

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**

**8:00 P.M.**

**JULY 21, 2015**

1. Call to Order by Mayor
2. Statement of compliance with the Open Public Meetings Act
3. Roll Call
4. Flag Salute
5. SWEARING IN OF POLICE OFFICERS
6. PROCLAMATION: 25<sup>TH</sup> ANNIVERSARY OF SIGNING OF ADA LAW
7. COUNCIL COMMENTS
8. MANAGER'S REPORT
9. ORDINANCES ON SECOND READING:

**ORDINANCE NO. 2357-2015  
(RESOLUTION NO. 315-2015)**

**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 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. 2358-2015  
(RESOLUTION NO. 316-2015)**

**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 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. 2359-2015  
(RESOLUTION NO. 317-2015)**

**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 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. 2360-2015  
(RESOLUTION NO. 318-2015)**

**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 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. 2361-2015  
(RESOLUTION NO. 319-2015)**

**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 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.

**10. PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY**

- Mayor calls for a motion to open time for public comments on Consent Agenda items only. Mayor asks for a Mover, 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.

**11. RESOLUTIONS BY CONSENT #16-2015**

- Municipal Clerk reads Resolutions by Consent.
  - a. Resol. #320-2015 - Approval of Minutes:
    - Work Session 6/9/15
    - Closed Session 6/9/15
    - Regular Meeting 6/16/15
  - b. Resol. #321-2015 - Renewal of Liquor Licenses 2015-2016
  - c. Resol. #322-2015 - Professional Services: Post Retirement Actuarial Services – UHY Advisors Inc.
  - d. Resol. #323-2015 - Professional Services: Conflict Counsel Worker's Compensation – John J. Feczko, Esq.
  - e. Resol. #324-2015 - Professional Services: Consulting Engineering Services for Fair Lawn Avenue Improvements – Boswell Engineering
  - f. Resol. #325-2015 – Tax Appeal Settlement: Zerega c/o Darling Corporation
  - g. Resol. #326-2015 - Tax Appeal Settlement: 12-15 Broadway Professional, LLC
  - h. Resol. #327-2015 - Tax Appeal Settlement: Zienat Tawfik
  - i. Resol. #328-2015 - Tax Appeal Settlement: Wallace Property Group, LLC
  - j. Resol. #329-2015 - Tax Appeal Settlement: FM Grosso, LLC
  - k. Resol. #330-2015 - Tax Appeal Settlement: 12-51 River Road, LLC
  - l. Resol. #331-2015 - Tax Appeal Settlement: 93 Hillsdale Management, LLC
  - m. Resol. #332-2015 - Tax Appeal Settlement: SRH Investments, LLC
  - n. Resol. #333-2015 - Tax Appeal Settlement: Leon Rutkowski
  - o. Resol. #334-2015 - Award of Bid: Bioxide (Liquid Calcium Nitrate) Odor & Corrosion Control Chemical
  - p. Resol. #335-2015 - Refund of Overpayment of Taxes
  - q. Resol. #336-2015 – Audit Report
  - r. Resol. #337-2015 – Corrective Action Report
  - s. Resol. #338-2015 - Authorizing the Execution of the Developer's Agreement with Bergen Development Group, LLC (Successor in Interest to Landmark at Radburn, LLC)
- Mayor asks for a Mover, Secunder, Roll Call.

**12. PUBLIC COMMENTS**

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

**13. ADJOURNMENT:**

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

July 21, 2015

**RESOLUTION NO. 315-2015**

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)**

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. 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:

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

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John Cosgrove  
Mayor

Introduced: June 30, 2015  
Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

July 21, 2015

**RESOLUTION NO. 316-2015**

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.**

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. 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

July 21, 2015

**RESOLUTION NO. 317-2015**

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)**

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. 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

July 21, 2015

**RESOLUTION NO. 318-2015**

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)**

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. 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

July 21, 2015

**RESOLUTION NO. 319-2015**

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 OPERATOR)**

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. 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

