

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.

JUNE 21, 2016

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

**ORDINANCE NO. 2293-2016
(RESOLUTION NO. 220-2016)**

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A NEW MINIATURE GOLF COURSE IN AND BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$550,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$488,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

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

9. ORDINANCES ON SECOND READING:**ORDINANCE NO. 2388-2016
(RESOLUTION NO. 221-2016)**

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 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. 2389-2016
(RESOLUTION NO. 222-2016)**

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 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. 2390-2016
(RESOLUTION NO. 223-2016)**

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

10. PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

11. RESOLUTIONS BY CONSENT #9-2016

- Municipal Clerk reads Resolutions by Consent.
 - a. Resol. # 224-2016- Authorizing Contracts with Certain Approved Vendors - Winner Ford
 - b. Resol. # 225-2016 - Refunding an Overpayment from the State of New Jersey for Sever Storm 10/29/11
 - c. Resol. # 226-2016 - Approving Change Order# 1 - Police Communications Center - Goosetown Communications
 - d. Resol. # 227-2016 - Refund of Overpayment of Taxes
 - e. Resol. # 228-2016 - Approval of Minutes:
Regular Meeting 5/17/16
 - f. Resol. # 229-2016 - Authorizing an Emergency Contract Pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 - Reiner Group, Inc.

- g. Resol. # 230-2016 - Confirmation of Fire Board Actions
- h. Resol. # 231-2016 - Tax Appeal Settlement: Noritake Company, Inc. 15-22 Fair Lawn Avenue
- i. Resol. # 232-2016 - Tax Appeal Settlement: 171-17 Realty Associates, LLC - 17-17 Route 208
- j. Resol. # 233-2016 - Authorizing Contracts with Certain Approved State Contract Vendors - Lawmen Supply Company, NJ, Inc.
- k. Resol. # 234-2016 - Authorizing Awarding of Contract with Fisher Scientific Company, LLC (Fire Department Air Cylinders)
- l. Resol. # 235-2016 - Appointment of Community Development Representatives
- m. Resol. # 236-2016 - Authorizing a Contract with a Vendor which Provides Proprietary Good or Services in Accordance with N.J.S.A.40A:11-2(39) and N.J.A.C. 5:34-0.1 (Packetalk)
- n. Resol. # 237-2016 - Authorization to Execute Municipal Snow Plowing Agreement with the County of Bergen
- o. Resol. # 238-2016 - Approving Additions to the 2015 LOSAP Certification List
- p. Resol. # 239-2016 - Interlocal Agreement with the Borough of Prospect Park for the Use of Memorial Pool
- q. Resol. # 240-2016 - Interlocal Agreement with the Township of Saddle Brook for the Use of Memorial Pool
- r. Resol. # 241-2016 - Interlocal Agreement with the Borough of Haledon for the Use of Memorial Pool
- s. Resol. # 242-2016 - Authorizing Use of Memorial Pool by Intellichild Academy
- t. Resol. # 243-2016 - Renewal of Liquor Licenses 2016-2017
- u. Resol. # 244-2016 - Authorizing Contracts with Certain Approved State Contract Vendors - Skylands area Fire Equipment & Training
- v. Resol. # 245-2016 - Authorizing Contracts with Certain Approved State Contract Vendors - Motorola Solutions, Inc.
- w. Resol. # 246-2016 - Authorizing the Purchase of Emergency Services Equipment under National Cooperative Purchasing Contract Pursuant to N.J.S.A. 52:34-6.2 and P.L. 2011,c.139
- x. Resol. # 247-2016 - Professional Services - Alcohol and Drug Testing: Valley Medical Group

- y. Resol. # 248-2016 - Award of Bid: Containers - Rectangular Open Top Roll-Off
- z. Resol. # 249-2016 - Referring the Amended Redevelopment Plan - KEM Site/Fair Lawn Senior Housing
- ca. Resol. # 250-2016 - Authorizing Execution of Grant Agreement with Bergen County Open Space Trust Fund Municipal Program - Miniature Golf Course
- bb. Resol. # 251-2016 - Interlocal Agreement with the Board of Education for the Use of Memorial Pool

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

12. RESOLUTION NO. 252-2016 - APPROVAL OF MINUTES:

Work Session 5/3/16

Closed Session 5/3/16

- Municipal Clerk reads the resolution. Mayor calls for Mover, Second, Roll Call.

13. PUBLIC COMMENTS

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

14. ADJOURNMENT:

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 221-2016

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"

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 2391-2016

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A NEW MINIATURE GOLF COURSE IN AND BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$488,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION

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

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Fair Lawn, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$550,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$24,458 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes and including also the sum of \$37,542 received or expected to be received by the Borough from the Bergen County Open Space Trust Fund as a grant in aid of financing said improvement or purpose.

Section 2. For the financing of said improvement or purpose and to meet the part of said \$550,000 appropriation not provided for by application hereunder of said down payment and grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$488,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$488,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the construction of an 18-hole miniature golf course in and by the Borough on lands located at Columbia Terrace and Harristown Road, together with all landscaping, structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$488,000.

(c) The estimated cost of said purpose is \$550,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$24,458 down payment and the \$37,542 grant for said purpose.

