

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.

APRIL 19, 2016

1. **Call to Order by Mayor**
2. **Statement of Compliance with the Open Public Meetings Act**
3. **Roll Call**
4. **Flag Salute**
5. **PROCLAMATIONS: DAYS OF REMEMBRANCE**
6. **COUNCIL COMMENTS**
7. **MANAGER'S REPORT**
8. **ORDINANCES ON FIRST READING:**

**ORDINANCE NO. 2383-2016
(RESOLUTION NO. 163-2016)**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, SPECIFICALLY CHAPTER 125 "LAND DEVELOPMENT" AS IT PERTAINS TO AMENDING THE ESTABLISHED "R-5-1 TOWNHOUSE RESIDENTIAL DISTRICT" WITHIN CODE SECTION 125-21 TO INCLUDE "AGE-RESTRICTED TOWNHOUSES" AS A PERMITTED USE AND AMENDING THE "R-5-1 TOWNHOUSE RESIDENTIAL DISTRICT" ON THE BOROUGH'S ZONING MAP TO REZONE BLOCK 1702, LOTS 5 AND 6 FROM THE "R-1-2 ONE-FAMILY RESIDENTIAL DISTRICT" TO THE "R-5-1 TOWNHOUSE RESIDENTIAL DISTRICT."

- 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. 2384-2016
(RESOLUTION NO. 164-2016)**

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. (MEMORIAL POOL)

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

**ORDINANCE NO. 2385-2016
(RESOLUTION NO. 165-2016)**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94-12 ENTITLED "MISCELLANEOUS FEES" TO REVISE CHAPTER 160, ENTITLED PARKS AND RECREATION AREAS ARTICLE VI SCHEDULE OF FEES, SUBSECTION 160-6A MEMORIAL POOL, INTER-LOCAL POOL MEMBERSHIP AGREEMENTS AND SUBSECTION 160-14 FREE MEMBERSHIP FOR DISABLED PERSONS

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

**ORDINANCE NO. 2386-2016
(RESOLUTION NO. 166-2016)**

AN ORDINANCE TO AMEND CHAPTER 33 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "POLICE DEPARTMENT", SPECIFICALLY ARTICLE XIV, PARKING ENFORCEMENT OFFICER, MORE SPECIFICALLY TO ADD SECTION 33-39

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

**ORDINANCE NO. 2387-2016
(RESOLUTION NO. 167-2016)**

“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 (20th STREET).”

- 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.

9. ORDINANCES ON SECOND READING:

**ORDINANCE NO. 2376-2016
(RESOLUTION NO. 168-2016)**

BOND ORDINANCE APPROPRIATING \$2,300,000, AND AUTHORIZING THE ISSUANCE OF \$2,190,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY (GENERAL IMPROVEMENTS).

- 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. 2377-2016
(RESOLUTION NO 169-2016)**

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,510,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,438,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION (ROADS).

- 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. 2378-2016
(RESOLUTION NO. 170-2016)**

BOND ORDINANCE APPROPRIATING \$1,140,000, AND AUTHORIZING THE ISSUANCE OF \$1,085,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS WATER SUPPLY AND DISTRIBUTION SYSTEM IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY (WATER UTILITY).

- Mayor asks for a motion to open the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor opens time for public comments asking if anyone wishes to be heard.
- Mayor calls for a motion to close the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Municipal Clerk reads the Resolution of Adoption. Mayor asks for a Mover, Secunder, Discussion, Roll Call.

10. PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

- Mayor calls for a motion to open time for public comments on Consent Agenda items only. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor opens time for public comments asking if anyone wishes to be heard.
- Mayor calls for a motion to close the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor closes the time for public comments.

11. RESOLUTIONS BY CONSENT # 6-2016

- Municipal Clerk reads Resolutions by Consent.
 - a. Resol. #171-2016 – Cancellation of Capital Ordinances
 - b. Resol. #172-2016 – Authorizing Multi-Year Contract for Maintaining NJSACOP Accreditation

- c. Resol. #173-2016 - Supporting Clean Water Supplies
- d. Resol. #174-2016 - Licensing Agreement: 12-03 Scribner Road
- e. Resol. #175-2016 - Authorizing Participation in the North Jersey Wastewater Cooperative Pricing System
- f. Resol. #176-2016 - Authorization for Special Water Sampling Services
- g. Resol. #177-2016 - Award of Bid: Radio Repair and Maintenance - Communications Specialists, Inc.
- h. Resol. #178-2016 - Appointment to the Green Team Advisory Committee
- i. Resol. #179-2016 - Authorizing Waiver of Outstanding Water Utility Charge
- j. Resol. #180-2016 - Cancellation of Purchase Order in the Water Utility Account
- k. Resol. #181-2016 - Authorizing Signature of Traffic Signal Agreement for Generator Adapted Controller Cabinets with the New Jersey Department of Transportation
- l. Resol. #182-2016 - Authorizing the Acceptance of Funds from a Subgrant Award from the FY2016 Federal Emergency Management Agency Assistance Program
- m. Resol. #183-2016 - Authorizing Approval of Massage Establishment License: Good Time Spa, 12-82 River Road
- n. Resol. #184-2016 - Approval of Minutes:
 - Regular Meeting 3/22/16
 - Closed Session 3/22/16
- o. Resol. #185-2016 - Approving Fire Board Actions

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

12. RESOLUTION NO. 186-2016 - APPROVAL OF MINUTES:

Work Session 3/8/16

Closed Session 3/8/16

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

13. PUBLIC COMMENTS

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

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

14. CLOSED SESSION RESOLUTION - Pending Litigation - Police Retires

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

15. ADJOURNMENT:

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 163-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2383-2016 entitled:

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, SPECIFICALLY CHAPTER 125 "LAND DEVELOPMENT" AS IT PERTAINS TO AMENDING THE ESTABLISHED "R-5-1 TOWNHOUSE RESIDENTIAL DISTRICT" WITHIN CODE SECTION 125-21 TO INCLUDE "AGE-RESTRICTED TOWNHOUSES" AS A PERMITTED USE AND AMENDING THE "R-5-1 TOWNHOUSE RESIDENTIAL DISTRICT" ON THE BOROUGH'S ZONING MAP TO REZONE BLOCK 1702, LOTS 5 AND 6 FROM THE "R-1-2 ONE FAMILY RESIDENTIAL DISTRICT" TO THE "R-5-1 TOWNHOUSE RESIDENTIAL DISTRICT"

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 17th day of May, 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. 2383-2016

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, SPECIFICALLY CHAPTER 125 "LAND DEVELOPMENT" AS IT PERTAINS TO AMENDING THE ESTABLISHED "R-5-1 TOWNHOUSE RESIDENTIAL DISTRICT" WITHIN CODE SECTION 125-21 TO INCLUDE "AGE-RESTRICTED TOWNHOUSES" AS A PERMITTED USE AND AMENDING THE "R-5-1 TOWNHOUSE RESIDENTIAL DISTRICT" ON THE BOROUGH'S ZONING MAP TO REZONE BLOCK 1702, LOTS 5 AND 6 FROM THE "R-1-2 ONE-FAMILY RESIDENTIAL DISTRICT" TO THE "R-5-1 TOWNHOUSE RESIDENTIAL DISTRICT."

