

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.

FEBRUARY 16, 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 AUXILIARY POLICE OFFICERS & PROMOTION**
6. **PROCLAMATION: BLACK HISTORY MONTH**
7. **COUNCIL COMMENTS**
8. **MANAGER'S REPORT**
9. **ORDINANCES ON FIRST READING**

**ORDINANCE NO. 2374-2016
(RESOLUTION NO. 90-2016)**

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) CALENDAR YEAR 2016

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

**ORDINANCE NO. 2375-2016
(RESOLUTION NO. 91-2016)**

AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE (NAUGLE-VANDERBECK HOUSE)

- Mayor asks for a motion to read the Resolution of Introduction. Mayor asks for a Mover, Secunder, Roll Call.

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

**ORDINANCE NO. 2379-2016
(RESOLUTION NO. 92-2016)**

AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS FROM THE COUNTY OF BERGEN, DEPARTMENT OF ADMINISTRATION AND FINANCE COMMUNITY DEVELOPMENT DIVISION THEREFORE (ROAD RESURFACING)

- 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. 2380-2016
(RESOLUTION NO. 93-2016)**

AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS FROM THE COUNTY OF BERGEN, DEPARTMENT OF ADMINISTRATION AND FINANCE DIVISION OF COMMUNITY DEVELOPMENT THEREFORE (SENIOR CENTER ROOM DIVIDER)

- 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. 2381-2016
(RESOLUTION NO. 94-2016)**

AN ORDINANCE TO AMEND ORDINANCE NO. 1687-97 ENTITLED "AN ORDINANCE CREATING THE RIVER ROAD SPECIAL IMPROVEMENT DISTRICT WITHIN THE BOROUGH OF FAIR LAWN AND DESIGNATING A DISTRICT MANAGEMENT CORPORATION", AMENDING SCHEDULE A

- 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. 2382-2016
(RESOLUTION NO. 95-2016)**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 13 ENTITLED
"FIRE DEPARTMENT" BY ADDING ARTICLE XIX "ENTITLED REFLECTIVE
SYMBOL ON STRUCTURES USING ENGINEERED LUMBER"**

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

10. ORDINANCES ON SECOND READING:

**ORDINANCE NO. 2372-2016
(RESOLUTION NO. 96-2016)**

**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 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. 2373-2016
(RESOLUTION NO. 97-2016)**

**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 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.

11. 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.

12. RESOLUTIONS BY CONSENT #4-2016

- Municipal Clerk reads Resolutions by Consent.
 - a. Resol. # 98-2016 - Approval of Minutes:
 - Work Session 12/15/15
 - Special Meeting 12/15/15
 - Closed Session 12/15/15
 - Reorganization Meeting 1/5/16
 - Work Session 1/12/16
 - Closed Session 1/12/16
 - b. Resol. # 99-2016 - Transfer of Funds
 - c. Resol. #100-2016 -Authorizing Execution of License Agreement with New Song Church - Farmer's Market
 - d. Resol. #101-2016 -Authorizing Submission of Recycling Tonnage Grant
 - e. Resol. #102-2016 -Petty Cash Funds
 - f. Resol. #103-2016 -Refund of Water Meter Payment
 - g. Resol. #104-2016 -Refund of Overpayment of Taxes
 - h. Resol. #105-2016 -Authorizing Multi-Year Contract: Copiers
 - i. Resol. #106-2016 -Authorizing Multi-Year Contract: Police Computer Maintenance - Spillman Technologies, Inc.
 - j. Resol. #107-2016 -Authorizing Execution of Contract for Emergency Notifications with Emergency Communications Network Inc.
 - k. Resol. #108-2016 -Award of Bid: Arcade Games Fair Lawn Community Center - H. Betti Industries, Inc.
 - l. Resol. #109-2016 -Authorizing Awarding of Contract with Certain Approved State Contract Vendors - Morning Pride
 - m. Resol. #110-2016 -Interlocal Services Agreement with Elmwood Park: Construction Official
 - n. Resol. #111-2016 -Award of Bid: Uniforms, Police, Auxiliary Police, Crossing Guard - Some's Uniforms, Inc.
 - o. Resol. #112-2016 -Confirmation of Fire Board Actions

- p. Resol. #113-2016 -Tax Appeal Settlement: 3KRealty, LLC, 9-10 Saddle River Road
- q. Resol. #114-2016 -Tax Appeal Settlement: 3KRealty, LLC, 9-02 Saddle River Road
- r. Resol. #115-2016 -Tax Appeal Settlement: Fair Lawn Associates, 11-19 Saddle River Road
- s. Resol. #116-2016 -Tax Appeal Settlement: Lepore, 2-02 Fair Lawn Avenue
- t. Resol. #117-2016 -Tax Appeal Settlement: 24-19 Broadway, LLC, 24-19 Broadway
- u. Resol. #118-2016 -Tax Appeal Settlement: John & Nancy Coleman, 11-19 River Road
- v. Resol. #119-2016 -Tax Appeal Settlement: Corrado & Kristen Gugliotta, 2-32 Grunauer Place
- w. Resol. #120-2016 -Budget Self Examination
- x. Resol. #121-2016 -Award of Professional Services: Insurance Only Ambulance Billing Services Collection Firm
- y. Resol. #122-2016 -Approving Change Order #2 - Project No. 2232 Library Restroom Renovation

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

13. RESOLUTION NO. 123-2016 - INTRODUCTION OF BUDGET BY TITLE ONLY

- Municipal Clerk reads resolution. Mayor asks for a mover, seconder, discussion, roll call.

14. RESOLUTION NO. 124-2016 - INTRODUCTION OF RIVER ROAD IMPROVEMENT CORPORATION BUDGET BY TITLE ONLY

- Municipal Clerk reads resolution. Mayor asks for a mover, seconder, discussion, roll call.

15. RESOLUTION NO. 125-2016 - INTRODUCTION OF BROADWAY IMPROVEMENT CORPORATION BUDGET BY TITLE

- Municipal Clerk reads resolution. Mayor asks for a mover, seconder, discussion, roll call.

