

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.**

**SEPTEMBER 20, 2016**

1. Call to Order by Mayor
2. Statement of Compliance with the Open Public Meetings Act
3. Roll Call
4. Flag Salute
5. SWEARING IN OF POLICE OFFICERS
6. PRESENTATION OF POLICE RE-ACCREDITATION CERTIFICATION
7. POLICE AWARDS PRESENTATION
8. PROCLAMATIONS - GOLD STAR MOTHERS' DAY/PARENTS OF FALL MILITARY SONS AND DAUGHTERS
  - BREAST CANCER AWARENESS MONTH
  - FAIR LAWN AMATEUR RADIO CLUB MONTH
9. COUNCIL COMMENTS
10. MANAGER'S REPORT
11. ORDINANCES ON FIRST READING:

**ORDINANCE NO. 2406-2016  
(RESOLUTION NO. 327-2016)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, SPECIFICALLY CHAPTER 62 "ANIMALS" TO ADD ARTICLE V ENTITLED, "BANNING THE SALE OF DOGS AND CATS FROM PET SHOPS"**

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

**ORDINANCE NO. 2407-2016  
(RESOLUTION NO. 328-2016)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 232, ENTITLED "VEHICLES AND TRAFFIC", MORE PARTICULARLY ARTICLE VIII ENTITLED "TRAFFIC", SUBSECTION 232-50 ENTITLED "BUS STOPS"**

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

**ORDINANCE NO. 2408-2016  
(RESOLUTION NO. 329-2016)**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES", ARTICLE VI, "SCHEDULE OF FEES"**

- 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.

**12. ORDINANCES ON SECOND READING:**

**ORDINANCE NO. 2401-2016  
(RESOLUTION NO. 330-2016)**

**AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE (MINIATURE GOLF COURSE)**

- 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. 2402-2016  
(RESOLUTION NO. 331-2016)**

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

- Mayor asks for a motion to 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. 2403-2016  
(RESOLUTION NO. 332-2016)**

**AN ORDINANCE FIXING THE SALARIES OF PART TIME EMPLOYEES OF  
THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS  
AMENDED**

- 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. 2404-2016  
(RESOLUTION NO. 333-2016)**

**AN ORDINANCE TO AMEND CHAPTER 160 OF THE CODE OF THE  
BOROUGH OF FAIR LAWN 2000, ENTITLED, "PARKS AND RECREATION  
AREAS" TO ALLOW DOGS IN THE PARK UNDER CERTAIN CRITERIA**

- Mayor asks for a motion to open the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor opens time for public comments asking if anyone wishes to be heard.

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

**ORDINANCE NO. 2405-2016  
(RESOLUTION NO. 334-2016)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR  
LAWN 2000, SPECIFICALLY CHAPTER 13, ENTITLED "FIRE DEPARTMENT"**

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

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

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

**14. RESOLUTIONS BY CONSENT #13-2016**

- Municipal Clerk reads Resolutions by Consent.
  - a. Resol. #335-2016 – Authorizing Contracts with Certain Approved Cooperative Contract Vendors Pursuant to N.J.S.A. 40A:11-1
  - b. Resol. #336-2016 – Climate Control
  - c. Resol. #337-2016 – Appointment of Fire Official
  - d. Resol. #338-2016 - Refund of Overpayment of Taxes
  - e. Resol. #339-2016 – Confirming Endorsement of Community Development Project – Alliance Against Homelessness of Bergen County, Inc.

- f. Resol. #340-2016 – Confirmation of Fire Board Actions
- g. Resol. #341-2016 – Authorizing Contracts with Certain Approved Vendors – GTBM Inc.
- h. Resol. #342-2016 – Authorizing Extension of Temporary Construction Easement – PSE&G
- i. Resol. #343-2016 - Award of Bid: Disposal of Solid Waste
- j. Resol. #344-2016 – Renewal of Membership in the Bergen County Municipal Joint Insurance Fund
- k. Resol. #345-2016 - Approval of Minutes:
  - Work Session 8/16/16
  - Closed Session 8/16/16
  - Regular Meeting 8/16/16
- l. Resol. #346-2016 – Authorizing Execution of Bergen County Community Development Grant Application - Roadway Improvements
- m. Resol. #347-2016 – Authorizing Execution of Bergen County Community Development Grant Application - Senior Center Various Improvements
- n. Resol. #348-2016 – Authorizing Execution of Bergen County Community Development Grant Application – Barrier Free Ramps
- o. Resol. #349-2016 – Special Item of Revenue – NJACCHO Grant
- p. Resol. #350-2016 – Special Item of Revenue – OEM Grant
- q. Resol. #351-2016 - Approving Concept Plan for Special Needs Housing to be Developed by Bergen County's United Way and Establishing Planning for Future Approvals
- r. Resol. #352-2016 - Authorizing Approval of Massage Establishment - Sunshine Spa and Massagist License - Guozhen Hou
- s. Resol. #353-2016 - Renewal of Leaf Composting Agreement– Downes Tree Service, Inc.
- t. Resol. #354-2016 - Authorizing Application for Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund Grant - Memorial Pool Playground Improvements
- u. Resol. #355-2016 - Tax Appeal Settlement: Pollitt Drive Enterprises – 15-01 Pollitt Drive, Unit 8A
- v. Resol. #356-2016 - Tax Appeal Settlement: Ace Investment, LLC – 40-18 & 40-40 Broadway

- w. Resol. #357-2016 - Tax Appeal Settlement: Cox H&E c/o CVS Pharmacies – 29-00 Broadway
- x. Resol. #358-2016 - Tax Appeal Settlement: Space Station Fair Lawn, LLC – 16-01 McBride Avenue

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

**15. RESOLUTION NO. 359-2016 - AUTHORIZING EXECUTION OF MAINTENANCE AGREEMENT WITH THE RADBURN ASSOCIATION**

- Mayor asks Municipal Clerk to read resolution. Mover, Second, Discussion, Roll Call.

**16. 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.

**17. ADJOURNMENT:**

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 327-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2406-2016 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN,  
SPECIFICALLY CHAPTER 62 "ANIMALS" TO ADD ARTICLE V ENTITLED,  
"BANNING THE SALE OF DOGS AND CATS FROM PET SHOPS"**

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 25th day of October, 2016, at 7:30 p.m. or as soon thereafter as the matter can be reached and at said time and place, all persons interested be given an opportunity to be heard concerning the same, and the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law prior to said hearing with a notice of its introduction and of the time and place, when, and where said ordinance will be considered for final passage.

## ORDINANCE NO. 2406-2016

### **AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, SPECIFICALLY CHAPTER 62 "ANIMALS" TO ADD ARTICLE V ENTITLED, "BANNING THE SALE OF DOGS AND CATS FROM PET SHOPS"**

**WHEREAS**, a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for ("puppy mills" and kitten mills," respectively). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop animals originate from these puppy and kitten mills; and

**WHEREAS**, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization and lack of adequate exercise; and

**WHEREAS**, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavior issues, which may not present themselves until sometime after purchase of animals, can impose exorbitant financial and emotional costs on consumers; and

**WHEREAS**, current Federal and State regulations do not adequately address the sale of puppy and kitten mill dogs and cats in pet shops; and

**WHEREAS**, restricting the retail sale of dogs and cats to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred by mills, and is likely to increase demand for pets from animal shelters and rescue organization; and

**WHEREAS**, according to the New Jersey Department of Health 2014 Animal Intake and Disposition Survey, due in large part to pet overpopulation, more than 20,000 dogs and cats are euthanized in New Jersey animal shelters annually. Restricting the retail sale of dogs and cats to only those that are sourced from animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

**WHEREAS**, across the country thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organization to offer space and support for showcasing adoptable homeless pets on their premises; and

**WHEREAS**, this Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred or can confer directly with the hobby breeder concerning these conditions; and

**WHEREAS**, the Governing Body of the Borough of Fair Lawn believes it is in the best interests of the Borough of Fair Lawn to adopt reasonable regulations to reduce costs to the Borough of Fair Lawn and its residents, protect the citizens of the Borough of Fair Lawn who may purchase dogs or cats from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the Borough of Fair Lawn.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Fair Lawn that the following amendments be made to Chapter 62

**SECTION I. Chapter 64 ANIMALS** is hereby amended as follows:

Article I  
**Dogs**

**§62-1 Definitions.**

Delete:

DOG – Any dog, bitch or spayed bitch.