WHEREAS, Block 1702, Lots 5 and 6 in the Borough of Fair Lawn, in the County of Bergen (the "Subject Property") are currently zoned "R-1-2 One-Family Residential District" and are proposed to be rezoned to the "R-5-1 Townhouse Residential District;"

WHEREAS, "Age-Restricted Townhouses" is proposed to be added as a permitted use within the "R-5-1 Townhouse Residential District;"

WHEREAS, the proposed rezoning is in accordance with Municipal Land Use Law ("MLUL") purposes "a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare," "e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment," "g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens," "l. To encourage senior citizen community housing construction" and purpose "m" as it pertains to the "...more efficient use of land;"

WHEREAS, page 2 of the 2014 Master Plan sets forth Goal 1 "To preserve the existing single-family residential character of the Borough and maintain the scale and streetscapes of residential neighborhoods while also providing for a greater mix of housing types to meet the needs of a variety of household types, incomes and lifestyles," and the proposed age-restricted townhouse use provides an opportunity for a greater mix of housing types;

WHEREAS, page 2 of the 2014 Master Plan sets forth Goal 2 "To promote a balanced variety of residential, commercial, industrial, recreational, and public

land uses," and the proposed age-restricted townhouse use increases the variety of housing in balance with other existing and zoned uses in the community.

WHEREAS, page 3 of the 2014 Master Plan sets forth Historic Preservation Plan Element Objective 1 "To preserve and enhance historic places, buildings and districts through stronger controls" and Objective 2 "To promote the Borough's cultural resources through preservation," and this Ordinance seeks to strongly encourage the preservation and enhancement of historic places to the maximum extent practicable;

WHEREAS, Block 1702, Lot 5 contains the historic dwelling of Jacob Vanderbeck, Jr., which is listed on the National and State Registers of Historic Places (NR: 1/9/1983 Reference #: 83001566; SR: 10/3/1980);

WHEREAS, the Master Plan contains the above language that pertains to Historic Preservation as well as additional language that pertains specifically to the Subject Property with regard historic preservation, and acknowledging that historic and cultural resources are a key consideration when considering the rezoning of the Subject Property, it is recommended that Vanderbeck house be maintained and restored to maximum extent practicable in order to retain this important historic and cultural resource;

WHEREAS, historic and cultural resources that have been designated as such on the National and State Registers of Historic Places have an enhanced value and role in promoting historic and cultural heritage when they are accessible to the public, it is recommended that upon any future redevelopment of the property with townhouse and/or age-restricted townhouse uses that a portion of the Vanderbeck house be open to the public and for use by the Historic Preservation Commission for a reasonable amount of time based upon reasonable conditions to be set forth by any future decision from the Planning or Zoning Board regarding the Subject Property;

WHEREAS, the development of age-restricted townhouses is compatible with the land uses surrounding the Subject Property;

WHEREAS, the Subject Property is 3.5 acres in size and is of sufficiently large size to support an age-restricted townhouse use, as it exceeds the minimum lot area of 2.4 acres required within the R-5-1 Zone;

WHEREAS, the public interest of providing a variety of housing choices for residents would be advanced by the proposed rezoning;

WHEREAS, the Borough Council desires to adopt an Ordinance amendment to Chapter 125 "Land Development" of the Code of the Borough of Fair Lawn as it pertains to the "R-5-1 Townhouse Residential District" within Code Section 125-21 to add "Age-Restricted Townhouses" as a permitted use and amend the "R-5-1 Townhouse Residential District" on the Borough's Zoning Map to rezone Block 1702, Lots 5 and 6 from the "R-1-2 One-Family Residential District" to the "R-5-1 Townhouse Residential District."

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fair Lawn that the following amendments be made to Chapter 125 of the Code of the Borough of Fair Lawn and the Borough of Fair Lawn Zoning Map, which is incorporated into Chapter 125 by reference:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough of Fair Lawn "Zoning Map" and Code Section 125-10, entitled "Official Zoning Map," which incorporates the "Zoning Map" of the Borough of Fair Lawn by reference, is hereby amended to delete Block 1702, Lots 5 and 6 from the "R-1-2 One-Family Residential District" and add Block 1702, Lots 5 and 6 to the "R-5-1 Townhouse Residential District;"
3. Code Section 125-21 ("125-21 R-5-1 & R-5-2 Townhouse Residential Zones") is hereby amended as shown below by addition (underline) and deletion (~~strikethrough~~):

125-21 R-5-1 & R-5-2 Townhouse Residential Zones

A. Permitted uses. In the R-5-1 and R-5-2 Zones, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

- (1) All uses permitted in the R-1-1, R-1-2 and R-1-3 Zones.
- (2) Townhouses as defined in § 125-8.
- (3) Age-Restricted Townhouses for persons aged 55 and older. Ownership of each dwelling unit in the community shall be restricted to at least one person of the age of 55 years or older by deed, covenants, restrictions of records and bylaws and rules and regulations.

- a. The minimum lot width shall be one-hundred twenty (120) feet for Age-Restricted Townhouse uses.
 - b. The minimum front yard setback shall be twenty (20) feet for Age-Restricted Townhouse uses.
 - c. The maximum permitted building coverage shall be twenty-five (25) percent for Age-Restricted Townhouse uses.
- B. Accessory uses. Accessory uses which are customarily incidental to and located on the same lot as the principal use. These may include but shall not be limited to: swimming pools, tennis courts and clubhouses for the exclusive use of residents and their guests.
- C. Bulk and area regulations. Townhouses and Age-Restricted Townhouses shall meet the area and bulk requirements of the zone where located and the following additional requirements with the following exceptions 1. The bulk and related requirements shall not be applicable to Structures listed on the New Jersey or National Registers of Historic Places preserved in whole or part as a part of any application. For purposes of Building design a Structure listed on the New Jersey or National Registers of Historic Places shall be counted as a "unit" when combined with a new structure otherwise required to consist of not less than 3 units. 2. The requirements set forth for Age-Restricted Townhouses at 125-21.A.(3)a-c shall supersede other requirements within the Borough Code with regard to the development of Age-Restricted Townhouses:
- (1) Front plane: No townhouse structure shall have more than two continuous attached townhouse units with front facades in the same plane; variations shall be at least two feet.
 - (2) Minimum distance between buildings: There shall be at least 20 feet between the end of one building and any facade of another building. If the two buildings are parallel (i.e., front or back of one building facing front or back of another), then there must be at least 40 feet between buildings.
 - (3) Maximum number of units per building: six.
 - (4) Buffer requirements:
 - (a) There shall be a buffer of evergreens not less than four feet or more than six feet in height between any

common parking area and a dwelling unit, as close as practicable to the parking area.

