

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.**

**MAY 17, 2016**

1. **Call to Order by Mayor**
2. **Statement of Compliance with the Open Public Meetings Act**
3. **Roll Call**
4. **Flag Salute**
5. **SWEARING IN OF POLICE OFFICERS & PROMOTIONS**
6. **PROCLAMATIONS: MENTAL HEALTH AWARENESS**
7. **COUNCIL COMMENTS**
8. **MAYOR'S APPOINTMENTS:**
  - Historic Preservation Commission - Howard Sperling (Class C), C. Boyd Cote (Class C)
9. **ORDINANCES ON FIRST READING:**

**ORDINANCE NO. 2388-2016  
(RESOLUTION NO. 187-2016)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES" ARTICLE VI, SCHEDULE OF FEES, SUBSECTION 94-12 ENTITLED "MISCELLANEOUS FEES" AND CHAPTER 208 "STREETS AND SIDEWALKS"**

- 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. 2389-2016  
(RESOLUTION NO. 188-2016)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES" ARTICLE VI, SCHEDULE OF FEES, SUBSECTION 94-12 ENTITLED "MISCELLANEOUS FEES" AND CHAPTER 160, ENTITLED PARKS AND RECREATION AREAS, SUBSECTION 160-6B NON-SWIMMER MEMBERSHIP BADGE**

- 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. 2390-2016  
(RESOLUTION NO. 189-2016)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 220 ENTITLED "TOBACCO"**

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

**10. ORDINANCES ON SECOND READING:**

**ORDINANCE NO. 2383-2016  
(RESOLUTION NO. 190-2016)**

**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 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, Second, Roll Call.
- Municipal Clerk reads the Resolution of Adoption. Mayor asks for a Mover, Second, Discussion, Roll Call.

**ORDINANCE NO. 2384-2016  
(RESOLUTION NO. 191-2016)**

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

**ORDINANCE NO. 2385-2016  
(RESOLUTION NO. 192-2016)**

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

**ORDINANCE NO. 2386-2016  
(RESOLUTION NO. 193-2016)**

**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 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. 2387-2016  
(RESOLUTION NO. 194-2016)**

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

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

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

**12. RESOLUTIONS BY CONSENT #7-2016**

- Municipal Clerk reads Resolutions by Consent.
  - a. Resol. #195-2016 – Approving the 2015 LOSAP Certification List
  - b. Resol. #196-2016 – Requesting Approval of Special Item of Revenue - NJACCHO - Health Grant
  - c. Resol. #197-2016 – Opposing Parole for Christopher Righetti
  - d. Resol. #198-2016 - Authorizing Donation of Snow Plow to the Borough of Midland Park
  - e. Resol. #199-2016 – Cancelling Resolution No. 171-2016
  - f. Resol. #200-2016 – Authorizing Approval of Massage Establishment License – Angel Wellness
  - g. Resol. #201-2016 - Interlocal Agreement with the Borough of Elmwood Park for the Use of Memorial Pool
  - h. Resol. #202-2016 - Issuance of Estimated Tax Bills for Third Quarter 2016
  - i. Resol. #203-2016 - Authorizing the Knights of Pythias Circus at Memorial Pool
  - j. Resol. #204-2016 - Approval of Minutes:  
Regular Meeting 4/19/16  
Closed Session 4/19/16
  - k. Resol. #205-2016 – Tax Collector Appointments
  - l. Resol. #206-2016 - Endorsement of CDBG Application: AAH of Bergen County
  - m. Resol. #207-2016 - Soft Drink & Food Concession Stand Memorial Pool
  - n. Resol. #208-2016 - Award of Bid: Chlorine - Accu-Tab Blue Calcium Hypochlorite
  - o. Resol. #209-2016 - Appointment to Environmental Commission
  - p. Resol. #210-2016 - Appointment to Zoning Board of Adjustment
  - q. Resol. #211-2016 - Award of Bid: Municipal Facilities HVAC Maintenance and Repair
  - r. Resol. #212-2016 - Change in Custodian of Petty Cash Fund
  - s. Resol. #213-2016 - Authorizing Purchases with Pumping Services, Inc.
  - t. Resol. #214-2016 - Award of Bid: Project #2259 Roadway Improvements 2016 - Contract 1
  - u. Resol. #215-2016 - Interlocal Agreement with the Borough of Woodland Park for the Use of Memorial Pool
  - v. Resol. #216-2016 - Refund of Overpayment of Taxes
- Mayor asks for a Mover, Secunder, Roll Call.

**13. RESOLUTION No. 217-2016 – APPROVAL OF MINUTES:  
WORK SESSION 4/5/16  
CLOSED SESSION 4/5/16**

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

**14. PUBLIC COMMENTS**

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

**15. ADJOURNMENT:**

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 187-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2388-2016 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES" ARTICLE VI, SCHEDULE OF FEES, SUBSECTION 94-12 ENTITLED "MISCELLANEOUS FEES" AND CHAPTER 208 "STREETS AND SIDEWALKS"**

be introduced and does now pass a first reading and that said ordinance be further considered for final passage at a regular meeting of the Borough Council to be held at the Municipal Building, 8-01 Fair Lawn Avenue, Fair Lawn, New Jersey, on the 21st day of June, 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. 2388-2016**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES" ARTICLE VI, SCHEDULE OF FEES, SUBSECTION 94-12 ENTITLED "MISCELLANEOUS FEES" AND CHAPTER 208 "STREETS AND SIDEWALKS"**

**WHEREAS**, the Governing Body pursuant to N.J.S. 40:65-1, among other things, has the authority to regulate the repair of sidewalks and distribute the cost of repair to the owners of the real estate in front of which the repair is made; and

**WHEREAS**, injuries due to defective sidewalks have cost the Borough substantial sums of money; and

**WHEREAS**, the Governing Body anticipates a reduction in injuries caused by defective sidewalks through this legislation; and

**WHEREAS**, the Governing Body anticipates a reduction in the expense and costs associated with these injuries caused by defective sidewalks through this legislation; and

**WHEREAS**, in light of the above, the Mayor and Council of the Borough of Fair Lawn have unanimously agreed to make changes to the Borough's sidewalk ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Fair Lawn that the following amendments be made to Chapter 208 ([brackets] denote deletions and underline denotes additions):

**SECTION I. CHAPTER 94-12 MISCELLANEOUS FEES** is hereby amended as follows:

**Article VI. Schedule of Fees**

**§94-12. Miscellaneous Fees**

X. Chapter 208, Streets and Sidewalks.

[(2) Section 208-11. Opening a public street within the Borough: \$20 per square yard of street opening, to be deducted from the deposit submitted with the application.]