Add:

DOG - a member of the species of domestic dog, *Canis familiaris*

Add:

Article V  
**Banning the Sale of Dogs and Cats from Pet Shops**

**§62 -29 Definitions.**

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

ANIMAL CARE FACILITY - an animal control center or animal shelter, maintained by or under contract with any state, country or municipality, whose mission and practice is, in whole or significant part, the rescue and placement of animals in permanent homes or rescue organizations

ANIMAL RESCUE ORGANIZATION - any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United State Internal Revenue Code, whose mission and practice is, in whole or significant part, the rescue and placement of animal in permanent homes.

CAT - a member of the species of domestic cat, *Felis catus*

DOG - a member of the species of domestic dog, *Canis familiaris*

OFFER FOR SALE - to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

PET SHOP - a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined herein.

**§62-30 Restrictions on the Sale of Animals.**

- A. A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:
  - (1) An animal care facility; or
  - (2) An animal rescue organization.
  
- B. A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

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

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

Attest:

Approved:

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

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John Cosgrove, Mayor

Introduced: September 20, 2016

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 328-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2407-2016 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 232, ENTITLED "VEHICLES AND TRAFFIC", MORE PARTICULARLY ARTICLE VIII ENTITLED "TRAFFIC", SUBSECTION 232-50 ENTITLED "BUS STOPS"**

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 25th day of October, 2016, at 7:30 p.m. or as soon thereafter as the matter can be reached and at said time and place, all persons interested be given an opportunity to be heard concerning the same, and the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law prior to said hearing with a notice of its introduction and of the time and place, when, and where said ordinance will be considered for final passage.

**ORDINANCE NO. 2407-2016**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 232, ENTITLED "VEHICLES AND TRAFFIC", MORE PARTICULARLY ARTICLE VIII ENTITLED "TRAFFIC", SUBSECTION 232-50 ENTITLED "BUS STOPS"**

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

**§ 232-50. Bus stops.**

Pursuant to N.J.S.A. 39-4-8(e) the following described locations are hereby designated as "bus stops":

A. Along Fair Lawn Avenue, (CR 76) westbound on the northerly side thereof at:

- (1) Between Plaza Road and 20th Street (midblock) beginning 200 feet west of the westerly curblineline of Plaza Road and extending 135 feet westerly therefrom. (location 31393)
- (2) Pollitt Drive (far side): beginning at the westerly curblineline of Pollitt Drive and extending 100 feet westerly therefrom. (location 11685)
- (3) Chandler Drive (near side): beginning at the easterly curblineline of Chandler Drive and extending 105 feet easterly therefrom. (location 11686)
- (4) Elmary Place (far side): beginning at the westerly curblineline of Elmary Place and extending 100 feet westerly therefrom. (location 11687)
- (5) Elmwood Place (near side): beginning at the easterly curblineline of Elmwood Place and extending 105 feet easterly therefrom. (location 11688)
- (6) Parmelee Avenue (far side): beginning at the westerly curblineline of Parmelee Avenue and extending 100 feet westerly therefrom (location 11689)

B. Along Fair Lawn Avenue (CR 76), eastbound on the southerly side thereof at:

- (1) George Street (far side) (prolongation): beginning at the prolongation of the easterly curbline of George Street and extending 100 feet easterly therefrom. (location 11665)
- (2) Arnold Street (far side): beginning at the easterly curbline of Arnold Street and extending 100 feet easterly therefrom. (location 11666)
- (3) Burbank Street (far side): beginning at the easterly curbline of Burbank Street and extending 100 feet easterly therefrom. (location 11667)
- (4) Orchard Street (far side): beginning at the easterly curbline of Orchard Street and extending 100 feet easterly therefrom. (location 11668)
- (5) Chandler Drive (far side) (prolongation): beginning at the prolongation of the easterly curbline of Chandler Drive and extending 100 feet easterly therefrom. (location 11669)
- (6) 20th Street (far side): beginning at the easterly curbline of 20th Street and extending 100 feet easterly therefrom. (location 11670)

C. Along Morlot Avenue (CR 78), westbound along the northerly side thereof at:

- (1) John Street (near side): beginning at the easterly curbline of John Street and extending 105 feet easterly therefrom. (location 11715)
- (2) Dorothy Street (near side): beginning at the easterly curbline of Dorothy Street and extending 105 feet easterly therefrom. (location 11716)
- (3) McKinley Street (near side) prolongation: beginning at the prolongation of the easterly curbline of McKinley Street and extending 105 feet easterly therefrom. (location 11717)

- (4) Sixth Street (far side): beginning at the westerly curbline of Sixth Street and extending 100 feet westerly therefrom. (location 11719)
- (5) Fourth Street (far side): beginning at the westerly curbline of Fourth Street and extending 100 feet westerly therefrom. (location 11720)
- (6) Second Street (far side): beginning at the westerly curbline of Second Street and extending 100 feet westerly therefrom. (location 11721)
- (7) Essex Place (far side): beginning at the westerly curbline of Essex Place and extending 100 feet westerly therefrom. (location 11722)
- (8) Canger Place (far side): beginning at the westerly curbline of Canger Place and extending 100 feet westerly therefrom. (location 11723)
- (9) Van Saun Place (far side): beginning at the westerly curbline of Van Saun Place and extending 100 feet westerly therefrom. (location 11718)

D. Along Morlot Avenue (CR 78), eastbound along the southerly side thereof at:

- (1) Canger Place (far side): beginning at the easterly curbline of Canger Place and extending 100 feet easterly therefrom. (location 11705)
- (2) Essex Place (far side): beginning at the easterly curbline of Essex Place and extending 100 feet easterly therefrom. (location 11706)
- (3) Second Street (far side): beginning at the easterly curbline of Second Street and extending 100 feet easterly therefrom. (location 11707)
- (4) Fourth Street (far side): beginning at the easterly curbline of Fourth Street and extending 100 feet easterly therefrom. (location 11708)
- (5) Sixth Street (near side): beginning at the westerly curbline of Sixth Street and extending 105 feet westerly therefrom. (location 11709)

- (6) Plaza Road (far side): beginning at the easterly curbline of Plaza Road and extending 100 feet easterly therefrom. (location 11710)
  - (7) Van Saun Place (near side)(prolongation): beginning at the prolongation of the westerly curbline of Van Saun Place and extending 105 feet westerly therefrom. (location 11711)
  - (8) McKinley Street (far side): beginning at the westerly curbline of McKinley Street and extending 100 feet westerly therefrom. (location 11712)
  - (9) Dorothy Street (far side): beginning at the westerly curbline of Dorothy Street and extending 100 feet westerly therefrom (location 11713).
  - (10) Between John Street and Dorothy Street (mid-block): beginning 86 feet west of the westerly curbline of Dorothy Street and extending 135 feet westerly therefrom. (location 11714)
- E. Along River Road (CR 507), northbound on the easterly side thereof at:
- (1) Bellair Avenue (near side): beginning at the southerly curbline of Bellair Avenue and extending 105 feet southerly therefrom. (location 11737)
  - (2) Park Avenue (far side): beginning at the northerly curbline of Park Avenue and extending 100 feet northerly therefrom. (location 11738)
  - (3) Berdan Avenue (far side): beginning at the northerly curbline of Berdan Avenue and extending 100 feet northerly therefrom. (location 11739)
  - (4) Hopper Avenue (near side): beginning at the southerly curbline of Hopper Avenue and extending 105 feet southerly therefrom. (location 11740)
- F. Along River Road (CR 507), southbound on the westerly side thereof at:
- (1) Hopper Avenue (far side): beginning at the southerly curbline of Hopper Avenue and extending 100 feet northerly therefrom. (location 11741)

