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.** **JANUARY 26, 2016**

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. **PRESENTATION OF PROPERTY MAINTENANCE COMMITTEE ESSAY CONTEST AND POSTER CONTEST AWARDS**
7. **PRESENTATION TO FAIR LAWN CUTTER PEE WEE FOOTBALL 2015 SUPER BOWL CHAMPS AND FAIR LAWN CUTTER PEE WEE CHEERLEADERS**
8. **PROCLAMATION: NATIONAL WEAR RED DAY**
9. **COUNCIL COMMENTS**
10. **MANAGER'S REPORT**
11. **ORDINANCES ON FIRST READING:**

ORDINANCE NO. 2372-2016
(RESOLUTION NO. 68-2016)

AN ORDINANCE TO AMEND CHAPTER 30 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "PERSONNEL" TO ADD ARTICLE V ENTITLED, "ANTI-NEPOTISM POLICY"

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

ORDINANCE NO. 2373-2016
(RESOLUTION NO. 69-2016)

AN ORDINANCE TO AMEND CHAPTER 33 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "POLICE DEPARTMENT" TO ADD ARTICLE XIV ENTITLED, "POLICE CHAPLAIN"

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

12. ORDINANCES ON SECOND READING:

ORDINANCE NO. 2370-2016
(RESOLUTION NO. 70-2016)

AN ORDINANCE TO AMEND CHAPTER 125 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "LAND DEVELOPMENT" AND SPECIFICALLY SECTION 125-10 ENTITLED, "OFFICIAL ZONING MAP"

- Mayor asks for a motion to open the time for public comments. Mayor asks for a Mover, Seconder, 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, Seconder, Roll Call.
- Municipal Clerk reads the Resolution of Adoption. Mayor asks for a Mover, Seconder, Discussion, Roll Call.

ORDINANCE NO. 2371-2016
(RESOLUTION NO. 71-2016)

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125 ENTITLED "LAND DEVELOPMENT"

- Mayor asks for a motion to open the time for public comments. Mayor asks for a Mover, Seconder, 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, Seconder, Roll Call.
- Municipal Clerk reads the Resolution of Adoption. Mayor asks for a Mover, Seconder, Discussion, Roll Call.

13. 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, Seconder, 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, Seconder, Roll Call.
- Mayor closes the time for public comments.

14. RESOLUTIONS BY CONSENT #3-2016

- Municipal Clerk reads Resolutions by Consent.

a. Resol. No. 72-2016 - Granting Permission to Verizon Wireless to Jointly Use Poles in the Right-of-Way
b. Resol. No. 73-2016 - Treatment Works Approval Permit Application: 8-01 Pollitt Drive, LLC
c. Resol. No. 74-2016 - Authorizing Execution of Side Letter of Agreement between the Borough and the Department Heads Association
d. Resol. No. 75-2016 - Authorizing the Execution of the Modification and Extension Agreement with the PBA/SOA
e. Resol. No. 76-2016 - Release of Performance Guarantee - Fair Lawn Promenade
f. Resol. No. 77-2016 - Authorizing Application for Fair Lawn Municipal Alliance Grant
g. Resol. No. 78-2016 - Authorizing Donation of Two Police Vehicles to Fair Lawn Rescue
h. Resol. No. 79-2016 - Authorizing Waiver of Outstanding Water Utility Charge
i. Resol. No. 80-2016 - Approving Fire Board Actions
j. Resol. No. 81-2016 - Accepting Firefighter Foam and Authorizing Execution of Agreement with Bergen County
k. Resol. No. 82-2016 - Authorizing Renewal of Massage Establishment License - New CW Bodywork, Inc.
l. Resol. No. 83-2016 - Appointment to Rent Leveling Board
m. Resol. No. 84-2016 - Professional Services - Conflict Attorney (Harraka): Michael I. Lubin
n. Resol. No. 85-2016 - Professional Services - Grant Writer: Bruno Associates

o. Resol. No. 86-2016 - Extension of Contract: Electrical Repair and Maintenance
p. Resol. No. 87-2016 - Award of Bid: Chlorine
q. Resol. No. 88-2016 - Award of Bid: Water Meter Replacement
r. Resol. No. 89-2016 - Authorizing the Execution of the Memorandum of Understanding between the Borough and the Public Safety Telecommunicators

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

15. PUBLIC COMMENTS

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

16. ADJOURNMENT:

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

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 68-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2372-2016 entitled:

AN ORDINANCE TO AMEND CHAPTER 30 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "PERSONNEL" TO ADD ARTICLE V ENTITLED, "ANTI-NEPOTISM POLICY"

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 16th day of February, 2016, 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. 2372-2016

AN ORDINANCE TO AMEND CHAPTER 30 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "PERSONNEL" TO ADD ARTICLE V ENTITLED, "ANTI-NEPOTISM POLICY"

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

SECTION 1: **Chapter 30 PERSONNEL** is hereby amended as follows:

ARTICLE V
Anti-Nepotism Policy

§ 30-25. Title.

