

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.**

**October 25, 2016**

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

**ORDINANCE NO. 2409-2016  
(RESOLUTION NO. 360-2016)**

**AN ORDINANCE TO AMEND ORDINANCE 2293-2012 APPROPRIATING AN ADDITIONAL \$37,000 FOR THE COUNTY ROAD PROGRAM, COUNTY-WIDE ADA RAMPS, CURBS AND SIDEWALK CONSTRUCTION CO-OPERATIVELY FUNDED FROM THE BERGEN COUNTY DEPARTMENT OF PUBLIC WORKS**

- 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. 2410-2016  
(RESOLUTION NO. 361-2016)**

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

- 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. 2411-2016  
(RESOLUTION NO. 362-2016)**

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "ADMINISTRATION, DEPARTMENTS AND BUDGET AND FISCAL PROCEDURES" TO AMEND ARTICLE II ENTITLED, "THE COUNCIL"**

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

**9. ORDINANCES ON SECOND READING:**

**ORDINANCE NO. 2406-2016  
(RESOLUTION NO. 363-2016)**

**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 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. 2407-2016  
(RESOLUTION NO. 364-2016)**

**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 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. 2408-2016  
(RESOLUTION NO. 365-2016)**

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

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

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

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

- Municipal Clerk reads Resolutions by Consent.
  - a. Resol. #366-2016 – Approval of Minutes:  
Work Session 9/6/16

## Special Meeting 9/6/16

## Closed Session 9/6/16

- b. Resol. #367-2016 – Authorizing Contracts for Certain Approved National Cooperative Contract Vendors Pursuant to N.J.S.A 52:34-6.2 and P.L. 2011, c139
- c. Resol. #368-2016 – Auction of Surplus Equipment
- d. Resol. #369-2016 - Refund of Overpayment of Taxes
- e. Resol. #370-2016 – Special Item of Revenue – Clean Communities Grant
- f. Resol. #371-2016 – Special Item of Revenue – OEM Grant
- g. Resol. #372-2016 – Confirming Endorsement of Community Development Project – CarePlus NJ (Fair Lawn HVAC)
- h. Resol. #373-2016 – Confirming Endorsement of Community Development Project – CarePlus NJ (Children's Services)
- i. Resol. #374-2016 – License Agreement – 40-02 Jasper Road
- j. Resol. #375-2016 - Authorizing Contract with Certain Approved State Contract Vendors – Beyer Ford
- k. Resol. #376-2016 – Award of Bid: Water & Sewage Pump Station Maintenance and Repair
- l. Resol. #377-2016 - Confirmation of Fire Board Actions
- m. Resol. #378-2016 – Authorizing Execution of Shared Services Agreement with Bergen County – Road Resurfacing Program
- n. Resol. #379-2016 - Change in Custodian of Petty Cash Fund
- o. Resol. #380-2016 - Authorizing Contract with Cranford Cooperative Pricing
- p. Resol. #381-2016 - Professional Services - Tax Appeal Conflicts Attorney - Steven D. Muhlstock, Esq.
- q. Resol. #382-2016 - Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-7.29
- r. Resol. #383-2016 - Award of Bid: Snow Plowing and Hauling Services
- s. Resol. #384-2016 - Tax Appeal Settlement: CK Bergen Holdings, LLC, 16-00 Route 208
- t. Resol. #385-2016 - Tax Appeal Settlement: 19-05 Nevins Road, LLC, 19-05 Nevins Road
- u. Resol. #386-2016 - Tax Appeal Settlement: HPFVI Pollitt, LLC, 15-01 Pollitt Drive, Units #1 & 4

- v. Resol. #387-2016 - License Agreement - 0-105 Bellair Avenue
- w. Resol. #388-2016 - Award of Bid: Water Meter Replacement Program Phase II
- x. Resol. #389-2016 - Authorizing the PSE&G Direct Install Program

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

**12. RESOLUTION NO. 390-2016 - APPROVAL OF MINUTES**

Regular Meeting 9/20/16

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

**13. PUBLIC COMMENTS**

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

**14. ADJOURNMENT:**

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 360-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2409-2016 entitled:

**AN ORDINANCE TO AMEND ORDINANCE 2293-2012 APPROPRIATING AN ADDITIONAL \$37,000 FOR THE COUNTY ROAD PROGRAM, COUNTY-WIDE ADA RAMPS, CURBS AND SIDEWALK CONSTRUCTION CO-OPERATIVELY FUNDED FROM THE BERGEN COUNTY DEPARTMENT OF PUBLIC WORKS**

be introduced and does now pass a first reading and that said ordinance be further considered for final passage at a regular meeting of the Borough Council to be held at the Municipal Building, 8-01 Fair Lawn Avenue, Fair Lawn, New Jersey, on the 22nd day of November, 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. 2409-2016**

**AN ORDINANCE TO AMEND ORDINANCE 2293-2012 APPROPRIATING AN ADDITIONAL \$37,000 FOR THE COUNTY ROAD PROGRAM, COUNTY-WIDE ADA RAMPS, CURBS AND SIDEWALK CONSTRUCTION CO-OPERATIVELY FUNDED FROM THE BERGEN COUNTY DEPARTMENT OF PUBLIC WORKS**

**SECTION 1.** The Mayor and Council of the Borough of Fair Lawn has authorized and appropriated the sum of \$200,000 in Ordinance 2293-2013, to be financed by the Bergen County Department of Public Works pursuant to the August 6, 2012 agreement.

**SECTION 2.** It has been determined by the Borough Engineer that the cost of the approved project will require an additional \$ 37,000 of funding.

**SECTION 3.** The County of Bergen has agreed to provide assistance for participating municipalities with their obligations to comply with NJDOT and Federal handicap ramp regulations.

**SECTION 4.** The County will make available the additional funding to the Borough of Fair Lawn on reimbursement basis, for the construction of ADA rams, curbs, and sidewalks.

**SECTION 5.** The Borough of Fair Lawn will be responsible for all costs outside the scope of the countywide handicap ramp construction contract, including but not limited to, engineering costs and any local police protection.

**SECTION 6.** The Borough of Fair Lawn will enter into a contract with the successful bidder for the countywide co-operative construction contract and will be reimbursed from the County of Bergen, as detailed in the August 6, 2012 agreement with the County of Bergen.

**SECTION 7.** The Mayor and Council of the Borough of Fair Lawn is hereby authorizes and appropriates an additional sum of \$237,000 to be financed by the Bergen County Department of Public Works pursuant to the August 6, 2012 agreement.