**SECTION II.** Borough Code Chapter §208 "Streets and Sidewalks" is hereby amended as follows:

Definitions

Footways

Pavement that lead from a street in the Borough of Fair Lawn and travel between private properties, including Radburn homes and along private parks owned by the Radburn Association before opening onto either the same Borough street at a different location or a different Borough street. The word sidewalk contained herein shall also refer to a footway.

**SECTION III.** Borough Code Chapter §208-9 entitled "**Procedures for street excavations.**" is hereby amended as follows:

- D. Backfilling shall use ¾" quarry processed stone (Q.P.) as the material for backfill. No more than six inches of material shall be backfilled at one time. [shall be done with a pervious material such as fill dust, sand or other such pervious materials. Clay or heavy black loam shall not be used.] The backfill material shall be thoroughly tamped with a vibratory compacter as the excavation is being filled. All excess material shall be removed from the roadway.
- F. [In the event the permittee is granted permission to make temporary and permanent restoration of pavement,] The permittee shall be responsible for the installation of final pavement restoration. Restoration shall include the installation of HMA 19M6 –Base Course 4" thick and HMA 9.5M64 surface course 2" thick on the prepared backfill [the] material. The permittee shall be solely responsible for any and all damages which may occur as a result of the opening from the time the opening is made until such time that permanent restoration of the pavement has been made and approved. The permittee shall be required to make complete restoration on concrete or concrete base pavements.

**SECTION IV.** Borough Code §208-11 is deleted in its entirety. Borough Code §208-12 is renumbered to Borough Code §208-11. Borough Code §208-12 remains blank and available for future use.

**SECTION V.** Borough Code Chapter §208, Article IV entitled "**Curb and Sidewalk Construction.**" is hereby amended as follows:

**Curb, [and] Sidewalk and Apron Construction, Reconstruction and Repair.**

Borough Code Chapter §208-13, Article IV entitled "**Curb and sidewalk required when building; regulation concerning paving streets.**" is hereby amended as follows:

**[Curbs and sidewalk required when building; regulation concerning paving streets.] Duty of Adjoining Property Owners.**

[No person shall erect any dwelling, business or industrial structure on a lot fronting on a public street in the borough without constructing in front of the property on which the building is located, curbs and sidewalks and, in the event that the person owns both sides of a street, pavement.] It shall be the duty of any owner or owners of real property abutting or adjacent to any public right of way or street in the Borough of Fair Lawn, at his sole cost and expense, to install, construct, repair, alter, relay, reconstruct and maintain the curb and sidewalks in front of or abutting such property whenever such curb, sidewalks or aprons are required as hereinafter provided or, being already installed, shall be in such state of deterioration or disrepair as to constitute a hazard to the general public using said sidewalks unless they are repaired, altered, relaid or reconstructed. In addition to the foregoing, it shall also be the duty of the owner, at his sole cost and expense, to install, construct, repair, alter, relay or reconstruct curbs where the deterioration or damage to the same has been caused by the action of such owner. The owner of the land abutting or adjacent to any curb, sidewalk or apron shall be responsible for the construction, repair, relaid or reconstruction of said sidewalk whether the public street is under the jurisdiction of the Borough of Fair Lawn or the County of Bergen.

Borough Code Chapter §208-14, Article IV entitled "**Curbs, sidewalks and pavement required on plat plan; inspection fees**" is hereby amended as follows:

**[Curbs, sidewalks and pavement required on plat plan; inspection fees.] When Construction Required**

- A. No person shall erect any dwelling, business or industrial structure on a lot fronting a public right-of-way in the borough without constructing in front of the property on which the building is located concrete curbs, sidewalks and aprons.
- B. Every applicant for a building permit shall indicate on the plat plan the location of curbs and sidewalks; and if required, pavement; and shall,

before obtaining a permit, pay to the Code Enforcement Officer fees to cover the cost of inspection of the work as follows: 100% of actual costs.

**[§208-15. Applicant to obtain lines and grades from borough engineer.]**

- C. Before applying for a building permit, each applicant governed by the provisions of this article shall obtain from the Borough Engineer lines and grade, and all sidewalks, curbs and road improvements made shall be to the line and grade so established by the Borough Engineer.

**§ 208-15 When Repairs Required.**

- A. In accordance with the notice procedure provided in this section, any concrete curb, sidewalk or apron on any public right-of way which is out of line or grade or is broken or out of repair or is otherwise in need of reconstruction or repair shall be relaid to the approved line and grade, or the broken portions thereof shall be repaired or reconstructed by the owner of the land in front of which any such improvement, reconstruction or repair is to be made.
- B. Whenever the Borough determines that such curb or sidewalk work is necessary, it shall cause notice thereof, duly signed by the Borough Manager or his designee, to be served upon such owner, directing the property owner to do the work within 45 consecutive days after service of the notice. The notice shall specify in sufficient detail the character of the improvement, reconstruction or repair to be made; shall set forth a description of the property affected, sufficiently definite to identify the same; and shall otherwise comply with the requirements of Chapter 65 of Title 40 of the Revised Statutes for such case made and provided.
- C. If said owner fails to make such improvement, reconstruction or repair within 45 days after service of the notice aforesaid, then the Borough may have the work done at the cost and expense of said owner. The Borough Manager or designee shall keep an accurate account of the cost thereof. If such cost or any part thereof is to be assessed upon the several properties fronting on the improvement, he shall assess such cost on the several properties fronting on the improvement in proportion to their respective frontage thereon and file a report thereof under oath with the Borough Clerk. The Borough Council, after notice to the owner or owners, shall confirm said report and file it with the Tax Collector. Such sidewalk assessments shall bear interest from the time of confirmation and shall be a lien on the real estate assessed. This paragraph shall also apply to

improvements located between properties with such cost or any part thereof to be assessed upon the properties between the improvements.