This article shall be cited the "Anti-Nepotism Policy of the Borough of Fair Lawn."

§ 30-26. Applicability.

A. The prohibitions set forth in this article shall apply solely to employee positions for the Borough of Fair Lawn.

B. This article shall not apply to appointments to the various boards, commissions and committees of the Borough.

C. Subject to the exception in § **30-28D** below, this article and the prohibition against certain hiring contained herein shall be applied prospectively only from the effective date of its enactment and shall not in any way be construed to prohibit or make unlawful any current employment relationship or situation or the hiring or promotion of any person currently employed by the Borough of Fair Lawn as of the effective date of this article which may technically be volatile of the terms hereof but for its prospective application. For purposes of interpreting this exception, persons appointed to positions of employment with the Borough for a set term shall be considered current employees, notwithstanding the fact that the term may have ended. Such persons holding positions of employment with the Borough under a set term may be hired to any position in the Borough, rehired, reappointed or promoted, as may be the case, without violating this article.

D. The prohibitions and restrictions contained in § **30-28A** and **B** shall not apply in the case of part-time employment.

§ 30-27. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ELECTED OFFICIAL - Persons holding the position of Borough Council member.

BOROUGH MANAGER - The chief executive and administrative official of the Borough.

RELATIVES - Includes spouse or significant other, child, parent, stepchild, sibling, grandparent, daughter-in-law, son-in-law, grandchild, niece, nephew, uncle, aunt or any other person related by blood or marriage residing in an employee's household.

DEPARTMENT HEAD - Any employee of the Borough having supervisory duties and powers over another employee or employees within the respective department of the Borough.

§ 30-28. Restriction in hiring and promoting employees.

The following restrictions shall apply in the hiring and promotion of employees to employment positions for the Borough of Fair Lawn:

A. Nepotism procedure. Unless otherwise provided by law (or New Jersey Civil Service Commission rule if the position is subject to civil service) or collective bargaining unit agreements, immediate relatives shall not be hired, promoted or transferred to a regular full-time or regular part-time position where:

1) One relative would have the authority to appoint, remove, discipline or evaluate the performance of the other;

2) One relative would be responsible for auditing the work of the other; or

3) Other circumstances exist that place the relatives in a situation of actual or reasonably foreseeable conflict of interest.

B. Department Head Supervision. No relative (as defined herein) shall be considered for employment by the Borough of Fair Lawn or hired to a position of employment with the Borough where that person will be the

Department Head by another relative who is an existing employee within the same department.

C. Applications. Applications for employment submitted by relatives of Borough employees holding current Department Head supervisory positions (hereinafter "Department Head") will not be accepted for positions in the same department of the Borough in which the Department Head works.

D. Relatives of elected officials. No person who is a relative of any elected official of the Borough of Fair Lawn (i.e., Borough Council member) shall be considered for employment as an employee of the Borough. This shall not restrict nor prohibit the continued employment of individuals to a position or positions with the Borough where a relative of an employee is elected as a Borough Council member after the date of the employee's start of employment with the Borough. This excludes part-time and seasonal employees of the Borough.

E. Relatives of the Borough Manger: No person who is a relative of the Borough Manager shall be considered for employment as an employee of the Borough. This shall not restrict nor prohibit the continued employment of individuals to a position or positions with the Borough where a relative of an employee is appointed as Borough Manager after the date of the employee's start of employment with the Borough. This excludes part-time and seasonal employees of the Borough.

F. Promotion of existing employees. Notwithstanding the prospective application as to the remainder of this article as described above, no elected official (Borough Council member) or supervisor in a department may participate in the promotion process or hiring process in that department of any existing employee who is a relative of such elected official or Department Head, as the case may be. Such elected official or Department Head shall abstain from participation in such personnel action as it applies to such relative.

§ 30-29. Purpose.

This policy is not for the purpose of depriving any citizen of an equal chance for employment with the Borough, but is solely intended to prevent the potential for preferential treatment of the relatives of governmental personnel.

§ 30-30. Current employees.

Except as may be otherwise expressly provided for herein, this article shall not affect the employment of any present Borough employees and/or any existing contractual obligations with employees by the Borough of Fair Lawn.

SECTION 2: All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

SECTION 3: This Ordinance shall take effect upon passage and publication as required by law.

Attest:

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

Approved:

_____
John Cosgrove, Mayor

Introduced January 26, 2016
Adopted:

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 69-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2373-2016 entitled:

AN ORDINANCE TO AMEND CHAPTER 33 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "POLICE DEPARTMENT" TO ADD ARTICLE XIV ENTITLED, "POLICE CHAPLAIN"

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 16th day of February, 2016, 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. 2373-2016

AN ORDINANCE TO AMEND CHAPTER 33 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "POLICE DEPARTMENT" TO ADD ARTICLE XIV ENTITLED, "POLICE CHAPLAIN"

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

SECTION 1: Chapter 94 POLICE DEPARTMENT is hereby amended as follows:

Add:

ARTICLE XIV
Police Chaplain

§ 33-39. Title.

