEREAS, the 2013 and 2014 tax appeals may be settled by reduction of the aforesaid assessments as follows:

Land:	\$1,015,200
Improvements:	<u>\$ 984,800</u>
Total:	\$2,000,000

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 and 2014 in the amount of \$2,079.29, 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; and

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 \$2,079.29 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

June 16, 2015

RESOLUTION NO. 286-2015

By

Seconded by

WHEREAS, Caspian Realty of NJ, LLC filed a real property tax appeal for the year 2013 (Docket No. 018355-2013); and

WHEREAS, the real property assessments for the subject premises, located at 40-26 Broadway (Lot 51 in Block 1205 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2013 were as follows:

Land:	\$1,317,900
Improvements:	<u>\$ 483,300</u>
Total:	\$1,801,200

and;

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

Land:	\$1,317,900
Improvements:	<u>\$ 432,100</u>
Total:	\$1,750,000

and;

WHEREAS, the 2013 settlement of a total assessment of \$1,750,000 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 2013 and 2014 in the amount of \$3,159.04, 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; and

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 \$3,159.04 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

June 16, 2015

RESOLUTION NO. 287-2015

By

Seconded by

WHEREAS, TCH Properties, LLC filed a real property tax appeal for the year 2013 (Docket No. 018378-2013); and

WHEREAS, the real property assessments for the subject premises, located at 6-10 Saddle River Road (Lot 5 in Block 1510 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2013 were as follows:

Land:	\$450,000
Improvements:	<u>\$ 75,500</u>
Total:	\$525,500

and;

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

Land:	\$450,000
Improvements:	<u>\$ 50,000</u>
Total:	\$500,000

and;

WHEREAS, the 2013 settlement of a total assessment of \$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 2013 and 2014 in the amount of \$1,533.83, 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; and

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 \$1,533.83 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

June 16, 2015

RESOLUTION NO. 288-2015

By

Seconded by

WHEREAS, BGL Properties, LLC filed real property tax appeals for the years 2013 and 2014 (Docket Nos. 018341-2013 & 005988-2014); and

WHEREAS, the real property assessments for the subject premises, located at 17-09 Zink Place, Unit 5 (Lot 1.01 in Block 4301 Qualifier C0005 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2013 and 2014 were as follows:

Land:	\$1,154,100
Improvements:	<u>\$1,318,900</u>
Total:	\$2,473,000

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:	\$1,154,100
Improvements:	<u>\$1,245,900</u>
Total:	\$2,400,000

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 and 2014 in the amount of \$2,208.98, 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; and

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 \$2,208.98 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

June 16, 2015

RESOLUTION NO. 289-2015

By

Seconded by

WHEREAS, Wagaraw Realty filed real property tax appeals for the years 2013 and 2014 (Docket Nos. 017928-2013 & 014799-2014); and

WHEREAS, the real property assessments for the subject premises, located at 12-23 River Road (Lot 54 in Block 5611 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2013 and 2014 were as follows:

Land:	\$290,000
Improvements:	<u>\$394,800</u>
Total:	\$684,800

and;

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

Land:	\$290,000
Improvements:	<u>\$310,000</u>
Total:	\$600,000

and;

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

Land:	\$290,000
Improvements:	<u>\$285,000</u>
Total:	\$575,000

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 and 2014 in the amount of \$6,072.38, 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; and

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 \$6,072.38 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

June 16, 2015

RESOLUTION NO. 290-2015

By

Seconded by

WHEREAS, Bergen Plaza, LLC filed real property tax appeals for the years 2013 and 2014 (Docket Nos. 002925-2013 & 000697-2014); 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 years 2013 and 2014 were as follows:

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

and;

WHEREAS, the 2013 and 2014 tax appeals 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, 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 and 2014 in the amount of \$11,355.76, 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; and

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 \$11,355.76 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