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

17. ADJOURNMENT:

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

Aye Nay Abstain
Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 90-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2374-2016 entitled:

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)
CALENDAR YEAR 2016"**

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 22nd day of March, 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. 2374-2016

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) CALENDAR YEAR 2016

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0.00% unless authorized by ordinance to increase it to 3.50% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Fair Lawn in the County of Bergen finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.50% increase in the budget for said year, amounting to \$ 1,302,067.06 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Fair Lawn, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Borough of Fair Lawn shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$1,302,067.06 and that the CY 2016 municipal budget for the Borough of Fair Lawn be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be

retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Attest:

Approved:

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

John Cosgrove
Mayor

Introduced: February 16, 2016

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 91-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2375-2016 entitled:

AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE (NAUGLE-VANDERBECK HOUSE)

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 22nd day of March, 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. 2375-2016

AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE (NAUGLE-VANDERBECK HOUSE)

WHEREAS, the Borough of Fair Lawn has been approved to receive grant funding from the Bergen County Open Space, Recreation, Farmland & Historical Preservation Trust Fund in the amount of \$ 115,000 for Project Number 15-00393, for the purpose of the Naugle-Vanderbeck House, and;

WHEREAS, receipt of the above grant requires an equal match of funding from the Borough of Fair Lawn, and;

WHEREAS at the direction of the Borough Manager and approval of the Mayor and Council, via this ordinance, the Borough of Fair Lawn's match requirement for the above stated grant was funded in the 2014 Capital Budget, Capital Ordinance #2310-2014 Account # C-04-14-310-165-913;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fair Lawn, in the County of Bergen as follows;

SECTION 1. The Borough of Fair Lawn in the County of Bergen shall proceed with Project Number: 15-00393, as detailed in the attached grant for the Bergen County Open Space, Recreation, Farmland & Historical Preservation Trust Fund.

SECTION 2. The cost of completing said improvement set forth in Section 1 shall be provided by the Bergen County Open Space, Recreation, Farmland & Historical Preservation Trust Fund in the amount of \$115,000 and by the grant required match of the Borough of Fair Lawn 2014 Capital Budget Capital Ordinance #2310-2014,

Account # C-04-14-310-165-913.

SECTION 3. It is hereby determined and stated:

(a) That said purposes are not a current expense. That the project is an improvement which the Municipality may lawfully make or acquire and that no part of the cost of said improvement has been or shall be specifically assessed on properties specifically benefited.

(b) It is not necessary to finance said purpose by the issuance of obligations by the Borough of Fair Lawn pursuant to the Local Bond Law of the State of New Jersey, for the reason that monies sufficient to cover the whole cost, as set forth is authorized and available through the Bergen County Open Space, Recreation, Farmland & Historical Preservation Trust Fund.

SECTION 4. It is hereby determined and stated that no supplemental debt statement is required to be made and signed in connections with said purpose, since the gross debt of the Municipality as defined under the Local Bond Law is not increased by this ordinance and no obligations in the matter of notes or bonds are authorized by this ordinance.

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

Attest:

Approved:

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

John Cosgrove
Mayor

Introduced: February 16, 2016
Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 92-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2379-2016 entitled:

AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS FROM THE COUNTY OF BERGEN, DEPARTMENT OF ADMINISTRATION AND FINANCE COMMUNITY DEVELOPMENT DIVISION THEREFORE (ROAD RESURFACING)

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 22nd day of March, 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. 2379-2016

AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS FROM THE COUNTY OF BERGEN, DEPARTMENT OF ADMINISTRATION AND FINANCE COMMUNITY DEVELOPMENT DIVISION THEREFORE (ROAD RESURFACING)

WHEREAS, the Borough of Fair Lawn has been approved to receive funds from the County of Bergen, Department of Administration and Finance Division of Community Development; and

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Fair Lawn, in the County of Bergen as follows:

SECTION 1. The Borough of Fair Lawn in the County of Bergen shall proceed with the following improvements at the cost following the items hereinafter set forth.

Road Resurfacing \$ 183,900
Contract Number CN-02-15
Account Number 21-213-765-155-32-09

SECTION 2. The cost of completing said improvement set forth in Section 1 shall be paid by the Borough out of funds to be received specifically for said purpose in the amount of \$183,900 through the County of Bergen Community Development Block Grant Program.

SECTION 3. It is hereby determined and stated:

(a) That said purpose is not a current expense. That the same is an improvement which the Municipality may lawfully make or acquire and that no part of the cost of said improvement has been or shall be specifically assessed on properties specifically benefited.

(b) It is not necessary to finance said purpose by the issuance of obligations by the Borough of Fair Lawn pursuant to the Local Bond Law is not increased buy this ordinance and no obligations in the matter of notes or bonds are authorized by the his ordinance.

SECTION 4. It is hereby determined and stated that no supplemental debt statement is required to be made and signed in connection with said purpose, since the gross debt of the Municipality as defined under the Local

Bond Law is not increased by this ordinance and no obligations in the matter of notes or bonds are authorized by this ordinance.

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

ATTEST:

APPROVED:

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

John Cosgrove
Mayor

Introduced: February 16, 2016

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 93-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2380-2016 entitled:

AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS FROM THE COUNTY OF BERGEN, DEPARTMENT OF ADMINISTRATION AND FINANCE DIVISION OF COMMUNITY DEVELOPMENT THEREFORE (SENIOR CENTER ROOM DIVIDER)

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 22nd day of March, 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. 2380-2016

AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS FROM THE COUNTY OF BERGEN, DEPARTMENT OF ADMINISTRATION AND FINANCE DIVISION OF COMMUNITY DEVELOPMENT THEREFORE (SENIOR CENTER ROOM DIVIDER)

WHEREAS, the Borough of Fair Lawn has been approved to receive funds from the County of Bergen, Department of Administration and Finance Division of Community Development Block Grant;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Fair Lawn, in the County of Bergen as follows:

SECTION 1. The Borough of Fair Lawn in the County of Bergen, shall proceed with the following improvements at the cost following the items hereinafter set forth.

Senior Center Room Divider \$ 21,400
Contract Number CN-06-15
Account Number 21-213-746-124-40-69

SECTION 2. The cost of completing said improvement set forth in Section 1 shall be paid by the Borough out of funds to be received specifically for said purpose in the amount of \$21,400 through the County of Bergen Community Development Block Grant Program.