This article shall be cited the "Position of Police Chaplain for the Fair Lawn Police Department."

§ 33-40. Applicability.

A. The position of Police Chaplain for the Borough of Fair Lawn Police is hereby created in accordance with N.J.S.A. 40A:14-141. The position will be a volunteer position. The position of Police Chaplain shall be subject to the control of the Chief of Police.

B. The Chief of Police shall recommend to the Borough Manager person(s) that he/she believes meets the qualifications of N.J.S.A. 40A:14-141 as well as the rules and regulations of the Borough of Fair Lawn Police Department with reference to Chaplains, if any. All applicants for the position of Chaplain shall be reviewed by the Chief of Police and Borough Manager to determine his/her qualifications are in accordance with this Ordinance and shall make recommendations to the Mayor and Council. The Mayor and Council shall appoint Chaplains in accordance with this Ordinance.

C. Any person appointed as Chaplain shall be an ordained clergyman in good standing in the religious body from which he/she is selected. The Chaplain shall be a certified Police Chaplain credentialed in accordance

with the rules and regulations of the Borough of Fair Lawn Police Department and shall be qualified in accordance with N.J.S.A. 40A:14-141.

D. The duties of the Police Chaplain shall include, but not be limited to assisting the Borough of Fair Lawn Police Department and all other Fair Lawn Emergency Service Organizations in any duties that may be assigned by the Chief of Police that pertain to the Police Chaplaincy.

E. Any person appointed as Chaplain shall serve in that capacity without Rank or Salary. The position will be a volunteer position.

F. A person appointed as Chaplain shall serve from the date of appointment and shall continue to in that capacity until he/she is terminated, resigns or retires from the position. The Chief of Police shall be notified and consulted should any of these options are exercised.

SECTION 2: All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

SECTION 3: This Ordinance shall take effect upon passage and publication as required by law.

Attest:

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

Approved:

_____
John Cosgrove, Mayor

Introduced January 26, 2016
Adopted:

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 70-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2370-2016 entitled:

AN ORDINANCE TO AMEND CHAPTER 125 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "LAND DEVELOPMENT" AND SPECIFICALLY SECTION 125-10 ENTITLED, "OFFICIAL ZONING MAP"

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. 2370-2016

AN ORDINANCE TO AMEND CHAPTER 125 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "LAND DEVELOPMENT" AND SPECIFICALLY SECTION 125-10 ENTITLED, "OFFICIAL ZONING MAP"

WHEREAS, the Planning Board of the Borough of Fair Lawn adopted the master plan in 2014 wherein certain recommendations were made;

WHEREAS, it is prudent that the zoning for certain properties accurately reflect the uses therein,

WHEREAS, the Borough Council has the authority to amend zoning of property under Municipal Land Use Law in order to better regulate the use of the property, improve the Borough's zoning regulations and be consistent with the master plan;

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

SECTION I: Section 125-10 entitled "Official Zoning Map" be and it is hereby amended as follows:

a) Delete zone designation I-1 relating to Block 5834, Lots 1.01, 2, 2.01, and 6 and Block 5836, Lots 1 and 2

b) Add zone designation B-1 for Block 5834, Lots, 2.01, 3, 4, and 6 and Block 5836, Lots 1 and 2

c) Delete zone designation I-2 relative to Block 3408 Lots 17 through 20

d) Add zone designation R-1-3 for Block 3408, Lots 17 through 20

e) Delete zone designation R-3-1 relating to Block 2321, Lots 2 and 3

f) Add zone designation B-2 for Block 2321, Lots 2 and 3

g) Delete zone designation R-1-1 relating to Block 1101, Lots 1, 2, 3, 3.02, 4.03 and 8 through 14.

h) Add zone designation R-1-3 for Block 1101, Lots 1, 2, 3, 3.02, 4.03 and 8 through 14.

SECTION 2: Upon the adoption of this Ordinance, upon public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Bergen County Planning Board, and the Municipal Clerk shall also transmit a copy of this Ordinance after final passage to the Borough of Fair Lawn Tax Assessor as required by law.

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 other 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:

_____

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

Approved:

_____

John Cosgrove, Mayor

Introduced: January 5, 2016
Adopted:

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 71-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2371-2016 entitled:

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125 ENTITLED "LAND DEVELOPMENT"

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. 2371-2016

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125 ENTITLED "LAND DEVELOPMENT"

WHEREAS, the Planning Board of the Borough of Fair Lawn adopted the master plan in 2014 wherein certain recommendations were made;

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

SECTION I: Section 125-9 entitled "Zoning Regulations" be and it is hereby amended as follows:

a) Delete zone designation R-4 Special Multiple-Family Residential

b) Delete zone designation OBS-2 Office and Business Service

SECTION 2: Section 125-20 entitled "R-4 Special Multiple-Family Residential Zone" be and is hereby deleted in its entirety.