July 21, 2015

**CONSENT AGENDA 16-2015**

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. #320-2015 - Approval of Minutes:
  - Work Session 6/9/15
  - Closed Session 6/9/15
  - Regular Meeting 6/16/15
- b. Resol. #321-2015 - Renewal of Liquor Licenses 2015-2016
- c. Resol. #322-2015 - Professional Services: Post Retirement Actuarial Services – UHY Advisors Inc.
- d. Resol. #323-2015 - Professional Services: Conflict Counsel Worker's Compensation – John J. Feczko, Esq.
- e. Resol. #324-2015 - Professional Services: Consulting Engineering Services for Fair Lawn Avenue Improvements – Boswell Engineering
- f. Resol. #325-2015 – Tax Appeal Settlement: Zerega c/o Darling Corporation
- g. Resol. #326-2015 - Tax Appeal Settlement: 12-15 Broadway Professional, LLC
- h. Resol. #327-2015 - Tax Appeal Settlement: Zienat Tawfik
- i. Resol. #328-2015 - Tax Appeal Settlement: Wallace Property Group, LLC
- j. Resol. #329-2015 - Tax Appeal Settlement: FM Grosso, LLC
- k. Resol. #330-2015 - Tax Appeal Settlement: 12-51 River Road, LLC
- l. Resol. #331-2015 - Tax Appeal Settlement: 93 Hillsdale Management, LLC

- m. Resol. #332-2015 - Tax Appeal Settlement: SRH Investments, LLC
- n. Resol. #333-2015 - Tax Appeal Settlement: Leon Rutkowski
- o. Resol. #334-2015 - Award of Bid: Bioxide (Liquid Calcium Nitrate) Odor & Corrosion Control Chemical
- p. Resol. #335-2015 - Refund of Overpayment of Taxes
- q. Resol. #336-2015 - Audit Report
- r. Resol. #337-2015 – Corrective Action Plan
- s. Resol. #338-2015 – Authorizing the Execution of the Developer's Agreement with Bergen Development Group, LLC (Successor in Interest to Landmark at Radburn, LLC)

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

July 21, 2015

**RESOLUTION NO. 320-2015**

By

Seconded by

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

Work Session 6/9/15  
Closed Session 6/9/15  
Regular Meeting 6/16/15

are hereby approved.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

July 21, 2015

**RESOLUTION NO. 321-2015**

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>
0217-33-005-006	\$2,000.00	PRC	Vilgry Enterprises t/a Davia Restaurant 6-09 Fair Lawn Avenue
0217-33-006-006	\$2,000.00	PRC	Gotham Beverage, Inc. Gotham City Diner 39-10 Broadway
0217-44-016-006	\$1,635.00	PRD	Alison Beverages of N.J., Inc. t/a Shop Rite Liquors of Fair Lawn
0217-33-019-006	\$2,000.00	PRC	KMM LLC t/a Sel-Rite Bar & Liquors 17-65 B River Road
0217-36-031-002	\$2,000.00	Hotel/Motel Exception	Noble I/HY Fairlawn Op Co, LLC 41-01 Broadway (Route 208 North)

**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 or \$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

July 21, 2015

**RESOLUTION NO. 322-2015**

By

Seconded by

**WHEREAS**, there exists a need for Post Retirement Actuarial Services for the Borough of Fair Lawn as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19-44A-20.5; and

**WHEREAS**, a proposal for professional Post Retirement Actuarial Services, dated June 17, 2015 has been submitted by UHY Employee Benefits Consulting Services, Inc. having an office located at 153 Bauer Drive, Oakland, New Jersey 07436, a copy of which is 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 recommendation of the Borough Manager and the Chief Financial Officer that said services are necessary, a contract be awarded to UHY Employee Benefits Consulting Services, Inc., in accordance with its proposal for professional actuarial consulting services aforesaid, which services are to be billed in accordance with the aforesaid proposal's payment schedule upon the completion of work as specified and all charges for said ancillary services shall be submitted to the Mayor and Council for approval prior to the commencement of said work.
2. The term of the contract shall be from July 22, 2015 and expiring on December 31, 2015.
3. No additional services shall be rendered for which the Contractor shall seek additional payment without written authorization by the Borough pursuant to law.