**SECTION 8.** The Borough of Fair Lawn will be reimbursed from the County in accordance with the August 06, 2012 agreement

**SECTION 9.** This ordinance shall take effect after passage and publication as required by law.

Attest:

Approved:

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

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

Introduced: October 25, 2016

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 361-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2410-2016 entitled:

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

be introduced and does now pass a first reading and that said ordinance be further considered for final passage at a regular meeting of the Borough Council to be held at the Municipal Building, 8-01 Fair Lawn Avenue, Fair Lawn, New Jersey, on the 22nd day of November, 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. 2410-2016**

**AN ORDINANCE FIXING THE SALARIES OF PART TIME SCHOOL TRAFFIC GUARDS 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:

**WHEREAS**, a need has occurred to amend Ordinance No. 2403-2016, adopted on September 20, 2016; and

**WHEREAS**, the position of School Traffic Guard will be added to the Borough of Fair Lawn's Part Time Employee Salary Ordinance No. 2403-2016 and effective September 1, 2016, as follows;

School Traffic Guard                      \$18.50 hr.

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

**SECTION 3.** Salary increases are effective only if an employee has not resigned voluntarily or has been terminated with cause. Retired employees are not eligible.

**SECTION 4.** 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: October 25, 2016

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 362-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2411-2016 entitled:

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "ADMINISTRATION, DEPARTMENTS AND BUDGET AND FISCAL PROCEDURES" TO AMEND ARTICLE II ENTITLED, "THE COUNCIL"**

be introduced and does now pass a first reading and that said ordinance be further considered for final passage at a regular meeting of the Borough Council to be held at the Municipal Building, 8-01 Fair Lawn Avenue, Fair Lawn, New Jersey, on the 22nd day of November, 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. 2411-2016**

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "ADMINISTRATION, DEPARTMENTS AND BUDGET AND FISCAL PROCEDURES" TO AMEND ARTICLE II ENTITLED, "THE COUNCIL"**

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

**SECTION 1:** Article II entitled "The Council" is hereby amended as follows:

Delete the entire **§ 2-13. Meetings** and replace it with the following:

**§ 2-13. Meetings.**

A. Regular Meetings. The Council shall hold one regular meeting each month on the Tuesday set by the Council in accordance with Section 13, PL 1975, Chapter 231 of the Laws of the State of New Jersey by Resolution adopted at the annual Reorganization meeting. Said meetings shall begin at 7:30 p.m. unless otherwise stated in said Resolution and shall be held in the Council chambers in the municipal building or such other place as the Council may decide. In the event that the meeting schedule is revised, a notice shall be posted and published as required by law.

B. Special meetings. Special meetings may be called at any time by the Mayor, the Manager, by two members of the Council or by petition signed by voters equal in number to not less than 2% of the number of persons voting in the last preceding general election. The business of a special meeting shall be specified in the call for such meeting and no other business may be considered. The call for such special meeting shall be delivered to the Municipal Clerk, who shall forthwith notify each member of the Council electronically or by telephone or by such other means at his/her disposal. No special meeting may be called without four days' notice, as set forth above, unless the Mayor or Manager declares that an emergency exists affecting the health, safety and welfare of the people, requiring a meeting in a shorter time. In such event, the Municipal Clerk on the filing of a call for an emergency special meeting shall forthwith notify the members of the Council electronically, by telephone or such other means at his/her disposal. A special meeting may be held without prior notice, upon a written waiver of notice, executed by a quorum of all of the members of the Council and filed with the Municipal Clerk.

C. Work sessions. The Council shall hold one work session each month on the Tuesday set by the Council in accordance with Section 13, PL 1975, Chapter 231 of the Laws of the State of New Jersey by Resolution adopted at the annual Reorganization meeting. Said meetings shall begin at 7:30 p.m. unless otherwise stated in said Resolution and shall be held at the Municipal Building or such other place as the Council may decide. Matters to be considered at the next regular meeting shall be reviewed at the work session. Other matters may be added to the agenda after the work session as deemed necessary by the Manager and Municipal Clerk.

D. All Borough officers or employees requested by the Borough Manager shall attend the regular meetings, work sessions or special meetings.

Delete the entire **§ 2-14. Order of Business** and replace it with the following:

**§ 2-14. Order of Business.**

The business of the Council, at regular meetings and as applicable at special meetings, shall be as follows:

- A. Statement of Compliance with the Open Public Meetings Act.
- B. Quorum roll call.
- C. Flag salute.
- D. Proclamations/Presentations.
- E. Comments by Councilpersons.
- F. Introduction of proposed ordinances, at first reading.
- G. Hearing upon adoption or amendment of proposed ordinances, on second reading.
- H. Comments by the public on consent agenda items only.
- I. Resolution by consent.
- J. Resolutions not on consent.
- K. Comments by public.
- L. Adjournment.

**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 October 25, 2016

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 363-2016**

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"**

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. 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