**SECTION VI.** Borough Code Chapter §208-18, Article V entitled "**Required specifications for curbs, sidewalks and driveway.**" is hereby amended as follows:

No person shall construct a concrete curb, sidewalk or driveway within the line of any public right-of way [street] in the borough unless in accordance with the requirements of this article.

Borough Code Chapter §208-19, Article V entitled "**Application for permit; fees.**" is hereby amended as follows:

Before constructing a concrete curb, sidewalk or apron [driveway] application shall first be made, in writing, for a permit from the Code Enforcement Officer, which permit shall specify the lot and block in front of which the work is to be done, the name and address of the owner of the property, the name and address of the person performing the work; and if premixed concrete is used, the name and address of the person furnishing the same. The application shall be accompanied by any inspection or other fees required. The fee shall be as set from time to time by resolution of the Borough Council.

Borough Code Chapter §208-20, Article V entitled "**Standards of workmanship and materials.**" is hereby amended as follows:

New Curbs, sidewalks and aprons shall be concrete. In the construction of concrete curbs, sidewalks, and aprons [curbs and driveways,] standards of workmanship and materials shall meet those contained in NJDOT standard [state highway] specifications as currently amended, heretofore adopted by the Borough as standard for all road construction work. Specifications are on file in the Code Enforcement Officer's office.

**SECTION VII.** Except as herein amended and supplemented, Chapter 208 shall remain in full force and effect.

**SECTION VIII.** 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 IX.** All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

**SECTION X.** This Ordinance shall take effect upon passage and publication as required by law.

Attest:

Approved:

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

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John Cosgrove

Introduced: May 17, 2016

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 188-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2389-2016 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES" ARTICLE VI, SCHEDULE OF FEES, SUBSECTION 94-12 ENTITLED "MISCELLANEOUS FEES" AND CHAPTER 160, ENTITLED PARKS AND RECREATION AREAS, SUBSECTION 160-6B NON-SWIMMER MEMBERSHIP BADGE**

be introduced and does now pass a first reading and that said ordinance be further considered for final passage at a regular meeting of the Borough Council to be held at the Municipal Building, 8-01 Fair Lawn Avenue, Fair Lawn, New Jersey, on the 21st day of June, 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. 2389-2016**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES" ARTICLE VI, SCHEDULE OF FEES, SUBSECTION 94-12 ENTITLED "MISCELLANEOUS FEES" AND CHAPTER 160, ENTITLED PARKS AND RECREATION AREAS, SUBSECTION 160-6B NON-SWIMMER MEMBERSHIP BADGE**

**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:

Delete:

(3) Section 160-6B. Non-swimmer membership badge: \$5

Add:

(3) Section 160-6B. Non-swimmer membership badges: No fee for those Fair Lawn residents who are 62 years and older.

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

**Section 3. CHAPTER 160 PARKS AND RECREATION AREAS** is hereby amended as follows:

**§160-6. Miscellaneous Fees**

Delete:

B. Non-swimmer membership badge.

(1) Any person(s) who is a Fair Lawn resident who will not be wading, standing or swimming in the swimming pools(s), must purchase a non swimmer membership badge which must be worn at all times while at the facility. A fee as set forth from to time to time by

ordinance of the Borough Council, shall be charged for such badge.

Add:

B. Non-swimmer membership badge.

- (1) Any person(s) who is a Fair Lawn resident and 62 years old or older who will not be entering the water including but not limited to wading, standing or swimming in the swimming pools, must obtain a non-swimmer membership badge which must be worn at all times while at the facility.

**Section 4.** Except as herein amended and supplemented, Chapter 94 shall remain in full force and effect.

**Section 5.** 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 6.** All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

**Section 7.** This Ordinance shall take effect upon passage and publication as required by law.

Attest:

Approved:

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

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John Cosgrove

Introduced: May 17, 2016

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 189-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2390-2016 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR  
LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 220  
ENTITLED "TOBACCO"**

be introduced and does now pass a first reading and that said ordinance be further considered for final passage at a regular meeting of the Borough Council to be held at the Municipal Building, 8-01 Fair Lawn Avenue, Fair Lawn, New Jersey, on the 21st day of June, 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. 2390-2016

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 220 ENTITLED "TOBACCO"

WHEREAS, the Borough of Fair Lawn desires to adopt an Ordinance to prohibit the sale of tobacco or electronic smoking device products to persons under the age of 21 as follows.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Fair Lawn, County of Bergen and State of New Jersey that the following amendments be made to Chapter 220 ([brackets] denote deletions and underline denotes additions);

**SECTION 1. CHAPTER 220 TOBACCO** is hereby amended as follows:

ARTICLE I

**[Sales to Minors; Vending Machines] Retail Sale of Tobacco Products**

Delete §220-1 through 220-7.

**§ 220-1 Retail Sale of Tobacco Products.**

- A. No person shall sell tobacco or electronic smoking device products in the Borough of Fair Lawn unless an employee of the establishment controls the sale of such products. A person may only sell tobacco in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays and vending machines of tobacco shall be prohibited.
- B. No person shall sell, distribute or give tobacco in any form, including electronic smoking device products, to any person under the age of 21.
- C. Tobacco retailers shall conspicuously post and reasonably maintain signs having a minimum size of six inches by eight inches where tobacco is displayed and at all check-out counters notifying customers that proof of age identification is required for a retailer to sell, distribute or give tobacco or electronic smoking device products to a customer.
- D. Any person selling tobacco or electronic smoking device products shall verify by means of government-issued photographic identification containing the bearer's date of birth that no person purchasing the tobacco is younger than 21 years of age. No clerk shall sell tobacco to a person less than 21 years of age who has a note or any form of communication from any person including an adult.
- E. No person or tobacco retailer selling tobacco or electronic smoking device products shall allow an employee to sell or distribute such products until the employee has read the Borough of Fair Lawn's Ordinances and State laws

pertaining to the sale or distribution of tobacco and has signed a statement that the employee has read such ordinances and State laws. Such form statement will be supplied by the Borough and a signed original statement shall be filed with the Health Department and a copy shall be kept on file by the tobacco retailer and made available for review by the Health Department.