SECTION 3: Section 125-27 entitled "OBS-1 and OBS-2, Office and Business Service Zones" be and it is hereby amended as follows:

a) Delete the words "and OBS-2 Zones" in the title and replace with "Zone";

b) Section 125-27 (A) Delete the words "and OBS-2 Zones" and replace with "Zone"

SECTION 4: Section 125-33 entitled "Accessory buildings, structure and uses." be and it is hereby amended as follows:

a) Section 125-33 B (2) is hereby amended by deleting the words "or R-4".

SECTION 4: Section 125-48 entitled "Parking and Loading Areas" be and it is hereby amended as follows:

a) Section 125-48 C (6) is hereby amended by deleting the words "OBS-2 and B-2 Districts" and replacing it with "B-2 District"

SECTION 5: Section 125 Attachment 8 entitled "Schedule of area, yard and building requirements" be and it is hereby amended as follows:

a) Delete zone designation R-4 Special Multifamily

b) Delete zone designation OBS-2 Office and Business Services

c) Amend I-2 Industry designation by deleting "5,000" under the Area (S.F.) designation and replacing it with "20,000".

SECTION 6: Section 125 Attachment 9 entitled "Off-Street Parking Schedule I" be and it is hereby amended as follows:

a) Delete the words "Multiple dwellings, R-4 District 2¼ per unit"

SECTION 7: Upon the adoption of this Ordinance, upon public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Bergen County Planning Board as required by law.

SECTION 8: 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 other section or part hereof.

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

SECTION 10: This Ordinance shall take effect upon passage and publication as required by law.

Attest:

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

Approved:

John Cosgrove, Mayor

Introduced: January 5, 2016
Adopted:

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

CONSENT AGENDA 3-2016

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. No. 72-2016 - Granting Permission to Verizon Wireless to Jointly Use Poles in the Right-of-Way
b. Resol. No. 73-2016 - Treatment Works Approval Permit Application: 8-01 Pollitt Drive, LLC
c. Resol. No. 74-2016 - Authorizing Execution of Side Letter of Agreement between the Borough and the Department Heads Association
d. Resol. No. 75-2016 - Authorizing the Execution of the Modification and Extension Agreement with the PBA/SOA
e. Resol. No. 76-2016 - Release of Performance Guarantee - Fair Lawn Promenade
f. Resol. No. 77-2016 - Authorizing Application for Fair Lawn Municipal Alliance Grant
g. Resol. No. 78-2016 - Authorizing Donation of Two Police Vehicles to Fair Lawn Rescue
h. Resol. No. 79-2016 - Authorizing Waiver of Outstanding Water Utility Charge
i. Resol. No. 80-2016 - Approving Fire Board Actions
j. Resol. No. 81-2016 - Accepting Firefighter Foam and Authorizing Execution of Agreement with Bergen County
k. Resol. No. 82-2016 - Authorizing Renewal of Massage Establishment License - New CW Bodywork, Inc.
l. Resol. No. 83-2016 - Appointment to Rent Leveling Board

m. Resol. No. 84-2016 - Professional Services - Conflict Attorney (Harraka): Michael I. Lubin
n. Resol. No. 85-2016 - Professional Services - Grant Writer: Bruno Associates
o. Resol. No. 86-2016 - Extension of Contract: Electrical Repair and Maintenance
p. Resol. No. 87-2016 - Award of Bid: Chlorine
q. Resol. No. 88-2016 - Award of Bid: Water Meter Replacement
r. Resol. No. 89-2016 - Authorizing the Execution of the Memorandum of Understanding between the Borough and the Public Safety Telecommunicators

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 72-2016

By

Seconded by

WHEREAS, New York SMSA Partnership, d/b/a Verizon Wireless ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may jointly use such poles erected within the public right-of-way in the Borough of Fair Lawn; and

WHEREAS, New Jersey law permits such joint use provided that there is the consent of the relevant municipality;

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

1. Permission and authority are hereby granted to Verizon wireless and its successors and assigns, to jointly use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Fair Lawn, subject to the following:

A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State and Local laws regarding safety requirements to the use of the public right-of-way.

B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Fair Lawn.

C. Such permission by and is hereby giving upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Fair Lawn, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connect with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Borough of Fair Lawn.

D. Verizon Wireless shall, at its own cost and expense maintain commercial general liability insurance with limits not less than $1,000,000 for injury to or death of one or more persons in any one occurrence and $500,000 for damage or destruction to property in any one occurrence. Verizon wireless shall include the Borough of Fair Lawn as an additional insured.

E. Verizon Wireless shall be responsible for the repair of any damage to paving existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.

F. Notwithstanding any provision contained herein, neither the Borough of Fair Lawn nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.

G. This instrument shall be adopted on behalf of the Borough of Fair Lawn by the Mayor of the Borough of Fair Lawn and attested to by the Municipal Clerk who shall affix the Borough of Fair Lawn seal thereto.

H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is jointly using.