October 25, 2016

**RESOLUTION NO. 364-2016**

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"**

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. 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 curblines of Berdan Avenue and extending 105 feet northerly therefrom. (location 11742)
- (3) Park Avenue (far side) (prolongation): beginning at the prolongation of the southerly curblines 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 curblines of Elaine Terrace and extending 105 feet southerly therefrom. (location 11777)
- (2) Dunkerhook Road (far side): beginning at the northerly curblines of Dunkerhook Road and extending 100 feet northerly therefrom. (location 11783)
- (3) South Broadway (far side) beginning at the northerly curblines of South Broadway and extending 100 feet northerly therefrom (location 11775)
- (4) Red Mill Road (near side): beginning at the southerly curblines of Red Mill Road and extending 105 feet southerly therefrom ((location 11776)
- (5) Jean Terrace (far side): beginning at the northerly curblines of Jean Terrace and extending 100 feet northerly therefrom. (location 11778)
- (6) Erii Road (far side): beginning at the northerly curblines of Erli Road and extending 100 feet northerly therefrom. (location 11779)
- (7) Berdan Avenue (far side) (prolongation): beginning at the prolongation of the northerly curblines 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 curbline of Terhune Place and extending 100 feet southerly therefrom. (location 11792)
  - (6) Tierney Place (far side) (prolongation): beginning at the southerly curbline of Tierney Place and extending 100 feet southerly therefrom. (location 11793)
  - (7) Berdan Avenue (far side): beginning at the prolongation of the southerly curbline of Berdan Avenue and extending 100 feet southerly therefrom. (location 11794)
  - (8) Vanore Drive (far side): beginning at the southerly curbline of Vanore Drive and extending 100 feet southerly therefrom. (location 11795)
  - (9) Kuiken Terrace (far side): beginning at the southerly curbline of Kuiken Terrace and extending 100 feet southerly therefrom. (location 11790)
  - (10) Elaine Terrace (far side) (prolongation): beginning at the prolongation of the southerly curbline of Elaine Terrace and extending 100 feet southerly therefrom. (location 11796)
  - (11) South Broadway (far side): beginning at the southerly curbline of South Broadway and extending 100 feet southerly therefrom. (location 11798)
  - (12) Wyckoff Terrace (far side): beginning at the southerly curbline 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 curbline of Raphael Street and extending 100 feet northerly therefrom. (location 11724)
  - (2) Watkins Avenue (far side) (prolongation): beginning at the prolongation of the northerly curbline 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 curbline 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 curbline of River Road and extending 100 feet easterly therefrom. (location 11690)
- (2) Forest Street (far side): beginning at the easterly curbline of Forest Street and extending 100 feet easterly therefrom. (location 11691)
- (3) Henderson Boulevard (far side): beginning at the easterly curbline of Henderson Boulevard and extending 100 feet easterly therefrom. (location 11692)
- (4) Hemlock Avenue (far side): beginning at the easterly curbline 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 curbline of Elm Avenue and extending 100 feet westerly therefrom. (location 11694)
- (2) Hemlock Avenue (far side): beginning at the westerly curbline of Hemlock Avenue and extending 100 feet westerly therefrom. (location 11695)
- (3) Henderson Boulevard (far side) (prolongation): beginning at the prolongation of the westerly curbline of Henderson Boulevard and extending 100 feet westerly therefrom. (location 11696)
- (4) Forest Street (far side): (prolongation) beginning at the prolongation of the westerly curbline of Forest Street and extending 100 feet westerly therefrom. (location 11697)
- (5) Wagaraw Road (near side): beginning at the easterly curbline 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

October 25, 2016

**RESOLUTION NO. 365-2016**

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"**

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. 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

October 25, 2016

**CONSENT AGENDA 14-2016**

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. #366-2016 – Approval of Minutes:
  - Work Session 9/6/16
  - Special Meeting 9/6/16
  - Closed Session 9/6/16
- b. Resol. #367-2016 – Authorizing Contracts for Certain Approved National Cooperative Contract Vendors Pursuant to N.J.S.A 52:34-6.2 and P.L. 2011, c139
- c. Resol. #368-2016 – Auction of Surplus Equipment
- d. Resol. #369-2016 - Refund of Overpayment of Taxes
- e. Resol. #370-2016 – Special Item of Revenue – Clean Communities Grant
- f. Resol. #371-2016 – Special Item of Revenue – OEM Grant
- g. Resol. #372-2016 – Confirming Endorsement of Community Development Project – CarePlus NJ (Fair Lawn HVAC)
- h. Resol. #373-2016 – Confirming Endorsement of Community Development Project – CarePlus NJ (Children's Services)
- i. Resol. #374-2016 – License Agreement – 40-02 Jasper Road
- j. Resol. #375-2016 - Authorizing Contract with Certain Approved State Contract Vendors – Beyer Ford
- k. Resol. #376-2016 – Award of Bid: Water & Sewage Pump Station Maintenance and Repair

- l. Resol. #377-2016 - Confirmation of Fire Board Actions
- m. Resol. #378-2016 – Authorizing Execution of Shared Services Agreement with Bergen County – Road Resurfacing Program
- n. Resol. #379-2016 - Change in Custodian of Petty Cash Fund
- o. Resol. #380-2016 - Authorizing Contract with Cranford Cooperative Pricing
- p. Resol. #381-2016 - Professional Services - Tax Appeal Conflicts Attorney - Steven D. Muhlstock, Esq.
- q. Resol. #382-2016 - Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-7.29
- r. Resol. #383-2016 - Award of Bid: Snow Plowing and Hauling Services
- s. Resol. #384-2016 - Tax Appeal Settlement - CK Bergen Holdings, LLC, 16-00 Route 208
- t. Resol. #385-2016 - Tax Appeal Settlement -19-05 Nevins Road, LLC, 19-05 Nevins Road
- u. Resol. #386-2016 - Tax Appeal Settlement - HPFVI Pollitt, LLC, 15-01 Pollitt Drive, Units #1 & 4
- v. Resol. #387-2016 - License Agreement - 0-105 Bellair Avenue
- w. Resol. #388-2016 - Award of Bid: Water Meter Replacement Program Phase II
- x. Resol. #389-2016 - Authorizing the PSE&G Direct Install Program

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 366-2016**

By

Seconded by

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

Work Session 9/6/16  
Special Meeting 9/6/16  
Closed Session 9/6/16

are hereby approved

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 367-2016**

By

Seconded by

**WHEREAS**, the Borough of Fair Lawn, pursuant to N.J.S.A.52:34-6.2 and P.L. 2011,c.139 may by resolution and without advertising for bids, purchase any goods or services under any contracts entered into on behalf of the National IPA Cooperative Purchasing System; and

**WHEREAS**, the Borough of Fair Lawn has the need to purchase the following commodities, under said contract, which are in excess of the Borough's bid threshold and may be awarded by resolution in accordance with N.J.A.C. 52:34-6.2 and P.L. 2011, c.139;

1. Office Depot, 4 Brighton Road, Suite 400, Clifton, New Jersey 07012 for office supplies, National IPA Cooperative #141703

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Lawn has 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 Financial Officer through the issuance of purchase orders, as needed, in accordance with N.J.A.C. 52:34-6.2 and P.L. 2011, c.139;

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 368-2016**

By

Seconded by

**WHEREAS**, the Mayor and Council of the Borough of Fair Lawn has determined that the following items described below are not needed for public use; and

**WHEREAS**, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of an online auction service; and

**WHEREAS**, the sale is being conducted pursuant to Local Finance No. 2008-9; and

**WHEREAS**, the terms and conditions of the agreement entered into with GovDeals is available on GovDeals' website and are available in the Municipal Clerk's Office; and

**WHEREAS** the Borough of Fair Lawn has the property listed in Schedule A, attached hereto and desires to sell same online;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the Municipal Clerk is hereby authorized to post an offer to sell the items listed on Schedule A on an auction website as follows:

Online auction site: GovDeals.com

Auction fees: None other than what is outlined in State Contract A70967

Method of Payment: Check

Shipping: N/A – all items must be picked up

Possession: Every item is sold "AS IS WHERE IS"

Other Terms: in accordance with the Conditions of Sale in Schedule A

Minimum Bid: \$5 for all items except as more specifically set forth in Schedule A.