- (2) Berdan Avenue (near side): beginning at the northerly curblineline of Berdan Avenue and extending 105 feet northerly therefrom. (location 11742)
- (3) Park Avenue (far side) (prolongation): beginning at the prolongation of the southerly curblineline of Park Avenue and extending 100 feet southerly therefrom. (location 11743)

G. Along Saddle River Road (CR 79), northbound along the easterly side thereof at:

- (1) Elaine Terrace (near side): beginning at the southerly curblineline of Elaine Terrace and extending 105 feet southerly therefrom. (location 11777)
- (2) Dunkerhook Road (far side): beginning at the northerly curblineline of Dunkerhook Road and extending 100 feet northerly therefrom. (location 11783)
- (3) South Broadway (far side) beginning at the northerly curblineline of South Broadway and extending 100 feet northerly therefrom (location 11775)
- (4) Red Mill Road (near side): beginning at the southerly curblineline of Red Mill Road and extending 105 feet southerly therefrom ((location 11776)
- (5) Jean Terrace (far side): beginning at the northerly curblineline of Jean Terrace and extending 100 feet northerly therefrom. (location 11778)
- (6) Erii Road (far side): beginning at the northerly curblineline of Erii Road and extending 100 feet northerly therefrom. (location 11779)
- (7) Berdan Avenue (far side) (prolongation): beginning at the prolongation of the northerly curblineline of Berdan Avenue and extending 100 feet northerly therefrom. (location 11780)

- (8) Tierney Place (far side) (prolongation): beginning at the prolongation of the northerly curbline of Tierney Place and extending 100 feet northerly therefrom. (location 11781)
- (9) Terhune Place (far side) (prolongation): beginning at the prolongation of the northerly curbline of Terhune Place and extending 100 feet northerly therefrom. (location 11782)
- (10) Goldblatt Terrace (far side): beginning at the northerly curbline of Goldblatt Terrace and extending 100 feet northerly therefrom. (location 11784)
- (11) Kramer Place (far side) (prolongation): beginning at the prolongation of the northerly curbline of Kramer Place and extending 100 feet northerly therefrom. (location 11785)
- (12) Between Kramer Place and Meadowview Terrace (mid-block): beginning 450 feet south of the southerly curbline of Meadowview Terrace and extending 135 feet northerly therefrom. (location 11786)

H. Along Saddle River Road (CR 79), southbound along the westerly side thereof at:

- (1) Naugle Drive (far side) (prolongation): beginning at the prolongation of the southerly curbline of Naugle Drive and extending 100 feet southerly therefrom. (location 11787)
- (2) Kramer Place (far side): beginning at the southerly curbline of Kramer Place and extending 100 feet southerly therefrom. (location 11788)
- (3) Knott Terrace (far side): beginning at the southerly curbline of Knott Terrace and extending 100 feet southerly therefrom. (location 11789)
- (4) Fair Lawn Avenue (far side): beginning at the southerly curbline of Fair Lawn Avenue and extending 100 feet southerly therefrom. (location 11791)

- (5) Terhune Place (far side): beginning at the southerly curblines of Terhune Place and extending 100 feet southerly therefrom. (location 11792)
  - (6) Tierney Place (far side) (prolongation): beginning at the southerly curblines of Tierney Place and extending 100 feet southerly therefrom. (location 11793)
  - (7) Berdan Avenue (far side): beginning at the prolongation of the southerly curblines of Berdan Avenue and extending 100 feet southerly therefrom. (location 11794)
  - (8) Vanore Drive (far side): beginning at the southerly curblines of Vanore Drive and extending 100 feet southerly therefrom. (location 11795)
  - (9) Kuiken Terrace (far side): beginning at the southerly curblines of Kuiken Terrace and extending 100 feet southerly therefrom. (location 11790)
  - (10) Elaine Terrace (far side) (prolongation): beginning at the prolongation of the southerly curblines of Elaine Terrace and extending 100 feet southerly therefrom. (location 11796)
  - (11) South Broadway (far side): beginning at the southerly curblines of South Broadway and extending 100 feet southerly therefrom. (location 11798)
  - (12) Wyckoff Terrace (far side): beginning at the southerly curblines of Wyckoff Terrace and extending 100 feet southerly therefrom. (location 11797)
- I. Along Plaza Road, northbound along the easterly side thereof at:
- (1) Raphael Street (far side): beginning at the northerly curblines of Raphael Street and extending 100 feet northerly therefrom. (location 11724)
  - (2) Watkins Avenue (far side) (prolongation): beginning at the prplongation of the northerly curblines of Watkins Avenue and extending 100 feet northerly therefrom. (location 11725)

- (3) Morlot Avenue (far side): beginning at the northerly curblineline of Morlot Avenue and extending 100 feet northerly therefrom. (location 11726)
- (4) Berdan Avenue (near side): beginning at the southerly curblineline of Berdan Avenue and extending 105 feet southerly there from. (location 11727)
- (5) Ramapo Terrace (far side): beginning at the northerly curblineline of Ramapo Terrace and extending 100 feet northerly therefrom. (location 11728)
- (6) Warren Road (near side): beginning at the southerly curblineline of Warren Road and extending 105 feet southerly therefrom. (location 11729)

J. Along Plaza Road, southbound along the westerly side thereof at:

- (1) Fair Lawn Avenue (far side): beginning at the southerly curblineline of Fair Lawn Avenue and extending 100 feet southerly therefrom. (location 11730)
- (2) Ramapo Terrace (far side): beginning at the southerly curblineline of Ramapo Terrace and extending 100 feet southerly there from. (location 11731)
- (3) Berdan Avenue (far side): beginning at the southerly curblineline of Berdan Avenue and extending 100 feet southerly therefrom. (location 11732)
- (4) Romaine Street (far side) (prolongation): beginning at the prolongation of the southerly curblineline of Romaine Street and extending 100 feet southerly therefrom. (location 11733)
- (5) Morlot Avenue (far side): beginning at the southerly curblineline of Morlot Avenue and extending 100 feet southerly therefrom. (location 11734)
- (6) Watkins Avenue (far side): beginning at the southerly curblineline of Watkins Avenue and extending 100 feet southerly therefrom. (location 11735)

- (7) Raphael Street (far side): beginning at the southerly curblines of Raphael Street and extending 100 feet southerly therefrom. (location 11736)
- K. Along Maple Avenue (CR507), eastbound on the southerly side thereof at:
- (1) River Road (far side): beginning at the easterly curblines of River Road and extending 100 feet easterly therefrom. (location 11690)
  - (2) Forest Street (far side): beginning at the easterly curblines of Forest Street and extending 100 feet easterly therefrom. (location 11691)
  - (3) Henderson Boulevard (far side): beginning at the easterly curblines of Henderson Boulevard and extending 100 feet easterly therefrom. (location 11692)
  - (4) Hemlock Avenue (far side): beginning at the easterly curblines of Hemlock Avenue and extending 100 feet easterly therefrom. (location 11693)
- L. Along Maple Avenue (CR507), westbound along the northerly side thereof at:
- (1) Elm Avenue (far side): beginning at the westerly curblines of Elm Avenue and extending 100 feet westerly therefrom. (location 11694)
  - (2) Hemlock Avenue (far side): beginning at the westerly curblines of Hemlock Avenue and extending 100 feet westerly therefrom. (location 11695)
  - (3) Henderson Boulevard (far side) (prolongation): beginning at the prolongation of the westerly curblines of Henderson Boulevard and extending 100 feet westerly therefrom. (location 11696)
  - (4) Forest Street (far side): (prolongation) beginning at the prolongation of the westerly curblines of Forest Street and extending 100 feet westerly therefrom. (location 11697)
  - (5) Wagaraw Road (near side): beginning at the easterly curblines of Wagaraw Road and extending 105 feet easterly therefrom. (location 11698)