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 73-2016

By

Seconded by

WHEREAS, a Treatment Works Approval Permit Application must be submitted to the Department of Environmental Protection for 18-01 Pollitt Drive by 18-01 Pollitt Drive, LLC;

WHEREAS, the Mayor and Council have determined that there is no reason the Borough Manager should not execute the aforesaid endorsement;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the Borough Manager be and he is hereby authorized to execute a Department of Environmental Protection Municipal Consent.

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 74-2016

By

Seconded by

WHEREAS, the Borough of Fair Lawn has proposed a new paid holiday schedule; and

WHEREAS, the Department Heads' Association of Fair Lawn has reviewed the proposed paid holiday schedule and has agreed to accept the new paid holiday schedule;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the Mayor and Municipal Clerk be authorized to execute a Side Letter of Agreement with the Department Heads Association of Fair Lawn.

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 75-2016

By

Seconded by

WHEREAS, on December 16, 2014, the Mayor and Council of the Borough of Fair Lawn adopted Resolution No. 421-2014 authorizing Mayor and Municipal Clerk to execute contracts with the Fair Lawn PBA Local #67 and the Fair Lawn Superior Officers Association; and

WHEREAS, the Mayor and Council of the Borough of Fair Lawn and the Fair Lawn PBA Local #67 and the Fair Lawn Superior Officers Association have agreed to an extension of those contracts that are reflected in the modification and extension agreement between the Borough of Fair Lawn and the Fair Lawn PBA Local #67 and the Fair Lawn Superior Officers Association.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the Municipal Clerk be and are hereby authorized to execute the modification and extension agreement between the Borough of Fair Lawn and the Fair Lawn PBA Local #67 and the Fair Lawn Superior Officers Association in a form acceptable to the Labor Counsel and Borough Attorney.

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 76-2016

By

Seconded by

WHEREAS, Fair Lawn Promenade has entered into a Developer's Agreement with the Borough of Fair Lawn and the Planning Board; and

WHEREAS, certain improvements relating to said project have been satisfactorily completed; and

WHEREAS, pursuant to statute Fair Lawn Promenade has submitted to the Borough Engineer, a list of improvements for review for the purpose of releasing the performance guaranty that Fair Lawn Promenade has heretofore filed with the Borough of Fair Lawn; and

WHEREAS, the Borough Engineer has submitted his findings that the improvements have been installed in a satisfactory and workman like manner and in accordance with the proposed site design; and

WHEREAS, Fair Lawn promenade has submitted the required Maintenance Guarantee in the amount of $597,439.50;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Surety Bond #S274787 in the amount of $443,618.40 and the Letter of Credit #946-SB in the amount of $227,378.76 be released.

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 77-2016

By
Seconded by

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Mayor and Council of the Borough of Fair Lawn, County of Bergen, State of New Jersey recognizes that the abuse alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Mayor and Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Fair Lawn, in the County of Bergen, State of New Jersey do hereby recognizes the following:

1. The Mayor and Council does hereby authorize submission of a strategic plan for the Fair Lawn Municipal Alliance grant for fiscal year 2017 in the of:

DEDR	$15,279.00
Cash Match	$3,819.00
In-Kind	$11,459.00

2. The Mayor and Council acknowledge the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 78-2016

By

Seconded by

WHEREAS, the Borough of Fair Lawn is in possession of a 2000 Ford Crown Vic, Vin #2FAFP71WOYX110227 and a 2004 Ford Crown Vic, Vin # 2FAHP71W54X175271; and

WHEREAS, the said vehicles no longer suit the needs of the Borough; and

WHEREAS, the Borough of Fair Lawn would like to donate said vehicles to the Fair Lawn Rescue Squad which has a need for such vehicles for training; and

WHEREAS, N.J.S.A. 40A:11-36(2) permits the disposition by resolution and without advertisement of bids of personal property no longer needed for public use to another government entity; and

WHEREAS, the Fair Lawn Rescue Squad is willing to accept the donation of said vehicles;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fair Lawn authorizes the donation of said vehicles to the Fair Lawn Rescue Squad.

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 79-2016

By

Seconded by

WHEREAS, Peter Andrews residing at 1-20 32nd Street received a water bill in the amount of $119.90 which is much higher than his usual bill; and

WHEREAS, upon investigation it was determined by the Fair Lawn Water Department that the water meter was faulty; and

WHEREAS, said water meter has been replaced; and

WHEREAS, Mr. Andrews has requested that the accumulated charges of $83.10 be waived.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the amount of $83.10 should be waived.