SECTION 3. It is hereby determined and stated:

(a) That said purposes is not a current expense. That the same is an improvement which the Municipality may lawfully make or acquire and that no part of the cost of said improvement has been or shall be specifically assessed on properties specifically benefited.

(b) It is not necessary to finance said purpose by the issuance of obligations by the Borough of Fair Lawn pursuant to the Local Bond Law is not increased buy this ordinance and no obligations in the matter of notes or bonds are authorized by the his ordinance.

SECTION 4. It is hereby determined and stated that no supplemental debt statement is required to be made and signed in connection with said purpose, since the gross debt of the Municipality as defined under the Local Bond Law is not increased by this ordinance and no obligations in the matter of notes or bonds are authorized by this ordinance.

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

Attest:

Approved:

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

John Cosgrove
Mayor

Introduced: February 16, 2016
Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 94-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2381-2016 entitled:

AN ORDINANCE TO AMEND ORDINANCE NO. 1687-97 ENTITLED "AN ORDINANCE CREATING THE RIVER ROAD SPECIAL IMPROVEMENT DISTRICT WITHIN THE BOROUGH OF FAIR LAWN AND DESIGNATING A DISTRICT MANAGEMENT CORPORATION", AMENDING SCHEDULE A

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 22nd day of March, 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. 2381-2016

AN ORDINANCE TO AMEND ORDINANCE NO. 1687-97 ENTITLED "AN ORDINANCE CREATING THE RIVER ROAD SPECIAL IMPROVEMENT DISTRICT WITHIN THE BOROUGH OF FAIR LAWN AND DESIGNATING A DISTRICT MANAGEMENT CORPORATION", AMENDING SCHEDULE A

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

SECTION 1. Schedule A is hereby amended as follows:

Delete the property known as Block 5723, Lot 7 located at 17-10 River Road, #3A and owned by the Jewish Historical Society as an assessable property and add said property as an exempt property.

Delete the property known as Block 5723, Lot 7 located at 17-10 River Road, #3E and owned by the Jewish Historical Society as an assessable property and add said property as an exempt property.

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

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

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

ATTEST:

APPROVED:

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

John Cosgrove, Mayor

Introduced: February 16, 2016

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 95-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2382-2016 entitled:

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 13 ENTITLED
"FIRE DEPARTMENT" BY ADDING ARTICLE XIX ENTITLED "REFLECTIVE
SYMBOL ON STRUCTURES USING ENGINEERED LUMBER"**

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 22nd day of March, 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. 2382-2016

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 13 ENTITLED
"FIRE DEPARTMENT" BY ADDING ARTICLE XIX ENTITLED "REFLECTIVE
SYMBOL ON STRUCTURES USING ENGINEERED LUMBER"**

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

SECTION 1. Chapter 13. Fire Department is hereby amended as follows:

Add:

Article XIX
Reflective Symbol on Structures Using Engineered Lumber

§ 13-80. Title.

This article shall be cited "Reflective Symbol on Structures Using Engineered Lumber."

§ 13-81. Definitions.

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

ENGINEERED LUMBER - Prefabricated I-joists, truss joists, truss rafters and laminated beams and studs.

REFLECTIVE SYMBOL - An emblem made of reflective material, in the shape and form designed by the Fair Lawn Fire Department, containing information identifying a structure as containing engineered lumber.

STRUCTURE - A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

§13-82. Reflective Symbol Required.

The Borough Construction Official shall determine if a structure contains engineered lumber. All structures containing engineered lumber must have a reflective symbol affixed to an electrical meter serving the structure. The reflective symbol shall be applied by the Construction Official or designee and shall be a condition of the issuance of a UCC Certificate of Occupancy.

§13-83. Design of Symbol.

The reflective symbol shall be in the form designed by the Fair Lawn Fire Department and will contain lettering to identify the location of any engineered lumber in the structure. The following letters, of a size and color to make them conspicuous, shall be printed on the emblem: "F" to signify a floor with truss construction; "R" to signify a roof with truss construction; or "F/R" to signify both a floor and roof with truss construction.

§13-84. Applicability.

This section shall apply to all residential one and two family structures, including structures existing at the time of the effective date of this section.

§13-85. Enforcement.

This section shall be enforced by the Fire Prevention Official of the Borough of Fair Lawn.

§13-86. Violations and Penalties.

Any person violating this section by refusing to use the reflective symbol or by removing or tampering with the reflective symbol shall be subject to a fine in an amount of twenty-five (\$25.00) dollars per violation. Each day that a violation continues shall be deemed to be a separate and distinct offense.

ATTEST:

APPROVED:

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

John Cosgrove, Mayor

Introduced: February 16, 2016

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 96-2016

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**

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. 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 violative 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:

Approved:

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

John Cosgrove, Mayor

Introduced January 26, 2016

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 97-2016

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"**

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. 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 be 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:

Approved:

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

John Cosgrove, Mayor

Introduced January 26, 2016

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

CONSENT AGENDA 4-2016

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. # 98-2016 - Approval of Minutes:
 - Work Session 12/15/15
 - Special Meeting 12/15/15
 - Closed Session 12/15/15
 - Reorganization Meeting 1/5/16
 - Work Session 1/12/16
 - Closed Session 1/12/16
- b. Resol. # 99-2016 - Transfer of Funds
- c. Resol. #100-2016 -Authorizing Execution of License Agreement with New Song Church - Farmer's Market
- d. Resol. #101-2016 -Authorizing Submission of Recycling Tonnage Grant
- e. Resol. #102-2016 -Petty Cash Funds
- f. Resol. #103-2016 -Refund of Water Meter Payment
- g. Resol. #104-2016 -Refund of Overpayment of Taxes
- h. Resol. #105-2016 -Authorizing Multi-Year Contract: Copiers
- i. Resol. #106-2016 -Authorizing Multi-Year Contract: Police Computer Maintenance - Spillman Technologies, Inc.
- j. Resol. #107-2016 -Authorizing Execution of Contract for Emergency Notifications with Emergency Communications Network Inc.
- k. Resol. #108-2016 -Award of Bid: Arcade Games Fair Lawn Community Center - H. Betti Industries, Inc.
- l. Resol. #109-2016 -Authorizing Awarding of Contract with Certain Approved State Contract Vendors - Morning Pride