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

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

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$488,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$45,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. The funds from time to time received by the Borough on account of the grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in Section 3 of this

bond ordinance by application thereof either to direct payment of the costs of said improvement or purpose, or to payment or reduction of the authorization of the obligations of the Borough authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Attest:

Approved:

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

John Cosgrove

Introduced: June 21, 2016

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 220-2016

By

Seconded by

BE IT RESOLVED that Ordinance No. 2391-2016 entitled:

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A NEW MINIATURE GOLF COURSE IN AND BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$550,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$488,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

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 19th day of July, 2016, at 8:00 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:

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

John Cosgrove

Introduced: May 17, 2016

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 222-2016

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

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. 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:

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

John Cosgrove

Introduced: May 17, 2016

Adopted:

Aye Nay Abstain

Dunay
Lefkowitz
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June 21, 2016

RESOLUTION NO. 223-2016

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"**

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. 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 or 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

June 21, 2016

CONSENT AGENDA 9-2016

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. #224-2016- Authorizing Contracts with Certain Approved Vendors - Winner Ford
- b. Resol. #225-2016 - Refunding an Overpayment from the State of New Jersey for Sever Storm 10/29/11
- c. Resol. #226-2016 - Approving Change Order#1 - Police Communications Center - Goosetown Communications
- d. Resol. #227-2016 - Refund of Overpayment of Taxes
- e. Resol. #228-2016 - Approval of Minutes:
Regular Meeting 5/17/16
- f. Resol. #229-2016 - Authorizing an Emergency Contract Pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 - Reiner Group, Inc.
- g. Resol. #230-2016 - Confirmation of Fire Board Actions
- h. Resol. #231-2016 - Tax Appeal Settlement: Noritake Company, Inc. 15-22 Fair Lawn Avenue
- i. Resol. #232-2016 - Tax Appeal Settlement: 171-17 Realty Associates, LLC - 17-17 Route 208
- j. Resol. #233-2016 - Authorizing Contracts with Certain Approved State Contract Vendors - Lawmen Supply Company, NJ, Inc.
- k. Resol. #234-2016 - Authorizing Awarding of Contract with Fisher Scientific Company, LLC (Fire Department Air Cylinders)

- l. Resol. #235-2016 - Appointment of Community Development Representatives
- m. Resol. #236-2016 - Authorizing a Contract with a Vendor which Provides Proprietary Good or Services in Accordance with N.J.S.A.40A:11-2(39) and N.J.A.C. 5:34-0.1 (Packetalk)
- n. Resol. #237-2016 - Authorization to Execute Municipal Snow Plowing Agreement with the County of Bergen
- o. Resol. #238-2016 - Approving Additions to the 2015 LOSAP Certification List
- p. Resol. #239-2016 - Interlocal Agreement with the Borough of Prospect Park for the Use of Memorial Pool
- q. Resol. #240-2016 - Interlocal Agreement with the Township of Saddle Brook for the Use of Memorial Pool
- r. Resol. #241-2016 - Interlocal Agreement with the Borough of Haledon for the Use of Memorial Pool
- s. Resol. #242-2016 - Authorizing Use of Memorial Pool by Intellichild Academy
- t. Resol. #243-2016 - Renewal of Liquor Licenses 2016-2017
- u. Resol. #244-2016 - Authorizing Contracts with Certain Approved State Contract Vendors - Skylands area Fire Equipment & Training
- v. Resol. #245-2016 - Authorizing Contracts with Certain Approved State Contract Vendors - Motorola Solutions, Inc.
- w. Resol. #246-2016 - Authorizing the Purchase of Emergency Services Equipment under National Cooperative Purchasing Contract Pursuant to N.J.S.A. 52.34-6.2 and P.L. 2011,c.139
- x. Resol. #247-2016 - Professional Services - Alcohol and Drug Testing: Valley Medical Group
- y. Resol. #248-2016 - Award of Bid: Containers - Rectangular Open Top Roll-Off
- z. Resol. #249-2016 - Referring the Amended Redevelopment Plan - KEM Site/Fair Lawn Senior Housing
- aa. Resol. #250-2016 - Authorizing Execution of Grant Agreement with Bergen County Open Space Trust Fund Municipal Program - Miniature Golf Course
- bb. Resol. #251-2016 - Interlocal Agreement with the Board of Education for the Use of Memorial Pool

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 224-2016

By

Seconded by

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

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

WHEREAS, the Borough of Fair Lawn has the need for three (3) 2017 Ford Interceptor Utility Vehicles and accessories under State Contract 88728 as follows:

- (1) Auxiliary Police Vehicle with Options for \$29,029;
- (2) Rescue Chief Vehicle with Options for \$30,900.62; and
- (3) Fire Chief Vehicle with Options for \$33,059.22; and

WHEREAS, the Borough of Fair Lawn has the need for a 2016 Ford F150 4 x4 Crew Cab for the Police Traffic Unit under State Contract 88728 for a total purchase price of \$31,792; and

WHEREAS, the Borough of Fair Lawn intends to enter into a contract with Winner Ford for the purchase of the aforesaid vehicles and accessories under State Contract 88728, through this resolution and a properly executed purchase order, which shall be subject to all the conditions applicable to the current state contract;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Fair Lawn pursuant to N.J.A.C. 5:30-5.5(b), have allocated in Capital Ordinances 2015-2337 and 2016-2376 and, through this resolution

a certification of availability of funds will be completed by the Chief Finance Officer through the issuance of a purchase order; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Fair Lawn authorizes the Borough Manager to enter into a contract for the purchase of the above listed vehicles and accessories with Winner Ford located at 250 Berlin Road, Cherry Hill, New Jersey 08003 an approved New Jersey State Contract Vendor pursuant to all conditions of the individual State Contract 88728.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 225-2016