(b) Where there is a parking area within 50 feet of a property line, there shall be a buffer of evergreens at least five feet in height. This buffer shall be as close as practicable to the parking area.

(c) There shall be a distance of at least 35 feet between the townhouse buildings and adjoining vacant land zoned R-1-1, R-1-2 or R-1-3 one-family residential or adjoining land on which a single-family dwelling exists.

4. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.
5. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.
6. To the extent that any portion of the above referenced amendments to the Code of the Borough of Fair Lawn conflict with or amend or modify any provision of any other of the Borough's development regulations, these amendments shall supersede or amend or modify, as applicable, such development regulations and the Zoning Map included in the Borough's Ordinance shall be deemed amended accordingly.
7. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

Attest:

Approved:

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

John Cosgrove, Mayor

Introduced: April 19, 2016

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 164-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2384-2016 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. (MEMORIAL POOL)

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 17th day of May, 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. 2384-2016

**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. (MEMORIAL POOL)**

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 \$ 50,000 for Project Number 15-00410, for the purpose of the Memorial Park and Pool Improvements, 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 be funded in the 2014 Capital Budget, Capital Ordinance #2337-2015 Account # C-04-15-337-111-506.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fair Lawn, in the County of Bergen that the following is authorized:

SECTION 1. The Borough of Fair Lawn in the County of Bergen shall proceed with Project Number: 15-00410, 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 \$50,000 and by the grant required match of the Borough of Fair Lawn 2014 Capital Budget Capital Ordinance #2337-2015 Account # C-04-15-337-111-506.

SECTION 3. It is hereby determined and stated:

(a) That said purposes are not a current expense. That the same is project 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: April 19, 2016

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 165-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2385-2016 entitled:

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94-12 ENTITLED "MISCELLANEOUS FEES" TO REVISE CHAPTER 160, ENTITLED PARKS AND RECREATION AREAS ARTICLE VI SCHEDULE OF FEES, SUBSECTION 160-6A MEMORIAL POOL, INTER-LOCAL POOL MEMBERSHIP AGREEMENTS AND SUBSECTION 160-14 FREE MEMBERSHIP FOR DISABLED PERSONS

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 17th day of May, 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. 2385-2016

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94-12 ENTITLED "MISCELLANEOUS FEES" TO REVISE CHAPTER 160, ENTITLED PARKS AND RECREATION AREAS ARTICLE VI SCHEDULE OF FEES, SUBSECTION 160-6A MEMORIAL POOL, INTER-LOCAL POOL MEMBERSHIP AGREEMENTS AND SUBSECTION 160-14 FREE MEMBERSHIP FOR DISABLED PERSONS

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

Section 1. CHAPTER 94-12 MISCELLANEOUS FEES is hereby amended as follows:

Article VI. Schedule of Fees

§94-12. Miscellaneous Fees

N. Chapter 160. Parks and Recreation Areas:

(2) Section 160-6A. Annual membership fees and other charges to permit the use of parks, playgrounds, swimming pools and all other municipally operated facilities.

Memorial Pool, Inter-local Pool Membership Agreements Memorial Pool

Add:

The Borough shall provide a 50% discount on pool membership fees for Fair Lawn residents and their families that are active military, veteran, National Guard or reserve and meet the predetermined criteria based upon a policy set forth by the Borough Manager.

Delete:

Section 160-14. Free membership for disabled persons.

Free pool passes shall be issued, through the Department of Health and Human Services, to disabled individuals who meet predetermined criteria as to age, disability and income.

Add:

Section 160-14. Free Pool Membership

a) Free pool passes shall be issued, through the Department of Health and Human Services, to disabled individuals who meet predetermined criteria as to age, disability and income.

b) Free pool passes shall be issued, through the Department of Veterans Affairs to Fair Lawn Veterans who have been classified by the U.S. Department of Veterans Affairs as having a 100% service related disability and meet the predetermined criteria based upon a policy set forth by the Borough Manager.

c) Free pool passes shall be issued, through the Department of Veterans Affairs to Fair Lawn Veterans who were Prisoners of War and meet the predetermined criteria based upon a policy set forth by the Borough Manager.

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

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

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

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

Attest:

Approved:

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

John Cosgrove

Introduced: April 19, 2016

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 166-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2386-2016 entitled:

AN ORDINANCE TO AMEND CHAPTER 33 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "POLICE DEPARTMENT", SPECIFICALLY ARTICLE XIV, PARKING ENFORCEMENT OFFICER, MORE SPECIFICALLY TO ADD SECTION 33-39

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 17th day of May, 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. 2386-2016

AN ORDINANCE TO AMEND CHAPTER 33 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "POLICE DEPARTMENT", SPECIFICALLY ARTICLE XIV, PARKING ENFORCEMENT OFFICER, MORE SPECIFICALLY TO ADD SECTION 33-39

BE IT ORDAINED BY THE MAYOR AND COUNCIL of the Borough of Fair Lawn as follows:

SECTION 1: CHAPTER 33 POLICE DEPARTMENT is hereby amended as follows:

Add:

Article XIV
Parking Enforcement Officer

§ 33-39. Parking Enforcement Officer.

- A. Definitions. A "Parking Enforcement Officer" shall meet the definition under N.J.S.A. 40A:9-154.8, as amended.
- B. Appointment. The Borough Manager shall, as it deems, necessary, appoint a Parking Enforcement Officer to enforce state, county or municipal statutes, resolutions, ordinances or regulations related to the parking and vehicles within the Borough in accordance with the provisions of N.J.S.A.40A:9-154.7, as amended.
- C. Powers and Duties. Under the direction and supervision of the Chief of Police or his/her designee, a Parking Enforcement Officer shall possess the power and authority in the manner and to the extent granted by the Borough to:
 - (1) Issue a parking ticket for a parking offenses as those terms are defined in the Parking Offenses Adjudication Act, P.L. 1985 c. 14 (N.J.S.A. 39:4-139.2 et seq)
 - (2) Serve and execute all process for any parking offense issuing out of the court in the municipality have jurisdiction over the complaint; and
 - (3) Cause any vehicle parked, stored or abandoned in the municipality in violation of a statue, resolution, ordinance or regulation to be

towed away from the scene of the violation and to collect from the vehicle owner or the owner's agent, on behalf of the Borough, the costs of towing and subsequent storage of the vehicle before surrendering the vehicle to the owner's agent.

D. Restrictions on Powers and Benefits.

- (1) A Parking Enforcement Officer is not a member of the Police Department of the Borough. A Parking Enforcement Officer is deemed to be on duty while the Officer is performing the public safety functions enumerated in §33-39 (c) of this article and for which the Officer is receiving compensation from the Borough.
- (2) A Parking Enforcement Officer is not eligible for membership in the Police and Firemen's Retirement System established pursuant to P.L. 1944, c .255 (N.J.S.A. 43-16A-1 et seq.).