4. The Mayor and Municipal Clerk are hereby authorized to execute an Agreement with UHY Employee Benefits Consulting Services, Inc., 153 Bauer Drive, Oakland, New Jersey 07436, provided all statutory requirements are met.
5. A notice of this resolution shall be published in The Record as required by law.

**BE IT FURTHER RESOLVED** that UHY Employee Benefits Consulting Services, Inc. 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 the award of this non-fair and open contract is contingent upon the Chief Financial Officer filing a Certificate of Availability of Funds with the Municipal Clerk's office.



**Fees**

UHY EBCS provides professional consulting services on a fee basis, based on hours spent and the level of expertise of each consultant. Out of pocket expenses are billed in addition, at cost.

For the calculation of actuarial obligations under NJ LFN 2007-15 we will charge a flat fee of \$3,500.

For additional work, if any, such as participating in strategy and bargaining sessions, we will apply our discounted government billing rates to this engagement of \$225 per hour for our Managing Directors, \$150 per hour for consultants, and \$75 per hour for all others.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rob Cirkiel'.

Robert Cirkiel, FCA, ASA, MAAA, EA

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

July 21, 2015

**RESOLUTION NO. 323-2015**

By

Seconded by

**WHEREAS**, the Borough of Fair Lawn has a need to acquire certain legal services for Worker's Compensation cases on an as-needed basis as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, John J. Feczko, Esq. having an office located at 303 Molnar Drive, First Floor, Elmwood Park, New Jersey 07407, has agreed to provide legal services for Worker's Compensation cases;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that John J. Feczko, Esq. of 303 Molnar Drive, First Floor, Elmwood Park, New Jersey 07407 be and he is hereby appointed to handle the aforesaid matters effective July 22, 2015 and terminating on December 31, 2015.

**BE IT FURTHER RESOLVED** that the above referenced services shall be paid to John J. Feczko, Esq., at the rate of \$100 per hour plus out-of-pocket disbursements.

**BE IT FURTHER RESOLVED** that John J. Feczko, Esq. 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 the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

**BE IT FURTHER RESOLVED** that a notice of this resolution shall be published in The Record as required by law.

**BE IT FURTHER RESOLVED** that the award of this non-fair and open contract is contingent upon the Chief Financial Officer filing a Certificate of Availability of Funds with the Municipal Clerk's office.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

July 21, 2015

**RESOLUTION NO. 324-2015**

By

Seconded by

**WHEREAS**, there exists a need for the Borough of Fair Lawn to obtain the Consulting Engineering services for Fair Lawn Avenue Improvements (Various Intersections) Federal Project #STP-8201 as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19-44A-20.5; and

**WHEREAS**, a proposal for professional engineering inspection services with proposed cost proposal, dated August 1, 2014 has been submitted by Boswell Engineering, having an office located at 330 Phillips Avenue, P.O. Box 3152, South Hackensack, New Jersey 07606, a copy of which is attached hereto and made a part hereof as Schedule A; and

**WHEREAS**, the Borough Manager has determined and certified in writing that the value of said services will exceed \$17,500;

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

1. That upon recommendation of the Borough Manager and Borough Engineer that said services are necessary, a contract be awarded to Boswell Engineering, for consulting engineering inspection services for Fair Lawn Avenue Improvements in the Borough of Fair Lawn, in accordance with its proposal for professional engineering inspection services aforesaid, which services are to be billed in accordance with the aforesaid proposal's payment schedule upon the completion of work as specified and all charges for said ancillary services shall be submitted to the Mayor and Council for approval prior to the commencement of said work.

2. The term of the contract shall be from July 22, 2015 and expiring when the project is completed.
3. No additional services shall be rendered for which the Contractor shall seek additional payment without written authorization by the Borough pursuant to law.
4. The Mayor and Municipal Clerk are hereby authorized to execute an Agreement with Boswell Engineering, 330 Phillips Avenue, P.O. Box 3152, South Hackensack, New Jersey 07606, provided all statutory requirements are met.
5. 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 the award of this non-fair and open contract is contingent upon the Chief Financial Officer filing a Certificate of Availability of Funds with the Municipal Clerk's office.