By

Seconded by

WHEREAS, the State of New Jersey has granted reimbursement for expenses incurred from Severe Storm on October 29, 2011; and

WHEREAS, the Borough of Fair Lawn has submitted project worksheets totaling \$172,029.64 to the State of New Jersey State for expenses incurred from Severe Storm on October 29, 2011; and,

WHEREAS, the State of New Jersey has reviewed the project worksheet and has found that one noted project was not completed as submitted; and

WHEREAS, the State of New Jersey has submitted the attached documentation that the Borough of Fair Lawn was overpaid \$7,425 for this Project Worksheet #464 Severe Storm; and

WHEREAS, the State of New Jersey is requesting a refund in this amount; and

WHEREAS, the Borough of Fair Lawn has a Reserve for FEMA/Insurance Proceeds to be charged for the above stated overpayment.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fair Lawn hereby authorizes the issuance of the refund to the State of New Jersey, Division of the State Police, P.O. Box 7068 Trenton, NJ 08628-0068 in the amount of \$7,425 charging the Reserve for Insurance Proceeds.

FINAL INSPECTION REPORT						
Final Inspection Comments						
Subgrantee	County	PW	Date	FIPS	Cat.	Disaster
Fairlawn	Bergen	464 evl	11/28/2014	003-22470-00	A	FEMA-4048-DR-NJ
*** This Amendment is for Final Inspection and Closeout ***						
<p>The project worksheet was written at 100% for \$172,029.64. The actual documented amount is \$162,129.64. A variance/under-run of \$9,900.00 was found.</p> <p>This variance/under-run was the result of "Work To Be Completed" estimated on the Project Worksheet at \$32,400.00 by the applicants contractor. The actual documented amount of work was \$22,500. (\$32,400 - \$22,500 = \$9,900). This issue was discussed with the applicant.</p> <p>The State requested this Project Worksheet be closed.</p> <p>The applicant has not claimed any DAC cost for this project.</p> <p>The applicant utilized Force Account Labor, Force Account Equipment, and Contractual Services of Downes Tree Service located at 65 Royal Avenue, Hawthorne, NJ 07506 (973) 238-1510 for Debris Removal Operation.</p> <p>The applicant collected and disposed of 13,000 CY of vegetative debris. The collected debris was hauled to Downes Tree Service Facility located at 65 Royal Avenue, Hawthorne, NJ 07506, Facility ID # 132573.</p>						

Revised: 5-MAY-2014

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 226-2016

By

Seconded by

WHEREAS, there is an existing contract between the Borough of Fair Lawn and Goosetown Communications for the Police Communications Center; and

WHEREAS, it has been certified by the Borough Manager and Police Chief that the changes on the attached Requisition are required;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that in accordance with the recommendations made herewith, the Requisition be and is hereby approved.

BOROUGH OF FAIR LAWN
 8-01 FAIR LAWN AVENUE
 FAIR LAWN, NJ 07410
 TEL (201)794-5356 FAX (201)796-2314

REQUISITION	
NO.	R6-01369

SHIP TO	Borough of Fair Lawn Police Department 8-01 Fair Lawn Avenue Fair Lawn, New Jersey 07410
	VENDOR #: 228539 Goosetown Communications 58 N. Harrison Ave Conger, NY 10920

ORDER DATE: 05/23/16
 DELIVERY DATE:
 STATE CONTRACT:
 F.O.B. TERMS:

COPY

QTY/UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	TOTAL COST
2.00	CyberData V3 Intercom Part# CY8-011186	C-04-10-194-240-200 ORD 2194-POL Communication System	521.0000	1,042.00
1.00	HDMI Cables & Splitters 2-25ft, 2-50ft., 1-HDMI 4-way Splitter	C-04-10-194-240-200 ORD 2194-POL Communication System	195.0000	195.00
20.00	Field Labor Approximately 20hours @135.00 per hr	C-04-10-194-240-200 ORD 2194-POL Communication System	135.0000	2,700.00
	Quote#6095 ACCT#3686			
			TOTAL	3,937.00

Under State Contract #83892 ext

REQUESTING DEPARTMENT

DATE

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 227-2016

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>
6801	17	Oster Fair Lawn Properties, LLC 429 Sylvan Avenue Englewood Cliffs, New Jersey 07632	\$207.16

(Refund of overpayment of water charges as a result of an incorrect water meter reading)

2605	30	Citimortgage P.O. Box 23689 Rochester, NY 14692	\$2,087.00
5406	17	Investors Bank Investors Operations Center 101 Wood Avenue South Iselin, New Jersey 08830	\$2,635.00

(Refund of Overpayment of 2016 taxes as a result of a duplicate payment)

2614	16	D'Agostino, Barbara & Guy 37-23 Hillside Terrace Fair Lawn, New Jersey 07410	\$500.00
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(Refund of Overpayment of 2016 taxes as a result of the Homestead Rebate Credit)

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 228-2016

By

Seconded by

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

Regular Meeting 5/17/16

are hereby approved.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 229-2016

By

Seconded by

WHEREAS, the Borough of Fair Lawn, pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1, by resolution and without advertising for bids, enter into a contract for Emergency Purchases and Contracts; and