E. Qualifications. No person may be appointed as a Parking enforcement Officer unless, at a minimum, the person:

- (1) Meets all qualifications set forth under N.J.S.A. 40A:9-154.9, as amended; and
- (2) Has been qualified as a successful candidate by the Chief of Police in accordance with the provisions of 40A:9-154.10, as amended; and
- (3) Has successfully completed a training course, conducted or approved by the Borough or who has been deemed to be exempt from the training course by the Chief of Police in accordance with the N.J.S.A. 40A:9-154.11, as amended.

F. Uniform. Prior to the commencement of his/her duties, every Parking Enforcement Officer shall be furnished and shall wear a uniform which shall include an insignia clearly indicating the Officer's status as Parking Enforcement Officer in accordance with N.J.S.A. 40A:9-154.12.

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

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

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

Attest:

Approved:

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

John Cosgrove, Mayor

Introduced: April 19, 2016

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 167-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2387-2016 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 (20th STREET).”**

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 17th day of May, 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. 2387-2016

"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 (20th STREET)."

WHEREAS, the Borough of Fair Lawn has been approved to receive funds from the State of New Jersey, Department of Transportation.

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.

IMPROVEMENTS TO 20TH STREET \$155,500

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 \$155,500.00 through the State of New Jersey Department of Transportation 2016 Municipal Aid Program.

SECTION 3. It is hereby determined and stated:

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

(b) It is not necessary to finance said purpose by the issuance of obligations by the Borough of Fair Lawn pursuant to the Local Bond Law of the State of New Jersey, for the reason that monies sufficient to cover the whole cost thereof shall be available through the State of New Jersey.

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: April 19, 2016

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 168-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2376-2016 entitled:

**BOND ORDINANCE APPROPRIATING \$2,300,000, AND AUTHORIZING THE
ISSUANCE OF \$2,190,000 BONDS OR NOTES OF THE BOROUGH, FOR
VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE
UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF
BERGEN, NEW JERSEY (GENERAL IMPROVEMENTS).**

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. 2376-2016

BOND ORDINANCE APPROPRIATING \$2,300,000, AND AUTHORIZING THE ISSUANCE OF \$2,190,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY (GENERAL IMPROVEMENTS).

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Fair Lawn, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$2,300,000 including the aggregate sum of \$110,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$2,300,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,190,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$2,190,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
<p>(a) Acquisition by purchase and installation, as necessary, of new and additional equipment, including stretchers, loaders and personal protective equipment for use by the Ambulance Squad of the Borough, roll off containers and street signs for use by the Department of Public Works of the Borough, personal protective equipment, self-contained breathing apparatus and pagers for use by the Fire Department of the Borough, confined space equipment and personal protection equipment for use by the Office of Emergency Management of the Borough, lighting equipment and equipment, for use by the Parks and Recreation Department of the Borough, and body armor, a storage unit and video equipment for use by the Police Department of the Borough, together with for all the aforesaid all attachments, appurtenances and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved</p>	\$498,900	\$475,000
<p>(b) Improvement of municipally-owned properties and facilities in and by the Borough, including the Municipal Buildings by the renovation thereof and the improvement of heating, ventilation and air conditioning system, the Naugle House by the renovation thereof, VanderPlaat Field by the installation of a new pitching mound, Garger Field and Zuckerman Field by the upgrade of the</p>		

infields thereof, Borough parks and fields by the installation of new fencing and the improvements thereof, the Free Public Library and the Parks and Recreation offices by the installation of new carpeting, together with for all the aforesaid all landscaping, equipment, structures, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved

530,100

504,800

(c) Improvement of the storm water drainage system and the sanitary sewerage system in and by the Borough, the reconstruction and renovation of sanitary sewer lines, pumping stations and the Radburn station, together with all structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved

148,500

141,400

(d) Acquisition by purchase and installation, as necessary, of new and additional computer equipment, including computer upgrades, software and video streaming equipment for use by the various departments of the Borough, together with all appurtenances, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved

120,600

114,800

(e) Acquisition by purchase of new and

874,100

832,300

additional vehicular equipment, including one (1) utility vehicle for use by the Department of Public Works of the Borough, one (1) utility vehicle for use by the Fire Department of the Borough, one (1) Hazmat/Rescue truck and two (2) utility vehicles for use by the Office of Emergency Management of the Borough, one (1) pick-up truck for use by the Parks and Recreation Department of the Borough, and one (1) utility vehicle for use by the Police Department of the Borough, together with all attachments, appurtenances and equipment necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved

(f) The acquisition by purchase of rights and interests in lands for the improvement of roadways, including all surveys and studies associated therewith, all shown on and in accordance with the plans therefor on file or to be filed in the office of the Borough Clerk and hereby approved

	<u>127,800</u>	<u>121,700</u>
Totals	\$2,300,000	\$2,190,000

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby,

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 13.78 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,190,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$230,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct,

unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

ATTEST:

APPROVED:

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

John Cosgrove, Mayor

Introduced: March 22, 2016

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 169-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2377-2016 entitled:

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,510,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,438,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION (ROADS).

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 2377-2016

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,510,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,438,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION (ROADS).

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Fair Lawn, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$1,510,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$72,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvement or purpose and to meet the part of said \$1,510,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,438,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$1,438,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the reconstruction and resurfacing of various roads and parking lots in and by the Borough so as to provide roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law), together with all milling, paving, curbing, guide rails, reflectors, dividers, drainage facilities, sanitary sewer facilities, signage, structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans

and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$1,438,000.

(c) The estimated cost of said purpose is \$1,510,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$72,000 down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,438,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be

determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

ATTEST:

APPROVED:

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

John Cosgrove, Mayor

Introduced: March 22, 2016

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 170-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2378-2016 entitled:

BOND ORDINANCE APPROPRIATING \$1,140,000, AND AUTHORIZING THE ISSUANCE OF \$1,085,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS WATER SUPPLY AND DISTRIBUTION SYSTEM IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY (WATER UTILITY).

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. 2378-2016

BOND ORDINANCE APPROPRIATING \$1,140,000, AND AUTHORIZING THE ISSUANCE OF \$1,085,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS WATER SUPPLY AND DISTRIBUTION SYSTEM IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY (WATER UTILITY).