### **§ 220-2. Definitions.**

PERSON shall mean an individual, partnership, cooperative, association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

ELECTRONIC SMOKING DEVICE PRODUCTS shall mean: 1) any device that can be used to deliver nicotine or other substance to the person inhaling from the device, including but not limited to, an electronic cigarette, cigar, cigarillo, or pipe or any cartridge or other component of the device or related product, and 2) any substances used in such devices, such as liquids, powders, gels or waxes or other forms of tobacco, but excluding United States Food and Drug Administration approved smoking cessation products such as nicotine patches or nicotine chewing gum.

TOBACCO shall mean any product made from the tobacco plant for the purpose of smoking, chewing, inhaling and other personal use including cigars, chewing tobacco, pipe tobacco, snuff, and cigarettes in any form including electronic smoking device products.

TOBACCO RETAILER shall mean any person or entity that operates a store, stand, booth, concession, or place at which sales of tobacco or electronic smoking device products are made to purchasers for consumption or use. The term shall also mean any person or entity that owns, operates or uses a tobacco vending machine and/or a tobacco vending machine location as defined herein.

TOBACCO VENDING MACHINE shall mean any automated self-service device which, upon insertion of money, tokens or other form of payment, dispenses cigarettes or other tobacco products or electronic smoking device products.

TOBACCO VENDING MACHINE LOCATION shall mean the room, enclosure, space or area where a vending machine dispensing tobacco or electronic smoking device products is installed and operated.

### **§ 220-3. Enforcement.**

- A. The enforcement authority for this ordinance shall be the Fair Lawn Health Officer or his/her designee and the Fair Lawn Police Department.
- B. The Health Officer or his/her designee or the Fair Lawn Police Department may, after giving proper identification, inspect any matter, thing, premises, place, person, record, vehicle, incident or event as necessary to execute his or her official duties in a manner prescribed by law.

- C. It shall be unlawful for any person to molest, willfully, oppose, verbally abuse or otherwise obstruct the Health Officer or his/her designee in his/her enforcement of this ordinance, and the Health Officer may request the assistance of the Fair Lawn Police Department or other police agency or peace officer when necessary to execute his or her official duties in a manner prescribed by law.
- D. Citizens may bring complaints against violators of this ordinance.

**§ 220-4. Penalties.**

- A. A person who violates the provisions of this ordinance, including any employee of a retail dealer licensee under P.L. 1948, c.65 (C.54:40A-1) et seq.) who actually sells or otherwise provides tobacco products or electronic smoking device products to a person under 21 years of age, shall be liable to a civil penalty of not less than \$250 for the first violation, not less than \$500 for the second violation, and not less than \$1,000 for the third and each subsequent violation. Complaint shall be made in the municipal court of Fair Lawn or before such other judicial officer having authority under the laws of the State of New Jersey.
- B. Each sale of tobacco or electronic smoking device products to any person under the age of 21 shall constitute a separate violation.
- C. In addition to the penalties set forth in subsection 3A above, pursuant to §2-54 of the Code of the Borough of Fair Lawn, the Fair Lawn Health Officer may suspend the Retail Food Establishment License of any person convicted of a violation of this ordinance, for a period of not more than 3 days, pursuant to the authority of the Health Officer to license and regulate food establishments as provided by N.J.S.A. 26:3-31c.

**[§ 220-8.] § 220-5. Construal of provisions.**

This article shall be liberally construed for the protections of the healthy, safety and welfare of the people of the Borough of Fair Lawn.

**SECTION 2.** Chapter § 220, Article II entitled "**Use of Tobacco Products by Minors**" is hereby amended as follows:

**§ 220-10 Prohibition of use.**

It shall be unlawful for any person under the age of [19] 21 years to smoke, use a tobacco product pr electronic smoking device product in or on any prohibited area or to possess in open view an opened pack, opened container holding a tobacco product or electronic smoking device products in any prohibited area.

**§ 220-11 Violations and penalties.**

A violation by a person under the age of [19] 21 years of this article shall be subject to the following penalties and enforcement:

**§ 220-12 Complaints.**

In addition to enforcement by any law enforcement officer, any citizen may file a complaint against any person under the age of [19] 21 who violates this article on a form provided by the Department of Police.

**SECTION 3.** All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this chapter are hereby repealed to the extent of such conflict or inconsistency.

**SECTION 4.** All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

**SECTION 5.** This Ordinance shall become effective pursuant to law upon final approval and publication.

Attest:

Approved:

---

Joanne M. Kwasniewski, RMC/MMC  
Municipal Clerk/Deputy Manager  
Introduced: May 17, 2016  
Adopted:

---

John Cosgrove

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 190-2016**

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."**

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. 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

May 17, 2016

**RESOLUTION NO. 191-2016**

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)**

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. 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

May 17, 2016

**RESOLUTION NO. 192-2016**

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**

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. 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

May 17, 2016

**RESOLUTION NO. 193-2016**

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**

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. 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

May 17, 2016

**RESOLUTION NO. 194-2016**

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).”**

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. 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