M. Along Midland Avenue (CR 67), southbound, on the westerly side thereof at:

- (1) Ellington Road (far side) (prolongation): beginning at the prolongation of the southerly curbline of Ellington Road and extending 100 feet southerly therefrom. (location 11702)
- (2) Cambridge Road (far side) (prolongation): beginning at the prolongation of the southerly curbline of Cambridge Road and extending 100 feet southerly therefrom. (location 11703)
- (3) Arcadia Road (far side): beginning at the southerly curbline of Arcadia Road and extending 100 feet southerly therefrom. (location 11704)

N. Along Midland Avenue (CR 67), northbound, on the easterly side thereof at:

- (1) Arcadia Road (far side): beginning at the northerly curbline of Arcadia Road and extending 100 feet northerly therefrom. (location 11699)
- (2) Cambridge Road (far side): beginning at the northerly curbline of Cambridge Road and extending 100 feet northerly therefrom. (location 11700)
- (3) NJ Route 4 (Broadway) (near side): beginning at the southerly curbline of NJ Route 4 (Broadway) and extending 105 feet southerly therefrom. (location 11701)

O. Along Century Road Extension (CR 76), eastbound, on the southerly side thereof at:

- (1) Saddle River Road (far side): beginning at the easterly curbline of Saddle River Road and extending 100 feet easterly thereof. (location 11664)

**SECTION 2:** Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the

holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

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

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

Attest:

Approved:

---

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

---

John Cosgrove, Mayor

Introduced: September 20, 2016

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 329-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2408-2016 entitled:

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES", ARTICLE VI, "SCHEDULE OF FEES"**

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 25th day of October, 2016, at 7:30 p.m. or as soon thereafter as the matter can be reached and at said time and place, all persons interested be given an opportunity to be heard concerning the same, and the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law prior to said hearing with a notice of its introduction and of the time and place, when, and where said ordinance will be considered for final passage.

ORDINANCE NO. 2408-2016

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES", ARTICLE VI, "SCHEDULE OF FEES"

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

**SECTION 1:** Chapter 94 Fees is hereby amended as follows:

ARTICLE VI, Schedule of Fees

Delete:

BB. Chapter 232, Vehicles and Traffic.

(2) Section 232-61 Administration

(b) Each non-resident vehicle \$4 per day or \$40 per month

Add:

BB. Chapter 232, Vehicles and Traffic.

(2) Section 232-61 Administration

(b) Each non-resident vehicle \$5 per day or \$50 per month

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

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

**SECTION 4.** This Ordinance shall take effect January 1, 2017.

Attest:

Approved:

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

\_\_\_\_\_  
John Cosgrove  
Mayor

Introduced: September 20, 2016

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 330-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2401-2016 entitled:

**AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE (MINIATURE GOLF COURSE)**

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. 2401-2016**

**AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE (MINIATURE GOLF COURSE)**

**WHEREAS**, the Borough of Fair Lawn has been approved to receive grant funding from the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historical Preservation Trust Fund in the amount of \$37,542 for Project Number 16-00217, for the purpose of the Miniature Golf Course, and;

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

**WHEREAS** at the direction of the Borough Manager and approval of the Mayor and Council, via this ordinance, the Borough of Fair Lawn's match requirement for the above stated grant was funded in the 2016 Capital Budget, Capital Ordinance #2391-2016 Account # C-04-16-391-165-300;

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

**SECTION 1.** The Borough of Fair Lawn in the County of Bergen shall proceed with Contract Number: 16-00217, as detailed in the attached grant for the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historical Preservation Trust Fund.

**SECTION 2.** The cost of completing said improvement set forth in Section 1 shall be provided by the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historical Preservation Trust Fund in the amount of \$37,542 and by the grant required match of the Borough of Fair Lawn 2016 Capital Budget Capital Ordinance #2391-2016,

Account # C-04-16-391-165-300.

**SECTION 3.** It is hereby determined and stated:

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

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

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

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

Attest:

Approved:

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

\_\_\_\_\_  
John Cosgrove  
Mayor

Introduced: August 16, 2016

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 331-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2402-2016 entitled:

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

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. 2402-2016**

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

**WHEREAS**, the Borough of Fair Lawn has been approved to receive grant funding from the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historical Preservation Trust Fund in the amount of \$131,226 for Project Number 16-00198, for the purpose of the Naugle-Vanderbeck House, and;

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

**WHEREAS** at the direction of the Borough Manager and approval of the Mayor and Council, via this ordinance, the Borough of Fair Lawn's match requirement for the above stated grant was funded in the 2016 Capital Budget, Capital Ordinance #2376-2016 Account # C-04-16-376-111-900;

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

**SECTION 1.** The Borough of Fair Lawn in the County of Bergen shall proceed with Project Number: 16-00198, as detailed in the attached grant for the Bergen County Open Space, Recreation, Floodplain, Farmland & Historical Preservation Trust Fund.

**SECTION 2.** The cost of completing said improvement set forth in Section 1 shall be provided by the Bergen County Open Space, Recreation, Floodplain, Farmland & Historical Preservation Trust Fund in the amount of \$131,226 and by the grant required match of the Borough of Fair Lawn 2016 Capital Budget Capital Ordinance #2376-2016,

Account # C-04-16-376-111-900.

**SECTION 3.** It is hereby determined and stated:

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

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

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

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

Attest:

Approved:

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

\_\_\_\_\_  
John Cosgrove  
Mayor

Introduced: August 16, 2016

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 332-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2403-2016 entitled:

**AN ORDINANCE FIXING THE SALARIES OF PART TIME EMPLOYEES OF THE  
BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED**

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. 2403-2016**

**AN ORDINANCE FIXING THE SALARIES OF PART TIME EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED**

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

**SECTION 1.** That there is hereby established a change in title for the classification of certain employee's attached herein.

**SECTION 2.** That all salaries not covered by this ordinance will remain effective until amended by further salary ordinances.

**SECTION 3.** This ordinance shall take effect upon passage and publication as required by statute.

Attest:

Approved:

\_\_\_\_\_  
Joanne M. Kwasniewski, RMC/CMC/MMC  
Municipal Clerk

\_\_\_\_\_  
John Cosgrove  
Mayor

Introduced: August 16, 2016

Adopted:





Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 333-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2404-2016 entitled:

**AN ORDINANCE TO AMEND CHAPTER 160 OF THE CODE OF THE  
BOROUGH OF FAIR LAWN 2000, ENTITLED, "PARKS AND RECREATION  
AREAS" TO ALLOW DOGS IN THE PARK UNDER CERTAIN CRITERIA**

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. 2404-2016**

**AN ORDINANCE TO AMEND CHAPTER 160 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "PARKS AND RECREATION AREAS" TO ALLOW DOGS IN THE PARK UNDER CERTAIN CRITERIA**

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

**SECTION 1: Chapter 160 PARKS AND RECREATION AREAS** is hereby amended as follows:

Delete the entire §160-12 Activities and conduct prohibited in beach area, parks, street hockey courts and tennis courts; dogs prohibited and replace it with the following:

**§ 160-12. Activities and conduct prohibited in beach areas and in parks.**

- A. Bicycles, wagons, carriages and other conveyances, ball playing and any form of glass, particularly bottles, shall not be permitted on the beach area.
- B. No person shall operate any motor vehicle, bicycle, skateboard or scooter on the street hockey courts and there further shall be no soccer playing on the street hockey courts.
- C. No person shall operate any bicycle, skateboard, scooter or rollerblades on the tennis courts and there shall further be no baseball or soccer playing or any other sport activity on the tennis courts except for tennis.