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Fair Lawn, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$1,140,000 including the aggregate sum of \$55,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$1,140,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,085,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$1,085,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Acquisition by purchase of new and additional vehicular equipment for use by the water utility of the Borough, including one (1) utility vehicle with plow, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	\$39,000	\$37,000
(b) Improvement of the water supply and distribution system in and by the Borough, including by the upgrade of the water system, the installation of new water meters, the upgrade and renovation of the water house, wells, well houses, and pumping stations, and the upgrade of the Scada system, together with all structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	918,000	874,000
(c) Acquisition by purchase of new and additional equipment for use by the water utility of the Borough, including one (1) air compressor, one (1) valve maintenance trailer system and one (1) storage shed, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	<u>183,000</u>	<u>174,000</u>
Totals	\$1,140,000	\$1,085,000

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 34.7 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,085,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$112,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5 All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder

may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and, unless paid from the revenues of the water supply and distribution system of the Borough, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

ATTEST:

APPROVED:

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

John Cosgrove, Mayor

Introduced: March 22, 2016

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

CONSENT AGENDA 6-2016

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. #171-2016 – Cancellation of Capital Ordinances
- b. Resol. #172-2016 – Authorizing Multi-Year Contract for Maintaining NJSACOP Accreditation
- c. Resol. #173-2016 - Supporting Clean Water Supplies
- d. Resol. #174-2016 - Licensing Agreement: 12-03 Scribner Road
- e. Resol. #175-2016 - Authorizing Participation in the North Jersey Wastewater Cooperative Pricing System
- f. Resol. #176-2016 - Authorization for Special Water Sampling Services
- g. Resol. #177-2016 - Award of Bid: Radio Repair and Maintenance - Communications Specialists, Inc.
- h. Resol. #178-2016 - Appointment to the Green Team Advisory Committee
- i. Resol. #179-2016 - Authorizing Waiver of Outstanding Water Utility Charge
- j. Resol. #180-2016 - Cancellation of Purchase Order in the Water Utility Account
- k. Resol. #181-2016 - Authorizing Signature of Traffic Signal Agreement for Generator Adapted Controller Cabinets with the New Jersey Department of Transportation
- l. Resol. #182-2016 - Authorizing the Acceptance of Funds from a Subgrant Award from the FY2016 Federal Emergency Management Agency Assistance Program

- m. Resol. #183-2016 - Authorizing Approval of Massage Establishment License: Good Time Spa, 12-82 River Road
- n. Resol. #184-2016 - Approval of Minutes:
 - Regular Meeting 3/22/16
 - Closed Session 3/22/16
- o. Resol. #185-2016 - Approving Fire Board Actions

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 171-2016

By

Seconded by

WHEREAS, the Borough of Fair Lawn was awarded grants; and

WHEREAS the below project has been completed and all funds expended yet a receivable balances remain on the books; and

WHEREAS, the Borough has funded in operations and receivables in prior year allocated for this purpose should be cancelled; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn, that the below stated grant receivable be cancelled and charged to Capital Surplus.

Community Development Block Grant Receivable	
Improvements to Chandler Drive	
Ordinance # 2288-2013	\$ 14,897.15

BE IT FURTHER RESOLVED that the grant receivable of \$14,897.15 be cancelled and charged to surplus.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 172-2016

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 appropriations in the 2014 Municipal Budget to award a contract to The Rodgers Group, LLC, P.O. Box 831, Island Heights, New Jersey 08732 for Maintenance of the New Jersey State Police Association Chief of Police Accredited Agency Status in the amount of \$29,000.00. Funds for certification are therefore being made available and certified against the appropriation for the Department of Police, Account Number 601-25-240-000-771; and

Contract Period: 24 months

Total Amount of Contract: \$29,000.00

Amount Certified for Initial Eight (8) months: \$ 9,667.00

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

Second Year: 2017 \$14,500.00

Third Year: 2018 \$ 4,833.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn, hereby authorizes the contract for Maintenance of the New Jersey State Police Association Chief of Police Accredited Agency Status to The Rodgers Group, LLC in accordance with the RFP dated March 7, 2016.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 173-2016

By
Seconded by

WHEREAS, water is a necessary and fundamental building block of all life;

WHEREAS, clean drinking water is a fundamental right of New Jersey citizens;

WHEREAS, all drinking water in New Jersey is supplied by underground aquifers, rivers, and/or reservoirs replenished by rain, snow melt, or fed by rivers and streams;

WHEREAS, an ample supply of clean water is critical to agricultural production in the Garden State;

WHEREAS, an ample supply of clean water is necessary for a healthy economy and a robust business climate for key industries in New Jersey, such as hospitality, tourism, manufacturing, healthcare and others;

WHEREAS, New Jersey's ecosystems and wildlife rely on an adequate supply of clean water in creeks, streams, rivers, and ponds, and wetlands

WHEREAS, in 2015, 12 of the 21 counties in New Jersey entered into a state of drought watch and seven drought warnings, watches, and emergencies have been declared in New Jersey since the year 2000;

WHEREAS, in 1981, the New Jersey Legislature adopted Chapter 262, known as the Water Supply Management Act;

WHEREAS, the Water Supply Management Act requires the development of a Statewide Water Supply Plan;

WHEREAS, the Water Supply Management Act requires the New Jersey Department of Environmental Protection to update the Water Supply Master Plan at least every five years;

WHEREAS, the last completed and publicly available version of the Water Supply Plan occurred in 1996;

WHEREAS, for over a decade under an outdated State Water Supply Plan, land use planning and development has been proceeding in New Jersey without publicly available updated scientific or policy guidance regarding the availability of adequate water supplies;

WHEREAS, municipalities depend on the Governor of New Jersey and New Jersey Department of Environmental Protection to adopt policies and regulations allocating a safe, sustainable supply of New Jersey's water resources in accordance with the Water Supply Plan;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Fair Lawn respectfully requests that the Governor of New Jersey and the New Jersey Department of Environmental Protection release an update to the New Jersey Water Supply Master Plan immediately for public review and comment and, following such comment, finalize, adopt and implement the Plan; and

BE IT FURTHER RESOLVED that the Borough will send a letter to the Governor's office, the New Jersey Department of Environmental Protection and to our New Jersey Assembly and Senate members alerting them to our concerns about the lack of a current Water Supply Plan in New Jersey.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 174-2016