May 17, 2016

### CONSENT AGENDA 7-2016

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. #195-2016 – Approving the 2015 LOSAP Certification List
- b. Resol. #196-2016 – Requesting Approval of Special Item of Revenue - NJACCHO - Health Grant
- c. Resol. #197-2016 – Opposing Parole for Christopher Righetti
- d. Resol. #198-2016 - Authorizing Donation of Snow Plow to the Borough of Midland Park
- e. Resol. #199-2016 – Cancelling Resolution No. 171-2016
- f. Resol. #200-2016 – Authorizing Approval of Massage Establishment License – Angel Wellness
- g. Resol. #201-2016 - Interlocal Agreement with the Borough of Elmwood Park for the Use of Memorial Pool
- h. Resol. #202-2016 - Issuance of Estimated Tax Bills for Third Quarter 2016
- i. Resol. #203-2016 - Authorizing the Knights of Pythias Circus at Memorial Pool
- j. Resol. #204-2016 - Approval of Minutes:  
Regular Meeting 4/19/16  
Closed Session 4/19/16
- k. Resol. #205-2016 – Tax Collector Appointments
- l. Resol. #206-2016 - Endorsement of CDBG Application: AAH of Bergen County
- m. Resol. #207-2016 - Soft Drink & Food Concession Stand Memorial Pool
- n. Resol. #208-2016 - Award of Bid: Chlorine - Accu-Tab Blue Calcium Hypochlorite

- o. Resol. #209-2016 - Appointment to Environmental Commission
- p. Resol. #210-2016 - Appointment to Zoning Board of Adjustment
- q. Resol. #211-2016 - Award of Bid: Municipal Facilities HVAC Maintenance and Repair
- r. Resol. #212-2016 - Change in Custodian of Petty Cash Fund
- s. Resol. #213-2016 - Authorizing Purchases with Pumping Services, Inc.
- t. Resol. #214-2016 - Award of Bid: Project #2259 Roadway Improvements 2016 - Contract 1
- u. Resol. #215-2016 - Interlocal Agreement with the Borough of Woodland Park for the Use of Memorial Pool
- v. Resol. #216-2016 - Refund of Overpayment of Taxes

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 195-2016**

By  
Seconded by

**WHEREAS**, the Length of Service Award Program (LOSAP) for the Borough of Fair Lawn was authorized by referendum of Fair Lawn voters on November 7, 2000 creating a Length of Service Award Program in accordance with Chapter 388 of the Laws of 1997; and

**WHEREAS**, pursuant to N.J.S.A. 40A:14-191, the Fair Lawn Department of Emergency Services has prepared and submitted a certification list based on records maintained by the Department of Emergency Services in accordance with the Borough's adopted point system; and

**WHEREAS**, the Manager has reviewed the certification list dated January 1, 2016 as submitted by the Fair Lawn Department of Emergency Services, a copy of which is attached hereto and made a part hereof;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn, that it does hereby approve the LOSAP certification list dated January 1, 2015, submitted by the Fair Lawn Department of Emergency Services; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution and the certification list shall be returned to the Fair Lawn Department of Emergency Services for posting for a period of thirty (30) days to allow sufficient time for membership review; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution and the certification list shall be posted in the office of the Municipal Clerk for a period of thirty (30) days.

**BOROUGH OF FAIR LAWN  
 Length of Service Awards Program  
 CERTIFICATION OF SERVICE**

As of **January 1, 2016**, the following individuals, having attained a minimum of 100 Points and have completed a minimum of two (2) years active emergency service, are eligible for the LOSAP contribution for calendar year **2015**. Active emergency service was provided to:

**FAIR LAWN RESCUE SQUAD**  
*(Name of Organization)*

This form is intended to serve as verification to the *BOROUGH OF FAIRLAWN* that the Volunteers listed below by name are entitled to a contribution and are eligible to participate in the LOSAP Program.

*List of Volunteers*

Jon Blair  
 Jake Gurrieri  
 Anthony Messina  
 Michael Scopac

Andrew Flax  
 Phil Kearney  
 Kyle Milnes  
 Tom Spear

Steven Gotlib  
 Dan Kissane  
 Steven Milnes  
 Peter Yuskaitis

*Pursuant to the federal and state law, and the rules and regulations of the Borough of Fair Lawn LOSAP Program, I by my signature below, certify under oath that the names contained herewith are eligible to participate in this program.*

*Wendy Alvarez*  
 \_\_\_\_\_  
 LOSAP Administrator

*Peter Yuskaitis*  
 \_\_\_\_\_  
 Signature Department Chief

*April 22, 2016*  
 \_\_\_\_\_  
 Date

*4/22/16*  
 \_\_\_\_\_  
 Date

**BOROUGH OF FAIR LAWN  
Length of Service Awards Program  
CERTIFICATION OF SERVICE**

As of January 1, 2016, the following individuals, having attained a minimum of 100 Points and have completed a minimum of two (2) years active emergency service, are eligible for the LOSAP contribution for calendar year 2015. Active emergency service was provided to:

**FAIR LAWN AMBULANCE CORPS**  
*(Name of Organization)*

This form is intended to serve as verification to the *BOROUGH OF FAIRLAWN* that the Volunteers listed below by name are entitled to a contribution and are eligible to participate in the LOSAP Program.

*List of Volunteers*

- |                    |                   |                |
|--------------------|-------------------|----------------|
| Edward Beverly     | Leslie Castillo   | Gail Cebular   |
| Julio Chavez       | Jacquelyn Collins | Dave Epstein   |
| Barbara Frank      | Laurie Frenkel    | Dan Furphy     |
| Doug Haber         | Sandy Haft        | Michael Kern   |
| Isaac Krasnopolsky | Jeremy Levin      | Brad Lieberman |
| Gilda Linden       | Ron Lottermann    | Brian Lubroth  |
| David Lutzker      | Colin MacGregor   | Dara Mullens   |
| Marty Pelta        | Ansara Persad     | Jovan Qeleshi  |
| Gloria Schoenfeld  | Nicholas Schultz  | John Steffanie |
| Seymour Wigod      |                   |                |

*Pursuant to the federal and state law, and the rules and regulations of the Borough of Fair Lawn LOSAP Program, I by my signature below, certify under oath that the names contained herewith are eligible to participate in this program.*

*Wendy Alvarez*  
\_\_\_\_\_  
LOSAP Administrator

*Nana Hall*  
\_\_\_\_\_  
Signature Department Chief

*April 22, 2016*  
\_\_\_\_\_  
Date

*4/22/16*  
\_\_\_\_\_  
Date

**BOROUGH OF FAIR LAWN  
Length of Service Awards Program  
CERTIFICATION OF SERVICE**

As of January 1, 2016, the following individuals, having attained a minimum of 100 Points and have completed a minimum of two (2) years active emergency service, are eligible for the LOSAP contribution for calendar year 2015. Active emergency service was provided to:

**FAIR LAWN FIRE DEPARTMENT**  
*(Name of Organization)*

This form is intended to serve as verification to the *BOROUGH OF FAIRLAWN* that the Volunteers listed below by name are entitled to a contribution and are eligible to participate in the LOSAP Program.