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 80-2016

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:
Brianna Jimenez
55 Garden Avenue
Hawthorne, New Jersey
Co. 2

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 81-2016

By

Seconded by

WHEREAS, the County of Bergen operates the Bergen County Law and Public Safety Institute (the "Institute"); and

WHEREAS, the New York City Fire Department ("FDNY") has removed from service 7,820 gallons of National Foam Kidd brand firefighting foam concentrate, ("Firefighting Foam") that is past its shelf life and has thus exceeded its operational life for firefighting purposes; and

WHEREAS, the City of New York ("the City"), acting by and through the FDNY, has agreed to donate the Firefighting Foam to the County for use by the Institute for training purposes; and

WHEREAS, the Bergen County Board of Chosen Freeholders, by Resolution No. 1198-15, adopted on October 14, 2015, authorized the County to share the donated Firefighting Foam with the Borough of Fair Lawn (name of municipality) for training purposes, subject to availability and the terms set forth in an "AGREEMENT TO SHARE DONATED FIREFIGHTING FOAM CONCENTRATE," (the "Agreement") annexed hereto as Exhibit A; and

WHEREAS, the governing body of the Borough of Fair Lawn has determined that it is in the best interest of the residents and taxpayers of the municipality to accept the donation of the Firefighting Foam for training purposes, subject to the terms and conditions set forth in the Agreement,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Fair Lawn (name of municipality), as follows:

1. The recitals set forth above are incorporated into the body of this resolution as if set forth at length herein.

2. The Borough of Fair Lawn hereby accepts the donation from the County of Bergen of the Firefighting Foam as set forth above, subject to the terms of the Agreement annexed hereto as Exhibit A.

3. The Borough Manager is hereby authorized to execute an Agreement with the County of Bergen in the form annexed hereto as Exhibit A, together with any other documents necessary to complete the above contemplated transaction.

EXHIBIT A

AGREEMENT TO SHARE DONATED FIREFIGHTING FOAM CONCENTRATE

AGREEMENT made as of this _____ day of January 2016, by and between the COUNTY OF BERGEN, a body politic and corporate of the State of New Jersey, with administrative offices located at One Bergen County Plaza, Fifth Floor, Hackensack, New Jersey 07601-7076 (the "County"), and the BOROUGH OF FAIR LAWN, a municipal corporation of the State of New Jersey, with offices located at 8-01 Fair Lawn Avenue, Fair Lawn, New Jersey, 07676 (the "Municipality").

WITNESSETH:

WHEREAS, the County operates the Bergen County Law and Public Safety Institute (the "Institute"); and

WHEREAS, the Institute is a nationally-respected training institution, encompassing a Police Academy, Fire Academy, and EMS Academy, supporting the mission of serving emergency service personnel, prospective public safety students, municipal governments, corporate, governmental and civic leaders, and members of the general public; and

WHEREAS, the mission of the Institute is to educate and provide public safety training and instruction; and

WHEREAS, the City of New York, through the New York City Fire Department ("FDNY"), in the normal course of business, removes from service firefighting equipment that is obsolete, no longer needed, unusable, or has exceeded its operational life for firefighting purposes; and

WHEREAS, FDNY has removed from service a certain volume of National Foam Kidd brand firefighting foam concentrate, ("Firefighting Foam") that is past its shelf life and has thus exceeded its operational life for firefighting purposes; and

WHEREAS, the Firefighting Foam has no significant commercial value and would normally be responsibly disposed of in the ordinary course of business; and

WHEREAS, the Institute, on behalf of the County, has requested the Firefighting Foam for use for training and demonstration purposes in connection

with its mission to educate public safety professionals and prospective public safety professionals about emergency services and firefighting; and

WHEREAS, FDNY has determined that donation of the Firefighting Foam to the County for use by the Institute is in the City's interest inasmuch as it will promote and be used for learning about emergency services and firefighting by members of the public who may be interested in pursuing a career in the emergency services and further that the Institute will be performing removal and transportation of the Firefighting Foam, thus saving FDNY the costs associated with transporting and disposing of the Firefighting Foam, and

WHEREAS, the Municipality has requested that the County share a portion of the Firefighting Foam with the Municipality for training purposes, on the understanding that the Firefighting Foam has exceeded its operational life for firefighting purposes; and

WHEREAS, the County wishes to share the donated Firefighting Foam with the Municipality subject to availability and the terms set forth below; and

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree to be bound by the following terms and conditions:

I. DONATION AND USE

A. The County hereby agrees to donate to the Municipality, and the Municipality hereby agrees to accept donation of 250 gallons of the Firefighting Foam received by the County from the City of New York through the FDNY. No compensation shall be paid by the Municipality for the Firefighting Foam.

B. The Municipality shall not permit the Firefighting Foam to be utilized for any form of fire suppression.

C. The Municipality represents that the Firefighting Foam is to be used by the Municipality solely for the purposes of training and instructional demonstration.

D. The County makes no representation as to whether the Firefighting Foam is suitable for the Municipality's intended use. The Firefighting Foam is furnished "as is" and without any warranty, express or implied.

The Municipality acknowledges that the Firefighting Foam being transferred has exceeded its shelf life and accepts it "as is."

E. The Municipality acknowledges that the Firefighting Foam is a chemical substance and that it has consulted the Material Safety Data Sheet or other manufacturer or industry materials for pertinent information regarding the safe transportation, storage, handling, use, and disposal of the Firefighting Foam.

F. The Municipality shall be solely responsible for the removal, transportation, storage, handling, use, and disposal of the Firefighting Foam upon transfer of custody pursuant to Section II of the Agreement.