WHEREAS, the Borough of Fair Lawn had an emergent situation to furnish and install a ductless split air conditioning system for the Borough of Fair Lawn Server Room; and

WHEREAS, the Borough of Fair Lawn authorized through Resolution No. 285-2014 on August 19, 2014 a contract with Reiner Group, Inc., 11-07 River Road, Fair Lawn, New Jersey 07410 for HVAC Maintenance and Repair Services, who prepared a proposal to furnish and install all labor and materials to complete the scope of this work in the amount of \$9,050; and

WHEREAS, the Borough of Fair Lawn has issued PO#16-02518 on June 2, 2016 for said emergency services and purchases in the amount of \$9,050.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Fair Lawn hereby confirms the contract entered by the issuance of PO#16-02518 in the amount of \$9,050 to Reiner Group, Inc., 11-07 River Road, Fair Lawn, New Jersey 07410.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 230-2016

By

Seconded by

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the actions taken by the Board of Fire Commissioners at their meetings be and are hereby confirmed as follows:

Applications:

Arthur Safvai
10-15 2nd Street
Co. 1

Bryan Reinhardt
10-08 Burbank Street
Co. 1

Dan Dekker
13-02 6th Street
Co. 1

Anthony Messina
36 Westwood Drive
Co. 3

Kevin Beites
5-29 Elizabeth Street
Co. 3

Sean Redl
0-69 Elden Place
Co. 3

Resignations:

EJ Beverly
23-16 Howard Avenue, Apt D
Co. 4

Jeff Della Chiaie
26-19 Warren Road
Co. 3

Leave of Absence:

Jason Zink
2-03 Lyons Avenue
Co. 1

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 231-2016

By

Seconded by

WHEREAS, Noritake Co., Inc. filed real property tax appeals for the years 2009 and 2011 through 2015 (Docket Nos. 009567-2009, 011270-2011, 004805-2012, 008185-2013, 007685-2014 & 002873-2015); and

WHEREAS, the real property assessments for the subject premises, located at 15-22 Fair Lawn Avenue (Lot 47 in Block 4612 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2009 and 2011 were as follows:

Land:	\$1,547,800
Improvements:	<u>\$ 914,600</u>
Total:	\$2,462,400

and;

WHEREAS, for 2012 through 2014 the real property assessments were as follows:

Land:	\$1,393,000
Improvements:	<u>\$ 944,600</u>
Total:	\$2,337,600

and;

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

Land:	\$1,229,100
Improvements:	<u>\$ 770,900</u>
Total:	\$2,000,000

and;

WHEREAS, the 2009 tax appeal may be settled by reduction of the aforesaid assessments as follows, which will also carry to 2010 via the Freeze Act:

Land:	\$1,547,800
Improvements:	<u>\$ 352,200</u>
Total:	\$1,900,000

and;

WHEREAS, the 2011 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land:	\$1,547,800
Improvements:	<u>\$ 302,200</u>
Total:	\$1,850,000

and;

WHEREAS, the 2012 and 2013 tax appeals may be settled by reduction of the aforesaid assessments as follows:

Land:	\$1,393,000
Improvements:	<u>\$ 407,000</u>
Total:	\$1,800,000

and;

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

Land:	\$1,393,000
Improvements:	<u>\$ 307,000</u>
Total:	\$1,700,000

and;

WHEREAS, the 2015 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land:	\$1,229,100
Improvements:	<u>\$ 470,900</u>
Total:	\$1,700,000

and;

WHEREAS, as an integral part of the settlement agreement the 2016 assessments were reduced to a total of \$1,500,000; and

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

WHEREAS, the settlement results in an approximate total tax refund for tax years 2009 and 2011 through 2015 in the amount of \$99,672.68, of which one third or \$33,224.23 will be made payable to the plaintiff's attorney in this matter upon issuance of the judgments and the remaining two thirds or \$66,448.45 will be applied as credits against future taxes; and

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

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

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

BE IT FURTHER RESOLVED that the Borough Tax Collector is hereby authorized to issue a refund in the amount of \$33,224.23 and a credit of \$66,448.45 against future taxes upon issuance of the judgments; and

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 232-2016

By

Seconded by

WHEREAS, 17-17 Realty Associates filed real property tax appeals for the years 2011 through 2015 (Docket Nos. 006873-2011, 007918-2012, 003940-2013, 005579-2014 & 005363-2015); and

WHEREAS, the real property assessments for the subject premises, located at 17-17 Route 208 (Lot 2 in Block 4801 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2011 were as follows:

Land:	\$13,608,000
Improvements:	<u>\$ 6,591,400</u>
Total:	\$20,199,400

and;

WHEREAS, for 2012 through 2014 the real property assessments were as follows:

Land:	\$ 6,804,000
Improvements:	<u>\$13,018,900</u>
Total:	\$19,822,900

and;

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

Land:	\$ 6,804,000
Improvements:	<u>\$11,196,000</u>
Total:	\$18,000,000

and;

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

Land:	\$ 6,804,000
Improvements:	<u>\$11,446,000</u>
Total:	\$18,250,000

and;

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

Land:	\$ 6,804,000
Improvements:	<u>\$11,196,000</u>
Total:	\$18,000,000

and;

WHEREAS, as an integral part of the settlement agreement the 2015 assessments will be affirmed at the already reduced total assessment of \$18,000,000; and

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

WHEREAS, the settlement results in an approximate total tax refund for tax years 2011 through 2015 in the amount of \$148,449.65 of which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgments; and

