

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.**

**DECEMBER 13, 2016**

1. **Call to Order by Mayor**
2. **Statement of Compliance with the Open Public Meetings Act**
3. **Roll Call**
4. **Flag Salute**
5. **PRESENTATION "AROUND THE COUNTY - HISTORIC PRIDE" BY BERGEN COUNTY CLERK JOHN S. HOGAN**
6. **AUXILIARY POLICE RETIREMENT PRESENTATION**
7. **COUNCIL COMMENTS**
8. **ORDINANCES ON SECOND READING:**

**ORDINANCE NO. 2412-2016  
(RESOLUTION NO. 417-2016)**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC"**

- 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. 2413-2016  
(RESOLUTION NO. 418-2016)**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING CHAPTER 144, ENTITLED "MASSAGE ESTABLISHMENTS"**

- 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. 2414-2016  
(RESOLUTION NO. 419-2016)**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 162 ENTITLED "PEDDLING AND SOLICITING" REGARDING "NO SOLICITATION SIGNS"**

- 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. 2415-2016  
(RESOLUTION NO. 420-2016)**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING CHAPTER 160 ENTITLED "PARKS AND RECREATION AREAS" REGARDING DOGS IN THE PARK**

- 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.

## **9. 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.

## **10. RESOLUTIONS BY CONSENT # 17-2016**

- Municipal Clerk reads Resolutions by Consent.
  - a. Resol. #421-2016 – Authorizing Execution of Agreement Modification - Fair Lawn Avenue Corridor
  - b. Resol. #422-2016 – Professional Services – Consulting Engineer for Fair Lawn Mini-Golf: Boswell Engineering
  - c. Resol. #423-2016 – Award of Bid: Well Service 2016
  - d. Resol. #424-2016 - Tax Appeal Settlement: TD Bank - 14-03 Saddle River Road
  - e. Resol. #425-2016 –Tax Appeal Settlement: TD Bank - 16-00 River Road
  - f. Resol. #426-2016 - Tax Appeal Settlement: TD Bank - 23-40 Maple Avenue
  - g. Resol. #427-2016 – Tax Appeal Settlement: Community Bank - 12-79 River Road
  - h. Resol. #428-2016 – Tax Appeal Settlement: Interior Renovators, LLC - 4-21 Banta Place
  - i. Resol. #429-2016 – Approval of Minutes:
    - Work Session 11/1/16
    - Closed Session 11/1/16
    - Special Meeting 11/22/16
    - Regular Meeting 11/22/16
    - Closed Session 11/22/16
  - j. Resol. #430-2016 – Award of Bid: Tree Planting
  - k. Resol. #431-2016 - Transfer of Funds

- l. Resol. #432-2016 – Authorizing Submission of an Application for the Municipal Alliance for Substance Abuse Prevention Grant
- m. Resol. #433-2016 – Confirmation of Fire Board Actions
- n. Resol. #434-2016 - Amending Contract with HMR Architects for Architectural Services - Naugle phase I Construction (Archeological Survey)
- o. Resol. #435-2016 - Authorizing Execution of the Agreement Between the Borough and the Police Chief

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

**11. RESOLUTION NO. 436-2016 - RENEWAL OF DELTA DENTAL OF NJ CONTRACT**

- Municipal Clerk reads resolution. Mover, Secunder, Discussion, Roll Call.

**12. RESOLUTION NO. 437-2016 - AUTHORIZING THE EXECUTION OF THE CONSENT AND AGREEMENT TO DESIGNATE AN ACTING MUNICIPAL COURT ADMINISTRATOR**

- Municipal Clerk reads resolution. Mover, Secunder, Discussion, Roll Call.