- m. Resol. #110-2016 - Interlocal Services Agreement with Elmwood Park: Construction Official
- n. Resol. #111-2016 -Award of Bid: Uniforms, Police, Auxiliary Police, Crossing Guard - Some's Uniforms, Inc.
- o. Resol. #112-2016 -Confirmation of Fire Board Actions
- p. Resol. #113-2016 -Tax Appeal Settlement: 3KRealty, LLC, 9-10 Saddle River Road
- q. Resol. #114-2016 -Tax Appeal Settlement: 3KRealty, LLC, 9-02 Saddle River Road
- r. Resol. #115-2016 -Tax Appeal Settlement: Fair Lawn Associates, 11-19 Saddle River Road
- s. Resol. #116-2016 -Tax Appeal Settlement: Lepore, 2-02 Fair Lawn Avenue
- t. Resol. #117-2016 -Tax Appeal Settlement: 24-19 Broadway, LLC, 24-19 Broadway
- u. Resol. #118-2016 -Tax Appeal Settlement: John & Nancy Coleman, 11-19 River Road
- v. Resol. #119-2016 -Tax Appeal Settlement: Corrado & Kristen Gugliotta, 2-32 Grunauer Place
- w. Resol. #120-2016 -Budget Self Examination
- x. Resol. #121-2016 -Award of Professional Services: Insurance Only Ambulance Billing Services Collection Firm
- y. Resol. #122-2016 -Approving Change Order #2 - Project No. 2232 - Library Restroom Renovation

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 98-2016

By

Seconded by

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

Work Session 12/15/15
Special Meeting 12/15/15
Closed Session 12/15/15
Reorganization Meeting 1/5/16
Work Session 1/12/16
Closed Session 1/12/16

are hereby approved.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 99-2016

By

Seconded by

WHEREAS, the Borough Treasurer has certified that it has become necessary to expend for the purposes of certain accounts herein set forth, amounts in excess of sums respectively appropriated therefore; and

WHEREAS, there is an excess of appropriations in other accounts herein set forth, over and above the amounts deemed to be necessary to fulfill the purposes of such appropriations;

NOW, THEREFORE, BE IT RESOLVED, that the transfers between appropriations of the 2015 Budget Reserves, as per list attached, and are hereby approved by the Mayor and Council.

2015 Municipal Budget	TO	FROM
Road Dept - Snow Removal Reserve	31,000	
Road Dept - Other Expenses		6,000
Road Dept - Salaries & Wages		25,000
Insurance - Liability	161,000	
Insurance - Workers Comp	161,000	
Legal Services		50,000
Labor Attorney		20,000
Insurance		150,000
Social Security		82,000
Police Salaries & Wages	48,000	
Recreation Salaries & Wages	10,000	
Emergency Management Services		10,000
Construction Code - Salaries & Wages		18,000
Buildings & Grounds - Other Expenses		
Shade Tree - Salaries & Wages		50,000
Gasoline		50,000
Electricity	50,000	
Terminal Leave Reserve	190,300	
Salaries & Wage Adjustment		190,300

2015 Utility Budget

Terminal Leave Reserve	36,500	
Social Security		11,500
Salaries & Wages		25,000
Water Purchases		40,000
Insurance - Liability	20,000	
Insurance - Workers Comp	20,000	

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 100-2016

By

Seconded by

WHEREAS, the Mayor and Council of the Borough of Fair Lawn wish to have a Borough sponsored 2016 Farmer's Market; and

WHEREAS, the New Song Church has agreed to allow the Borough to use the parking lot of the New Song Church in which to conduct the Borough sponsored 2016 Farmer's Market; and

WHEREAS, the New Song Church has requested that the Borough extend the Access and Use Agreement setting forth the terms and conditions under which the Borough may conduct the Borough sponsored 2016 Farmer's Market.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn, that the Mayor and the Municipal Clerk be and are hereby authorized to execute the extension of the Access and Use Agreement for the Borough sponsored 2016 Farmer's Market approved by the Borough Attorney.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 101-2016

By

Seconded by

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the **2015 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council of the Borough of Fair Lawn to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the Borough of Fair Lawn hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Ron Lottermann to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 102-2016

By

Seconded by

WHEREAS, Resolution No. 49-2016 was adopted by the Mayor and Council on January 5, 2016; and

WHEREAS, it is necessary to revise said resolution;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the following revisions are hereby approved:

Authorized Petty Cash Funds for 2016:

Chief of Police, Glen Cauwels	\$200.00
Library, Karen Horton	\$100.00

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 103-2016

By

Seconded by

WHEREAS, Bergen Entities, LLC d/b/a Big Ed's Car Wash located at 17-16 River Road, Fair Lawn, New Jersey 07410 purchased a 4 inch meter for the car wash currently being built for \$1,950.00; and

WHEREAS, Engineer Garrison has determined that a 4 inch meter is not necessary;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the Treasurer / Chief Financial Officer be authorized to make said refund to Bergen Entities, LLC d/b/a Big Ed's Car Wash upon receipt of a proper voucher.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 104-2016

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>
3619	14	Citimortgage Attn: Laura Walker P.O. Box 23689 Rochester, NY 14692	\$5,636.72
1408	14	Citimortgage Attn: Laura Walker P.O. Box 23689 Rochester, NY 14692	\$2,813.76
1507	60	Citimortgage Attn: Laura Walker P.O. Box 23689 Rochester, NY 14692	\$3,882.34
2409	29	Citimortgage Attn: Laura Walker P.O. Box 23689 Rochester, NY 14692	\$2,626.28

(Refund of overpayment of 2015 taxes as a result of a duplicate payment)

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
4611	30	Babitts, Edward H. & Norma 12-64 Orchard Street Fair Lawn, New Jersey 07410	\$773.90

(Refund of overpayment of 2015 taxes as a result of 2012 Homestead
Rebate credit from New Jersey applied to 2nd quarter taxes)

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 105-2016

By

Seconded by

WHEREAS, pursuant to N.J.A.C. 5:30-14.5(c)4, multi-year contracts entered into for periods in excess of twelve (12) months shall be certified and charged to the respective budgets in accordance with the time(s) at which the respective work or services are performed or liability for payment is otherwise incurred. Accordingly, commitments and payments required in excess of the initial twelve (12) months are contingent upon necessary funds being appropriated in future budgets by a subsequent Governing Body; and