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

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

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

BE IT FURTHER RESOLVED that the Borough Tax Collector is hereby authorized to issue a refund in the amount of \$148,449.65 upon issuance of the judgments; and

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 233-2016

By
Seconded by

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

WHEREAS, the Borough of Fair Lawn has the need to purchase ballistic vests for the Fair Lawn Police Department under State Contract 81316, for a total amount not to exceed \$84,120; and

WHEREAS, additional accessories will be needed for the ballistic vests from said vendor, which are proprietary as set forth in N.J.S.A. 40A:11-2(39) and N.J.A.C. 5:34-9.1 in an amount not to exceed \$9,500; and

WHEREAS, the Borough of Fair Lawn intends to enter into a contract with Lawmen Supply Company NJ, Inc., 7150 Airport Highway, Pennsauken, NJ, 08109 for the purchase of ballistic vests under State Contract 81316, and proprietary accessories in conjunction with this purchase through this resolution and a properly executed purchase order; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fair Lawn pursuant to N.J.A.C. 5:30-5.5(b), have allocated funds in Capital Ordinance No. 2376-2016 and a 50% match through State and Federal Grants, and through this resolution a certification of availability of funds will be completed by the Chief Finance Officer through the issuance of a purchase order.

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Fair Lawn authorizes the Borough Manager to enter into a contract with Lawmen Supply Company NJ, Inc., 7150 Airport Highway, Pennsauken, New Jersey 08109 an approved New Jersey State Contract Vendor pursuant to all conditions of the individual State Contract 81316.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 234-2016

By

Seconded by

WHEREAS, the Borough of Fair Lawn, pursuant to P.L. 2011, C139 may by resolution and without advertising for bids, purchase any goods or services utilizing National Cooperative Contracts; and

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

WHEREAS the Borough of Fair Lawn has the need to purchase Air Cylinders under Houston-Galveston Area Council Cooperative Purchasing Program #EP11-14 for a total of \$59,679.85.; and

WHEREAS, the Borough of Fair Lawn intends to enter into contract for this purchase with Fisher Scientific Company, LLC, having an office located at 300 Industry Drive, Pittsburgh, PA 15275 through this resolution and properly executed purchase agreement, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Fair Lawn pursuant to N.J.A.C. 5:30-5.5(b), has allocated funds in the 2016 Municipal Budget for the purchase of a emergency services equipment, and through this resolution a certification of availability of funds will be completed by the Chief Finance Officer through the issuance of a Purchase Order.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Fair Lawn authorizes the Borough Manager to purchase the above listed equipment from Fisher Scientific Company, LLC, an approved National Cooperative Vendor, pursuant to all conditions of the Contract # EP11-14.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 235-2016

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 serve on the Community Development Program effective July 1, 2016 through June 30, 2017 as follows:

Member:

Councilmember Lisa Swain
6 Fernwood Drive

Alternate Member:

Mayor John Cosgrove
23 Meadowview Terrace

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 236-2016

By

Seconded by

WHEREAS, the Borough of Fair Lawn, authorized through Resolution No. 95-2015 on February 10, 2015 a contract with Packetalk, LLC, 471 Valley Brook Avenue, Lyndhurst, New Jersey 07071 for the purchase of an Integrated Safety Security Surveillance System; and

WHEREAS, the Borough of Fair Lawn has determined the need to purchase additional equipment to expand the scope of the original project, which is proprietary as set forth in N.J.S.A. 40A:11-2(39) and N.J.A.C. 5:34-9.1; and

WHEREAS, the Borough of Fair Lawn intends to enter into a contract for the purchase of the additional surveillance equipment, the installation and the setup of the same in the amount of \$35,097.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Lawn pursuant to N.J.A.C. 5:30-5.5(b), has allocated an amount of \$33,000 in Capital Ordinance No. 2376-2016 and an amount of \$2,097 in Capital Ordinance No. 2337-2015 and through this resolution a certification of availability of funds will be completed by the Chief Finance Officer through the issuance of a Purchase Order; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Fair Lawn hereby authorizes the Borough Manager to enter into a contract with Packetalk, LLC, 471 Valley Brook Avenue, Lyndhurst, NJ 07071 in the amount of \$35,097.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 237-2016

By

Seconded by

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn, in the County of Bergen, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to execute the Municipal Snow Plowing Agreement with the County of Bergen for the 2016 - 2018 snow plowing season.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 238-2016

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 May 31, 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 May 31, 2016, 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

John Zakrzewski

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

John Umbreit

 Signature Department Chief

5/31/16

 Date

5/31/16

 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 2016. Active emergency service was provided to:

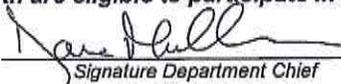
FAIR LAWN AMBULANCE CORPS
(Name of Organization)

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

Marc Zharnest

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.