**List of Volunteers**

- |                     |                    |                       |
|---------------------|--------------------|-----------------------|
| John Agnello        | Edward Baldofsky   | Edward Baldofsky, Jr. |
| Jay Bender          | John Bernabeo      | Thomas Carney         |
| Louis Cicchella     | Roger Collins      | Dominick Cortes       |
| Eric Demeraski      | Walter Demeraski   | Jack Donohue          |
| James Funcheon      | Jeffrey Goldberg   | Jeff Greco            |
| Scott Greco         | Michael Grossi     | Anthony Guerrieri     |
| Lauren Healey       | Richard Healey     | Hans Hennecke         |
| Christopher Hoistma | Steven Hrinuk      | Joseph Kunz           |
| Howard Londner      | Bernard Lyons      | John Lyons            |
| Jacob Mamo          | Michael Mullens    | Scott Noonan          |
| Scott Osback        | Marc Palmieri      | Thomas Parker         |
| William Parker      | John Parmentier    | Ken Pfeifer           |
| Jack Polan          | Dillon Rinaldo     | Ralph Rinaldo         |
| Jonathan Ryan       | Doug Sadowski      | Kirk Shaw             |
| Eugene Snyder       | Steven Sulcov      | Edward Tartaglia      |
| Kyle Tennis         | Richard Van Handel | James Wensell         |
| Joseph Wensell      | Kevin Wilson       | Kirk Wolthouse        |
| Tim Yuskaitis       |                    |                       |

*Pursuant to the federal and state law, and the rules and regulations of the Borough of Fair Lawn LOSAP Program, I by my signature below, certify under oath that the names contained herewith are eligible to participate in this program.*

Wendy Alvarez  
LOSAP Administrator

Tom Pfeifer  
Signature Department Chief

April 22, 2016  
Date

4/22/16  
Date

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 196-2016**

By  
Seconded by

**WHEREAS**, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, the Director may also approve the insertion of any item of appropriation for equal amount; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Lawn in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2016 in the sum of \$3,850.00, which is now available from the New Jersey Association of County and City Health Officers, NJACCHO, in the amount of \$ 3,850.00; and,

**BE IT FURTHER RESOLVED** that the like sum of \$3,850.00 is hereby appropriated under the caption, State and Federal Programs Off-Set by Revenue: "NJACCHO Grant", and

**BE IT FURTHER RESOLVED**, that the above is the result of funds from the New Jersey Association of County and City Health Officials, in the amount of \$3,850.00;

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be filed with the Director of the Division of Local Government Services.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 197-2016**

By  
Seconded by

**WHEREAS**, on August 31, 1976, Kim Montelaro, a resident of New Milford, New Jersey, then 20 years old, was forcibly abducted, brutally raped and murdered by repeat offender Christopher Righetti; and

**WHEREAS**, Christopher Righetti, Prisoner #59431, is currently incarcerated for the killing of Kim Montelaro; and

**WHEREAS**, Christopher Righetti has gone many times before the Parole Board of Northern State Prison. His release was denied each time, as the parole board found that Christopher Righetti was unwilling to take responsibility for abducting, assaulting and murdering Kim Montelaro; and

**WHEREAS**, Christopher Righetti has never shown any remorse for his crime, has made no substantial progress in addressing the issues that led him to murder Kim Montelaro and has demonstrated a substantial risk of recidivism; and

**WHEREAS**, Kim's family should not be made to relive this horrible crime every few years when there is a parole hearing. Traveling from their current residence in Florida each time there is a parole hearing for their daughter's killer, they continue to suffer unnecessarily on Christopher Righetti's account; and

**WHEREAS**, in addition to the efforts of the Montelaro Family, the Borough of Fair Lawn hereby supports the position that Christopher Righetti should not be granted parole and should serve out the full remainder of his life sustenance. If a future eligibility date is set, we urge the Board to select a date at least 35 years from now. The abduction, rape and murder of an innocent young woman is a serious crime that demands justice; and the family of Kim Montelaro should be given the peace of mind knowing that their daughter's murderer will remain behind bars for the rest of his life, as ordered by the court.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fair lawn, County of Bergen, State of New Jersey, hereby abides by

the conclusion that Christopher Righetti be denied parole and be made to serve out his life sentence, otherwise this creates a grave injustice to the family of Kim Montelaro as well as to society; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to the New Jersey State Assembly, all Bergen County municipalities, the Bergen County Police Chiefs Association, the New Jersey PBA, the Office of the Bergen County Prosecutor, Keep New Jersey Safe and to Chairman James T. Plousis of the New Jersey State Parole Board.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 198-2016**

By  
Seconded by

**WHEREAS**, the Borough is in possession of a snow plow for a 2004 Volvo Packer Truck which is not needed for the Borough's public use; and

**WHEREAS**, this said piece of equipment no longer suits the needs of the Borough; and

**WHEREAS**, Borough of Fair Lawn would like to donate said piece of equipment to the Borough of Midland Park which has a need for such equipment; and

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

**WHEREAS**, the Borough of Midland Park is willing to accept the donation of said equipment.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fair Lawn authorizes the donation of said equipment to the Borough of Midland Park and the Municipal Clerk is hereby authorized to execute the appropriate transfer approved by the Borough Attorney; and

**BE IT FURTHER RESOLVED** that this donation is subject to the receipt of an authorizing resolution from the Borough of Midland Park.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 199-2016**