**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.

**COST PROPOSAL FOR CONSULTING ENGINEERING INSPECTION SERVICES  
FAIR LAWN AVENUE IMPROVEMENTS (VARIOUS INTERSECTIONS)**

	Estimated Hours	Rate	Estimated Total Cost
PROJECT MANAGER - Peter Pannucci, P.E.	30	\$ 62.00	\$ 1,860.00
RESIDENT ENGINEER/INSP. - Alex Bushong	360	\$ 30.50	\$ 10,980.00

DIRECT LABOR	\$ 12,840.00
APPROVED OVERHEAD @ 153 %	\$ 19,645.20
<b>SUBTOTAL</b>	<b>\$ 32,485.20</b>

PROFIT @ 18%	\$ 5,847.34
<b>TOTAL FEE</b>	<b>\$ 38,332.54</b>

Boswell Engineering  
COMPANY NAME

August 1, 2014  
DATE

Schedule "A"

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

July 21, 2015

**RESOLUTION NO. 325-2015**

By

Seconded by

**WHEREAS**, Zerega c/o Darling Corporation filed a real property tax appeal for the year 2007 (Docket No. 006305-2007); and

**WHEREAS**, the real property assessments for the subject premises, located at 17-09 Zink Place (Lot 1.01 in Block 4301 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2007 were as follows:

Land:	\$2,865,000
Improvements:	<u>\$5,249,400</u>
Total:	\$8,114,400

and;

**WHEREAS**, the 2007 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land:	\$2,865,000
Improvements:	<u>\$5,035,000</u>
Total:	\$7,900,000

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 a total refund for tax year 2007 in the amount of \$4,352.32, which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgments; and

**WHEREAS**, the Mayor and Council have been advised by the Borough's Tax Assessor and by the Borough Attorney that said settlement is in the Borough's best interest;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that said settlement be and the same is hereby approved; and

**BE IT FURTHER RESOLVED** that the Borough Attorney of the Borough of Fair Lawn be and is hereby authorized to take all steps necessary to effect said settlement; and

**BE IT FURTHER RESOLVED** that the Borough Tax Collector is hereby authorized to issue a refund in the amount of \$4,352.32 upon issuance of the judgment; and

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

July 21, 2015

**RESOLUTION NO. 326-2015**

By

Seconded by

**WHEREAS**, 12-15 Broadway Professional, LLC filed a real property tax appeal for the year 2013 (Docket No. 018342-2013); and

**WHEREAS**, the real property assessments for the subject premises, located at 12-15 Broadway (Lot 17 in Block 4329 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2013 were as follows:

Land:	\$ 596,500
Improvements:	<u>\$ 603,700</u>
Total:	\$1,200,200

and;

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

Land:	\$ 596,500
Improvements:	<u>\$ 503,500</u>
Total:	\$1,100,000

and;

**WHEREAS**, the 2013 settlement of a total assessment of \$1,100,000 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 \$6,182.34, which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgment; and

**WHEREAS**, the Mayor and Council have been advised by the Borough's Tax Assessor and by the Borough Attorney that said settlement is in the Borough's best interest;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that said settlement be and the same is hereby approved; and

**BE IT FURTHER RESOLVED** that the Borough Attorney of the Borough of Fair Lawn be and is hereby authorized to take all steps necessary to effect said settlement; and

**BE IT FURTHER RESOLVED** that the Borough Tax Collector is hereby authorized to issue a refund in the amount of \$6,182.34 upon issuance of the judgment; and

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

July 21, 2015

**RESOLUTION NO. 327-2015**

By

Seconded by

**WHEREAS**, Zienat Tawfik filed a real property tax appeal for the year 2013 (Docket No. 018375-2013); and

**WHEREAS**, the real property assessments for the subject premises, located at 6-02 Berdan Avenue (Lot 73 in Block 5506 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2013 were as follows:

Land:	\$375,000
Improvements:	<u>\$223,300</u>
Total:	\$598,300

and;

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

Land:	\$375,000
Improvements:	<u>\$175,000</u>
Total:	\$550,000

and;