 _____ LOSAP Administrator	 _____ Signature Department Chief
5/31/16 _____ Date	5/31/16 _____ Date

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 239-2016

By

Seconded by

WHEREAS, the Borough of Prospect Park has requested that the Borough of Fair Lawn permit the usage of Memorial Pool by residents of the Borough of Prospect 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 Prospect 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 Prospect Park adopt a resolution concurrent herewith for the execution of said agreement.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 240-2016

By

Seconded by

WHEREAS, the Township of Saddle Brook has requested that the Borough of Fair Lawn permit the usage of Memorial Pool by residents of the Township of Saddle Brook 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 Township of Saddle Brook; 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 Township of Saddle Brook adopt a resolution concurrent herewith for the execution of said agreement.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 241-2016

By

Seconded by

WHEREAS, the Borough of Haledon has requested that the Borough of Fair Lawn permit the usage of Memorial Pool by residents of the Borough of Haledon 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 Haledon; 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 Haledon adopt a resolution concurrent herewith for the execution of said agreement.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 242-2016

By

Seconded by

WHEREAS, the Intellichild Academy of Fair Lawn, located at 12-29 River Road, Fair Lawn, New Jersey 07410, has requested that the Borough of Fair Lawn permit the usage of Memorial Pool on Wednesdays and Fridays from July 13, 2016 through August 19, 2016 between 10:00 a.m. and 11:30 a.m. and Mondays, Tuesdays or Thursdays shall be used for rain dates as needed for its camp program during the summer of 2016; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the Borough enter into an agreement with the Intellichild Academy of Fair Lawn for the purpose of providing the aforesaid services at a rental fee of \$1,800 for the term; 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 prepared by the Borough Attorney.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 243-2016

By
Seconded by

WHEREAS, application has been made for the renewal of Liquor Licenses for fiscal year beginning July 1, 2016 and ending June 30, 2017, by the following:

<u>License Number</u>	<u>Fee</u>	<u>Type</u>	<u>Licensee</u>
0217-32-001-004	\$2,000.00	PRC	Guy and Walsh, Inc. t/a J.J.'s Pub 25-01 Broadway
0217-33-002-008	\$2,000.00	PRC	Brian Scherer, LLC t/a Stoch's 18-15 Maple Avenue
0217-33-003-006	\$2,000.00	PRC	Krokeai, Inc. t/a Oceanos Restaurant 2-27 Saddle River Road
0217-44-004-005	\$1,635.00	PRD	P and Y, Inc. t/a Morlot Wines & Liquors 22-10 Morlot Avenue
0217-33-006-006	\$2,000.00	PRC	Gotham Beverage, Inc. t/a Gotham City Diner 39-10 Broadway
0217-33-007-005	\$2,000.00	PRC	F.J.'s Reservoir Bar & Grill, Inc. t/a The Dutch House Tavern 24-07 Fair Lawn Avenue
0217-33-008-005	\$2,000.00	PRC	The Rail Yard, LLC t/a The Rail Yard Tavern 14-22 & 14-26 Plaza Road

0217-33-009-001	\$2,000.00	PRC	Fair Lawn Athletic Club, Inc. 14-19 Parmelee Avenue
0217-33-011-005	\$2,000.00	PRC (Pocket)	Mr. G's Inc. t/a P.M. Wine & Spirits 15 Village Road Pompton Lakes, NJ 07444
0217-33-012-003	\$2,000.00	PRC	13-50 River Road Corp. t/a Empress Restaurant 13-50 River Road
0217-44-013-011	\$1,635.00	PRD	B&B Liquors, Inc. 13-05 River Road
0217-33-014-003	\$2,000.00	PRC	Leiserv, LLC t/a Brunswick Fairlawn Lanes 22-22 Maple Avenue
0217-33-015-002	\$2,000.00	PRC	Owl & I Inc. t/a Rivaras Grill House 6-18 Maple Avenue
0217-44-016-006	\$1,635.00	PRD	Alison Beverages of N.J., Inc. t/a Shop Rite Liquors of Fair Lawn
0217-33-017-010	\$2,000.00	PRC	R.P.T. Inc. t/a River Palm Terrace II 41-11 Route 4 West
0217-33-019-006	\$2,000.00	PRC	KMM LLC t/a Sel-Rite Bar & Liquors 17-65B River Road
0217-44-020-009	\$1,635.00	PRD	Sai Leela, LLC t/a Radburn Liquor 14-35 Plaza Road
0217-33-021-007	\$2,000.00	PRC	Anthony's Coal Fired Pizza of Fair Lawn, Inc. 2101 Promenade Boulevard

0217-33-022-004	\$2,000.00	PRC	St. Efraim, Inc. t/a Land & Sea Diner and Restaurant 20-12 Fair Lawn Avenue
0217-33-024-003	\$2,000.00	PRC	BRC Saunas & Spa, Inc. 24-20 Broadway
0217-31-025-002	\$150.00	C	Harry Coppendyke Post 171 American Legion 17-08 River Road
0217-31-026-001	\$150.00	C	Columbian Club of West Bergen, Inc. 16-16 Maple Avenue
0217-31-027-002	\$150.00	C	Cosmos Club of Fair Lawn 33-02 Morlot Avenue
0217-36-031-002	\$2,000.00	Hotel/ Motel Exception	Noble I/HY Fairlawn Op Co.,LLC Hyatt Place Fair Lawn/Paramus 41 Broadway (Route 208 No.)