By

Seconded by

**WHEREAS**, on April 19, 2016 the Mayor and Council adopted Resolution No. 171-2016 canceling a Community Development Block Grant receivable for Improvements to Chandler Drive in the amount of \$14,897.15; and

**WHEREAS**, the Chief Financial Officer had determined that said grant receivable was already canceled by Resolution No. 176-2015 adopted on March 24, 2015;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that Resolution No. 171-2016 be and is hereby voided since it is a duplicate resolution.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 200-2016**

By  
Seconded by

**WHEREAS**, Angel Wellness located at 22-24 Morlot Avenue, 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 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

May 17, 2016

**RESOLUTION NO. 201-2016**

By  
Seconded by

**WHEREAS**, the Borough of Elmwood Park has requested that the Borough of Fair Lawn permit the usage of Memorial Pool by residents of the Borough of Elmwood Park and their guests; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that the Borough hereby enter into an interlocal government services agreement with the Borough of Elmwood Park; and

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk be and they are hereby authorized to execute said agreement in a form to be approved by the Borough Attorney; and

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 202-2016**

By  
Seconded by

**WHEREAS**, P.L. 1994, c.72 authorizes the Tax Collector to prepare and mail estimated tax bills in accordance with N.J.S.A. 54: 4-66.3; and

**WHEREAS**, the Borough of Fair Lawn has not received a certified tax rate from the County of Bergen; and

**WHEREAS**, the Borough of Fair Lawn's Tax Collector may be unable to mail the Borough's 2016 tax bills on a timely basis; and

**WHEREAS**, the Borough of Fair Lawn's Chief Finance Officer, in consultation with the Borough of Fair Lawn's Tax Collector, has calculated an estimated tax levy in accordance with N.J.S.A. 54: 4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies.

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

1. The Borough of Fair Lawn's Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2016 taxes. The Tax Collector shall proceed after passage of this resolution and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:-66.2 and 54.4-66.3).

2. The entire estimated tax levy for 2016 is hereby set at \$131,175,290.67.

3. In accordance with law the third installment of 2016 taxes shall not be subject to interest until the later of August 10 or the 25th calendar day after the date estimated tax bills were mailed. The estimated bills shall contain a notice specifying the date on which interest may begin to accrue.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 203-2016**

By

Seconded by

**WHEREAS**, the Knights of Pythias has applied to the Borough Council for permission to use the municipal parking facilities located at Memorial Field on Sunday, June 5, 2016 from noon to 8 p.m.; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the Knights of Pythias be and are hereby granted permission to use the aforesaid parking lots in accordance with the following terms and conditions.

1) That the municipal parking lot at Memorial Field shall be utilized by the Knights of Pythias for parking purposes only and all other activities relating to a Circus shall be conducted on other areas of the Memorial Junior High School field for which they have been given permission by the Board of Education.

2) That the Knights of Pythias shall furnish a Liability Insurance Policy for personal injuries in the amount of \$1,000,000, Product Liability in the amount of \$50,000, Property Damage Insurance in the amount of \$100,000, covering "The Borough of Fair Lawn, its servants, agents, employees, or any subdivision thereof" against any claims that may arise as a result of the aforesaid event;

3) That the Knights of Pythias will clean up and restore the parking lot to its original condition immediately after the termination of the use;

4) That the Knights of Pythias will reimburse the Borough of Fair Lawn for any damage to the parking lot facilities arising from its use;

5) That the permit fee for the aforesaid use is hereby waived;

6) That the aforesaid Circus will be conducted in accordance with and not in violation of any of the Borough Ordinances or Statutes of the State of New Jersey. It is specifically understood by this paragraph that the Knights of Pythias

shall be obligated to hire all personnel as may be required to satisfy all ordinances and regulations of the Borough. It is further specifically understood that they shall be required to provide the necessary personnel to protect the health, safety and welfare with regard to all traffic security problems arising from the use therein;

7) That all necessary permits are granted from the Borough and other required sources.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 204-2016**

By

Seconded by

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

Regular Meeting 4/19/16  
Closed Session 4/19/16

are hereby approved.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 205-2016**

By

Seconded by

**WHEREAS**, the Borough of Fair Lawn is part of the Civil Service Commission and follows its guidelines for hiring its employees; and

**WHEREAS**, on May 1, 2002 the Borough of Fair Lawn promoted Alice Lee from Assistant Municipal Tax Collector to the Tax Collector and Tax Search Officer; and

**WHEREAS**, Alice Lee served in said position continuously until July 1, 2010 when she retired; and

**WHEREAS**, on August 1, 2010 the Borough of Fair Lawn hired Alice Lee as the part-time Tax Collector and Tax Search Officer; and

**WHEREAS**, Alice Lee continues to serve as a part-time employee of the Borough of Fair Lawn in that position;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that said appointments of Alice Lee are hereby confirmed and ratified ***nunc pro tunc*** (i.e., applies retroactively) from May 1, 2002.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 206-2016**

By

Seconded by

**WHEREAS**, a Bergen County Community Development Unprogrammed Funds grant of \$150,000 has been proposed by the Alliance Against Homelessness of Bergen County, Inc. to rebuild its permanent supportive housing in the municipality of Fair Lawn after a fire destroyed the property, and

**WHEREAS**, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

**WHEREAS**, the aforesaid project is in the best interest of the people of the Borough of Fair Lawn, and

**WHEREAS**, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Fair Lawn hereby confirms endorsement of the aforesaid project, and

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 207-2016**

By

Seconded by

**WHEREAS**, informal quotes were received for the Soft Drink and Food Concession Memorial Pool by the Recreation and Parks Department on April 29, 2016; and

**WHEREAS**, said quotes were referred to the Borough Manager for consideration and recommendation; and

**WHEREAS**, Jersey Johnny's House of Dogs, LLC having an office located at 25 Newark Pompton Turnpike, Pequannock, New Jersey 07440 is the highest responsible quote in the amount of \$4,000.00 annually for a one year lease beginning June through September 2016 and for second year lease June through September 2017;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that upon recommendation of the Borough Manager and appropriate Department Head, the award be made to Jersey Johnny's House of Dogs LLC;

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 208-2016**

By

Seconded by

**WHEREAS**, bids were received for Chlorine - Accu-Tab Blue Calcium Hypochlorite Tablets Memorial pool by the Assistant Municipal Clerk on May 3, 2016; and

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

**WHEREAS**, George S. Coyne Chemical Co., Inc. having an office located at 3015 State Road, Croydon, PA 19021 is the lowest responsible bidder in the amount of \$23,688.00 for years one and two with an optional purchase of ten 55 lb. pails if required at a cost of \$1,410.00;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that upon recommendation of the Borough Manager and appropriate Department Head, the award be made to George S. Coyne Chemical Co., Inc. subject to the execution of purchase orders by the Borough Manager and Borough Treasurer.