June 16, 2015

RESOLUTION NO. 291-2015

By

Seconded by

WHEREAS, the Board of Education of the Borough of Fair Lawn has requested that the Borough of Fair Lawn permit the usage of Memorial Pool by the Community School, on Tuesdays through Fridays between 10:30 a.m. and 1:30 p.m. and Mondays, Tuesdays, Wednesdays and Fridays between 1:30 p.m. and 3:30 p.m., rain dates provided at the discretion of the Superintendent of Parks and Recreation, for its camp program for the summer of 2015, commencing on June 29, 2014 through August 21, 2015; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the Borough enter into an agreement with the Board of Education for the purpose of providing the aforesaid services; 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 prepared by the Borough Attorney; and

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

RESOLUTION NO. 292-2015

By

Seconded by

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

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

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

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

RESOLUTION NO. 293-2015

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:

Joseph Baldofsky
0-107 Blue Hill Avenue
Co. 3

Sean Redl
0-69 Alden Place
Junior Firefighter
Co. 3

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

RESOLUTION NO. 294-2015

By

Seconded by

WHEREAS, Governor Christie approved Assembly Bill 2786 in November 2011 modifying New Jersey's procurement code to allow municipalities to purchase such materials, supplies and equipment through a nationally recognized and accepted cooperative purchasing agreement; and

WHEREAS, the Houston-Galveston Area Council is such an organization; and

WHEREAS, there is no fee to participate in this optional use program; and

WHEREAS, the Purchasing Agent has recommended the utilization of Houston-Galveston Area Council where the contracts will result in lower costs;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Purchasing Agent is hereby authorized to utilize the Houston-Galveston Area Council.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

RESOLUTION NO. 295-2015

By

Seconded by

WHEREAS, the Borough of Fair Lawn has received a federal grant for a project that will make needed pedestrian and vehicular safety improvements to the Fair Lawn Avenue Corridor; and.

WHEREAS, the Borough of Fair Lawn must enter into an agreement in order to receive reimbursement for the costs associated with this project;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Mayor and Municipal Clerk be authorized to execute said Federal Aid Agreement.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

RESOLUTION NO. 296-2015

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, Boswell Engineering having a principal place of business at 330 Philips Avenue, P.O. Box 3152, South Hackensack, New Jersey 07606, has indicated that it will provide design and construction supervision of the 2015 Bergen County Barrier Free Curb Ramp Installations project in accordance with the proposal dated June 9, 2015 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 Boswell Engineering pursuant to and in accordance with its proposal which services are to be billed as set forth in the proposal.

2. The term of the contract shall be from June 15, 2015 until the end of the project.

3. No additional services shall be rendered for which Boswell Engineering 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 Boswell Engineering has 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.

Kenneth Garrison, P.E.
June 9, 2015
Page 2

2. Provide draft designs in the form of sketches for the ramps to be installed as determined by the County during the walk-through.
3. Provide a design certification to the County of Bergen for the ramp sketches.
4. Coordinate and attend a preconstruction meeting with appropriate Borough officials, Contractor, utility companies, and other parties affected by the construction activities.
5. Provide part-time inspection services during the construction phase.
6. Review contractor invoices to the Borough of Fair Lawn (Bergen County).
7. Make a final inspection of the project improvements and provide a construction certification to the County of Bergen for the ramp installations.

Fee Proposal

Boswell will perform the services outlined above for an estimated fee not to exceed \$28,500. The Borough will be invoiced at our approved hourly rates at the time the work is performed. The fees paid to Boswell Engineering will be reimbursed to the Borough in accordance with the agreement executed by the Borough.

Items Not Included in the Engineering Fee

The following items are not anticipated to be required and are therefore excluded:

1. Engineering Design and/or Calculations
2. Right-of-Way and/or Easement Plans or Descriptions
3. Structural Plans and Calculations (including Retaining Walls)

Additional work above and beyond what is outlined in the proposal will only be performed as authorized by the Borough of Fair Lawn.

Thank you for the opportunity to submit this proposal. We look forward to providing the Borough of Fair Lawn with our engineering services and to the successful completion of this project. Should you have any questions or require anything further, please do not hesitate to contact me.