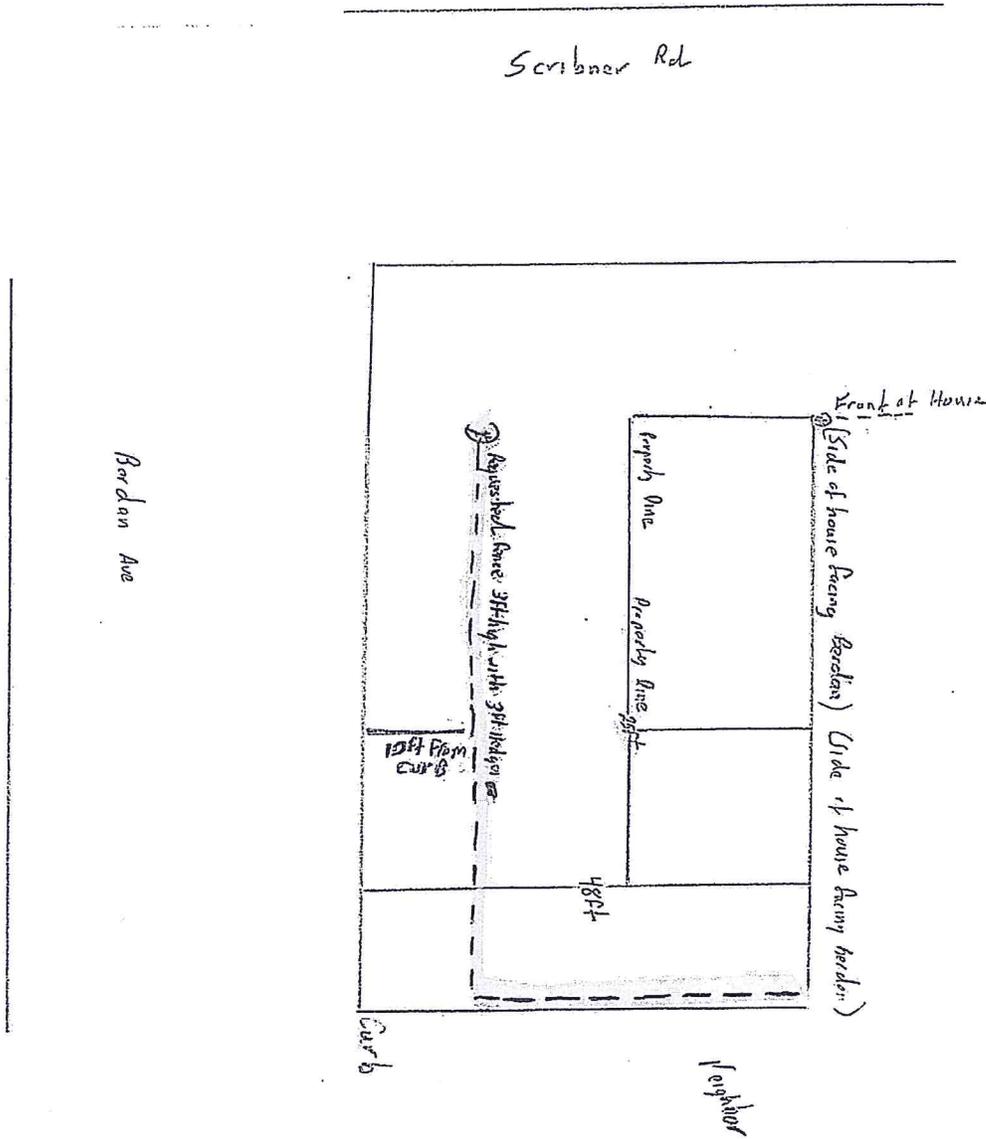
By

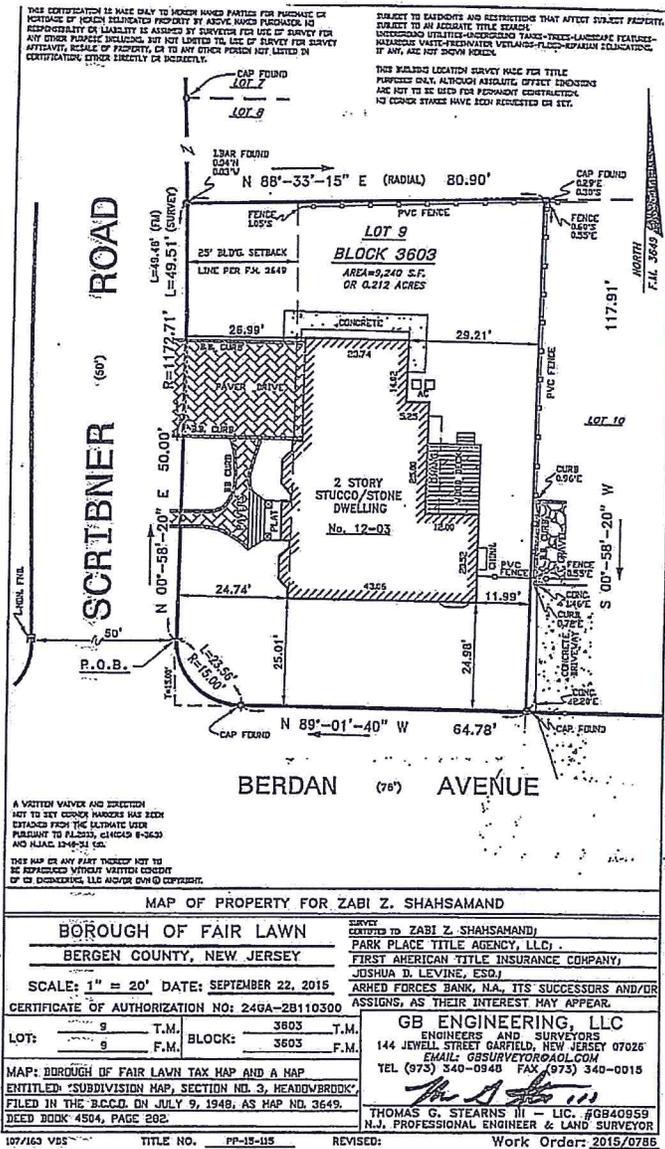
Seconded by

WHEREAS, the Mayor and Council of the Borough of Fair Lawn does hereby grant to Zabi Z. Shamsamand and Madina Nabi, residing at 12-03 Scribner Road (Lot 9 in Block 3603 on the Tax Assessment Map of the Borough of Fair Lawn), the right to construct a fence across the Borough's right of way, as shown more particularly on Schedule "A", attached hereto and made a part hereof, and which shall be done pursuant to and in accordance with all statutes, ordinances, rules and regulations of the State of New Jersey, County of Bergen and Borough of Fair Lawn.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the Mayor and Municipal Clerk be and they are hereby authorized to execute a License Agreement with to Zabi Z. Shamsamand and Madina Nabi, to be prepared by the Borough Attorney.

Corner Lot





Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 175-2016

By

Seconded by

WHEREAS, the Borough of Fair Lawn desires to become a member of the North Jersey Wastewater Cooperative Pricing System, NJWCPS, effective April 20, 2016 and, that such membership shall be for the period ending November 24, 2019, and each renewal, thereafter of the system, unless the Borough elects to formally withdraw from the system;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the Mayor and Municipal Clerk are hereby authorized to execute the attached agreement for such membership.

AGREEMENT
NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM

PARTICIPANTS:

This agreement made and entered into this day of , 2016 by and between the Passaic Valley Sewerage Commission (hereinafter referred to as "PVSC") and

a governmental corporation of the State of New Jersey or Public Agency located at

(hereinafter referred to as the "Participating Contracting Unit").