**13. PUBLIC COMMENTS**

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

**14. ADJOURNMENT:**

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

December 13, 2016

**RESOLUTION NO. 417-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2412-2016 entitled:

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC"**

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. 2412-2016**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC"**

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

**SECTION 1:** Section 232-11 entitled "Parking prohibited during certain hours on certain streets" is amended as follows:

**§232-11 Parking prohibited during certain hours on certain streets.**

G. Between 8:00 a.m. and 6:00 p.m. prevailing time, on the days indicated except holidays

Add:

<b>Name of Street</b>	<b>Side</b>	<b>Days</b>	<b>Location</b>
Kenneth Street	West	Monday through Friday	From Broadway to Saint Anne Street

**SECTION 2:** Section 232-12 entitled "Stopping or standing prohibited on certain streets" is amended as follows:

**§232-12. Stopping or standing prohibited on certain streets.**

Add:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Howard Avenue	Northern	From the northwest curbline of Radburn Road to a point 22 feet west therefrom to a point 328 feet west therefrom

**SECTION 3:** Section 232-13 entitled "Parking time limited on certain streets" is amended as follows:

**§232-13. Parking time limited on certain streets.**

Delete:

Name of Street	Side	Location
Kenneth Avenue	West	From Route #4 to St. Anne Street

**SECTION 4.** 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 5.** All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

**SECTION 6.** This Ordinance shall take effect upon passage and publication as required by law.

Attest:

Approved:

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

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

Introduced: November 22, 2016

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

December 13, 2016

**RESOLUTION NO. 418-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2413-2016 entitled:

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING CHAPTER 144,  
ENTITLED "MASSAGE ESTABLISHMENTS"**

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. 2413-2017**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING CHAPTER 144, ENTITLED "MASSAGE ESTABLISHMENTS"**

**WHEREAS**, the Borough of Fair Lawn has a compelling interest in the licensing of massage, bodywork and somatic therapy establishments so as to ensure that such establishments are being operated as legitimate business enterprises and are not engaged in criminal activity; and

**WHEREAS**, the Borough also has a compelling interest in the regulation of such establishments so as to ensure that they meet certain minimum health standards associated with such businesses; and

**WHEREAS**, this Ordinance is being adopted in order to preserve the public health, safety and general welfare of the residents of the Borough of Fair Lawn.

**NOW, THEREFORE, BE IT ORDAINED**, by the Municipal Council of the Borough of Fair Lawn, County of Bergen, State of New Jersey, as follows:

**SECTION 1.** Chapter 144, of the Code of the Borough of Fair Lawn, entitled "Massage Establishments" is hereby amended to add the following:

**CHAPTER 144: MASSAGE ESTABLISHMENTS**

**§144-8 Cause for Closure; Suspension or Revocation of Establishment License**

- A. Any person, firm, corporation or other entity found to be operating any establishment or utilizing any premises in the Borough of Fair Lawn as or for a massage and bodywork therapy establishment after having been denied a license or after failing to renew a license may be ordered closed by the Health Officer or his/her designee or the Chief of Police or his designee in addition to the General Penalty Provisions at Article III, Chapter 1 of these Codes.
- B. Licenses issued under this section may be suspended by the Health Officer or his/her designee, the Construction Official, the Fire Prevention Official or the Chief of Police or his/her designee, provided that the Health Officer is so notified within 24 hours, in accordance with 144-8(d) or be revoked or suspended by the Borough Council, or by a hearing officer duly appointed by the Borough Council, after notice and a hearing, as applicable, for any of the following causes:
  - (1) Fraud, misrepresentation or false statement in the application for the License.