Add

**§ 160-16. Dogs in the park.**

- A. Dogs shall be permitted in any Borough park, as long as such dog is accompanied by a person over the age of 12 years, is securely controlled by an adequate leash that is of sufficient strength to hold the dog not to exceed six feet in length and remains on the leash at all times.
- B. No person owning, keeping or harboring any dog shall be permitted to be upon on in any Borough sports fields, playground areas, beaches, the arboretum or park buildings.
- C. It shall be unlawful for any person owning or having charge, care, custody of any dog in a Borough park not to immediately pick up and properly

dispose of the feces of such dog. Dog waste shall be immediately removed by placing said matter in a closed or sealed container and thereafter disposing of it in a trash receptacle sanitary disposal unit or other closed or sealed refuse container.

**SECTION 2.** Delete §160-16 Enforcement; maintenance of order and §160-17 Violations and penalties and replace them with the following:

**§160-17. Enforcement; maintenance of order.**

The Borough Manager, members of the Borough Police Department, the Superintendent of Recreation, the park or playground supervisor and such special policemen or lifeguards who are on duty at the facility shall have authority to prohibit any action or conduct which they consider to be dangerous, improper or immoral and any such action or conduct shall be prohibited by this chapter even though not specifically mentioned herein.

**§160-18. Violations and penalties.**

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be liable to the penalty stated in Chapter 1, General Provisions, Article III.

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

**SECTION 4:** All ordinances, codes or parts thereof that are inconsistent with this Ordinance are repealed or otherwise modified.

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

Attest:

Approved:

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

\_\_\_\_\_  
John Cosgrove, Mayor

Introduced August 16, 2016  
Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 334-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2405-2016 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN  
2000, SPECIFICALLY CHAPTER 13, ENTITLED "FIRE DEPARTMENT"**

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. 2405-2016**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 13, ENTITLED "FIRE DEPARTMENT"**

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

**SECTION 1:** Chapter 13 of the Code of the Borough of Fair Lawn 2000 is hereby amended as follows:

1. **§13-5** entitled "**Officers**" is hereby amended as follows:

Delete:

**§13-5 "Officers."**

Add:

**§13-5 Officers.**

The officers of the Fire Department shall consist of a Chief of the Borough Volunteer Fire Department, an Assistant Chief of the Borough Volunteer Fire Department, a Deputy Chief of the Borough Volunteer Fire Department, a Battalion Chief of the Borough Volunteer Fire Department, one Captain, one First Lieutenant and one Second Lieutenant from each of the four fire companies to be nominated and elected as hereinafter specified.

2. **§13-8** entitled "**Absence of Company Captain**" is hereby amended as follows:

Delete:

**§13-8 Absence of Company Captain.**

Add:

**§13-8 Absence of Company Captain.**

In the absence of the Company Captain, the next line officer, i.e., First Lieutenant or Second Lieutenant shall assume the duties of the absent officer with the full rights and responsibilities pending the return of the Company Captain.

3. Section 13-12 entitled "**Company Officers**" is hereby amended as follows:

Delete:

**§ 13-12. Company Officers.**

Add:

**§ 13-12. Company Officers.**

Each of the four companies of the Department shall elect from its active regular members one Captain, One First Lieutenant and one Second Lieutenant.

4. Section 13.13 "**Elections of Company Officers**" is hereby amended as follows:

Delete:

**§ 13-13. Elections of Company Officers.**

Add:

**§ 13-13. Elections of Company Officers.**

- A. The election of the officers of the respective fire companies shall take place at the annual election of each company as fixed by the company's bylaws. Election shall be by ballot, and no member shall be elected to any office unless he/she shall have at least three years of service as an active regular member, completed training as required in § 13-9B, has met all state-mandated requirements, maintained a minimum of 30% attendance for the current and previous year and has received the majority of all votes cast and is otherwise free from any, all and every indebtedness to the company.
- B. Prerequisite. No member of the Borough Fire Department shall be eligible for nomination or election as Captain who is not currently active as First Lieutenant or has not completed one full calendar year as First Lieutenant. No member shall be eligible for nomination or election to First Lieutenant who is not an active Second Lieutenant or has completed one full calendar year as Second Lieutenant. The candidate must meet all state-

mandated training requirements before September 1 of the current nomination year. All certificates must also be on file in Fire Headquarters.

5. Section 13-39 entitled "**Duties of Engineer**" is hereby deleted in its entirety.

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

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

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

ATTEST:

APPROVED:

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

---

John Cosgrove, Mayor

Introduced: August 16, 2016

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**CONSENT AGENDA 13-2016**

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. #335-2016 – Authorizing Contracts with Certain Approved Cooperative Contract Vendors Pursuant to N.J.S.A. 40A:11-1
- b. Resol. #336-2016 – Climate Control
- c. Resol. #337-2016 – Appointment of Fire Official
- d. Resol. #338-2016 - Refund of Overpayment of Taxes
- e. Resol. #339-2016 – Confirming Endorsement of Community Development Project – Alliance Against Homelessness of Bergen County, Inc.
- f. Resol. #340-2016 – Confirmation of Fire Board Actions
- g. Resol. #341-2016 – Authorizing Contracts with Certain Approved Vendors – GTBM Inc.
- h. Resol. #342-2016 – Authorizing Extension of Temporary Construction Easement – PSE&G
- i. Resol. #343-2016 - Award of Bid: Disposal of Solid Waste
- j. Resol. #344-2016 – Renewal of Membership in the Bergen County Municipal Joint Insurance Fund
- k. Resol. #345-2016 - Approval of Minutes:  
Work Session 8/16/16  
Closed Session 8/16/16  
Regular Meeting 8/16/16
- l. Resol. #346-2016 – Authorizing Execution of Bergen County Community Development Grant Application - Roadway Improvements
- m. Resol. #347-2016 – Authorizing Execution of Bergen County

- Community Development Grant  
Application - Senior Center Various  
Improvements
- n. Resol. #348-2016 – Authorizing Execution of Bergen County  
Community Development Grant  
Application – Barrier Free Ramps
  - o. Resol. #349-2016 – Special Item of Revenue – NJACCHO  
Grant
  - p. Resol. #350-2016 – Special Item of Revenue – OEM Grant
  - q. Resol. #351-2016 - Approving Concept Plan for Special Needs  
Housing to be Developed by Bergen  
County's United Way and Establishing  
Planning for Future Approvals
  - r. Resol. #352-2016 - Authorizing Approval of Massage  
Establishment - Sunshine Spa and Massagist  
License - Guozhen Hou
  - s. Resol. #353-2016 - Renewal of Leaf Composting Agreement–  
Downes Tree Service, Inc.
  - t. Resol. #354-2016 - Authorizing Application for Bergen County  
Open Space, Recreation, Farmland and  
Historic Preservation Trust Fund Grant -  
Memorial Pool Playground Improvements
  - u. Resol. #355-2016 - Tax Appeal Settlement: Pollitt Drive  
Enterprises – 15-01 Pollitt Drive, Unit 8A
  - v. Resol. #356-2016 - Tax Appeal Settlement: Ace Investment,  
LLC – 40-18 & 40-40 Broadway
  - w. Resol. #357-2016 - Tax Appeal Settlement: Cox H&E c/o CVS  
Pharmacies – 29-00 Broadway
  - x. Resol. #358-2016 - Tax Appeal Settlement: Space Station Fair  
Lawn, LLC – 16-01 McBride Avenue

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 335-2016**

By

Seconded by

**WHEREAS**, the Borough of Fair Lawn, pursuant to N.J.S.A. 40A:11-11 may by resolution and without advertising for bids, purchase any goods or services under any contracts entered into on behalf of the Passaic County Cooperative Pricing System, Passaic County Cooperative Contract Purchasing System; and