## Schedule A

- |   | Minimum Bid: |
|---|--------------|
| 1) Year: 1999 Pickup truck with plow<br>Make: GMC<br>Serial #: 1GTHK34R6XF063392<br>Mileage: 84,280 | \$300.00     |
| 2) Year: 1996<br>Make: Chevrolet Truck<br>Serial #: 1GBJK34F9TE149548<br>Mileage: 47,037            | \$300.00     |
| 3) Year: 1996<br>Make: Dodge Ram Van<br>Serial: 2B5WB35Z5TK184554<br>Mileage: 48,057                | \$300.00     |
| 4) Year: 2007<br>Make: Dodge Charger<br>Serial #: 2B3LA43H57H900645<br>Mileage: 112,351             | \$300.00     |
| 5) Year: 2003<br>Make: Ford Crown Victoria<br>Serial #: 2FAHP71W93X210652<br>Mileage: 101,749       | \$300.00     |
| 6) Year: 2008<br>Make: Ford Crown Victoria<br>Serial #: 2FAHP81VX8X110865<br>Mileage: 132,284       | \$300.00     |
| 7) Year: 1995<br>Make: GMC Pickup Truck<br>Serial #: 1GTGK24FXSE539203<br>Mileage: 68,263           | \$300.00     |

Miscellaneous Item:

Kubota Tractor – Model #L185  
Ride-on Diesel Tractor for grass cutting  
Rear 3 pt Hitch for various attachments  
Serial #: 51238

\$500.00

Ford Ride-On Mower 4x4 Model #CM274 72 inch cutting deck (Model #FM72) Ride-on grass cutter (diesel)	\$500.00
Jacobsen Ride-on Mower 2 WD Model #T436G Ride-on grass cutter (gas)	\$100.00
Skate Park Equipment: Main platform 3 x 6 Grind-box 4 ft steel grind-rail Many steel plates and accessories	\$1,000.00
Thirteen (13) Various Arcade Games	\$1,500.00
Seven (7) 30 cu yard roll off containers with Heil Deadlift connections - to be sold together	\$50.00 each
Portable Metal Walkup Steps for Entry to Dumpster	\$200.00
Miscellaneous Computers, Monitors, Keyboards, Printers and fax machines	\$300.00
Miscellaneous Fire Department Pagers, Walkie Talkies, Radios, Batteries and Chargers	\$50.00
Pallet Miscellaneous Light Bars	\$50.00
Box of Miscellaneous Siren Controllers	\$25.00
Mobile Air Compressor	\$25.00
(3) Desks Computer Table Paper cutter Paperback Displayer Electric Stapler KH Display Station 3 Drawer File Cabinet (Black)	

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 369-2016**

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>
5615	18	TWR AS CTS For Ebury Fund 2 New Jersey, LLC P.O. Box 54908 New Orleans, LA 70154	\$570.49
(Refund of taxes due to property changed and land valued adjusted due to a fire in the home)			
1205	4	Pandit, Hrishit R. & Jalpa 0-165 Blue Hill Avenue Fair Lawn, New Jersey 07410	\$2,219.47
1702	12	Zmerli, Karima 15-17 Saddle River Road Fair Lawn, New Jersey 07410	\$3,450.74

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 370-2016**

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 an 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 \$68,637.52, which is now available from the Environmental Protection Agency, in the amount of \$68,637.52; and,

**BE IT FURTHER RESOLVED** that the like sum of \$68,637.52 is hereby appropriated under the caption, State and Federal Programs Off-Set by Revenue: "Clean Communities Grant",

**BE IT FURTHER RESOLVED**, that the above is the result of funds from the Environmental Protection Agency, Clean Communities Grant, in the amount of \$68,637.52;

**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

October 25, 2016

**RESOLUTION NO. 371-2016**

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 an 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 \$7,000, which is now available from the Emergency Management Agency, in the amount of \$7,000; and

**BE IT FURTHER RESOLVED** that the like sum of \$7,000 is hereby appropriated under the caption, State and Federal Programs Off-Set by Revenue: "OEM Grant", and

**BE IT FURTHER RESOLVED**, that the above is the result of funds from the Emergency Management Agency, in the amount of \$7,000; 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

October 25, 2016

**RESOLUTION NO. 372-2016**

By

Seconded by

**WHEREAS**, a Bergen County Community Development grant of \$35,000 has been proposed by Care Plus New Jersey, Inc. for Fair Lawn HVAC in 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 Mayor and Council; and

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

**WHEREAS**, this resolution does not obligate the financial resources of the Borough 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

October 25, 2016

**RESOLUTION NO. 373-2016**

By

Seconded by

**WHEREAS**, a Bergen County Community Development grant of \$101,871 has been proposed by Care Plus New Jersey, Inc. for Children's Services in 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 Mayor and Council; and

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

**WHEREAS**, this resolution does not obligate the financial resources of the Borough 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