- (2) Fraud, misrepresentation or false statement made in the course of carrying on the Licensed business in the Borough.
  - (3) Any violation of this section.
  - (4) Conviction or an arrest of an offense involving moral turpitude, any indictable offense, an offense involving sexual misconduct, keeping or residing in a house of prostitution and any offense involving dishonesty.
  - (5) Conducting the Licensed business in the Borough in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.
  - (6) Failure to submit a valid State of New Jersey Massage & Bodywork Employer Registration issued by the New Jersey Board of Massage and Bodywork Therapy.
  - (7) Employing or otherwise licensing persons to perform massage or bodywork therapy in the establishment who are not currently licensed by New Jersey Board of Massage and Bodywork Therapy as massage and bodywork therapists.
  - (8) The owner and/or operator or any employee refuses to License, hinders, or obstructs, the Health Officer or his/her designee or any duly authorized Police Officer or other Borough official to inspect the premises or the operation therein.
- C. Notice of the hearing for the revocation of a License shall be given in writing by the Municipal Clerk or Health Officer setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall contain a brief statement of the grounds to be relied upon for revoking, cancelling, or suspending such license. Notice may be given either by personal delivery thereof to the person to be notified or be deposited in the United States Post Office in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address appearing upon such License by simultaneous regular mail and certified mail, return receipt requested.
- D. Such License may, pending revocation proceedings, be suspended for not more than ten (10) days by the Health Officer, Chief of Police, or other Borough Official, if, in his/her opinion, the conduct of the Licensee is detrimental to the health, safety and general welfare of the Borough of Fair Lawn.

- E. At the hearing before the Borough Council, or a hearing officer duly appointed by the Borough Council, the Licensee shall have an opportunity to answer and may thereafter be heard, and upon due consideration and deliberation by the Borough Council, or the hearing officer, the complaint may be dismissed, or if the Borough Council, or the hearing officer concludes that the charges have been sustained and substantiated, it may suspend or revoke the License or deny reinstatement of the License, as applicable, and stipulate the conditions required for reinstatement of the License.
- F. If any such License shall have been revoked, neither the holder thereof nor any person acting for him, directly or indirectly, shall be entitled to another License to carry on the same business within the Borough, unless the application for such License shall be approved by the Borough Council.
- G. A person, firm, corporation or other entity whose License has been revoked or suspended shall close the establishment and request all patrons to vacate the premises.

#### **§144-9 Display of License.**

The massage and bodywork therapy establishment shall display its state issued registration and the License issued by the Borough as well as the original or duplicate license, in accordance with N.J.A.C. 13:37A-3.4, of each and every massage and bodywork therapist employed in the establishment in an open and conspicuous space near the public entrance to the establishment and at eye-level where they may be viewed by all entering the establishment. A 2- inch by 2-inch passport sized color photo of the licensed therapist must be affixed to, in a manner not to obscure, the displayed license of each and every massage and bodywork therapist employed by the establishment. In addition, all therapists on site must have in their possession a valid government issued photo identification.

#### **§144-10 Inspections.**

The Health Officer or his designee, the Police Chief or his designee, the Fire Prevention Officer or his designee and/or the Construction Official or his designee shall, from time to time, at least once a year, make an inspection of each massage and bodywork therapy establishment granted a License under the provisions of this section for the purpose of determining whether there is compliance with the provisions of this section and/or applicable rules, regulations and laws. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any Licensee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

**§144-11 Enforcement Agent.**

The Health Officer and his/her designee and/or any Police Officer of the Borough and/or the Construction Official shall be the enforcement agents for purposes of any License/registration required by State law or required by this Ordinance.

**SECTION 2.** Chapter 94, Fees, is hereby amended and supplemented as follows:

Add:

L. Chapter 144, Massage Establishments

(3) Section 144-5A. Late fee: \$50

(4) Section 114-10. Re-inspection fee \$150.00 per re-inspection

**SECTION 3.** This ordinance may be renumbered for purposes of codification.

**SECTION 4.** Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**SECTION 5.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

**SECTION 6.** This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

ATTEST:

APPROVED:

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

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

Introduced: November 22, 2016

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

December 13, 2016

**RESOLUTION NO. 419-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2414-2016 entitled:

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 162 ENTITLED "PEDDLING AND SOLICITING" REGARDING "NO SOLICITATION SIGNS"**

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. 2414-2016

### AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 162 ENTITLED "PEDDLING AND SOLICITING" REGARDING "NO SOLICITATION SIGNS"

