

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 30, 2015

1. **Call to Order by Mayor**
2. **Statement of compliance with the Open Public Meetings Act**
3. **Roll Call**
4. **Flag Salute**
5. **PROCLAMATION: HONORING TODD NEWMAN
RECOGNIZING THE VFW FOR 75 YEARS OF SERVICE**
6. **SWEARING IN OF POLICE OFFICER**
7. **AUXILIARY POLICE PROMOTION**
8. **COUNCIL COMMENTS**
9. **MANAGER'S REPORT**
10. **ORDINANCES ON FIRST READING:**

**ORDINANCE NO. 2357-2015
(RESOLUTION NO. 298-2015)**

AN ORDINANCE FIXING THE SALARIES OF CERTAIN NEW EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, AND NEW JERSEY IS AMENDED (BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER-PER HOUR)

- 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. 2358-2015
(RESOLUTION NO. 299-2015)**

AN ORDINANCE OF THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, ADOPTING THE FINANCIAL AGREEMENT, ACCEPTING THE APPLICATION FOR LONG TERM TAX EXEMPTION PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ AND AUTHORIZING TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES IN CONNECTION WITH THE AFFORDABLE HOUSING PROJECT TO BE DEVELOPED BY FAIR LAWN SENIOR HOUSING URBAN RENEWAL, L.P.

- 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. 2359-2015
(RESOLUTION NO. 300-2015)**

AN ORDINANCE FIXING THE SALARIES OF THE EXISTING SUPERVISORS ASSOCIATION OF FAIR LAWN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY IS AMENDED (SUPERVISOR OF WATER DISTRIBUTION)

- 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. 2360-2015
(RESOLUTION NO. 301-2015)**

AN AMENDMENT TO ORDINANCE #2266-2013 FIXING THE SALARIES OF EXISTING FULL TIME BLUE AND WHITE BARGAINING UNIT EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED (SR. WATER TREATMENT PLANT OPERATOR)

- 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. 2361-2015
(RESOLUTION NO. 302-2015)**

AN ORDINANCE FIXING THE SALARIES OF CERTAIN NEW FULL TIME BLUE AND WHITE BARGAINING UNIT EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED (ASSISTANT WATER TREATMENT OPERATOR)

- 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.

11. ORDINANCES ON SECOND READING:

**ORDINANCE NO. 2356-2015
(RESOLUTION NO. 303-2015)**

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 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.

12. 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.

13. RESOLUTIONS BY CONSENT #15-2015

- Municipal Clerk reads Resolutions by Consent.
 - a. Resol. #304-2015 - Approval of Minutes:
 - Work Session 5/19/15
 - Closed Session 5/19/15
 - Regular Meeting 5/26/15
 - b. Resol. #305-2015 - Renewal of Liquor Licenses 2015-2016
 - c. Resol. #306-2015 - Refund of Overpayment of Taxes
 - d. Resol. #307-2015 - Authorizing Purchases with CINTAS through U.S. Communities Government Purchasing Alliance
 - e. Resol. #308-2015 - Confirmation of Fire Board Actions
 - f. Resol. #309-2015 - Approval of Massagist License: Mei H. Jin - Green Jersey Garden
 - g. Resol. #310-2015 - Cancel Year 2015 Property Tax Due to Property Tax Classification Change from Taxable to Exempt
 - h. Resol. #311-2015 - Authorizing Execution of Sidebar Agreement with Joan Frey
 - i. Resol. #312-2015 - Approving Application from Long Term Exemption and Resolution of Need
 - j. Resol. #313-2015 - Authorizing Sale of Hadco Property
 - k. Resol. #314-2015 - Approving Amendment to Agreement for Senior Housing
- Mayor asks for a Mover, Secunder, Roll Call.