October 25, 2016

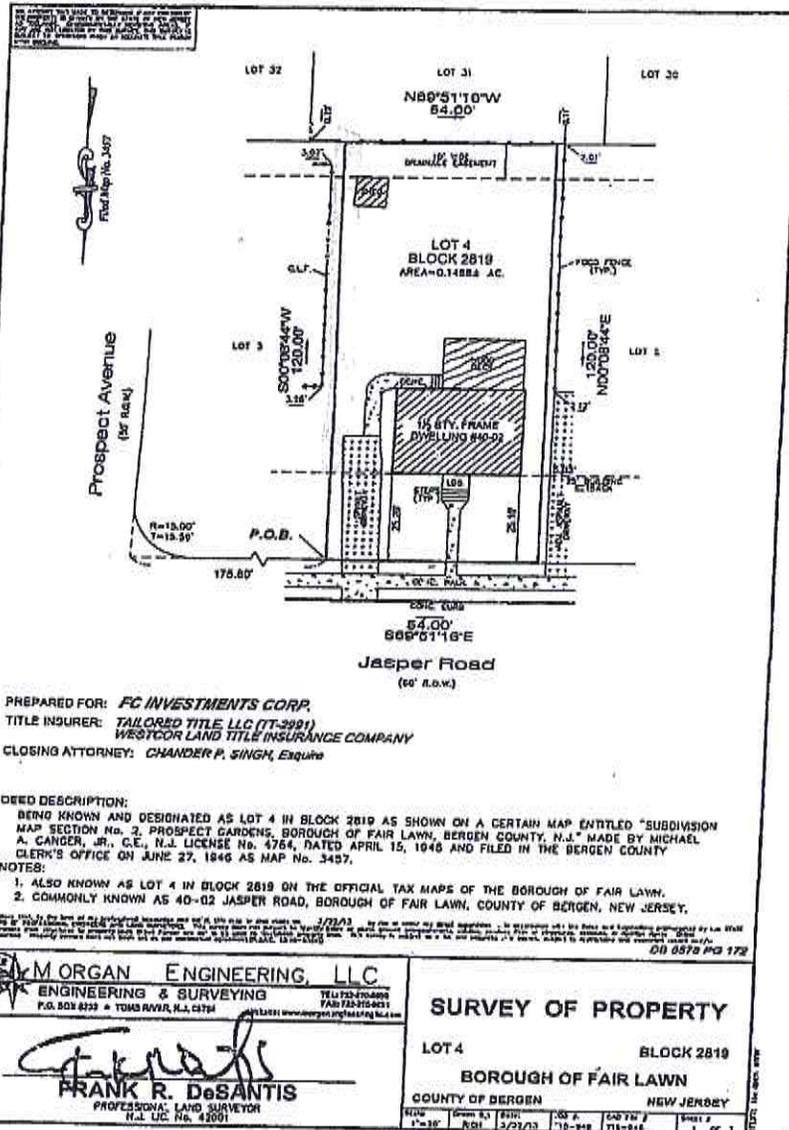
**RESOLUTION NO. 374-2016**

By

Seconded by

**WHEREAS**, the Mayor and Council of the Borough of Fair Lawn does hereby grant to Dennis Mounajed and Shemsije Gerdeshi, residing at 40-02 Jasper Road (Lot 4 in Block 2819 on the Tax Assessment Map of the Borough of Fair Lawn), the right to construct a fence across the Borough's right of way, as shown more particularly on Schedule "A", attached hereto and made a part hereof, and which shall be done pursuant to and in accordance with all statutes, ordinances, rules and regulations of the State of New Jersey, County of Bergen and Borough of Fair Lawn.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the Mayor and Municipal Clerk be and they are hereby authorized to execute a License Agreement with Dennis Mounajed and Shemsije Gerdeshi, to be prepared by the Borough Attorney.



Schedule "A"

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 375-2016**

By

Seconded by

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

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

**WHEREAS**, the Borough of Fair Lawn has the need for the following three vehicles and accessories under State Contract 88727 as follows:

- (1) 2017 Ford Super Duty F-250 SRW XL 4WD Reg Cab 8' Box with Options for \$41,244.80 (DPW Roads)
- (2) 2017 Ford F-250 SRW XL 4WD Supercab 164" WB w/8' Bed with Options for \$36,036.50 (DPW Water); and
- (3) 2017 Ford Super Duty F-250 SRW XL 4WD Reg Cab 8' Box with Options for \$32,167.00 (Parks Dept); and

**WHEREAS**, the Borough of Fair Lawn intends to enter into a contract with Beyer Ford for the purchase of the aforesaid vehicles and accessories under State Contract 88727, through this resolution and a properly executed purchase order, which shall be subject to all the conditions applicable to the current state contract;

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Fair Lawn pursuant to N.J.A.C. 5:30-5.5(b), have allocated in Capital Ordinances 2376-2016 and 2378-2016 and, through this resolution a certification 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 Council of the Borough of Fair Lawn authorizes the Borough Manager to enter into a contract for the purchase of the above listed vehicles and accessories with Beyer Ford located at 170 Ridgedale Avenue, Morristown, New Jersey 07936 an approved New Jersey State Contract Vendor pursuant to all conditions of the individual State Contract 88728.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 376-2016**

By

Seconded by

**WHEREAS**, bids were received for Water and Sewage Pump Station Maintenance by the Municipal Clerk on September 27, 2016; and

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

**WHEREAS**, A.C. Schultes, Inc. having an office located at 664 S. Evergreen Avenue, Woodbury Heights, New Jersey 08097 is the primary responsible bidder, Longo Electrical - Mechanical, Inc. located at 1 Harry Shupe Boulevard, Wharton, New Jersey 07885 is the secondary responsible bidder and Rapid Pump & Meter Service Co., Inc. located at 285 Straight Street, P.O. Box AY, Paterson, New Jersey 07509 is the tertiary responsible bidder in accordance with the attached Schedule A for a period of two (2) years beginning November 28, 2016 and ending November 27, 2018;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that upon recommendation of the Borough Manager and appropriate Department Head, the award be made to A.C. Shultes, Inc., Longo Electrical - Mechanical, Inc. and Rapid Pump & Meter Service Co., Inc. 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.

## BID RESULTS

## BID: WATER AND SEWAGE PUMP STATION MAINTENANCE

Bid Date: 9/27/16

Bidder and Location	A C Schultes Woodbury Heights	Longo Electrical- Mechanical Wharton	Rapid Pump & Meter Paterson
Bid Deposit	Bid Bond	Bid Bond	Bid Bond
Item 1A-Labor on Site Year 1	\$87.00	\$94.00	\$109.75
Item 1A-Labor on Site Year 2	\$87.00	\$96.00	\$109.75
Item 1B-Labor in Shop Year 1	\$40	\$48.00	\$85.00
Item 1B-Labor in Shop Year 2	\$40	\$50.00	\$85.00

/cmt  
9/27/16

Schedule A

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 377 -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:**

Bryan Reinhardt  
10-08 Burbank Street  
Co. 1

Casey Russell  
13-17B Sperber Road  
Co. 4

Brian York  
35-09 Lenox Drive  
Co. 3

**Resignation:**

Jameel Gould  
0-02 30th Street  
Co. 3

**Medical Leave of Absence:**

Ken Pfeifer  
39-41 sycamore Drive  
Co. 3

Eugene Snyder  
23-14 Arcadia Road  
Co. 3

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 378-2016**

By

Seconded by

**WHEREAS**, the County of Bergen maintains and controls the County roads within the Borough of Fair Lawn; and

**WHEREAS**, Bergen County's Department of Public Works performs resurfacing of these roads through its periodic Resurfacing Projects; and

**WHEREAS**, a formal agreement between the County of Bergen and the Borough of Fair Lawn will serve to memorialize the respective responsibilities of the County and the Borough; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to execute the Shared Services Agreement - County Road Resurfacing.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 379-2016**