WHEREAS, as required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-14.5, and any other applicable requirement, the Chief Financial Officer of the Borough of Fair Lawn has ascertained that there are available in the temporary budget appropriations and the council are committing to provide sufficient funding in the 2016 Municipal Budget to award a contract, under State Contract #53090 to Kyocera Mita America, National & Government Accounts Division, located at 10-10 Thomas Edison Boulevard, Cedar Rapids, Iowa 52404 for a Copier Machine Lease Agreement in the amount of \$2,632.96. Funds for certification are therefore being made available and certified against the appropriation for the Department of Purchasing, Account Number **2-01-20-113-000-590**.; and

WHEREAS, pursuant to N.J.A.C. 5:30-14.5(c)4, multi-year contracts entered into for periods in excess of twelve (12) months shall be certified and charged to the respective budgets in accordance with the time(s) at which the respective work or services are performed or liability for payment is otherwise incurred. Accordingly, commitments and payments required in excess of the initial twelve (12) months are contingent upon necessary funds being appropriated in future budgets by a subsequent Governing Body.

Contract Period: February, 2016 to January, 2021

Total Amount of Contract: \$14,361.60

Amount Certified for Initial Eleven (11) months: \$ 2,632.96

Outstanding Balance(s) to be certified for the remainder of the contract for the:

Second Year: 2017	\$ 2,872.32
Third Year: 2018	\$ 2,872.32
Fourth Year: 2019	\$ 2,872.32
One Month: 2020	\$239.36

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn, hereby authorizes the contract for a Copier Lease Agreement to Kyocera Mita America, National & Government Accounts Division, 10-10 Thomas Edison Boulevard in an amount not to exceed \$14,361.60.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 106-2016

By

Seconded by

WHEREAS, the Governing Body of the Borough of Fair Lawn, County of Bergen, New Jersey has a need to contract for Public Safety Software System Maintenance; and

WHEREAS, Spillman Technologies Inc., was awarded a contract on August 7, 2007, by Resolution No. 249-2007, for the Fully Integrated Public Safety Software System; and

WHEREAS, the above awarded contract requires an ongoing partnership for annual warranty, support and maintenance services; and

WHEREAS, this annual service fee for 2016 is \$55,471.00, which includes warranty, support and maintenance for the Fully Integrated Public Safety Software System; and

WHEREAS, in accordance with N.J.S.A.40A11-5(1)(dd), the selection and purchase of proprietary software and maintenance can be made using price and other factors as a basis for purchase; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn, hereby authorizes the Chief of Police to contract for the warranty, support and maintenance for the Fully Integrated Public Safety Software System, to Spillman Technologies, Inc., 4625 West Lake Park Blvd., Salt Lake City, UT 84120 in an amount not to exceed \$55,471.00.

BE IT FURTHER RESOLVED that the authorization of this project has been subject to the availability of funds in the 2016 Municipal Budget - Police Department Other Expenses.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 107-2016

By

Seconded by

WHEREAS, the Borough of Fair Lawn entered into an agreement with Emergency Communications Network, Inc. located at 9 Sunshine Boulevard, Ormond Beach, Florida 32174, for emergency notifications; and

WHEREAS, the Emergency Management Coordinator has requested authorization to execute an agreement for continuing the service on April 1, 2016 for emergency notifications with geographic mapping and special listing; and

WHEREAS, the agreement contains an annual service fee of \$14,000.00 which includes emergency and non-emergency phone calls, interactive response capabilities, e-mail and GIS mapping for April 1, 2016 through March 31, 2017 and an optional renewal fee of \$14,000.00 per year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn, that upon the recommendation of the Emergency Management Coordinator, Emergency Communications Network, Inc. located at 9 Sunshine Boulevard, Ormond Beach, Florida 32174, be authorized to provide the services in accordance with the proposal dated November 12, 2015, for a fee not to exceed \$14,000.00.



Emergency Communications Network®

780 W. Granada Boulevard, Suite 200
Ormond Beach, FL 32174TEL 866 939 0911
FAX 386 676 1127
WEB ecnetwork.com

November 12, 2015

Wendy Demeraski, Emergency Management Coordinator
Borough of Fair Lawn, New Jersey
8-01 Fair Lawn Avenue
Fair Lawn, NJ 07410

Re: Emergency Communications Network, LLC ("ECN") CodeRED® Service

Dear Ms. Demeraski,

The CodeRED Emergency Notification System provides clients the ability to deliver high-speed, customized pre-recorded mass notifications. The CodeRED system utilizes many features that individually and in totality make ECN and CodeRED a unique sole provider. No other service provider may sell or license the CodeRED system, which is solely owned and operated by ECN. Below are many of the unique features of CodeRED, a service of the Emergency Communications Network that cannot be duplicated by any other system including:

- ECN is the only emergency notification system provider authorized to utilize RealCall® patented technology. RealCall is ECN's proprietary technology. RealCall enables CodeRED to deliver accurate messages in their entirety without looping or repeating the message to answering machines and other voicemail devices. This revolutionary technology has been proven to maximize the efficiency of the local telephone infrastructure when telephone circuits are in their highest demand. Other technologies will leave partial, truncated or repeated messages - wasting valuable telephone circuit resources when they are most needed. *(Unique process, Patented US Patent 6324262 B1)*
- CodeRED utilizes a unique Universal ANI®, a toll-free call back number that allows residents to call back and hear the last message that was delivered to their phone number. *(Unique ability and technology)*
- Using Validata® telephone number validation system, CodeRED is able to confirm every number in the customer's database to verify validity and identify addresses without valid phone numbers. *(Unique ability and technology)*
- CodeRED offers the option to add CodeRED Weather Warning™. Weather Warning delivers automated severe weather warnings to residents in the direct path of the storm within seconds of the alert being issued by the National Weather Service. Weather Warning is the only early warning system available to utilize the NOAA Storm Based Warning system's polygon data to pinpoint a storm and automatically call those who will be impacted first. *(Unique ability and technology)*
- The CodeRED Mobile Alert app provides an additional location-based method to deliver CodeRED initiated notifications. The app is geo-aware to only alert subscribers within the affected area of the alert. The CodeRED Mobile Alert app allows clients to reach not only residents, but visitors passing through the area and also protects citizens when they travel outside their primary coverage area. *(Unique ability and technology)*
- CodeRED has a Message Alert Origination application for launching Integrated Public Alert and Warning System (IPAWS) messages to open up a new communication channel in support of the FEMA program. This function is activated simultaneously to and within the same development step of all other CodeRED messages to be disseminated to the public. *(Unique ability and technology)*

As you can see from the list of unique features above, the Borough of Fair Lawn, New Jersey has multiple reasons to sole source our CodeRED service. Many of our clients are able to immediately purchase the system through the sole-source method using the totality of these and other benefits. Please feel free to contact me if you have any questions.