14. PUBLIC COMMENTS

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

15. ADJOURNMENT:

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 30, 2015

RESOLUTION NO. 298-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2357-2015 entitled:

AN ORDINANCE FIXING THE SALARIES OF CERTAIN NEW EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, AND NEW JERSEY IS AMENDED (BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER—PER HOUR)

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 21st day of July, 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. 2357-2015

AN ORDINANCE FIXING THE SALARIES OF CERTAIN NEW EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, AND NEW JERSEY IS AMENDED (BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER–PER HOUR)

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 Building Inspector/Code Enforcement Officer–Per Hour will be added to Salary Ordinance 2275-2013 as follows:

New Employees hired on or after March 12, 2013	2015 Min / 2015 Max
Building Inspector/Code Enforcement Officer–Per Hour	30.98 hr. / 39.12 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: June 30, 2015
Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 30, 2015

RESOLUTION NO. 299-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2358-2015 entitled:

AN ORDINANCE OF THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, ADOPTING THE FINANCIAL AGREEMENT, ACCEPTING THE APPLICATION FOR LONG TERM TAX EXEMPTION PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ AND AUTHORIZING TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES IN CONNECTION WITH THE AFFORDABLE HOUSING PROJECT TO BE DEVELOPED BY FAIR LAWN SENIOR HOUSING URBAN RENEWAL, L.P.

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 21st day of July, 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. 2358-2015

ORDINANCE OF THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, ADOPTING THE FINANCIAL AGREEMENT, ACCEPTING THE APPLICATION FOR LONG TERM TAX EXEMPTION PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ AND AUTHORIZING TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES IN CONNECTION WITH THE AFFORDABLE HOUSING PROJECT TO BE DEVELOPED BY FAIR LAWN SENIOR HOUSING URBAN RENEWAL, L.P.

WHEREAS, the Borough Council of the Borough of Fair Lawn, (the "Borough"), has and continues to seek means to address its affordable housing obligations and has acquired that certain property commonly known as 18-25 River Road, Fair Lawn, New Jersey, being shown as Lot 1.02 in Block 5804 on the tax map of the Borough, (the "Property") in furtherance of that purpose, and

WHEREAS, Fair Lawn Senior Housing Urban Renewal, L. P., (the "Entity") has, in cooperation with the Borough, proposed to construct a sixty four (64) rental unit low income housing tax credit project on the Property that will consist of 63 one (1) bedroom units and one (1) two bedroom unit for the superintendent, as a senior affordable housing project (the "Project"); and

WHEREAS, ten percent (10%) of the one bedroom units would be leased to tenants whose incomes are at or below thirty percent (30%) of the area median income and ninety percent (90%) of the one bedroom units will be leased to tenants who are at or below sixty percent (60%) of the area median income, and so qualifies as a "low and moderate income housing project" under the provisions of the New Jersey Long Term Tax Exemption Act, N.J.S.A. 40A:20-1, et seq. (the "Act") and as permitted under federal tax credit financing; and

WHEREAS, the Borough will transfer the Property to Fair Lawn Housing, a New Jersey Non Profit Corporation upon the Entity being awarded Low Income Housing Tax Credits and which corporation shall initially ground lease the Property to the Entity and subsequently transfer the Property to the Entity upon the Project's substantial completion; and

WHEREAS, the Entity has submitted to the Borough an application and a Financial Agreement, true copies of which are on file in the Municipal Clerk's Office as Exhibits A and B, respectively; and

WHEREAS, the Entity was qualified as an “urban renewal entity” on May 29, 2015, as required by the Act; and

WHEREAS, the Borough has reviewed the application and its exhibits, as required under the Act, and has made certain findings and determinations; and

WHEREAS, the Borough has determined that the Project as proposed meets and will meet an existing need for affordable housing in the Borough and is in compliance with the Master Plan and all applicable Ordinances and plans concerning affordable housing as adopted by the Borough, and

WHEREAS, the Borough further notes that the Project is in accordance with the criteria for and will advance the goals and objectives of the Redevelopment Plan adopted for the Property; and

WHEREAS, the Project will result in significant benefits to the municipality by providing quality affordable housing, and

WHEREAS, the Borough has determined that the Project will result in significant benefits to the municipality, and that such benefits are greater to the municipality than the cost, if any, associated with tax exemption as proposed by the application and as set forth in the Financial Agreement on file in the Municipal Clerk’s Office; and

WHEREAS, the Borough has determined that it is in the best interest of the municipality to approve the application to grant the tax exemption as requested by the Entity and to further approve the form of Financial Agreement on file in the Municipal Clerk’s Office as the Project satisfies and furthers a valid public purpose; and

WHEREAS, the Borough further acknowledges that the Project will be constructed and operated by the Entity without any costs to be funded by the municipality, and that the Entity has demonstrated a need for relief by virtue of maintaining affordability controls for thirty (30) years, and otherwise limiting its profits as an urban renewal entity operating under the Act,

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

Section 1.