**WHEREAS**, the Borough of Fair Lawn has the need to purchase the following commodities, under said contracts, which are in excess of the Borough's bid threshold and may be awarded by resolution in accordance with N.J.S.A. 40A:11-1 and N.J.A.C. 5:34:

1. Aton Computing, P.O. Box 272, Somerville, New Jersey 08876, County of Passaic, Division of Purchasing Registered Cooperative Pricing System #38PCCP.
2. Lightpath, Lock Box 36111, Pittsburgh, PA 15251 County of Passaic, Division of Purchasing Registered Cooperative Pricing System #38PCCP.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Lawn have allocated funds in the 2016 Municipal Budget for various departments other expenses, and through this resolution a certification of availability of funds will be completed by the Chief Finance Officer through the issuance of purchase orders, as needed, in accordance with N.J.A.C. 5:30-5.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 336-2016**

By

Seconded by

**WHEREAS**, our climate is rapidly changing, leaving New Jersey families and businesses vulnerable to the impacts of more frequent and severe storms; and

**WHEREAS**, our community is deeply concerned about the adverse impacts of climate change, including rising sea-levels; and

**WHEREAS**, Hurricane Sandy alone was estimated to cost the state of New Jersey \$36.8 billion; and

**WHEREAS**, the Borough of Fair Lawn is dedicated to taking serious steps to reduce carbon pollution within our borders; and

**WHEREAS**, the Governor and Legislature of New Jersey have a responsibility to address climate change in the Garden State by improving energy efficiency, addressing the cumulative impacts of concentrated industrialization, promoting adaption to climate change and sea-level rise, increasing our production of clean energy and promoting renewable installations in brownfields and landfills; and

**WHEREAS**, the families and businesses in the Borough of Fair Lawn are suffering from inaction in Trenton; and

**WHEREAS**, immediate action on climate is needed to prevent the loss of property and life and ensure continued economic success.

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

- Intends to commit to increasing renewable energy requirement, or renewable portfolio standard ("RPS") community-wide, to 80% by 2050

- Intends to commit to audit city greenhouse gas emissions community-wide & set a strong goal for reducing emissions (80% by 2050)
- Intends to commit to purchasing 50% (or more) of the city's energy from renewables by 2025
- Intends to commit to incentivize renewable purchases for city residents
- Intends to commit to facilitate and incentivize greater clean energy investment in the community
- Intends to commit to installing renewable energy technology on city facilities where feasible
- Intends to commit to a broad energy efficiency goal that prioritizes reducing building energy use by developing a list of best practices for building
- Intends to commit to reducing greenhouse gas emissions and pollution from vehicles

Aye   Nay   Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 337-2016**

By

Seconded by

**WHEREAS**, Angelo Castronovo is currently employed in the Borough as a the Interim Fire Official; and

**WHEREAS**, it has been determined that Angelo Castronovo is qualified and certified for the position of Fire Official; and

**WHEREAS**, it is the recommendation of the Borough Manager that Angelo Castronovo be appointed as the Fire Official effective immediately.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that Angelo Castronovo be appointed as the Fire Official.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately as required by law.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the New Jersey Department of Community Affairs, Division of Fire Safety for their records.

Aye   Nay   Abstain  
Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 338-2016**

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>
2809	6	Jim Scalise 1062 Lemar Circle Merion Station, PA 19066	\$106.40
(Refund of overpayment of Water Charges as a result of a wrong final water reading)			
3308	31	M&T Bank Attn: Mary Sheron One Fountain Plaza, 7th Floor Buffalo, NY 14203	\$2,689.22
5715	18	BCB Community Bank Attn: Michelle Wallace 591-591 Avenue C Bayonne, New Jersey 07002	\$2,063.71
(Refund of overpayment of property Taxes as a result of a duplicate payment)			
2207	50	Jaclyn Santomenno 0-46 Fair Lawn Parkway Fair Lawn, New Jersey 07410	\$181.60
(Refund of overpayment of 2015 Taxes as a result of a Tax Court Judgment)			

Aye   Nay   Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 339-2016**

By

Seconded by

**WHEREAS**, a Bergen County Community Development CDBG grant of \$34,021 has been proposed by the Alliance Against Homelessness of Bergen County, Inc. to provide permanent supportive housing for individuals who are homeless and mentally ill in the municipality of Fair Lawn; and

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fair Lawn hereby confirms endorsement of the aforesaid project; and

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

Aye   Nay   Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 340-2016**

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:**

Tyler Nappi  
12-51 5th Street  
Co. 1

Christopher Connelly  
0-14 Whitehall Street  
Co. 3

Paul Beites  
5-29 Elizabeth Street  
Co. 3

George Perez  
13-43 Jerome Place  
Co. 4

Brandon Funcheon  
49 Albert Avenue  
Co. 2

Gina Sproverio  
11-05 Morlot Avenue  
Co. 2

John Crespo  
26 Heights Avenue  
Co. 2

Matthew Belmonte  
8-18 Chester Street  
Co. 2

Jonathan Hoedemaker  
8-06 Henderson Boulevard  
Co. 2

**Medical Leave:**

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

Aye   Nay   Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 341-2016**

By  
Seconded by

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

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

**WHEREAS**, the Borough of Fair Lawn has the need to purchase 10 Toughbooks Preferred including the installation, accessories and maintenance support, for the Fair Lawn Police Department under State Contract 89980, for a total amount not to exceed \$60,000; and

**WHEREAS**, the Borough of Fair Lawn intends to enter into a contract with GTBM Inc., the authorized dealer for Panasonic under the NJ State NASPO Value Point Computer contract, located at 351 Paterson Avenue, East Rutherford, NJ 07073 for the purchase of mobile car video systems, including the installation, supporting server, software, accessories, and maintenance support, for the Fair Lawn Police Department under State Contract 89980 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 the 2016 Municipal Budget and in Capital Ordinance 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.

**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 GTBM Inc., 351 Paterson Avenue, East Rutherford, NJ 07073, an approved New Jersey State Contract Vendor, pursuant to all conditions of the individual Panasonic Corporation State Contract 89980.

Aye   Nay   Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 342-2016**

By

Seconded by

**WHEREAS**, the Borough granted PSE&G a Temporary Construction easement on Westmoreland Avenue, Block 5812, Lots 4-10 in connection with the construction and installation of a transmission facility by Resolution No. 458-2015 dated December 15, 2015; and

**WHEREAS**, PSE&G has requested that the Temporary Construction Easement be extended because their project has been delayed.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that said Temporary Construction Easement be extended until March 31, 2017; and

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk be authorized to execute said extension of Temporary Construction Easement with PSE &G.

Aye   Nay   Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 343-2016**

By

Seconded by

**WHEREAS**, bids were received for Disposal of Solid Waste by the Municipal Clerk on August 2, 2016; and

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

**WHEREAS**, Covanta Sustainable Solutions, LLC having an office located at 445 South Street, Morristown, New Jersey 07960 is the lowest responsible bidder for a five (5) year contract period at a rate of \$68.69 per ton beginning on January 1, 2017 and ending December 31, 2021.

**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 Covanta Sustainable Solutions, LLC 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

September 20, 2016

**RESOLUTION NO. 344-2016**

By

Seconded by

**WHEREAS**, the Borough of Fair Lawn is a member of the Bergen County Municipal Joint Insurance Fund; and

**WHEREAS**, said renewed membership terminates as of December 31, 2016 unless earlier renewed by agreement between the Borough of Fair Lawn and the Fund; and

**WHEREAS**, the Borough of Fair Lawn desires to renew said membership;

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

1. The Borough of Fair Lawn agrees to renew its membership in the Bergen County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverage's, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Municipal Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Bergen County Municipal Joint Insurance Fund evidencing the Borough's intention to renew its membership.