G. The Municipality shall comply with all applicable Federal, State, and City laws, rules, regulations for the removal, transportation, storage, handling, use, and disposal of the Firefighting Foam.

H. If, for any reason, the County does not receive the Firefighting Foam from the City of New York, or if, for any reason, the County determines that it does not have sufficient Firefighting Foam to complete the contemplated donation, the County shall have no obligation to donate the Firefighting Foam to the Municipality, and the Municipality shall have no recourse against the County.

II. TRANSFER OF CUSTODY AND TITLE

A. The Municipality shall take custody of the Firefighting foam at the Institute and shall be responsible for arranging transport of the Firefighting Foam from the Institute to the Municipality's chosen storage site. The Municipality shall be solely responsible for the costs of such transport.

B. Arrangements for removal of the Firefighting Foam shall be made by contacting the Director of the Bergen County Law and Public Safety Institute or his designee.

C. The transfer of custody of the Firefighting Foam shall be deemed complete upon removal of the Firefighting Foam from the Institute by the Municipality.

D. The County assumes no responsibility whatsoever with respect to the Firefighting Foam once custody has been transferred to the Municipality.

E. Upon such transfer of custody, ownership of the Firefighting Foam shall be deemed to have been transferred from the County to the Municipality.

III. TERM AND TERMINATION

A. This Agreement shall take effect on the date first written above.

B. Either party may terminate this Agreement upon written notice to the other party prior to transfer of custody of the Firefighting Foam pursuant to Section II without liability to the other, except that the provisions of Sections VI and IX of this Agreement shall survive such termination.

IV. RELEASE OF LIABILITY AND INDEMNIFICATION

A. The Municipality hereby releases and discharges the County, including the County's officers, employees and agents, from any liability, including liability for personal injury or property damage, arising from the Municipality's removal, transportation, storage, handling, use, and disposal of the Firefighting Foam. The Municipality shall make this provision a condition of the contract with any contractor responsible for the removal, transportation, storage, handling, use, and disposal of the Firefighting Foam.

B. The Municipality shall defend, indemnify and hold the County, including the County's officers, employees and agents, harmless from any and all liability, claims, causes of action, judgments, damages, penalties and expenses (including reasonable attorneys' fees) arising from the removal, transportation, storage, handling, use, and disposal of Firefighting Foam pursuant to this Agreement.

V. NOTICES

A. Any notices and communications to be given or made pursuant to this Agreement shall be delivered by personal delivery; or mailed by certified mail; or faxed and mailed by first class mail; to the following representatives of the parties, or such other representatives as may be designated in writing by the parties:

To the Municipality:

James Van Kruiningen, Borough Manager
8-01 Fair Lawn Avenue
Fair Lawn, New Jersey 07410
Phone: (201) 794-5310

To the County:

Richard Blohm, Director
Bergen County Law and Public Safety Institute
281 Campgaw Road
Mahwah, New Jersey, 07430
Phone: (201) 906-3324

With a copy to:

County Counsel
County of Bergen
One Bergen County Plaza, Room 580
Hackensack, New Jersey 07601

VI. APPLICABLE LAW AND VENUE

A. This Agreement shall be governed, construed, applied and enforced in accordance with the laws of the State of New Jersey regardless of the domicile of any party.

B. Any and all claims arising hereunder shall be heard and determined in the courts of the State of New Jersey, in Bergen County.

VII. MERGER AND MODIFICATION

A. This Agreement constitutes the entire agreement between the parties and merges all prior discussions, agreements or understandings into it. No prior agreement, oral or otherwise, regarding the subject matter of this Agreement, shall be deemed to exist or to bind any of the parties hereto.

B. This Agreement may be modified only by a writing signed by authorized representatives of the parties. This Agreement may not be modified, rescinded or extended orally.

VIII. NON-ASSIGNMENT CLAUSE

A. The Municipality shall not assign this Agreement, or any interest in the Firefighting Foam conveyed herein.

IX. NO THIRD PARTY BENEFICIARIES

A. The provisions of this Agreement are solely for the benefit of the parties hereto, and shall not be construed to confer any right or benefit upon any other person or entity, including any employees or agents of the parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement in duplicate as of the date first written above.

ATTEST:

_____

COUNTY OF BERGEN

By: _____

ATTEST:

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

BOROUGH OF FAIR LAWN

By: _____
James Van Kruiningen
Borough Manager

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 82-2016

By

Seconded by

WHEREAS, New CW Bodywork Inc. located at 7-09 Fair Lawn Avenue, Fair Lawn, 07410 New Jersey, has made application to the Borough pursuant to RGO 144-2 to renew its massage establishment license; and

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

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

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 83-2016

By

Seconded by

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn the following named individuals be and are hereby appointed to serve at the pleasure of Council on the Rent Leveling Board of the Borough of Fair Lawn:

ALTERNATE TENANT MEMBER

Marshall Chandler
302 High Street
Apt. H35

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 84-2016

By

Seconded by

WHEREAS, the Borough Council has deemed it necessary to obtain professional services as a Conflict Attorney for the Harraka matter as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Michael I. Lubin, Esq. having an office located at 25 Main Street, Suite 104, Hackensack, New Jersey 07601, will serve as a Conflict Attorney for the Harraka matter;

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

1. That upon the recommendation of the Borough Manager that said services are necessary, a contract be awarded to the aforesaid Michael I. Lubin at a rate of $100.00 per hour;

2. No additional services shall be rendered for which Michael I. Lubin, Esq. shall seek additional payment without written authorization by the Borough pursuant to law.