Very truly yours,

BOSWELL ENGINEERING



Jeffrey L. Morris, P.E.

JLM/jg
150609JGpl.doc



Schedule A

**BOSWELL ENGINEERING**

ENGINEERS ■ SURVEYORS ■ PLANNERS ■ SCIENTISTS

330 Phillips Avenue • P.O. Box 3152 • South Hackensack, N.J. 07606-1722 • (201) 641-0770 • Fax (201) 641-1831

June 9, 2015

Kenneth Garrison, P.E.
Borough Engineer
Borough of Fair Lawn
8-01 Fair Lawn Avenue
Fair Lawn, New Jersey 07410

Re: 2015 Bergen County Barrier Free Curb Ramp Installations
Borough of Fair Lawn
Bergen County, New Jersey
Our File No. PR-15-6615

Dear Mr. Garrison:

Boswell Engineering is pleased to present our proposal for the design and construction supervision the 2015 Bergen County Barrier Free Curb Ramp Installations in the Borough of Fair Lawn. Bergen County has contracted with Concrete Construction Corp. for the installation of approximately 92 ramps on Fair Lawn Avenue. Based on the 26 intersections to be installed, the design fee is estimated to be \$9,000 while the construction supervision is estimated to be approximately \$19,500, both of which are fully reimbursable to the Borough by the County of Bergen. In accordance with the agreement between the Borough and the County, the Borough will not only be responsible for the payment of the design and inspection services to Boswell Engineering, but also for the payment to the Contractor for the construction and installation of the ADA curb ramps. As stated above, these payments are reimbursable to the Borough by the County upon invoicing the County with the proper documentation and proof of payments.

~~The following is an outline of the scope of work and the estimated fee for our construction inspection services.~~

Scope of Work

Boswell Engineering's scope of work for 2015 Bergen County Barrier Free Curb Ramp Installations consists of the draft design (in the form of sketches) of the ADA curb ramps as well as the part-time construction supervision of the Contractor's operations, establishing and tracking payment quantities and certification of the ramp installations upon completion.

Scope of Services

1. Conduct a "walk-through" with a County engineering representative to determine the scope of work at each intersection within the project limits defined above.

Schedule A

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 16, 2015

RESOLUTION NO. 297-2015

By

Seconded by

WHEREAS, application has been made for the renewal of Liquor Licenses for fiscal year beginning July 1, 2015 and ending June 30, 2016, by the following:

<u>License Number</u>	<u>Fee</u>	<u>Type</u>	<u>Licensee</u>
0217-33-002-007	\$2,000.00	PRC	Brian Scherer. LLC t/a Fort Apache - Fair Lawn 18-15 Maple Avenue
0217-44-004-005	\$1,635.00	PRD	P and Y, Inc. t/a Morlot Wines & Liquors 22-10 Morlot Avenue
0217-33-015-002	\$2,000.00	PRC	Owl & I Inc. t/a Rivasas Grill House 6-18 Maple Avenue
0217-33-017-010	\$2,000.00	PRC	R.P.T. Inc. t/a River Palm Terrace II 41-11 Route 4 West
0217-33-024-003	\$2,000.00	PRC	BRC Sauna & Spa, Inc. 24-20 Broadway
0217-31-025-002	\$150.00	C	Harry Cappendyke Post 171 American Legion 17-08 River Road
0217-31-027-002	\$150	C	Cosmos Club of Fair Lawn 33-02 Morlot Avenue

0217-31-027-002 \$150

C

Cosmos Club of Fair Lawn
33-02 Morlot Avenue

WHEREAS, it appears to the Mayor and Council that proper notice of intention to apply for said license has been made and that the license fee of \$2,000 for a Plenary Retail Consumption License, \$2,000.00 for a Hotel/Motel Exception, \$1,635 for a Plenary Retail Distribution License and \$150 for a Club License accompanied each of the aforesaid applications;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that renewal of the aforesaid licenses be and are hereby approved; that said licenses become effective July 1, 2015 and that the Municipal Clerk be and is hereby authorized and directed to issue said licenses.