**AGREEMENT TO RENEW MEMBERSHIP IN THE  
BERGEN COUNTY MUNICIPAL JOINT INSURANCE FUND**

**WHEREAS**, the Bergen County Municipal Joint Insurance Fund; (hereinafter the Fund) is a duly Chartered Municipal Insurance Fund authorized by N.J.S.A. 40A:10-36 et seq., and;

**WHEREAS**, the Borough of Fair Lawn is currently a member of said Fund, and;

**WHEREAS**, effective December 31, 2016, said membership will expire unless earlier renewed, and;

**WHEREAS**, the Mayor and Council of the Borough of Fair Lawn has resolved to renew said municipality desires to renew said membership;

**NOW THEREFORE**, it is agreed as follows:

1. The Borough of Fair Lawn hereby renews its membership in the Bergen County Municipal Joint Insurance Fund for a three (3) year period, beginning January 1, 2017 and ending January 1, 2020\*.
2. The Mayor and Council hereby ratifies and reaffirms the Indemnity and Trust Agreement, Bylaws and other organizational and operational documents of the Bergen County Municipal Joint Insurance Fund as from time to time amended and altered by the Department of Insurance in accordance with the Applicable Statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.
3. The Borough of Fair Lawn agrees to be a participating member of the Fund for the period herein provided for and to comply with all of the rules and regulations and obligations associated with said membership.
4. In consideration of the continuing membership of the Borough of Fair Lawn in the Bergen County Municipal Joint Insurance Fund, the Fund agrees, subject to the continuing approval of the Commissioner of Insurance, to accept the renewal application of the Borough of Fair Lawn.
5. Executed the 20<sup>th</sup> day of September, 2016 as the lawful and binding act and deed of the Borough of Fair Lawn, which execution has been duly authorized by public vote of the governing body.

\*12:01 a.m.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
ATTEST

\_\_\_\_\_  
EXECUTIVE DIRECTOR  
BERGEN COUNTY MUNICIPAL JOINT INSURANCE FUND

Aye   Nay   Abstain  
Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 345-2016**

By

Seconded by

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

Work Session 8/16/16  
Closed Session 8/16/16  
Regular Meeting 8/16/16

are hereby approved.

Aye   Nay   Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 346-2016**

By

Seconded by

**WHEREAS**, a Bergen County Community Development grant of \$178,179.00 has been proposed by the Borough of Fair Lawn for Roadway Improvements in the municipality of the Borough of Fair Lawn; and

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Lawn do hereby confirm endorsement of the aforesaid project; and

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

Aye   Nay   Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 347-2016**

By

Seconded by

**WHEREAS**, a Bergen County Community Development grant of \$30,175.00 has been proposed by the Borough of Fair Lawn for Senior Center - Various Improvements in the municipality of the Borough of Fair Lawn; and

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Lawn do hereby confirm endorsement of the aforesaid project; and

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

Aye   Nay   Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 348-2016**

By

Seconded by

**WHEREAS**, a Bergen County Community Development grant of \$39,300.00 has been proposed by the Borough of Fair Lawn for Barrier Free Ramps in the municipality of the Borough of Fair Lawn; and

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Lawn do hereby confirm endorsement of the aforesaid project; and

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

Aye   Nay   Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 349-2016**

By

Seconded by

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Lawn in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2016 in the sum of \$800.00, which is now available from the New Jersey Association of County and City Health Officers, NJACCHO, in the amount of \$800.00; and

**BE IT FURTHER RESOLVED** that the like sum of \$800.00 is hereby appropriated under the caption State and Federal Programs Off-Set by Revenue: "NJACCHO Grant"; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the New Jersey Association of County and City Health Officials in the amount of \$800.00; and

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

Aye   Nay   Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 350-2016**

By

Seconded by

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Lawn in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2016 in the sum of \$5,000.00, which is now available from Emergency Management Agency Assistance, in the amount of \$ 5,000.00; and

**BE IT FURTHER RESOLVED** that the like sum of \$5,000.00, is hereby appropriated under the caption State and Federal Programs Off-Set by Revenue: "Emergency Management Agency Assistance Grant"; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the County of Bergen, in the amount of \$5,000.00.

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

Aye   Nay   Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 351-2016**

By

Seconded by

**WHEREAS**, the Borough of Fair Lawn (hereafter the "Borough") previously caused the subdivision of Block 5709.01 whereby the Borough reformed the municipal parking lot block that is bounded by Bergen Avenue and Campbell Road to create 2 building lots, lots 2 and 3 in Block 5709.01 (hereafter the "Lots"), from real property previously acquired by the Borough that was no longer needed for municipal purposes and sought to sell said Lots 1 and 2, each having the same dimensions of 50 feet by 125 feet and zoned R1-3 residential; and

**WHEREAS**, the said Lots were not sold after multiple attempts, and the Borough sought to utilize the said Lots for a public purpose, and

**WHEREAS**, the Borough entered into discussions with Bergen County's United Way (hereafter, "United Way") and received a concept drawing and plan from United Way whereby the Lots and a portion of the municipal parking lot area extending approximately 30 feet into the said parking lot from the adjoining boundary of the Lots could be utilized to construct a proposed multi family unit, all on one level, not to exceed 10 units, to provide special needs affordable housing for persons with disabilities, to be constructed by and operated by United Way and funded through grants and other available funding options, at no cost to the Borough, except for the Borough's contribution of the Lots and the necessary portion of the municipal parking lot as the necessary land needed for the said development; and

**WHEREAS**, United Way, and its joint venturers are experienced in the construction and operation of special needs housing projects and have developed such projects in several Bergen County communities; and

**WHEREAS**, United Way is willing to hire its own professionals at its own cost and expense to provide the necessary engineering, planning, architectural and legal services necessary for the proposed project; to process all applications to obtain all necessary approvals at no cost to the Borough and to represent the Borough, if

necessary, before any such boards or agencies, subject to the supervision of the Borough Counsel, and

**WHEREAS**, the proposal of United Way provides for the utilization of the Lots to serve a public purpose that is inherently beneficial to the community, which can be provided without additional public expense.

**NOW, THEREFORE, BE IT RESOLVED**, that the preceding paragraphs of this Resolution and the terms defined therein shall be an integral part of this Resolution; and

**BE IT FURTHER RESOLVED** that United Way shall present a proposed form of agreement to the Borough with its concept plan establishing the undertakings and timeframes for the approval and development process within 30 days of the adoption of this Resolution for review by the Borough and such further negotiation as the Borough may deem necessary or desirable.

Aye   Nay   Abstain  
Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 352-2016**

By

Seconded by

**WHEREAS**, Sunshine Spa located at 4-06 Fair Lawn Avenue, Fair Lawn, New Jersey, has made application to the Borough pursuant to RGO144-2 for its massage establishment license; and

**WHEREAS**, Guozhen Hou having an address located at 4170 Main Street, #B3690, Flushing, NY 11355 has made application to the Borough pursuant to RGO144-3 for a massagist license at Sunshine Spa; and

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

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

Aye   Nay   Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 353-2016**

By

Seconded by

**WHEREAS**, the Mayor and Council of the Borough of Fair Lawn desire to enter into a multi-year agreement with Downes Tree Service, Inc. for managing Fair Lawn's Compost Site;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that the Mayor and Municipal Clerk are hereby authorized to execute an agreement with Downes Tree Service, Inc. having an office located at 65 Royal Avenue, Hawthorne, New Jersey 07506 for the management of Fair Lawn's Compost Site in accordance with the proposal attached as Schedule A in a form approved by the Borough Attorney of the Borough of Fair Lawn.



Fair Lawn DPW  
20-05 Saddle River Road  
Fair Lawn, NJ 07410  
ATTN: Al Negie

Dear Al,

Please see below all services that Downes Tree Service have available for you.