**WHEREAS**, the 2013 settlement of a total assessment of \$550,000 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 \$3,011.99, which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgment; and

**WHEREAS**, the Mayor and Council have been advised by the Borough's Tax Assessor and by the Borough Attorney that said settlement is in the Borough's best interest;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that said settlement be and the same is hereby approved; and

**BE IT FURTHER RESOLVED** that the Borough Attorney of the Borough of Fair Lawn be and is hereby authorized to take all steps necessary to effect said settlement; and

**BE IT FURTHER RESOLVED** that the Borough Tax Collector is hereby authorized to issue a refund in the amount of \$3,011.99 upon issuance of the judgment; and

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

July 21, 2015

**RESOLUTION NO. 328-2015**

By

Seconded by

**WHEREAS**, Wallace Property Group, LLC filed a real property tax appeal for the year 2013 (Docket No. 018340-2013); and

**WHEREAS**, the real property assessments for the subject premises, located at 12-45 River Road (Lot 61 in Block 5611 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2013 were as follows:

Land:	\$467,400
Improvements:	<u>\$214,100</u>
Total:	\$681,500

and;

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

Land:	\$467,400
Improvements:	<u>\$182,600</u>
Total:	\$650,000

and;

**WHEREAS**, the 2013 settlement of a total assessment of \$650,000 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 \$1,964.34, which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgment; and

**WHEREAS**, the Mayor and Council have been advised by the Borough's Tax Assessor and by the Borough Attorney that said settlement is in the Borough's best interest;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that said settlement be and the same is hereby approved; and

**BE IT FURTHER RESOLVED** that the Borough Attorney of the Borough of Fair Lawn be and is hereby authorized to take all steps necessary to effect said settlement; and

**BE IT FURTHER RESOLVED** that the Borough Tax Collector is hereby authorized to issue a refund in the amount of \$1,964.34 upon issuance of the judgment; and

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

July 21, 2015

**RESOLUTION NO. 329-2015**

By

Seconded by

**WHEREAS**, FM Grosso, LLC filed a real property tax appeal for the year 2013 (Docket No. 018380-2013); and

**WHEREAS**, the real property assessments for the subject premises, located at 23-20 Maple Avenue (Lot 4 in Block 5903 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2013 were as follows:

Land:	\$598,300
Improvements:	<u>\$292,200</u>
Total:	\$890,500

and;

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

Land:	\$598,300
Improvements:	<u>\$251,700</u>
Total:	\$850,000

and;

**WHEREAS**, the 2013 settlement of a total assessment of \$850,000 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 \$2,436.08, which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgment; and

**WHEREAS**, the Mayor and Council have been advised by the Borough's Tax Assessor and by the Borough Attorney that said settlement is in the Borough's best interest;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that said settlement be and the same is hereby approved; and

**BE IT FURTHER RESOLVED** that the Borough Attorney of the Borough of Fair Lawn be and is hereby authorized to take all steps necessary to effect said settlement; and

**BE IT FURTHER RESOLVED** that the Borough Tax Collector is hereby authorized to issue a refund in the amount of \$2,436.08 upon issuance of the judgment; and

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

July 21, 2015

**RESOLUTION NO. 330-2015**

By

Seconded by

**WHEREAS**, 12-51 River Road, LLC filed a real property tax appeal for the year 2013 (Docket No. 017985-2013); and

**WHEREAS**, the real property assessments for the subject premises, located at 12-51 River Road (Lot 67 in Block 5611 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2013 were as follows:

Land:	\$280,000
Improvements:	<u>\$188,000</u>
Total:	\$468,000

and;

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

Land:	\$280,000
Improvements:	<u>\$145,000</u>
Total:	\$425,000

and;

**WHEREAS**, the 2013 settlement of a total assessment of \$425,000 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 \$2,681.48, which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgment; and

**WHEREAS**, the Mayor and Council have been advised by the Borough's Tax Assessor and by the Borough Attorney that said settlement is in the Borough's best interest;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that said settlement be and the same is hereby approved; and

**BE IT FURTHER RESOLVED** that the Borough Attorney of the Borough of Fair Lawn be and is hereby authorized to take all steps necessary to effect said settlement; and