- a. Fair Lawn Senior Housing Urban Renewal, L. P., as the Entity proposing to undertake the development of the Project, is hereby granted tax

exempt status on a tax phase-in basis, as permitted pursuant to the Act, N.J.S.A. 40A: 20-1 et seq. for the 64 rental units of the Project. Such exemption shall be triggered by the substantial completion of the Project and shall be structured as specified in the Financial Agreement governing the Project as follows:

- (i) Stage 1 of the exemption period shall have a term of fifteen (15) years. During Stage 1, the annual service charge shall be equal to 6.28% of the annual gross revenue, calculated pursuant to N.J.S.A. 40A:20-3 and 40A:20-12;
 - (ii) Stage 2 of the exemption period shall have a term of five (5) years (years 16 through 20). During Stage 2, the annual service charge shall be equal to the greater of the figure in (i) above or twenty (20%) percent of the taxes otherwise due on the value of the land and improvements;
 - (iii) Stage 3 of the exemption period shall have a term of five (5) years (years 21 through 25). During Stage 3, the annual service charge shall be equal to the greater of the figure in (i) above, or forty (40%) percent of the amount of taxes otherwise due on the value of the land and improvements;
 - (iv) Stage 4 of the exemption period shall have a term of three (3) years (years 26 through 28). During stage 4, the annual service charge shall be equal to the greater of the figure in (i) above, or sixty (60%) percent of the amount of taxes otherwise due on the value of the land and improvements;
 - (v) Stage 5 of the exemption period shall have a term of two (2) years (years 29 and 30). During stage 5, the annual service charge shall be equal to the greater of the figure in (i) above, or eighty (80%) percent of the amount otherwise due on the value of the land and the improvements.
 - (vi) Subject, pursuant to the Act, of the minimum service charge being payable in each year of the exemption, in the event it shall be greater than the amount as calculated at (i) above.
- b. The Borough Council hereby approves the Financial Agreement submitted by Fair Lawn Senior Housing Urban Renewal, L.P., in the form attached as Exhibit B, pursuant to the Act, N.J.S.A.40A:20-1 et

seq. and authorizes its Mayor to execute the agreement and the Clerk to affix and attest the seal of the Borough of Fair Lawn thereto.

Section 2. Except as herein amended and supplemented, Chapter 94 shall remain in full force and effect.

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

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

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

Attest:

Approved:

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

John Cosgrove, Mayor

Introduced: June 30, 2015

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 30, 2015

RESOLUTION NO. 300-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2359-2015 entitled:

AN ORDINANCE FIXING THE SALARIES OF THE EXISTING SUPERVISORS ASSOCIATION OF FAIR LAWN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY IS AMENDED (SUPERVISOR OF WATER DISTRIBUTION)

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 21st day of July, 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. 2359-2015

AN ORDINANCE FIXING THE SALARIES OF THE EXISTING SUPERVISORS ASSOCIATION OF FAIR LAWN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY IS AMENDED (SUPERVISOR OF WATER DISTRIBUTION)

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 classification of certain employees:

WHEREAS, a need has occurred to amend Ordinance 2289-2013, adopted on September 10, 2013, and

WHEREAS, the position of Supervisor of Water Distribution will be added to Salary Ordinance 2289-2013 as follows:

Existing Employees hired before August 20, 2013	2015 Min / 2015 Max
Supervisor of Water Distribution	67,519 / 86,228

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: June 30, 2015
Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 30, 2015

RESOLUTION NO. 301-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2360-2015 entitled:

AN AMENDMENT TO ORDINANCE #2266-2013 FIXING THE SALARIES OF EXISTING FULL TIME BLUE AND WHITE BARGAINING UNIT EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED (SR. WATER TREATMENT PLANT OPERATOR)

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 21st day of July, 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. 2360-2015

AN AMENDMENT TO ORDINANCE #2266-2013 FIXING THE SALARIES OF EXISTING FULL TIME BLUE AND WHITE BARGAINING UNIT EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED (SR. WATER TREATMENT PLANT OPERATOR)