By

Seconded by

**WHEREAS**, Timothy Murphy was custodian of the Library Petty Cash Fund;  
and

**WHEREAS**, in accordance with N.J.S.A. 40:5-21, the Borough of Fair Lawn is changing custodians to Karen Horton upon the retirement of Timothy Murphy; and

**WHEREAS**, Karen Horton is bonded under the Public Official Bonds provided by the Municipal Excess Joint Insurance Fund in the amount of \$1,000,000;

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 380-2016**

By

Seconded by

**WHEREAS**, according to guidelines set forth by the State of New Jersey Department of Community Affairs/Division of Local Government Services allowance is granted to registered members identified in a contract, are subject to the overall terms of a master contract awarded to a cooperative; and,

**WHEREAS**, the Borough of Fair Lawn is a member of the Cranford Cooperative Pricing System - ID #47-CPCPS; and

**WHEREAS**, the Borough of Fair Lawn intends to enter into a purchasing agreement for the purchase of three (3) 2017 Ford Police Utility Interceptors with options for a total amount of \$74,736.00 from Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07962 which shall be subject to all the conditions under Contract 16-01 applicable to the current Cranford Police Cooperative Pricing System;

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Fair Lawn, pursuant to guidelines set forth by Department of Community Affairs, have allocated for the purchase of Police vehicles in the 2016 Municipal Budget-Police Department Other Expenses, and through this resolution a certification of availability of funds will be made by the Chief Financial Officer through the issuance of a purchase order; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Fair Lawn authorizes the Borough Manager to purchase the above listed vehicles from Beyer Ford pursuant to all conditions of the Cranford Police Cooperative Pricing System; and

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 381-2016**

By

Seconded by

**WHEREAS**, the Borough Council has deemed it necessary to obtain professional services as a Tax Appeals/Conflict Attorney for the T.D. Bank (3 Branch Banks) matter as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Steven D. Muhlstock, Esq. having an office located at 2200 Fletcher Avenue, Fifth Floor, Fort Lee, New Jersey 07024, will serve as a Tax Appeals/Conflict Attorney for the T.D. Bank (3 Branch Banks) matter;

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

1. That upon the recommendation of the Borough Manager that said services are necessary, a contract be awarded to the aforesaid Steven D. Muhlstock, Esq. at a rate of \$125.00 per hour;
2. No additional services shall be rendered for which Steven D. Muhlstock, Esq. shall seek additional payment without written authorization by the Borough pursuant to law.
3. The contract shall commence on October 26, 2016 and terminate on December 31, 2016.
4. The Mayor and Municipal Clerk are hereby authorized to execute a contract with Steven D. Muhlstock, Esq. in a form approved by the Borough Attorney, provided all statutory requirements are met.
5. A notice of this resolution shall be published in The Record as required by law.

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

**BE IT FURTHER RESOLVED** that the award of this non-fair and open contract is contingent upon the Chief Financial Officer filing a Certificate of Availability of Funds with the Municipal Clerk's Office.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 382-2016**

By

Seconded by

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

**WHEREAS**, the Borough of Fair Lawn has the need to purchase the following commodities, under State Contract, which are in excess of the Borough's bid threshold and may be awarded by resolution in accordance with N.J.A.C. 5:34-7.29:

1. Hach Company, P.O. Box 389, Loveland, CO 80539 for supplies.

**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 Financial 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

October 25, 2016

**RESOLUTION NO. 383-2016**

By

Seconded by

**WHEREAS**, bids were received for Snow Plowing and Hauling Services by the Assistant Municipal Clerk on October 12, 2016; and

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

**WHEREAS**, Kevin Downes Tree Service Co., Inc. with an office located at 65 Royal Avenue, Hawthorne, New Jersey 07506 is primary responsible bidder and Ferretti Carting, Inc. having an office located at 160 Union Street, Hackensack, New Jersey 07601 is the secondary responsible bidder in accordance with the attached "Schedule A" with the effective period commencing on November 1, 2016 through October 31, 2017 with one twelve month option to extend the contract;

**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 Kevin Downes Tree Service Co., Inc. and Ferretti Carting, Inc. 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.

BID RESULTS

## Bid: SNOW PLOWING AND HAULING SERVICES

Bid Date: 10/12/16

Bidder and Location	Kevin Downes Tree Service Hawthorne	Ferretti Carting, Inc. Hackensack
Bid Deposit	Bid Bond	Bid Bond
<b>Item 1: Supervisor</b>		
Item 1a. Hourly Rate Operating Straight Time	\$45.00	\$95.00
Item 1b. Hourly Rate Operating Premium Time	\$65.00	\$125.00
Item 1c. Hourly Rate Deployed Straight Time	\$45.00	\$75.00
Item 1d. Hourly Rate Deployed Premium Time	\$65.00	\$100.00
<b>Item 2: CONTRACTOR PLOWING TRUCKS – Class "B"</b>		
Item 2a. Hourly Rate Deployed Straight Time	\$165.00	\$175.00
Item 2b. Hourly Rate Operative Premium Time	\$165.00	\$225.00
<b>Class "C" Trucks</b>		
Item 2c. Hourly Rate Operating Straight Time	\$125.00	\$145.00
Item 2d. Hourly Rate Operating Premium Time	\$125.00	\$175.00
<b>Class "B" Trucks</b>		
Item 2e. Hourly Rate Deployed Straight Time	\$100.00	\$100.00
Item 2f. Hourly Rate Deployed Premium Time	\$100.00	\$125.00
<b>Class "C" Trucks</b>		
Item 2g. Hourly Rate Deployed Straight Time	\$75.00	\$100.00
Item 2h. Hourly Rate Deployed Premium Time	\$75.00	\$125.00
<b>Item 3: Other Equipment Class "A" Dump Truck</b>		
Item 3a. Hourly Rate Operating Straight Time	\$100.00	\$200.00

Schedule "A"

Bidder	Kevin Downes Tree Service	Ferretti Carting, Inc.
Item 3b. Hourly Rate Operating Premium Time	\$125.00	\$250.00
Item 3c. Hourly Rate Deployed Straight Time	\$75.00	\$150.00
Item 3d. Hourly Rate Deployed Premium Time	\$100.00	\$175.00
Class "E" Loader 1.5 c/y Item 3e. Hourly Rate Operating Straight Time	\$100.00	\$250.00
Item 3f. Hourly Rate Operating Premium Time	\$125.00	\$285.00
Item 3g. Hourly Rate Deployed Straight Time	\$75.00	\$200.00
Item 3h. Hourly Rate Deployed Premium Time	\$100.00	\$225.00
Class "F" Loader 3 c/y Item 3i. Hourly Rate Operating Straight Time	\$150.00	\$325.00
Item 3j. Hourly Rate Operating Premium Time	\$175.00	\$375.00
Item 3k. Hourly Rate Deployed Straight Time	\$75.00	\$250.00
Item 3l. Hourly Rate Deployed Premium Time	\$100.00	\$275.00