**BE IT FURTHER RESOLVED** that the Borough Tax Collector is hereby authorized to issue a refund in the amount of \$2,681.48 upon issuance of the judgment; and

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

July 21, 2015

**RESOLUTION NO. 331-2015**

By

Seconded by

**WHEREAS**, 93 Hillsdale Management, LLC filed real property tax appeals for the year 2013 (Docket Nos. 017982-2013 & 018352-2013); and

**WHEREAS**, the real property assessments for the subject premises, located at 18-02-22 River Road (Lots 1 & 4 in Block 5729 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2013 were as follows:

Lot 1

Land:	\$ 856,900
Improvements:	<u>\$ 910,500</u>
Total:	\$1,767,400

Lot 4

Land:	\$602,300
Improvements:	<u>\$127,300</u>
Total:	\$729,600

and;

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

Lot 1

Land:	\$ 856,900
Improvements:	<u>\$ 841,800</u>
Total:	\$1,698,700

Lot 4

Land:	\$602,300
Improvements:	<u>\$ 99,000</u>
Total:	\$701,300

and;

**WHEREAS**, the 2013 settlement of a total assessment for both properties of \$2,400,000 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 \$6,048.92, which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgment; and

**WHEREAS**, the Mayor and Council have been advised by the Borough's Tax Assessor and by the Borough Attorney that said settlement is in the Borough's best interest;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that said settlement be and the same is hereby approved; and

**BE IT FURTHER RESOLVED** that the Borough Attorney of the Borough of Fair Lawn be and is hereby authorized to take all steps necessary to effect said settlement; and

**BE IT FURTHER RESOLVED** that the Borough Tax Collector is hereby authorized to issue a refund in the amount of \$6,048.92 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

July 21, 2015

**RESOLUTION NO. 332-2015**

By

Seconded by

**WHEREAS**, SRH Investments, LLC filed real property tax appeals for the years 2013 and 2014 (Docket Nos. 018339-2013 & 005983-2014); and

**WHEREAS**, the real property assessments for the subject premises, located at 17-10 Fair Lawn Avenue, Suite 1 (Lot 2 in Block 4601 Qualifier C0001 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2013 and 2014 were as follows:

Land:	\$ 307,500
Improvements:	<u>\$ 922,500</u>
Total:	\$1,230,000

and;

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

Land:	\$ 307,500
Improvements:	<u>\$ 892,500</u>
Total:	\$1,200,000

and;

**WHEREAS**, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

**WHEREAS**, the settlement results in an approximate total tax refund for tax years 2013 and 2014 in the amount of \$1,804.50, 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 \$1,804.50 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

July 21, 2015

**RESOLUTION NO. 333-2015**

By

Seconded by

**WHEREAS**, Leon Rutkowski filed real property tax appeals for the years 2013 and 2014 (Docket Nos. 018356-2013 & 005989-2014); and

**WHEREAS**, the real property assessments for the subject premises, located at 20-19 Fair Lawn Avenue (Lot 1 in Block 4701.01 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2013 and 2014 were as follows:

Land:	\$ 694,300
Improvements:	<u>\$ 432,900</u>
Total:	\$1,127,200

and;

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

Land:	\$ 694,300
Improvements:	<u>\$ 405,700</u>
Total:	\$1,100,000

and;

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

Land:	\$ 694,300
Improvements:	<u>\$ 355,700</u>
Total:	\$1,050,000

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 \$3,149.08, 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 \$3,149.08 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

July 21, 2015

**RESOLUTION NO. 334-2015**

By

Seconded by

**WHEREAS**, bids were received for Bioxide (Liquid Calcium Nitrate) Odor & Corrosion Control Chemical by the Municipal Clerk on July 7, 2015; and

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

**WHEREAS**, Evoqua Water Technologies LLC having an office located at 2650 Tallevast Road, Sarasota, Florida 34243 is the lowest responsible bidder for Year 1 Solution Delivered in the amount of \$2.58 per gallon and for Year 2 Solution Delivered the amount of \$2.63 per gallon, for a period of two (2) years beginning July 22, 2015 and ending on July 21, 2017;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that upon recommendation of the Borough Manager and appropriate Department Head, the award be made to Evoqua Water technologies LLC subject to the execution of purchase orders by the Borough Manager and Borough Treasurer.