3. The contract shall commence on January 27, 2016 and terminate on December 31, 2016.

4. The Mayor and Municipal Clerk are hereby authorized to execute a contract with Michael I. Lubin, Esq. in a form approved by the Borough Attorney, 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 the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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			

January 26, 2016

RESOLUTION NO. 85-2016

By

Seconded by

WHEREAS, the Borough Council has deemed it necessary to obtain Grant Writing Services; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.1 et seq., the Borough may not award contracts with a value in excess of $17,500.00 to a business entity which has made reportable contributions in excess of $300.00, in the aggregate, to the member municipality's political parties or to any candidate's committee of any person serving in an elective public office of the member municipality when such contract was awarded, unless said business entity is awarded a contract under a "fair and open process" pursuant to N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, a "fair and open process" constitutes the following: (1) public advertisement of a Request for Qualifications (hereinafter the "RFQ") with ten (10) calendar days notice prior to the receipt of responses to the RFQ; (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under publicly disclosed criteria established, in writing, by the public entity prior to the solicitation of qualifications; and (4) the public entity shall publicly open and announce the qualifications when awarded; and

WHEREAS, the Borough previously solicited responses from firms and persons interested in providing the services of a Grant Writer Services pursuant to a "fair and open" process as described above, with a return date of November 5, 2015; and

WHEREAS, the Borough received a timely and complete response from Bruno Associates, Inc. having an office located at 1373 Broad Street, Suite 304, Clifton, New Jersey 07013; and

WHEREAS, the Borough's review team has determined that Bruno Associates, Inc. has complied with the requirements of the RFQ and have deemed them to be qualified to provide the aforementioned Grant Writing Services;

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

1. That a contract be awarded to Bruno Associates, Inc., for Grant Writing Services to the Borough of Fair Lawn, in accordance with the RFQ.

2. The term of the contract shall be from January 27, 2016 and expiring on December 31, 2016.

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 Bruno Associates, Inc., 1373 Broad Street, Suite 304, Clifton, New Jersey 07013.

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

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 86-2016

By

Seconded by

WHEREAS, pursuant to Resolution No. 147-2015 dated February 24, 2015, the Borough entered into contracts with TSUJ Corporation, 48 Brush Hill Road, Kinnelon, New Jersey 07504 as the lowest responsible primary vendor; Sal Electric Co., Inc. as the secondary vendor and K. Hanrahan Enterprises, Inc. as the tertiary vendor for Electrical Repair and Maintenance; and

WHEREAS, said Contract contained a provision to extend said contract for another year at the Borough's option;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the Borough exercise said option and the contract be extended for a period of one year, beginning February 25, 2016 and ending on February 24, 2017;

BE IT FURTHER RESOLVED, that this extension is subject to the Borough Treasurer executing the appropriate certificate of availability of funds.

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			

January 26, 2016

RESOLUTION NO. 87-2016

By

Seconded by

WHEREAS, bids were received for Chlorine by the Municipal Clerk on December 22, 2015; and

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

WHEREAS, George S. Coyne Chemical Co., Inc., having an office located at 3015 State Street, Croydon, Pennsylvania 19021 is the lowest responsible bidder at a rate of $158.24 per cylinder for year one and at a rate of $161.84 for year two.

WHEREAS, said contract shall begin February 1, 2016 and end January 31, 2018;

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 George S. Coyne Chemical Co., Inc. subject to the execution of purchase orders by the Borough Manager and Borough Treasurer.

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

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

	Aye	Nay	Abstain
Dunay			
Lefkowitz			
Peluso			
Swain			
Cosgrove			

January 26, 2016

RESOLUTION NO. 88-2016

By

Seconded by

WHEREAS, bids were received for Water Meter Replacement by the Municipal Clerk on January 20, 2016; and

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

WHEREAS, Lenegan Plumbing & Heating, LLC, having an office located at 222 West Avenue, Ocean City, New Jersey 08226 is the lowest responsible bidder in the amount of $72,988.00;

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 Lenegan Plumbing & Heating, 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			

January 26, 2016

RESOLUTION NO. 89-2016

By

Seconded by

WHEREAS, the Mayor and Council of the Borough of Fair Lawn wish to enter into a Memorandum of Understanding with the Full-Time Public Safety Telecommunicators of the White and Blue Collar Employees' Association of Fair Lawn to implement a revised work schedule;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Municipal Clerk be authorized to execute said Memorandum of Agreement in a form acceptable to the Labor Counsel and Borough Attorney.