/cmt

10/12/16

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 384-2016**

By  
Seconded by

**WHEREAS**, CK Bergen Holdings, Inc. filed real property tax appeals for the years 2010 through 2014 (Docket Nos. 006881-2010, 008825-2011, 010917-2012, 006497-2013 & 008718-2014); and

**WHEREAS**, the real property assessments for the subject premises, located at 16-00 Route 208 (Lots 14 & 16 in Block 4708 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2010 and 2011 were as follows:

Land:	\$3,221,800
Improvements:	<u>\$3,500,000</u>
Total:	\$6,721,800

and;

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

Land:	\$4,115,300
Improvements:	<u>\$2,408,100</u>
Total:	\$6,523,400

and;

**WHEREAS**, the 2010 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land:	\$3,221,800
Improvements:	<u>\$3,278,200</u>
Total:	\$6,500,000

and;

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

Land:	\$3,221,800
Improvements:	<u>\$2,778,200</u>
Total:	\$6,000,000

and;

**WHEREAS**, the 2012 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land:	\$4,115,300
Improvements:	<u>\$1,884,700</u>
Total:	\$6,000,000

and;

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

Land:	\$4,115,300
Improvements:	<u>\$1,634,700</u>
Total:	\$5,750,000

and;

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

Land:	\$4,115,300
Improvements:	<u>\$1,384,700</u>
Total:	\$5,500,000

and;

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

**WHEREAS**, the settlement results in an approximate total tax refund for tax years 2010 through 2014 in the amount of \$91,415.60, 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 \$91,415.60 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

October 25, 2016

**RESOLUTION NO. 385-2016**

By

Seconded by

**WHEREAS**, 19-05 Nevins Road Assoc., LLC filed real property tax appeals for the years 2010 through 2016 (Docket Nos. 006882-2010, 008826-2011, 010876-2012, 006495-2013, 008721-2014, 007352-2015 & 005936-2016); and

**WHEREAS**, the real property assessments for the subject premises, located at 19-05 Nevins Road (Lot 2 in Block 4901 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2010 and 2011 were as follows:

Land:	\$6,033,600
Improvements:	<u>\$1,566,400</u>
Total:	\$7,600,000

and;

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

Land:	\$5,866,000
Improvements:	<u>\$1,430,300</u>
Total:	\$7,296,300

and;

**WHEREAS**, for 2015 and 2016 the real property assessments were as follows:

Land:	\$5,499,400
Improvements:	<u>\$1,350,600</u>
Total:	\$6,850,000

and;

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

Land:	\$5,866,000
Improvements:	<u>\$1,134,000</u>
Total:	\$7,000,000

and;

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

Land:	\$5,866,000
Improvements:	<u>\$1,034,000</u>
Total:	\$6,900,000

and;

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

Land:	\$5,499,400
Improvements:	<u>\$1,300,600</u>
Total:	\$6,800,000

and;

**WHEREAS**, the 2016 tax appeal may be settled by reduction of the aforesaid assessments as follows:

Land:	\$5,499,400
Improvements:	<u>\$1,200,600</u>
Total:	\$6,700,000

and;

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

**WHEREAS**, the settlement results in an approximate total tax refund for tax years 2010 through 2016 in the amount of \$27,092.95, of which one half will be made payable to the plaintiff's attorney in this matter upon issuance of the judgments and the remaining one half 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 \$13,546.48 and a credit of \$13,546.47 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

October 25, 2016

**RESOLUTION NO. 386-2016**

By  
Seconded by

**WHEREAS**, HPFVI Pollitt, LLC filed real property tax appeals for the years 2010 and 2011 (Docket Nos. 006850-2010 & 004332-2011); and

**WHEREAS**, the real property assessments for the subject premises, located at 15-01 Pollitt Drive, Units 1 and 4 (Lot 3 in Block 4802 Qualifiers C0001 & C0004 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2010 and 2011 were as follows:

Land:	\$1,675,400
Improvements:	<u>\$1,783,800</u>
Total:	\$3,459,200

and;

**WHEREAS**, the 2010 and 2011 tax appeals may be settled by reduction of the aforesaid assessments as follows:

Land:	\$1,675,400
Improvements:	<u>\$1,724,600</u>
Total:	\$3,400,000

and;

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

**WHEREAS**, the settlement results in an approximate total tax refund for tax years 2010 and 2011 in the amount of \$2,735.04, 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; 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 \$2,735.04 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