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

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

July 21, 2015

**RESOLUTION NO. 335-2015**

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>
5407	44	Dube, Jeffrey & Barbara 152 Cambridge Court Clifton, New Jersey 07014	\$827.29

(Refund of overpayment of 2015 taxes as a result of year 2012 Homestead Rebate credit received from the State to be applied to 2nd Quarter 2015 taxes)

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

July 21, 2015

**RESOLUTION NO. 336-2015**

By

Seconded by

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, That the Mayor and Council of the Borough of Fair Lawn, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

July 21, 2015

**RESOLUTION NO. 337-2015**

By

Seconded by

**WHEREAS**, the single Audit Act and regulations of the Division of Local Government Services requires that the Chief Financial Officer of every local unit prepare and file a Corrective Action Plan; and

**WHEREAS**, the regulation also requires that all members of the governing body review and approve such a plan;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Fair Lawn hereby states that it has complied with these regulations, and does hereby approve the Corrective Action Plan for 2014.

**Corrective Action Plan – 2014 Annual Audit**

**Borough of Fair Lawn**

**County of Bergen**

Date Audit Report Was Received July 3, 2015

Municipal Court

Comment #14-01.1

1. Description: Deposits were not made within 48 hours in the General Account and Bail Account accordance with N.J.S.A. 40A:5-15.
2. Analysis: A few deposits were not made within 48 hours of receipt.
3. Corrective Action: The Court has implemented a new banking schedule to ensure that deposits are made within 48 hours as pursuant to N.J.S.A. 40A:5
4. Implementation Date: Immediately.

Findings #14-01.2

1. Description: In the General Account, monies collected were not always being disbursed to the agencies on or before the 15th of the following month, as per Rule 7:14-4(a). We noted 5 instances where the checks were written after the 15th and 6 instances where the checks were held and released after the 15th.
2. Analysis: There were five instances of a delay in disbursing the payments that corresponded to the previous month's court activity. Disbursements were not completed. Ticket books that are issued on weekends when court staff are not available are delayed in the book of entry.
3. Corrective Action: The Court will make a conscious effort to make disbursements in a timely manner.
4. Implementation Date: Immediately.

**Corrective Action Plan – 2014 Annual Audit-Continued**Findings #14-01.3

1. When bail monies are collected for an out-of-town municipal court and the payment is in the form of a check, the check is payable to another town and mailed directly there. These payments are not processed through the Fair Lawn Municipal Court ATS/ACS system as "out of town bail" as they should be.
2. Analysis: This allowed Fair Lawn to forward the check directly to the other town's court. This policy was implemented as a result of defenseman's passing bail checks for out of town bail only to learn that the check is NSF after the funds were released.
3. Corrective Action: That the Borough properly document these fees and continue with their policy.
4. Implementation Date: Immediately

Findings #14-01.4

1. Police Department pre-numbered bail receipts book numbered B005071 and B05251 was missing two (2) receipts. All three parts of the receipts were missing from the book and were not available for audit.
2. Analysis: This allowed Fair Lawn to forward the check directly to the other town's court.
3. Corrective Action: An email was sent to the Fair Lawn Police Department regarding the missing receipts.
4. Implementation Date: Immediately

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

July 21, 2015

**RESOLUTION NO. 338-2015**

By

Seconded by

**WHEREAS**, Bergen Development Group, LLC (successor in interest to Landmark, LLC) has received approval to develop Block 3010, Lot 2 (Daly Field); Block 3610, Lot 1 (Hayward Parcel); and Block 3609, Lot 1 (Archery Plaza); and

**WHEREAS**, the Borough of Fair Lawn and Bergen Development Group, LLC desire to enter into a developer's agreement for this project;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the Mayor and Municipal Clerk be and they are hereby authorized to execute said Developer's Agreement subject to the approval of the Borough Attorney.