WHEREAS, it appears to the Mayor and Council that proper notice of intention to apply for said license has been made and that the license fee of \$2,000 for a Plenary Retail Consumption License, \$2,000.00 for a Hotel/Motel Exception, \$1,635 for a Plenary Retail Distribution License and \$150 for a Club License accompanied each of the aforesaid applications;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that renewal of the aforesaid licenses be and are hereby approved; that said licenses become effective July 1, 2016 and that the Municipal Clerk be and is hereby authorized and directed to issue said licenses.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 244-2016

By
Seconded by

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

WHEREAS, the Borough of Fair Lawn has the need to purchase Fire Department gear under State Contracts 80948 and 80558, for a total amount not to exceed of \$27,217.60; and

WHEREAS, the Borough of Fair Lawn intends to enter into a contract with SAFE-T (Skylands Area Fire Equipment & Training), 23 Hamburg Turnpike, Riverdale, New Jersey, 07457 for the purchase of said fire gear under State Contracts 80948 and 80958 through this resolution and a properly executed purchase order; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fair Lawn pursuant to N.J.A.C. 5:30-5.5(b), have allocated funds in Capital Ordinance No. 2376-2016 and through this resolution a certification of availability of funds will be completed by the Chief Finance Officer through the issuance of a purchase order; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Fair Lawn authorizes the Borough Manager to enter into a contract with SAFE-T (Skylands Area Fire Equipment & Training), 23 Hamburg Turnpike, Riverdale, New Jersey, 07457 an approved New Jersey State Contract Vendor pursuant to all conditions of the individual State Contracts 80948 and 80558.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 245-2016

By
Seconded by

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

WHEREAS, the Borough of Fair Lawn has the need to purchase Fire Department pagers under State Contract 83909, for a total amount not to exceed of \$24,843.55; and

WHEREAS, the Borough of Fair Lawn intends to enter into a contract with Motorola Solutions Inc., 5 Paragon Drive, Suite 200, Montvale, New Jersey 07645 for the purchase of said pagers under State Contract 83909 through this resolution and a properly executed purchase order; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fair Lawn pursuant to N.J.A.C. 5:30-5.5(b), have allocated funds in Capital Ordinance No. 2016-2376 and through this resolution a certification of availability of funds will be completed by the Chief Finance Officer through the issuance of a purchase order.

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Fair Lawn authorizes the Borough Manager to enter into a contract with Motorola Solutions Inc., 5 Paragon Drive, Suite 200, Montvale, New Jersey 07645 an approved New Jersey State Contract Vendor pursuant to all conditions of the individual State Contract 83909.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 246-2016

By
Seconded by

WHEREAS, the Borough of Fair Lawn by Resolution No. 412-2015 on October 27, 2015, authorized the purchase emergency services equipment under Houston-Galveston Area Council Cooperative Purchasing Program to vendor P&L Custom Body & Equipment Company; and

WHEREAS, the Borough of Fair Lawn has the need for electrical stretchers and power load fastening systems for their ambulances; and

WHEREAS, the Purchasing Agent has recommended the utilization of the National Cooperative Contract on the grounds that it represents the best price available; and

WHEREAS, legal notice has been advertised in accordance with this purchase, and the Council may by resolution and without advertising for bids, purchase such emergency services equipment; and

WHEREAS, the Borough of Fair Lawn intends to enter into a contract for the purchase of two (2) power load fastening systems for a total of \$49,574 and two (2) electrical stretchers for a total of \$29,757.98 under contract #HGAC AM 10-14, through this resolution and a properly executed purchase order.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Lawn pursuant to N.J.A.C. 5:30-5.5(b), has allocated in Capital Ordinance No. 2376-2016 and through this resolution a certification of availability of funds will be completed by the Chief Finance Officer through the issuance of a purchase order; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Fair Lawn authorizes the Borough Manager to authorize the above purchase from P&L Custom Body & Equipment Company, 2201 Atlantic Avenue, Manasquan, New Jersey 08736 as the contract vendor, pursuant to all conditions of #HGAC AM 10-14.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 247-2016

By
Seconded by

WHEREAS, the Borough Council has deemed it necessary to obtain alcohol and drug testing services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, a proposal has been submitted by Valley Medical Group having an office located at 15 Essex Road, Suite 504, Paramus, New Jersey 07652, for alcohol and drug testing services herein before stated and as further set forth in its proposal, attached hereto and made a part hereof as Schedule "A";

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

1. That upon the recommendation of the Borough Manager that said services are necessary, a contract be awarded to the aforesaid Valley Medical Group in accordance with its attached proposal;
2. No additional services shall be rendered for which Valley Medical Group shall seek additional payment without written authorization by the Borough pursuant to law.
3. The term of the contract shall be two (2) years, commencing on July 1, 2016 and terminating on July 31, 2018.
4. The expense shall be charged to each of the corresponding years Emergency Management budget for the contract years in the amount stipulated in the attached proposal.
5. The Mayor and Municipal Clerk are hereby authorized to execute a contract with Valley Medical Group in a form approved by the Borough Attorney, provided all statutory requirements are met.

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

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that through this resolution a Certificate of Availability of Funds will be completed by the Chief Financial Officer through the issuance of a Purchase Order.

- 10 -

FEE SCHEDULE**(Pricing based on program including all driver DOT physicals)****BUNDLED PRICES FOR SERVICES**

BUNDLED PRICES for alcohol tests include both screening and confirmation tests. BUNDLED PRICES for drug tests include collection, laboratory testing, and MRO review.