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

SECTION 1. That there is hereby established a change in the salary range for the following classification of certain employees herein below set:

<u>Title</u>	<u>2015 Min / 2015 Max</u>
Senior Water Treatment Plant Operator	63,378 / 82,351

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: June 30, 2015

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 30, 2015

RESOLUTION NO. 302-2015

By

Seconded by

BE IT RESOLVED that Ordinance No. 2361-2015 entitled:

**AN ORDINANCE FIXING THE SALARIES OF CERTAIN NEW FULL TIME
BLUE AND WHITE BARGAINING UNIT EMPLOYEES OF THE BOROUGH
OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED
(ASSISTANT WATER TREATMENT PLANT OPERATOR)**

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 21st day of July, 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. 2361-2015

AN ORDINANCE FIXING THE SALARIES OF CERTAIN NEW FULL TIME BLUE AND WHITE BARGAINING UNIT EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED (ASSISTANT WATER TREATMENT PLANT OPERATOR)

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 classification of certain employees:

WHEREAS, a need has occurred to amend Ordinance 2267-2013, adopted on May 14, 2013, and

WHEREAS, the position of Assistant Water Treatment Plant Operator will be added to Salary Ordinance 2267-2013 as follows:

New Employees hired on or after March 12, 2013	2015 Min / 2015 Max
Assistant Water Treatment Plant Operator	28,431 / 43,009

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: June 30, 2015

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 30, 2015

RESOLUTION NO. 303-2015

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."

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. 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 30, 2015

CONSENT AGENDA 15-2015

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. #304-2015 - Approval of Minutes:
 - Work Session 5/19/15
 - Closed Session 5/19/15
 - Regular Meeting 5/26/15
- b. Resol. #305-2015 - Renewal of Liquor Licenses 2015-2016
- c. Resol. #306-2015 - Refund of Overpayment of Taxes
- d. Resol. #307-2015 - Authorizing Purchases with CINTAS through U.S. Communities Government Purchasing Alliance
- e. Resol. #308-2015 - Confirmation of Fire Board Actions
- f. Resol. #309-2015 - Approval of Massagist License: Mei H. Jin - Green Jersey Garden
- g. Resol. #310-2015 - Cancel Year 2015 Property Tax Due to Property Tax Classification Change from Taxable to Exempt
- h. Resol. #311-2015 - Authorizing Execution of Sidebar Agreement with Joan Frey
- i. Resol. #312-2015 - Approving Application from Long Term Exemption and Resolution of Need
- j. Resol. #313-2015 - Authorizing Sale of Hadco Property
- k. Resol. #314-2015 - Approving Amendment to Agreement for Senior Housing

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 30, 2015

RESOLUTION NO. 304-2015

By

Seconded by

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

Work Session 5/19/15
Closed Session 5/19/15
Regular Meeting 5/26/15

are hereby approved.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 30, 2015

RESOLUTION NO. 305-2015

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>
0217-33-003-006	\$2,000.00	PRC	Krokeai Inc. t/a Oceanos Restaurant 2-27 Saddle River Road
0217-33-012-003	\$2,000.00	PRC	13-50 River Road Corp. t/a Empress Restaurant 13-50 River Road
0217-33-007-005	\$2,000.00	PRC	F.J.'s Reservoir Bar & Grill, Inc. t/a The Dutch House Tavern 24-07 Fair Lawn Avenue
0217-44-014-011	\$1,635.00	PRD	B & B Liquors, Inc. 13-05 River Road
0217-33-022-004	\$2,000.00	PRC	St. Efraim Inc. t/a Land & Sea Diner and Restaurant 20-12 Fair Lawn Avenue
0217-33-021-007	\$2,000.00	PRC	Anthony's Coal Fired Pizza of Fair Lawn, LLC 2101 Promenade Boulevard

0217-33-014-003	\$2,000.00	PRC	Leiserv, LLC t/a Brunswick Fair Lawn Lanes 22-22 Maple Avenue
0217-33-008-005	\$2,000.00	PRC	The Rail Yard LLC t/a The Rail Yard Tavern 14-22 & 14-26 Plaza Road
0217-32-001-004	\$2,000.00	PRC	Guy and Walsh, Inc. t/a J.J.'s Pub 25-01 Broadway
0217-33-009-001	\$2,000.00	PRC	Fair Lawn Athletic Club, Inc. 14-19 Parmelee 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 / Deputy Manager be and is hereby authorized and directed to issue said licenses.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 30, 2015