WITNESSETH:

LEGAL AUTHORITY:

WHEREAS, N.J.S. 40A:11-10 (5), specifically authorizes two or more contracting units to enter into a Cooperative Pricing System and Agreement for the purchase of work, materials and supplies; and

WORK TO BE PERFORMED:

WHEREAS, the Passaic Valley Sewerage Commission will conduct a Cooperative Pricing System with Participating Contracting Units, utilizing administrative purchasing services and facilities of the PVSC; and this Cooperative Pricing Agreement is to effect substantial economies in the purchase of goods and supplies; and

WHEREAS, the PVSC wishes to operate the **North Jersey Wastewater Cooperative Pricing System** (herinafter referred to as the NJWCPS) with the Bergen County Utilities Authority and the Joint Meeting of Essex and Union Counties, the Northwest Bergen County Utilities Authority, the Rahway Valley Sewerage Authority, and the Pequannock, Lincoln Park, Fairfield Sewerage Authority, the Town of Morristown, the Township of Wayne, City of Asbury Park, the Linden Roselle Sewerage Authority, the Sussex County Municipal Utilities Authority, the Township of Mine Hill , and the Musconetcong Sewerage Authority as well as other appropriate Public Agencies within or contingent to Northern New Jersey; and

WHEREAS, all parties hereto have approved the within Agreement by Ordinance or Resolution as appropriate, in accordance with the aforesaid statute; and

WHEREAS, it is the desire of all parties to enter into such Agreement for said purposes;

NOW, THEREFORE, in consideration of the conditions hereinafter set forth, it is mutually agreed as follows:

1. The goods or supplies to be priced cooperatively may include Spare Parts, Instrumentation Equipment, Maintenance Chemicals, Motor Repair/Replacement/Installation, Safety Equipment, Electrical Equipment, Laboratory Supplies, Wireless Monitoring and Alarm System Equipment, Bulk Chemicals and such other items as two or more participating contracting units in the system agree can be purchased on a cooperative basis, providing the PVSC consents to these other

items.

The items and classes of items which may be designated by the participating contracting units hereto may be purchased cooperatively for the period commencing with the execution of this Agreement and continuing until terminated as hereinafter provided.

ADMINISTRATION AND OPERATION OF SYSTEM:

2. The PVSC, on behalf of all participating contracting units, at the beginning of participating in the NJWCPS, and during each January thereafter, shall publish a legal advertisement in such format as required by the State Division of Local Government Services in a newspaper normally used for such purposes by it to include such information as:

- (1) The name of the participating contracting units, and
- (2) The name of the Cooperative Pricing System soliciting competitive bids or informal quotations, and
- (3) The address and telephone number of the NJWCPS, and
- (4) The State Identification Code for the Cooperative Pricing System, and
- (5) The expiration date of the Cooperative Pricing Agreement.

3. The specifications shall be prepared and approved by the NJWCPS and filed as required by law, and no changes shall thereafter be made except as permitted by law. Nothing herein shall be deemed to prevent changes in specifications for subsequent purchases.

4. The NJWCPS may provide the Participating Units with the copies of the specifications at least thirty (30) days prior to seeking bids and will notify the Participating Contracting Units, in writing, of the item(s) on which it will seek bids. Fifteen (15) days prior to advertising, each of the participating contracting units shall designate, in writing, to the NJWCPS, the items to be purchased and indicate therein the approximate quantities desired, the location for delivery and other requirements, to permit the preparation and filing of specifications as provided by law.

The NJWCPS will call a meeting of all Participating Contracting Units each December in order to provide the participants with an opportunity to discuss the goods or services to be priced cooperatively and the terms of the specifications for the next calendar year.

5. A single advertisement for bids or the solicitation of informal quotations for the goods or services to be purchased shall be presented on behalf of all of the Participating Contracting Units desiring to purchase any item by the NJWCPS in the Cooperative Pricing System.

6. In seeking bids the NJWCPS will include in the specifications two categories upon which bids are sought: (a) the PVSC's requirements, stated in definite quantities; and (b) the Participating Contracting Units, stated as an estimated total quantity of the needs of all the other Participating Contracting Unit. The specification for this category shall list the other Participating Contracting Units, their delivery address, their estimated maximum quantities and other relevant information to permit the bidder to understand what is potentially involved. The bids will contain: (1) a provision stating that contracts shall be in compliance with N.J.A.C. 5:30-5.5 (B), open-end contract rules; and (2) language requiring the bid price(s) to be stated so that it is uniform with respect to both categories (the NJWCPS and other Participating Contracting Units).

The provision with respect to the other contracting units category will allow the bidder to indicate if it is willing to provide the item(s) bid upon to other participating contracting units in the system; or if it is not willing to extend prices to other participating units in the systems.

7. The NJWCPS shall advertise for bids or the solicitation of informal quotations and shall receive bids or quotations on behalf of all Participating Contracting Units. Following the receipt of bids, the NJWCPS shall review said bids and on behalf of all Participating Contracting Units, either reject all or certain of the bids or make an award to the lowest responsible bidder or bidders for each separate item. This award shall result in the NJWCPS entering into a master contract with the successful bidder(s)

8. The PVSC shall enter into a formal written contract(s), when required by law, directly with the successful bidder(s) only after it has certified the funds available only for its own needs ordered. Each Participating Contracting Unit shall also certify the funds available only for its own needs ordered; enter into a formal written contract, when required by law, directly with the successful bidder(s); issue purchase orders in its own name directly to the successful bidder(s) against said contract; accept its own deliveries; be invoiced by and receive statements from the successful bidder(s); make payment directly to the successful bidder(s); and be responsible for any tax liability. No Participating Contracting Unit in the Cooperative Pricing System shall be responsible for payment for any items ordered or for performance generally, by any other Participating Contracting Units and shall accordingly be liable only for its own performance and for items ordered and received by it and none assumes any additional responsibility or liability. The provisions of this paragraph shall be quoted or referred to and sufficiently described in all advertisements for bids by the NJWCPS so that each bidder shall be on notice as to the respective responsibilities and liabilities of the Participating Contracting Units. The NJWCPS shall supply the Participating Contracting Units with copies of the specifications, name of successful bidder, prices awarded and the contract identification number. Each Participating Contracting Unit may then order directly from that vendor by purchase order if under the appropriate statutory bid limit or by contract of the governing body or agency if over the appropriate statutory bid limit. The identification number shall be affixed to each purchase order or contract and shown on all forms pertaining thereto.

9. If the lowest responsible bidder declines to extend prices to the Participating Contracting Units all bids shall be rejected and no further bids will be sought by the NJWCPS on behalf of the Participating Contracting Units.

10. A bidder shall not be required or permitted to extend his bid prices to Participating Contracting Units unless he has voluntarily agreed to do so as part of his bid.

11. Nothing in this Agreement shall prevent any Participating Contracting Unit from awarding contracts of purchase, with or without advertising, individually and on its own behalf, provided, however, that invitations for such individual bids shall not be advertised, nor shall bids be received individually, during the period in which the NJWCPS is advertising for and receiving bids for the same goods or services, except in the case of emergency or hardship.

12. No purchase order or contract shall be issued by any Participating Contracting Unit for a price which exceeds any other price available to it from any other such system in which it is authorized to participate or from bids which it has itself received.

13. The NJWCPS reserves the right to exclude any goods or services from within said system if, in its opinion, the pooling of purchasing requirements or needs of the Participating Contracting Units is either not beneficial or not workable.