LEANNE SIEGFRIED GENERAL COUNSEL
EMERGENCY COMMUNICATIONS NETWORK

TEL: 386 676 0294 x 208
EMAIL: LSiegfried@ecnetwork.com
WEB: www.ecnetwork.com
OFFICE: 780 W. Granada Boulevard, Suite 200, Ormond Beach, FL 32174

CodeRED® / CodeRED Weather Warning™ / CodeED®

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 108-2016

By

Seconded by

WHEREAS, bids were received for Arcade Games - Fair Lawn Community Center by the Municipal Clerk on February 2, 2016; and

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

WHEREAS, H. Betti Industries, Inc. having an office located at 303 Paterson Plank Road, Carlstadt, New Jersey 07072 is the lowest responsible bidder in the total amount of \$23,763.00;

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 H. Betti Industries, 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

February 16, 2016

RESOLUTION NO. 109-2016

By

Seconded by

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

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

WHEREAS the Borough of Fair Lawn has the need to purchase personal protective equipment at a cost of \$26,223.15 under State contract #80948; and

WHEREAS, the Borough of Fair Lawn intends to enter into contract for the purchase of said equipment with Safe-T, an authorized subcontractor of Morning Pride, having an office located at 23 Hamburg Turnpike, Suite A, Riverdale, New Jersey 07457, through this resolution and properly executed purchase agreement, which shall be subject to all the conditions applicable to the current State contracts; and

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

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Fair Lawn authorizes the Borough Manager to purchase the above equipment from Safe-T, an authorized subcontractor of Morning Pride, an approved New Jersey State Contract Vendor, pursuant to all conditions of the State Contract #80948.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 110-2016

By

Seconded by

WHEREAS, the Borough of Elmwood Park has requested the Borough of Fair Lawn to provide it with the services of the Construction Official, Building Subcode Official and Zoning Official of the Borough of Fair Lawn; and

WHEREAS, providing said service will be beneficial to the residents of Fair Lawn by generating revenue for the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the Borough enter into an inter-local government services agreement with the Borough of Elmwood Park for the purpose of providing the services of the Construction Official, Building Subcode Official and Zoning Official for a term commencing on February 1, 2016 and expiring on January 31, 2017 for the annual sum of \$56,000 in 2016 and 2017, an annual sum of \$57,120 in 2018 and an annual sum of \$58,265 to be paid by the Borough of Elmwood Park to the Borough of Fair Lawn;

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

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 111-2016

By

Seconded by

WHEREAS, bids were received for Uniforms: Police, Auxiliary Police, Crossing Guard by the Municipal Clerk on January 26, 2016; and

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

WHEREAS, Some's Uniforms, Inc. having an office located at 314 Main Street, Hackensack, New Jersey 07601 is the lowest responsible bidder for Proposal #1: Police in the amount of \$8,251.68; Proposal #2: Auxiliary Police in the amount of \$991.40 and Proposal #3: School Guard in the amount of \$299.50;

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 Some's Uniforms, 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

February 16, 2016

RESOLUTION NO. 112-2016

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:

Leave of Absence:

Kevin Goralski
2-06 32nd Street
Co. 3

Applications:

Scott Greco
26-12 Kipp Street
Co. 4

Jake Gurrieri
16-20 Hunter Place
Co. 4

Dillon Rinaldo
19-13 Saddle River Road
Co. 4

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 113-2016

By

Seconded by

WHEREAS, 3K Realty, LLC filed real property tax appeals for the years 2013 and 2014 (Docket Nos. 003888-2013 & 005154-2014); and

WHEREAS, the real property assessments for the subject premises, located at 9-10 Saddle River Road (Lot 21 in Block 1507 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2013 and 2014 were as follows:

Land:	\$ 606,200
Improvements:	<u>\$ 501,300</u>
Total:	\$1,107,500

and;

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

Land:	\$606,200
Improvements:	<u>\$293,800</u>
Total:	\$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 an approximate total tax refund for tax years 2013 and 2014 in the amount of \$12,481.13, of which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgments; and

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

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 \$12,481.13 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

February 16, 2016

RESOLUTION NO. 114-2016

By

Seconded by

WHEREAS, 3K Realty, LLC filed a real property tax appeal for the year 2013 (Docket No. 003886-2013); and

WHEREAS, the real property assessments for the subject premises, located at 9-02 Saddle River Road (Lot 22 in Block 1507 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2013 were as follows:

Land:	\$ 740,900
Improvements:	<u>\$ 482,800</u>
Total:	\$1,223,700

and;

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

Land:	\$ 740,900
Improvements:	<u>\$ 259,100</u>
Total:	\$1,000,000

and;

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

WHEREAS, the settlement results in an approximate total tax refund for tax year 2013 and 2014 via the Freeze Act in the amount of \$13,455.56, of 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; 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 \$13,455.56 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

February 16, 2016

RESOLUTION NO. 115-2016

By

Seconded by

WHEREAS, Fair Lawn Associates filed real property tax appeals for the years 2010 through 2015 (Docket Nos. 001875-2010, 005138-2011, 009550-2012, 000620-2013, 006131-2014 & 000785-2015); and

WHEREAS, the real property assessments for the subject premises, located at 11-19 Saddle River Road (Lot 1 in Block 1501 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2010 and 2011 were as follows:

Land:	\$1,134,000
Improvements:	<u>\$1,034,500</u>
Total:	\$2,168,500

and;

WHEREAS, for 2012 through 2015 the real property assessments were as follows:

Land:	\$1,077,300
Improvements:	<u>\$1,179,600</u>
Total:	\$2,256,900

and;

WHEREAS, as part of the settlement agreement the 2010, 2011 and 2012 matters will be withdrawn, and the 2013, 2014 and 2015 tax appeals may be settled by reduction of the aforesaid assessments as follows:

Land:	\$1,077,300
Improvements:	<u>\$1,122,700</u>
Total:	\$2,200,000

and;

WHEREAS, as an integral part of the settlement agreement the 2016 assessments were reduced to a total of \$2,100,000; 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 2010 through 2015 in the amount of \$5,173.92, of which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgments; and

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

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 \$5,173.92 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

February 16, 2016

RESOLUTION NO. 116-2016

By

Seconded by

WHEREAS, Mario Lepore filed a real property tax appeal for the year 2014 (Docket No. 014824-2014); and

WHEREAS, the real property assessments for the subject premises, located at 2-02 Fair Lawn Avenue (Lot 44 in Block 5622 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2014 were as follows:

Land:	\$157,500
Improvements:	<u>\$177,500</u>
Total:	\$335,000

and;

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

Land:	\$157,500
Improvements:	<u>\$162,500</u>
Total:	\$320,000

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 year 2014 and 2015 via the Freeze Act in the amount of \$915.60, of which will be made payable to the plaintiff 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 \$915.60 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

February 16, 2016

RESOLUTION NO. 117-2016

By

Seconded by

WHEREAS, 24-19 Broadway, LLC filed a real property tax appeal for the year 2014 (Docket No. 014995-2014); and

WHEREAS, the real property assessments for the subject premises, located at 24-19 Broadway (Lots 16, 18, 19, 20 & 22 in Block 3321 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2014 were as follows:

Land:	\$457,300
Improvements:	<u>\$274,100</u>
Total:	\$731,400

and;

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

Land:	\$457,300
Improvements:	<u>\$217,700</u>
Total:	\$675,000

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 year 2014 and 2015 via the Freeze Act in the amount of \$3,531.77, of 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 \$3,531.77 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

February 16, 2016

RESOLUTION NO. 118-2016

By

Seconded by

WHEREAS, John & Nancy Coleman filed real property tax appeals for the years 2013 through 2015 (Docket Nos. 017563-2013, 015205-2014 & 011638-2015); and

WHEREAS, the real property assessments for the subject premises, located at 11-19 River Road (Lot 25 in Block 5521 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2013 through 2015 were as follows:

Land:	\$651,700
Improvements:	<u>\$309,800</u>
Total:	\$961,500

and;

WHEREAS, as part of the settlement agreement the 2013 matter will be withdrawn, and the 2014 and 2015 tax appeals may be settled by reduction of the aforesaid assessments as follows:

Land:	\$651,700
Improvements:	<u>\$248,300</u>
Total:	\$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 an approximate total tax refund for tax years 2013 through 2015 in the amount of \$3,891.11, of which will be made

payable to the plaintiff's attorney in this matter upon issuance of the judgments;
and

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

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 \$3,891.11 upon issuance of the judgments; and

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 119-2016

By

Seconded by

WHEREAS, Corrado & Kristen Gugliotta filed a real property tax appeal for the year 2013 (Docket No. 018866-2013); and

WHEREAS, the real property assessments for the subject premises, located at 2-32 Grunauer Place (Lot 5.01 in Block 3323 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2013 were as follows:

Land:	\$170,500
Improvements:	<u>\$444,000</u>
Total:	\$614,500

and;

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

Land:	\$170,500
Improvements:	<u>\$394,500</u>
Total:	\$565,000

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 year 2013 and 2014 via the Freeze Act in the amount of \$2,977.42, of 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 \$2,977.42 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

February 16, 2016

RESOLUTION NO. 120-2016

By

Seconded by

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Fair Lawn has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2016 budget year.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Lawn that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 121-2016

By

Seconded by

Award of Professional Services

WHEREAS, it is necessary for the Borough of Fair Lawn to engage the services of an insurance only ambulance services collection firm; 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 an insurance only ambulance services collection firm pursuant to a "fair and open" process as described above, with a return date of February 4, 2016; and

WHEREAS, the Borough received a timely and complete response from Revenue Guard EMS Medical Claims Management, LLC, having an office located at 50 US Highway 9 – North, Building B, Morganville, New Jersey 07751; and

WHEREAS, the Borough's review team has determined that Revenue Guard EMS Medical Claims Management, LLC has complied with the requirements of the RFQ and has deemed them to be qualified to provide the aforementioned services of an insurance only ambulance services collection firm for the Borough; and

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

1. That a contract be awarded to Revenue Guard EMS Medical Claims Management, LLC for the services of an insurance only ambulance services collection firm for the Borough of Fair Lawn, in accordance with the RFQ.
2. The term of the contract shall be from March 2, 2016 to March 1, 2021 at a percentage fee of net collections of 9%.
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 Revenue Guard EMS Medical Claims Management, LLC.
5. A notice of this resolution shall be published in The Record as required by law.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 122-2016

By

Seconded by

WHEREAS, there is an existing contract between the Borough of Fair Lawn and Palpro-Builders for Project 2332 Library Restroom Renovations; and

WHEREAS, it has been certified by the Borough Manager and Borough Engineer that the changes on the attached Change Order No. 2 (Schedule A) are required;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that in accordance with the recommendations made herewith, Change Order No. 2 be and is hereby approved.

CHANGE ORDER

BOROUGH OF FAIR LAWN

DEPARTMENT OF ENGINEERING

Project: 2232 Library Restroom Renovations Number: 2
 Contractor: Palpro-Builders, LLC Date: 2/9/2016

This order covers the contract modifications hereunder described and shall be performed under the same terms and conditions included in the original contract.

Nature and reason for change:

Additional work required for ADA compliance and unforeseen plumbing and construction work discovered during wall and floor demolition.