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

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 209-2016**

By

Seconded by

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn the following named individuals be and are hereby appointed by the Mayor, with the consent of the Council, to serve on the Environmental Commission of the Borough of Fair Lawn as Alternate II for the term as noted:

<u>NAME AND ADDRESS</u>	<u>TERM COMMENCES</u>	<u>TERM EXPIRES</u>
John L. Mancenelli 13-18 11th Street Regular Member	5/17/16	12/31/17 *
John F. Tregidgo 12-52 Fourth Street Alternate I	5/17/16	12/31/16 *
Katherine Eldridge 56 Pomona Avenue Alternate II	5/17/16	12/31/17*

\* Unexpired term

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 210-2016**

By

Seconded by

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the following named individuals be and are hereby appointed to the Zoning Board of Adjustment of the Borough of Fair Lawn for the terms as noted:

<u>NAME AND ADDRESS</u>	<u>TERM COMMENCES</u>	<u>TERM EXPIRES</u>
Alexander M. Lazarev, P.E. 15-38 Prospect Avenue Alternate IV	5/17/16	12/31/17*

\* filling unexpired term

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 211-2016**

By

Seconded by

**WHEREAS**, bids were received for Municipal Facilities HVAC Maintenance and Repair by the Assistant Municipal Clerk on May 3, 2016; and

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

**WHEREAS**, Reiner Group, Inc. having an office located at 11-07 River Road, P.O. Box 1128, Fair Lawn, New Jersey 07410 is the lowest responsible bidder in accordance with attached Schedule A for a period of two years beginning August 23, 2016 and ending on August 22, 2018;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that upon recommendation of the Borough Manager and appropriate Department Head, the award be made to Reiner Group, 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.

**Bid: Municipal Facilities HVAC Maintenance and Repair**

Bidder & Location	Reiner Group Fair Lawn
Bid Deposit	Bid Bond
Year 1 - Supervisor Rate Per Hour Year 1	No charge
Item 1A - Labor Rate Per Hour Year 2	No charge
Item 1B - Tech Rate Per Hour Year 1	\$85.00
Item 1B - Tech Rate Per Hour Year 2	\$85.00
Item 1C Laborer Rate Per Hour Year 1	\$60.00
Item 1C Laborer Per Hour Year 2	\$60.00
Materials & Parts Cost Plus	20%

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 212-2016**

By

Seconded by

**WHEREAS**, Chief Eric Rose was custodian of the Police Department Petty Cash Fund, and

**WHEREAS**, in accordance with N.J.S.A. 40:5-21, the Borough of Fair Lawn is changing custodians to Chief Glen Cauwels; and

**WHEREAS**, Chief Glen Cauwels is bonded under the Public Official Bonds provided by the Municipal Excess Joint Insurance Fund in the amount of \$1,000,000.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Fair Lawn, County of Bergen hereby authorizes such action and two copies of this resolution shall be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 213-2016**

By

Seconded by

**WHEREAS**, the Borough of Fair Lawn wishes to avail itself of the right to purchase pumps, motors and parts under contracts for such materials, supplies and equipment entered into on behalf of the North Jersey Wastewater Cooperative Pricing System (NJWCPS) pursuant to P.L. 2011, c.139 which allows local contracting units to utilize national cooperative contracts as a method of procurement; and

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

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

Pumping Services, Inc. #A987, B014A and B014-2

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 214-2016**

By

Seconded by

**WHEREAS**, bids were received for Project #2259 Roadway Improvements - Contract 1 by the Municipal Clerk on May 10, 2016; and

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

**WHEREAS**, Crossroads Pavement Maintenance, LLC having an office located at 81 Franklin Avenue, Nutley, New Jersey 07110 is the lowest responsible bidder in the amount of \$812,456.00;

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

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

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 215-2016**

By  
Seconded by

**WHEREAS**, the Borough of Woodland Park has requested that the Borough of Fair Lawn permit the usage of Memorial Pool by residents of the Borough of Woodland Park and their guests; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that the Borough hereby enter into an interlocal government services agreement with the Borough of Woodland Park;

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk be and they are hereby authorized to execute said agreement in a form to be approved by the Borough Attorney; and

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 216-2016**

By

Seconded by

**WHEREAS**, the Tax Collector has requested permission from the Borough Council to make refunds of tax/water overpayments in accordance with the directive of the Director of Local Government Services;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the Tax Collector be and is hereby authorized to make refunds to the following as listed;

**BE IT FURTHER RESOLVED** that the Treasurer/Chief Financial Officer be and is hereby authorized to make payments upon receipt of proper vouchers.

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
2320	10	Daniel G. Keough Esq./for Stillman, V. Trust et al 783 Springfield Avenue Summit, New Jersey 07901-2332	\$2,228.35
2320	11	Daniel G. Keough Esq./for Stillman, V. Trust et al 783 Springfield Avenue Summit, New Jersey 07901-2332	\$10,423.89

(Refund of overpayment of 2009 taxes as a result of a Tax Court Judgement)

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 17, 2016

**RESOLUTION NO. 217-2016**

By

Seconded by

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

Work Session 4/5/16  
Closed Session 4/5/16

are hereby approved.