MUNICIPALITY agrees to pay PROVIDER \$ 67.00 per DOT drug test (UDS)

MUNICIPALITY agrees to pay PROVIDER \$ 65.00 per Non-DOT drug test

MUNICIPALITY agrees to pay PROVIDER \$ 50.00 per Observed Urine Drug Screen

MUNICIPALITY agrees to pay PROVIDER \$ 55.00 per DOT alcohol test (BAT)

MUNICIPALITY agrees to pay PROVIDER \$ 100.00 per DOT physical

MUNICIPALITY agrees to pay PROVIDER \$ 40.00 per DOT follow-up physical

MUNICIPALITY agrees to pay PROVIDER \$ 160.00 per Split Sample test

MUNICIPALITY agrees to pay PROVIDER \$ 180.00 per Post Accident On- Site service

\$ 300.00 Annual Administrative Fee to include:

- **Required Safety Sensitive Supervisor Training.**
- **Required Blind Specimen Designation.**
- **Required Driver Information Packets.**
- **Required Certified MRO Services.**

Charge *includes* periodic *random* selection of employees, (50% UDS per yr, 25% BAT per yr) all MRO services, Collection Sites, Record back-up, semi-annual laboratory reports as well as *unlimited* Supervisor training instruction, and 800 Hot-Line numbers for Post Accident Collection Sites or On-Site Post Accident Services. (On-Site Post Accident Service fee does not include cost of drug or alcohol tests).

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 248-2016

By
Seconded by

WHEREAS, bids were received for Containers - Rectangular Open Top Roll-Off by the Municipal Clerk on June 7, 2016; and

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

WHEREAS, Rudco Products, P.O. Box 705, Vineland, New Jersey 08362 is the sole responsible bidder in the amount of \$22,763.00;

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

BE IT FURTHER RESOLVED, through this resolution a Certificate of Availability of Funds will be completed by the Chief Financial Officer through the issuance of a Purchase Order; 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

June 21, 2016

RESOLUTION NO. 249-2016

By
Seconded by

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land located therein constitute an area in need of rehabilitation; and

WHEREAS, in accordance with the LRHL the Municipal Council of the Borough of Fair Lawn (the "Borough Council") designated Block 5834, Lot 1.02 in the Borough of Fair Lawn, in the County of Bergen (the "Property"), known as the rear portion of the KEM property, as an Area in Need of Rehabilitation on September 11, 2012 through the adoption of Resolution No. 273-2012; and

WHEREAS, the Borough Council directed the Planner of Record, Matrix New World Engineering, to prepare a Redevelopment Plan for the Property; and

WHEREAS, the Planner of Record prepared the KEM Site/Fair Lawn Senior Housing Redevelopment Plan, dated April 28, 2015, for the Property which was also adopted by the Borough Council on April 28, 2015 via Resolution No. 220-2015; and

WHEREAS, amendments to the KEM Site/Fair Lawn Senior Housing Redevelopment Plan are required in order to permit the number of affordable housing units on the property to increase from 64 units to 85 units and increase the corresponding maximum permitted density from 16.8 dwelling units per acre (du/ac) to 22.5 du/ac in order to permit the 85 affordable housing units envisioned. In addition, an amendment is required in order to increase the minimum number of parking spaces required from 75 parking spaces to 95 parking spaces; and

WHEREAS, the Planner of Record prepared an Amended and Restated KEM Site/Fair Lawn Senior Housing Redevelopment Plan for the Property and has submitted said Redevelopment Plan to the Borough Council for review; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(e), the Borough Council seeks to refer to the Planning Board of the Borough of Fair Lawn (the "Planning Board") for review and recommendation, a Redevelopment Plan for the Property (the "Redevelopment Plan", as attached hereto as Exhibit A).

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough Council hereby refers the Redevelopment Plan, which is on file in the Municipal Clerk's Office to the Planning Board for review and recommendation in accordance with the requirements of N.J.S.A. 40A:12A-7(e).
3. The Borough Council authorizes and directs the Planning Board to prepare a report of its recommendations (the "Planning Board Report") regarding the Redevelopment Plan in accordance with N.J.S.A. 40A:12A-7(e). The Planning Board Report is to be submitted to the Borough Council within forty-five (45) days of the adoption of this Resolution.
4. The Municipal Clerk shall forward a copy of this Resolution to the Planning Board for review pursuant to N.J.S.A. 40A:12A-7(e).
5. Effective Date. This resolution shall take effect immediately.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 250-2016

By
Seconded by

BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Lawn wishes to enter into a Bergen County Trust Fund Project Contract ("Contract") with the County of Bergen for the purpose of using a \$37,542 matching grant award from the 2015 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the municipal park project entitled "Miniature Golf Course" located in Lot 31 in Block 5903 on the tax maps of the Borough of Fair Lawn; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes the Borough Manager to be a signatory to the aforesaid Contract; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about May 18, 2018; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund's requirements; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund's requirements.

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 251-2016

By

Seconded by

WHEREAS, the Board of Education of the Borough of Fair Lawn has requested that the Borough of Fair Lawn permit the usage of Memorial Pool by the Community School, on Tuesdays through Fridays between 10:30 a.m. and 1:30 p.m. and Mondays, Tuesdays, Wednesdays and Fridays between 1:30 p.m. and 3:30 p.m., rain dates provided at the discretion of the Superintendent of Parks and Recreation, for its camp program for the summer of 2016, commencing on June 27, 2016 through August 19, 2016; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the Borough enter into an agreement with the Board of Education for the purpose of providing the aforesaid services; 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 prepared by the Borough Attorney; and

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

Aye Nay Abstain

Dunay
Lefkowitz
Peluso
Swain
Cosgrove

June 21, 2016

RESOLUTION NO. 252-2016

By

Seconded by

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

Work Session 5/3/16
Closed Session 5/3/16

are hereby approved.