October 25, 2016

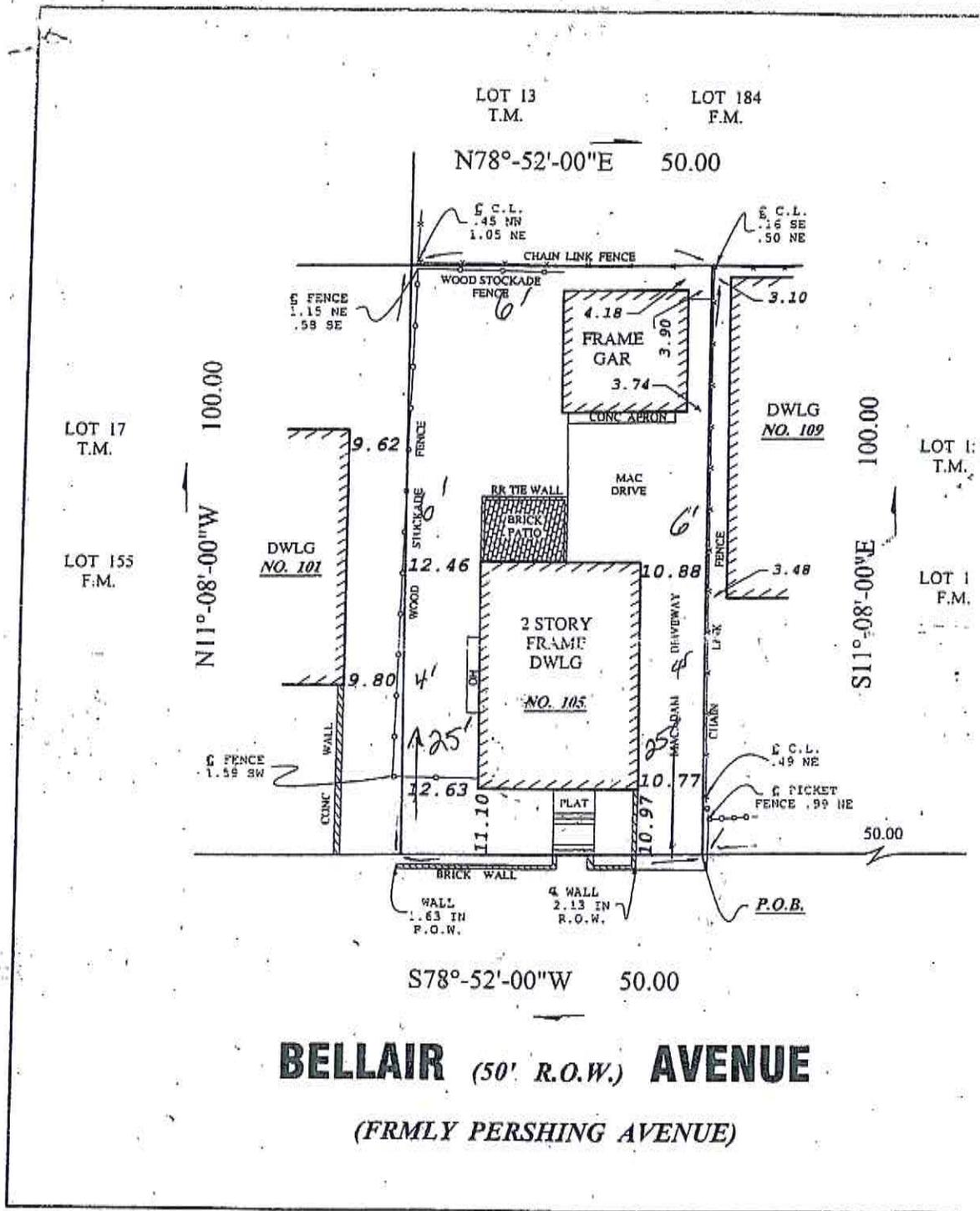
**RESOLUTION NO. 387-2016**

By

Seconded by

**WHEREAS**, the Mayor and Council of the Borough of Fair Lawn does hereby grant to Mardaceo Baula and Maria Aglubat Baula, residing at 0-105 Bellair Avenue (Lot 16 in Block 5519 on the Tax Assessment Map of the Borough of Fair Lawn), the right to replace an existing retaining wall across the Borough's right of way, as shown more particularly on Schedule "A", attached hereto and made a part hereof, and which shall be done pursuant to and in accordance with all statutes, ordinances, rules and regulations of the State of New Jersey, County of Bergen and Borough of Fair Lawn.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the Mayor and Municipal Clerk be and they are hereby authorized to execute a License Agreement with Mardaceo Baula and Maria Aglubat Baula, to be prepared by the Borough Attorney.



Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 388-2016**

By

Seconded by

**WHEREAS**, bids were received for Project #2266 Water Meter Replacement Program Phase II by the Assistant Municipal Clerk on October 18, 2016; and

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

**WHEREAS**, Lenegan Plumbing & Heating, LLC having an office located at 222 West Avenue, Ocean City, New Jersey 08226 is the sole responsible bidder in the amount of \$199, 834.00;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that upon recommendation of the Borough Manager and appropriate Department Head, the award be made to Lenegan Plumbing & Heating, 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

October 25, 2016

**RESOLUTION NO. 389-2016**

By

Seconded by

**WHEREAS**, the Borough of Fair Lawn strives to save tax dollars, assure clean land, air and water, and improve working and living environments as steps toward building a sustainable community that will endure and thrive; and

**WHEREAS**, the Borough of Fair Lawn wishes to demonstrate governance that benefits our residents now and far into the future by exploring and promoting sustainable, economically-sound, local government practices; and

**WHEREAS**, PSE&G is offering the Direct Install Program for Government Facilities in its electric territory with annual peak demands equal to less than 200 kw (Kilowatt); and

**WHEREAS**, the PSE&G Direct Install Program includes a free lighting audit, a written proposal with recommended energy conservation measures and the installation of energy savings equipment with a 70% rebate of the materials and labor costs for said installation; and

**WHEREAS**, free lighting audits were conducted and written proposals with recommended energy conservation measures were provided for the Municipal Building, Fair Lawn Recreation/Community Center and Maurice Pine Free Public Library; and

**WHEREAS**, it is estimated that the Borough of Fair Lawn will achieve a \$46,500 per year cost savings by implementing the recommended energy conservation measures for the Municipal Building, Fair Lawn Recreation/Community Center and the Maurice Pine Free Public Library; and

**WHEREAS**, it is estimated that these energy conservation measures will also result in a reduction in the production of green house gases including 372,000 lbs of carbon dioxide, 620 lbs of nitrogen oxide, 1,240 lbs of sulfur dioxide and 9 grams of mercury; and

**WHEREAS**, the green house gas reductions noted above are estimated to be equivalent to the planting of 60 acres of trees or the elimination of 28 motor vehicles;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fair Lawn hereby authorize the Borough Manager to endorse an Installation and Re-payment Agreement with PSE&G at a sum of \$27,335.93 to install the energy efficient fixtures at the Fair Lawn Municipal Building located at 8-01 Fair Lawn Avenue, Fair Lawn, New Jersey.

**BE IT FURTHER RESOLVED** that the Mayor and Council of the Borough of Fair Lawn hereby authorize the Borough Manager to endorse an Installation and Re-payment Agreement with PSE&G at a sum of \$18,773.67 to install the energy efficient fixtures at the Fair Lawn Recreation / Community Center located at 10-10 20<sup>th</sup> Street, Fair Lawn, New Jersey.

**BE IT FURTHER RESOLVED** that the Mayor and Council of the Borough of Fair Lawn hereby authorize the Borough Manager to endorse an Installation and Re-payment Agreement with PSE&G at a sum of \$27,058.96 to install the energy efficient fixtures at the Maurice Pine Free Public Library located at 10-01 Fair Lawn Avenue, Fair Lawn, New Jersey.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

October 25, 2016

**RESOLUTION NO. 390-2016**

By

Seconded by

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

Regular Meeting 9/20/16

are hereby approved.