RESOLUTION NO. 306-2015

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>
3310	55	Core Logic 1 Core Logic Drive Westlake, Texas 76262	\$1,078.47
3407	10	Core Logic 1 Core Logic Drive Westlake, Texas 76262	\$2,662.00
3621	28	Core Logic 1 Core Logic Drive Westlake, Texas 76262	\$1,406.08
4400.01	5	Core Logic 1 Core Logic Drive Westlake, Texas 76262	\$1,897.00

5714	8	Core Logic 1 Core Logic Drive Westlake, Texas 76262	\$1,822.33
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(Refund of overpayment of 2015 taxes as a result of a duplicate payment)

5601	50	Hudson City Savings Bank W. 80 Century Road Paramus, New Jersey 07652	\$2,130.00
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(Refund of overpayment of 2015 taxes as a result of a payment made in error)

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 30, 2015

RESOLUTION NO. 307-2015

By

Seconded by

WHEREAS, the Borough of Fair Lawn wishes to avail itself of the right to obtain services to service fire safety equipment under contracts for such materials, supplies and equipment entered into on behalf of the U.S. Communities Government Purchasing Alliance pursuant to P.L. 2011, c.139 which allows local contracting units to utilize national cooperative contracts as a method of procurement; and

WHEREAS, the purchasing agent has recommended the utilization of these additional State contracts on the grounds that it represents the best price available; and

WHEREAS, Chief Financial Officer will certify the availability of funds for the following contract:

CINTAS. #12-JLH-011

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the above-mentioned venders, be awarded the contracts as recommended by the Purchasing Agent.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 30, 2015

RESOLUTION NO. 308-2015

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 30, 2015

RESOLUTION NO. 309-2015

By

Seconded by

WHEREAS, Mei Hua Jin, residing at 364 Palisade Avenue, #4B, Cliffside Park, New Jersey 07010 has made application to the Borough pursuant to RGO 144-2 for a Massagist License to work at Green Jersey Garden located at 26-01 Pellack Drive, Fair Lawn; 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 massagist license by the aforesaid applicant be and is hereby approved and the Municipal Clerk be and is hereby authorized to issue same.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 30, 2015

RESOLUTION NO. 310-2015

By

Seconded by

WHEREAS, New Jersey Transit Corp., 2nd Class Property, and being shown on the tax map of the Borough as Lot 2.A in Block 3411, located on Banta Place as of January 1, 2015 is a Tax Exempt property; and

WHEREAS, the Borough of Fair Lawn Tax Collector's Office billed year 2015 1st and 2nd quarter property taxes;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn, in the County of Bergen, and State of New Jersey, do hereby authorize the Borough Tax Collector to cancel year 2015 1st and 2nd quarter property taxes in the amount of \$15,810.00.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 30, 2015

RESOLUTION NO. 311-2015

By

Seconded by

WHEREAS, the Mayor and Council wish to enter into a sidebar agreement with Joan Frey, the surviving spouse of former full-time employee George Frey, concerning medical benefits;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the Mayor and Municipal Clerk/Deputy Manager are hereby authorized to execute said sidebar agreement.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 30, 2015

RESOLUTION NO. 312-2015

By

Seconded by

WHEREAS, the Borough of Fair Lawn (the "Borough") has received an Application for Long Term Tax Exemption under the provisions of the Long Term Tax Exemption Law, N.J.S.A.40A:20-1 et. seq (the "Act") concerning that certain parcel of real Property commonly known as 18-25 River Road in the Borough of Fair Lawn and being shown on the tax map of the Borough as Lot 1.02 in Block 5834, (hereafter, the "Property) which Application has been submitted on behalf of Fair Lawn Senior Housing Urban Renewal, L.P. a New Jersey Limited Partnership and duly qualified Urban Renewal Entity, (hereafter, "FLSH") by and through its general partner Maple Development Corporation, a New Jersey Corporation; and