Item No.	Description	Unit	Bid	As Built	Change	Unit Price	Amount
1	Bonds & Insurances	LS	1	1.00	0.00	\$7,400.00	0.00
2	General Condition	LS	1	1.00	0.00	\$2,600.00	0.00
3	Mobilization	LS	1	1.00	0.00	\$2,500.00	0.00
4	Supervision	LS	1	1.00	0.00	\$6,000.00	0.00
5	Demolition	LS	1	1.00	0.00	\$12,700.00	0.00
6	Ceramic Tiles (material)	LS	1	1.00	0.00	\$19,500.00	0.00
7	Ceramic Tiles (labor)	LS	1	1.00	0.00	\$13,300.00	0.00
8	Toilet Partitions (material)	LS	1	1.00	0.00	\$8,500.00	0.00
9	Toilet Partitions (labor)	LS	1	1.00	0.00	\$1,500.00	0.00
10	Toilet Accessories (material)	LS	1	1.00	0.00	\$5,500.00	0.00
11	Toilet Accessories (labor)	LS	1	1.00	0.00	\$1,500.00	0.00
12	Painting (material)	LS	1	1.00	0.00	\$1,650.00	0.00
13	Painting (labor)	LS	1	1.00	0.00	\$2,850.00	0.00
14	Lighting Fixtures (material)	LS	1	1.00	0.00	\$12,000.00	0.00
15	Lighting Fixtures (labor)	LS	1	1.00	0.00	\$2,300.00	0.00
16	Plumbing Fixtures (material)	LS	1	1.00	0.00	\$15,600.00	0.00
17	Plumbing Fixtures (labor)	LS	1	1.00	0.00	\$10,500.00	0.00
18	Base Board Cover (material)	LS	1	1.00	0.00	\$2,500.00	0.00
19	Base Board Cover (labor)	LS	1	1.00	0.00	\$1,000.00	0.00
20	Punchlist	LS	1	1.00	0.00	\$1,000.00	0.00
21	Closeouts	LS	1	1.00	0.00	\$2,000.00	0.00
1a	Additional Wall Sheathing Group A&B	LS	0	1.00	0.00	\$1,418.78	0.00
2a	Additional Floor Level Group A&B	LS	0	1.00	0.00	\$3,285.09	0.00
3a	Mixing Valves	LS	0	1.00	0.00	\$4,170.64	0.00
4a	New Toilet Carriers Group C&D	LS	0	1.00	0.00	\$14,069.95	0.00
5a	Additional Wall Sheathing Group C&D	LS	0	1.00	1.00	\$1,418.78	1,418.78
6a	Additional Floor Level Group C&D	LS	0	1.00	1.00	\$3,285.09	3,285.09

Amount of Original Contract: and CO #1 \$157,344.46
 Adjusted Amount _____
 Based on Change Order: # 2 \$162,048.33
 % Change in Contract: 3.0
 Approved: _____

Extra: _____
 Supplemental: \$4,703.87
 Reduction: _____
 Total Change: \$4,703.87

 Kenneth R. Garrison Jr. (Borough Engineer)

 (Date)

 (Contractor)

 (Date)

 Jim VanKruiningen (Borough Manager)

 (Date)

Aye Nay Abstain
Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 123-2016

By

Seconded by

See attached budget

MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the Borough of Fair Lawn, County of Bergen, for the Fiscal Year 2016
 Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2016
 Be it Further Resolved, that said Budget be published in the The Record Newspaper
 In the issue of February 25, 2016
 The Governing Body of the Borough of Fair Lawn does hereby approve the following as the Budget for the year 2016.

RECORDED VOTE
(INSERT LAST NAME)

Ayes	[]	Nays	[]	Abstained	[]
	[]		[]	[]	[]
				Absent	[]

Notice is hereby given that the Budget and Tax Resolution was approved by the Borough Council of Fair Lawn, County of Bergen, on February 16, 2016, of the Borough of Fair Lawn.

A Hearing on the Budget and Tax Resolution will be held at The Municipal Building, on March 22, 2016 at 7:30 o'clock PM at which time and place objections to said Budget and Tax Resolution for the Year 2016 may be presented by taxpayers or other interested persons.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 124-2016

By
Seconded by

NOW, THEREFORE, BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the River Road Special Improvement District Budget for the year 2016;

BE IT FURTHER RESOLVED, that said Budget be published in The Record issue of February 19, 2016;

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Fair Lawn does hereby approve the following as the River Road Special Improvement District Budget for the year 2016;

BE IT FURTHER RESOLVED, that a hearing on this Budget will be held at the Municipal Building on Tuesday, March 22, 2016 at 7:30 p.m. at which time and place objections to said Budget may be presented by taxpayers or other interested persons:

\$150,000 River Road Special Improvement District Budget

2016 RIVER ROAD SPECIAL IMPROVEMENT DISTRICT

<u>ANTICIPATED REVENUE</u>	<u>SPECIAL PRIVATE</u>	<u>BOROUGH</u>	<u>ASSESSMENT</u>	<u>TOTAL</u>
Trustees, Fees	2,375	0	0	2,375
Other	37,255	800	150,000	199,525
TOTAL REVENUES	51,100	800	150,000	190,430
<u>APPROPRIATIONS</u>				
Administration Expenses				70,400
Other Operating Expenses				33,600
Promotional/Marketing Exp				58,500
Planning & Economic Development				21,000
Reserve Fund				6,930
TOTAL APPROPRIATIONS				190,430

\$0.114 per \$100 of Assessed Valuation

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

February 16, 2016

RESOLUTION NO. 125-2016

By

Seconded by

NOW, THEREFORE, BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Broadway Special Improvement District Budget for the year 2016;

BE IT FURTHER RESOLVED, that said Budget be published in The Record issue of February 19, 2016;

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Fair Lawn does hereby approve the following as the Broadway Special Improvement District Budget for the year 2016;

BE IT FURTHER RESOLVED, that a hearing on this Budget will be held at the Municipal Building on Tuesday, March 22, 2016 at 7:30 p.m. at which time and place objections to said Budget may be presented by taxpayers or other interested persons:

\$120,200 Broadway Special Improvement District Budget
2016 BROADWAY SPECIAL IMPROVEMENT DISTRICT

<u>ANTICIPATED REVENUE</u>	<u>PRIVATE</u>	<u>SPECIAL ASSESSMENT</u>	<u>TOTAL</u>
Trustees, Fees	1,750	0	1,750
Other	23,375	120,200	143,775
TOTAL REVENUES	25,125	120,200	145,525
<u>APPROPRIATIONS</u>			
Administrations (Operations)			69,500
Operations (Appearance)			20,500
Promotional/Marketing Exp			36,000
Planning Economic and Development			15,000
Capital Reserve Fund			4,525
TOTAL APPROPRIATIONS			145,525

\$0.080 per \$100 of Assessed Valuation