ADMINISTRATIVE COSTS:

14. The PVSC shall bear all costs associated with administering the Cooperative Pricing

system and bidding process including cost of advertising and administration and the Participating Contracting Units shall not be obligated for any part of such expenses.

DURATION AND TERMINATION:

15. This Agreement shall become effective the date executed, subject to the approval of the Director of the Division of Local Government Services and shall continue in effect for a period not to exceed five (5) years from said date or the term of the current approval unless any party to this Agreement shall give written notice of its intention to terminate its participation at least 30 days prior. The NJWCPS may choose to terminate registration of the system no later than 30 days prior to the expiration date of the system. Renewal of the system will be in accordance with the provisions of N.J.A.C. 5:34-7.6, as may be amended.

16. This Agreement and the Cooperative Pricing System will not terminate nor be invalidated by the PVSC or the withdrawal or addition of any Participating Contracting Unit. However, this Agreement and the Cooperative Pricing System shall be terminable and invalidated at the instance of the NJWCPS upon written notice to the Participating Contracting Unit and without recourse against the NJWCPS for any reason or if continuance of the within system becomes unlawful for any reason.

DOCUMENTATION:

17. All records and documents maintained or utilized pursuant to the terms of this Agreement shall be identified by the code number assigned by the Director, Division of Local Government Services, and such other numbers as are assigned by the NJWCPS for purposes identifying each contract and item awarded.

18. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto.

19. This Agreement may be executed in several counterparts, each of which, when so executed, shall be deemed to be an original, but such counterparts shall together constitute but one and the same instrument.

[INSERT ENTITY NAME]

BY: _____

[Authorized Signature and Title]

(SEAL)

ATTEST BY: _____

[Authorized Signature and Title]

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 176-2016

By

Seconded by

WHEREAS, the Borough of Fair Lawn Mayor and Council have called for special water sampling; and

WHEREAS, it is necessary to invoke N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 which allows the purchase of goods and services in response to an emergency without regard to local public contract law in order to obtain immediate delivery of services and any necessary goods to perform special water sampling; and

WHEREAS, the Borough Engineer and Purchasing Agent have recommended the utilization of Agra Environmental & Lab Services located at 90 W. Blackwell Street, Dover, New Jersey 07801, for special water sampling in the amount of \$2,800; and

WHEREAS, the funds are available in the Borough of Fair Lawn's 2016 Utility Budget and referencing Purchase Order Number 16-01394.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fair Lawn, is hereby authorized to enter into a contract, in accordance with N.J.S.A. 40A:11-6, with Agra Environmental & Lab Services located at 90 W. Blackwell Street Dover, New Jersey 07801, for special water sampling in the amount of \$2,800.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 177-2016

By

Seconded by

WHEREAS, bids were received for Radio Repair and Maintenance by the Assistant Municipal Clerk on March 29, 2016; and

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

WHEREAS, Communications Specialist, Inc. having an office located at 11C Harts Lane, East Brunswick, New Jersey 08816 is the lowest responsible bidder for Proposal #1A in the amount of \$2,500.80, Proposal #1B in the amount of \$42.00 per hour, Proposal #1C in the amount of \$95.00 per hour and Proposal #2 in the amount of \$42.00 per hour;

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 Communications Specialists, 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

April 19, 2016

RESOLUTION NO. 178-2016

By

Seconded by

WHEREAS, pursuant to Resolution No. 268-2009 the Mayor and Council established the Green Team Advisory Committee;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that all members of the committee as constituted and any additional members to be appointed shall have their terms terminate on December 31, 2016:

Brian Metzler
8-01 Fair Lawn Avenue

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 179-2016

By

Seconded by

WHEREAS, Kenneth Manning residing at 12-77 Sunnyside Drive received a water bill in the amount of \$636.00 which is much higher than his usual bill; and

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

WHEREAS, said water meter has been replaced; and

WHEREAS, Mr. Manning has requested that the accumulated charges of \$593.60 be waived.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the amount of \$593.60 should be waived.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 180-2016

By

Seconded by

WHEREAS, the Borough of Fair Lawn has on the books in the Water Utility Account an outstanding balance in accounts payable; and

WHEREAS the below listed Purchase Orders have been reviewed and determined that there no longer exists a liability; and

WHEREAS, the Borough has confirmed with the Borough Auditor that the below stated Purchase Orders that comprise the balance in Accounts Payable should be cancelled; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn, that the below stated purchase orders be cancelled and charged to Fund Balance.

Purchase Order # 66679	\$ 399.00
Purchase Order # 36118	\$ 576.00
Purchase Order # 57217	\$ 35.00
Purchase Order # 58027	\$2,223.56

BE IT FURTHER RESOLVED that the accounts payable balance of \$ 3,233.56 be cancelled and charged to fund balance.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 181-2016

By

Seconded by

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the Mayor and Municipal Clerk are hereby authorized to sign the agreements between the Borough of Fair Lawn and the State of New Jersey, Department of Transportation for Generator Adapted Controller Cabinets at the following locations: Route 4, 32nd Street and Fair Lawn Parkway and at Route 4, 26th Street and Plaza Road.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 182-2016

By

Seconded by

WHEREAS, the Borough of Fair Lawn, Office of Emergency Management has been awarded Emergency Management Agency Assistance Subgrant Program ("EMAA") from the New Jersey State Police Office of Emergency Management Agency available for successful applicants funded through the FY2016 Emergency Management Performance Grant for the dates of July 1, 2015 through June 30, 2016; and

WHEREAS, the Subgrant, consisting of a total amount of \$14,000 including \$7,000 Federal Award and \$7,000 Local Matching Funds which the Fair Lawn Office of Emergency Management will satisfy with the Office of Emergency Management's existing salaries and wages.

NOW THEREFORE BE IT RESOLVED, that the Borough of Fair Lawn shall accept the award of the FY2016 Emergency Management Agency Assistance Sub-grant Program in the amount of \$7,000 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

BE IT FURTHER RESOLVED, by the Borough of Fair Lawn that the Borough Manager, the Chief Financial Officer and the Emergency Management Coordinator are hereby authorized to sign the required Grant Applications/ Subgrant Award Documents with the New Jersey State Police, Office of Emergency Management.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 183-2016

By

Seconded by

WHEREAS, Good Time Spa located at 12-82 River Road, Fair Lawn, New Jersey, has made application to the Borough pursuant to RGO144-2 for its massage establishment license; and

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

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 184-2016

By

Seconded by

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

Regular Meeting 3/22/16
Closed Session 3/22/16

are hereby approved.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 185-2016

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:

Resignation:

Jeff Della Chiaie
26-19 Warren Road
Co. 3

Leave of Absence:

Jason Zink
2-03 Lyons Avenue
Co. 1

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

April 19, 2016

RESOLUTION NO. 186-2016

By

Seconded by

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

Work Session 3/8/16
Closed Session 3/8/16

are hereby approved.