WHEREAS, the Application seeks to obtain approval for a long term tax exemption on the Property, which Property is to be developed to construct a 64 unit senior affordable housing project, (the "Project") and which Project is and has been developed with the assistance of the Borough and pursuant to an agreement dated January 7, 2013 entitled "Agreement for the Development of Senior Housing" (The "Agreement") approved by Resolution of the Borough Number 56-2013, wherein the Borough and FLSH agreed to engage in certain undertakings to enable the construction of the Project which fulfils an existing and future need of the Borough to meet the need for affordable housing in the Borough; and

WHEREAS, the Borough Council (the "Council") has reviewed the Application and its exhibits including a proposed form of Financial Agreement, as required under the Act; the Council has made certain determinations and findings with respect to the Application, the Project and the Property and seeks to set forth those findings and determinations herein.

NOW, THEREFORE, BE IT RESOLVED, that the references and definitions used in the recitals above be and are hereby included as a part of this Resolution; and

BE IT FURTHER RESOLVED that the Council has reviewed the proposed Project as described in the Application and does hereby find and determine that the Project meets and will meet an existing need for affordable housing in the Borough, and is in accordance with the Borough's plan for addressing its affordable housing obligations; and

BE IT FURTHER RESOLVED that the project will serve to improve the Property and accomplish the goal of redevelopment thereof, all in furtherance of the public purpose of providing suitable and affordable housing within the Borough; and

BE IT FURTHER RESOLVED that the improvement and remediation of the Property; the construction of the Project and its administration by the developer FLSH shall all be provided at no cost or expense to the Borough; and

BE IT FURTHER RESOLVED that the importance of the requested tax exemption under the Act is demonstrated by both the need to provide assistance to enable the development of the Project based on its limited funding and ability to generate revenue as a provider of below market rate housing, and to further influence the locational decisions of persons within the area served by the Project; and

BE IT FURTHER RESOLVED that the relative benefits of the Project, on balance, exceed the costs, if any, associated with the Tax Exemption requested, as permitted under the Act and the financial agreement attached to the Application and which amounts shall be increased during the 30 year term of the exemption; and

BE IT FURTHER RESOLVED that the Council of the Borough of Fair Lawn does hereby approve the Application and proposed form of Financial Agreement as submitted, Financial Agreement in its current form or as the same may be amended or corrected by Counsel to the Borough to reflect such changes which he, in his discretion, may deem necessary or desirable, and as approved to any and all such changes by Counsel to the Borough; and

BE IT FURTHER RESOLVED that the Financial Agreement and the exemption approved shall not be effective unless and until the Financial Agreement has

been adopted by Ordinance of the Borough and all conditions required under the Act have been complied with.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 30, 2015

RESOLUTION NO. 313-2015

By

Seconded by

WHEREAS, The Borough of Fair Lawn (the "Borough") acquired that certain parcel of property (the "Property") commonly known as 18-25 River Road in the Borough of Fair Lawn, being lot 1.02 in Block 5834 as illustrated on the tax map of the Borough of Fair Lawn with funds received from a payment in lieu made to its affordable housing trust fund and a contribution through the designated developer of the Property, Fair Lawn Senior Housing, L. P ("FLSH", which is now known as "Fair Lawn Senior Housing Urban Renewal, L.P.) or its sponsors; and

WHEREAS, the Property was purchased for the public purpose of devoting it solely for the construction of affordable housing; and

WHEREAS, FLSH, through its general partner, has entered into an agreement with The Borough entitled "Agreement for Development of Senior Housing", (the "Agreement"), which was approved under Resolution of the Borough numbered 56-2013 in January of 2013, whereby FLSH has agreed, as the Developer designated by the Borough in the Agreement, to develop a 64 unit senior affordable housing project on the Property, at no cost to the Borough; and

WHEREAS, the Borough is permitted, pursuant to N.J.S.A. 40A:12-21, to convey the Property by private sale to a not for profit organization for a nominal consideration, providing that the said organization is dedicated to the purpose of constructing affordable housing, and the Borough may authorize such sale by resolution, and

WHEREAS, a general partner of developer FLSH is Fair Lawn Housing, a New Jersey Not for Profit Corporation, a qualified corporation eligible to receive the Property by private sale for a nominal consideration, and the Borough has committed to make such transfer pursuant to the Agreement, in accordance

with the provisions of that Agreement, to facilitate the development of the 64 unit affordable housing project.