- Free Compost and Wood Chips for Fair Lawn residents
- Free Topsoil and Compost for DPW
- Free ¼ Clean Stone (Recyclable Material) for water main breaks
- Free Compost, Topsoil, and Mulch for Garden Club
- Free Topsoil and Mulch for listed borough agencies
  - Fire Houses
  - Parks Department
- Lowboy service
- Crane service (38 ton crane)
- Water Truck dust control
- Load DPW trucks for roads and water main breaks with stone
- Maintain town dump
  - Screen all incoming dirt from all water main breaks
  - Removing all waste material
- Receive all deliveries of RCA, DGA, and Stone
- Help in Recycling Center with loader every day
- Dispose of all wood chips for the Shade Tree
- Dispose of all Christmas Tree debris
- Help remove snow from Recycling Center
- Load salt trucks when needed

In addition to the above services, Downes Tree Service is available 24/7 for any emergency work the Borough of Fair Lawn may need.

Aye   Nay   Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 354-2016**

By  
Seconded by

**WHEREAS**, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and

**WHEREAS**, the Borough of Fair Lawn desires to further the public interest by obtaining a matching grant of \$57,500 from the County Trust Fund to fund the following project: Memorial Pool Playground Improvements; and

**WHEREAS**, the governing body has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions, and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and

**WHEREAS**, as part of the application process, the governing body held the required Public Hearing to receive public comments on the proposed park improvements in the application on September 20, 2016; and

**WHEREAS**, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and

**WHEREAS**, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

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

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of October 13, 2016, as established by the County; and
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Mayor and Council of the Borough of Fair Lawn has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and
3. That the Mayor and Council of the Borough of Fair Lawn is committed to providing a dollar for dollar cash match for the project; and
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement; and
5. That the Mayor and Council of the Borough of Fair Lawn agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
6. That this resolution shall take effect immediately.

Aye   Nay   Abstain  
Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 355-2016**

By  
Seconded by

**WHEREAS**, Pollitt Drive Enterprises, LLC filed a real property tax appeal for the year 2015 (Docket No. 003351-2015); and

**WHEREAS**, the real property assessments for the subject premises, located at 15-01 Pollitt Drive, Unit 8A (Lot 3 in Block 4802 Qualifier C008A on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2015 were as follows:

Land:	\$ 561,100
Improvements:	<u>\$ 617,100</u>
Total:	\$1,178,200

and;

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

Land:	\$ 561,100
Improvements:	<u>\$ 561,000</u>
Total:	\$1,122,100

and;

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

**WHEREAS**, the settlement results in an approximate total tax refund for tax year 2015 in the amount of \$1,726.76, of which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgment; and

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

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

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

**BE IT FURTHER RESOLVED** that the Borough Tax Collector is hereby authorized to issue a refund in the amount of \$1,726.76 upon issuance of the judgment; and

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

Aye   Nay   Abstain  
Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

September 20, 2016

**RESOLUTION NO. 356-2016**

By

Seconded by

**WHEREAS**, Ace Investment, LLC filed real property tax appeals for the years 2012 through 2014 (Docket Nos. 018189-2012, 017908-2013 & 015204-2014); and

**WHEREAS**, the real property assessments for the subject premises, located at 40-18 & 40-40 Broadway (Lots 52 & 52.01 in Block 1205 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2012 through 2014 were as follows:

Land:	\$1,606,500
Improvements:	<u>\$ 895,700</u>
Total:	\$2,502,200

and;

**WHEREAS**, as part of the settlement the 2012 tax appeal will be withdrawn;  
and

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

Land:	\$1,504,300
Improvements:	<u>\$ 895,700</u>
Total:	\$2,400,000

and;

**WHEREAS**, the 2014 settlement of a total assessment of \$2,400,000 will also carry to 2015 and 2016 via the Freeze Act; and

**WHEREAS**, as an integral part of the settlement agreement the 2017 assessments will be reduced to a total of \$2,300,000; 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 2012 through 2016 in the amount of \$12,822.01, of which will be made payable to the plaintiff's attorney in this matter upon issuance of the judgments; and

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

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

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

**BE IT FURTHER RESOLVED** that the Borough Tax Collector is hereby authorized to issue a refund in the amount of \$12,822.01 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

September 20, 2016

**RESOLUTION NO. 357-2016**

By

Seconded by

**WHEREAS**, Cox H & E c/o CVS Pharmacies filed real property tax appeals for the years 2008 through 2016 (Docket Nos. 004154-2008, 001499-2009, 005386-2010, 002206-2011, 009165-2012, 007353-2013, 007754-2014, 005025-2015 & 006067-2016); and

**WHEREAS**, the real property assessments for the subject premises, located at 29-00 Broadway (Lot 1.01 in Block 3204.01 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2008 were as follows:

Land:	\$2,433,600
Improvements:	<u>\$1,025,500</u>
Total:	\$3,459,100

and;

**WHEREAS**, for 2009 through 2011 the real property assessments were as follows:

Land:	\$2,433,600
Improvements:	<u>\$ 842,400</u>
Total:	\$3,276,000

and;

**WHEREAS**, for 2012 through 2016 the real property assessments were as follows:

Land:	\$2,246,400
Improvements:	<u>\$ 900,800</u>
Total:	\$3,147,200

and;

**WHEREAS**, the 2008 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land:	\$2,433,600
Improvements:	<u>\$ 842,400</u>
Total:	\$3,276,000

and;

**WHEREAS**, the 2009 through 2011 tax appeals may be settled by reduction of the aforesaid assessments as follows:

Land:	\$2,433,600
Improvements:	<u>\$ 766,400</u>
Total:	\$3,200,000

and;

**WHEREAS**, as part of the settlement the 2012 through 2016 tax appeals will be withdrawn; and

**WHEREAS**, as an integral part of the settlement agreement the 2017 assessments will be reduced to a total of \$3,000,000; 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 2008 through 2016 in the amount of \$9,289.78, 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 \$9,289.78 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

September 20, 2016

**RESOLUTION NO. 358-2016**

By

Seconded by

**WHEREAS**, Space Station Fair Lawn, LLC filed real property tax appeals for the years 2011 through 2015 (Docket Nos. 011178-2011, 010912-2012, 005687-2013, 006182-2014 & 007350-2015); and

**WHEREAS**, the real property assessments for the subject premises, located at 16-01 McBride Avenue (Lot 1.01 in Block 4903 on the Tax Assessment Map of the Borough of Fair Lawn) for the year 2011 were as follows:

Land:	\$5,046,300
Improvements:	<u>\$1,453,700</u>
Total:	\$6,500,000

and;

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

Land:	\$4,906,100
Improvements:	<u>\$1,257,900</u>
Total:	\$6,164,000

and;

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

Land:	\$4,906,100
Improvements:	<u>\$ 893,900</u>
Total:	\$5,800,000

and;

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

Land:	\$5,056,300
Improvements:	<u>\$1,153,700</u>
Total:	\$6,200,000

and;

**WHEREAS**, the 2012 tax appeal will be withdrawn, and the 2013 and 2014 tax appeals may be settled by reduction of the aforesaid assessments as follows:

Land:	\$4,906,100
Improvements:	<u>\$1,093,900</u>
Total:	\$6,000,000

and;

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

Land:	\$4,906,100
Improvements:	<u>\$ 693,900</u>
Total:	\$5,600,000

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 \$23,031.60, of which one half or \$11,515.80 will be made payable to the plaintiff's attorney in this matter upon issuance of the judgments and the remaining one half or \$11,515.80 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 \$11,515.80 and a credit of \$11,515.80 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

September 20, 2016

**RESOLUTION NO. 359-2016**

By

Seconded by

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council that the Mayor and Municipal Clerk are hereby authorized to sign the agreement between the Borough of Fair Lawn and the Radburn Association for the maintenance of certain properties described in said agreement.