NOW, THEREFORE, BE IT RESOLVED that the recitals and definitions set forth above are deemed a part of this Resolution; and

BE IT FURTHER RESOLVED that the Borough of Fair Lawn does hereby authorize the transfer of fee title to the Property, being 18-25 River Road, Lot 1.02, Block 5834, to Fair Lawn Housing, a New Jersey Non Profit Corporation, for the consideration of \$99.00, in accordance with the express provisions and conditions of the Agreement, upon the award of 9% Low Income Housing Tax Credits to Fair Lawn Senior Housing Urban Renewal, L.P, in accordance with the terms of this Resolution , by private sale; and

BE IT FURTHER RESOLVED that the Property shall be conveyed by the Borough "as is", with no obligation on the part of the Borough to correct defects or address environmental contamination and which contamination, to the Borough's and FLSH's knowledge, is to be covered under policies of environmental insurance; and

BE IT FURTHER RESOLVED that the deed shall contain the reverter provision of N.J.S.A.40A:12-21 that the Property shall be devoted to and used only for the specific use of providing affordable housing which shall be a restriction running with the land, and in the event that the Property is not used in accordance with this limitation, title to the Property shall revert to the Borough of Fair Lawn without any entry or re-entry made thereon on the part of the Borough; and

BE IT FURTHER RESOLVED that the form of contract of sale, on file in the office of the Municipal Clerk, be and is hereby approved, subject to such modification and amendment as counsel to the Borough in his discretion shall deem necessary or desirable; and

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the contract of sale on behalf of the Borough, and the Municipal Clerk/Deputy Manager is authorized to affix and attest the seal of the Borough of Fair Lawn thereto.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 30, 2015

RESOLUTION NO. 314-2015

By

Seconded by

WHEREAS, The Borough of Fair Lawn (the "Borough") entered into an agreement in January of 2013 entitled "Agreement for Development of Senior Housing" (the "Agreement") between the Borough and Fair Lawn Senior Housing, L.P. for the purpose of developing certain property with an address now known as 18-25 River Road, Fair Lawn and being shown on the tax map as Lot 1.02 Block 5834, a portion of the former Hadco/Kem property (the "Property"); and

WHEREAS, the Agreement was approved under Resolution Number 56-2013 by the Borough and the Agreement designated Fair Lawn Senior Housing, L.P. as the Developer (the "Developer") for the construction of a 64 rental unit development to provide senior affordable housing, (the "Project"); and

WHEREAS, pursuant to the terms of the Agreement, several actions were taken by the parties thereto including but not limited to the acquisition by the Borough of the property by utilizing funds received from a payment in lieu made to the affordable housing trust fund and a contribution from the Developer; the reorganization of the Developer and its application for Land Use approvals, financing, and a subsequent reconfiguration of Developer to add a new general partner, Maple Development Corporation, and to now also be qualified as an Urban Renewal Entity, which required that the name of the Developer be changed to "Fair Lawn Senior Housing Urban Renewal, L.P."; and

WHEREAS, the Agreement needs to be amended to recognize the changes herein mentioned and to also clarify the various undertakings of the parties, the agreement to forego a separate ground lease originally anticipated which was approved but never commenced due to project financing and grant requirements, and the Borough's agreement to transfer title to the property for use by the project, upon the Developer obtaining Tax Credit Financing; and

WHEREAS, the amendment will not substantively alter the terms of the Agreement, except with respect to foregoing the lease of the property to the general partner of Developer during the application for financing, but make clearer the terms as agreed, and thereby further facilitate the Developer's current reapplication for Tax Credit financing.

NOW, THEREFORE, BE IT RESOLVED that the recitals above and the defined terms shall be deemed an integral part of this Resolution; and

BE IT FURTHER RESOLVED, that the proposed Second Amendment to the Agreement For Development of Senior Housing, (the "Amendment") in the form on file in the office of the Municipal Clerk, subject to such revisions and modifications as Counsel to the Borough in his discretion may deem necessary or desirable and which shall be subject to his approval be approved; and

BE IT FURTHER RESOLVED, that the Mayor be authorized to execute the Amendment and the Municipal Clerk / Deputy Manager be authorized to affix the Seal of the Borough of Fair Lawn and attest thereto.