**SECTION 1.** Chapter 163 of the Borough Code is hereby amended and supplemented by adding a new Section 163-12, "No Solicitation Signs," as follows:

#### **§163-12. No Solicitation Signs.**

- A. Display of No Solicitation Signs. All residents of the Borough may display "No Solicitation" signs in a clearly visible location (e.g., front door or window adjacent to the front door) indicating that they do not want individuals or organizations that are required to register and obtain a permit under this Chapter (e.g., canvassers, distributors, solicitors, peddlers, transient merchant or hawkers of any sort) to approach their homes and/or seek personal contact with the occupants of the residence displaying a "No Solicitation" sign. By displaying a "No Solicitation" sign, the resident acknowledges that the Borough Police, Fire and other Emergency Services groups are exempt from the requirements of this section.
- B. Violations. It shall be unlawful for any canvasser, distributor, solicitor, peddler, transient merchant or hawker to approach and/or seek personal contact with the occupants of any residence if that residence is displaying a "No Solicitation" sign. Anyone violating this subsection shall, upon conviction thereof, be subject to a minimum fine of \$250 for the first offense, \$500 for the second offense and \$1000 for a third or subsequent offense. An individual employed by a company or organization violating this subsection shall be issued a violation in the individual's name and a violation issued in the company's or organization's name.

**SECTION 2.** If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

**SECTION 3.** This Ordinance shall take effect thirty (30) days after final adoption and publication required by law.

**SECTION 4.** All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

ATTEST:

APPROVED:

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

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John Cosgrove  
Mayor

Introduced: November 22, 2016

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

December 13, 2016

**RESOLUTION NO. 420-2016**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2415-2016 entitled:

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING CHAPTER 160 ENTITLED "PARKS AND RECREATION AREAS" REGARDING DOGS IN THE PARK**

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. 2415-2016**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING CHAPTER 160 ENTITLED "PARKS AND RECREATION AREAS" REGARDING DOGS IN THE PARK**

**WHEREAS**, the Governing Body finds that a total prohibition of dogs in any park in Fair Lawn is not in the best interests of all the residents of Fair Lawn; and

**WHEREAS**, with the proper restrictions and requirements pet owners and non-pet owners can mutually benefit and enjoy our parks together; and

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

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Fair Lawn that the following amendments be made to Chapter 160.

**SECTION I.**

Borough Code Chapter §160 "Parks and Recreation Areas" is hereby amended as follows:

**§ 160-16. Dogs in the Park.**

Delete:

- 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.

Add:

- B. No person owning, keeping, or harboring any dog shall be permitted to be upon or in any Borough sports fields, playground areas, beaches, including the grass area within the perimeter fence that surrounds Memorial Pool, the arboretum or park buildings.

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

Attest:

Approved:

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

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

Introduced November 22, 2016

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

December 13, 2016

**CONSENT AGENDA 17-2016**

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. #421-2016 – Authorizing Execution of Agreement Modification - Fair Lawn Avenue Corridor
- b. Resol. #422-2016 – Professional Services – Consulting Engineer for Fair Lawn Mini-Golf: Boswell Engineering
- c. Resol. #423-2016 – Award of Bid: Well Service 2016
- d. Resol. #424-2016 - Tax Appeal Settlement: TD Bank - 14-03 Saddle River Road
- e. Resol. #425-2016 – Tax Appeal Settlement: TD Bank - 16-00 River Road
- f. Resol. #426-2016 – Tax Appeal Settlement: TD Bank - 23-40 Maple Avenue
- g. Resol. #427-2016 – Tax Appeal Settlement: Community Bank - 12-79 River Road
- h. Resol. #428-2016 – Tax Appeal Settlement: Interior Renovators, LLC - 4-21 Banta Place
- i. Resol. #429-2016 – Approval of Minutes:
  - Work Session 11/1/16
  - Closed Session 11/1/16
  - Special Meeting 11/22/16
  - Regular Meeting 11/22/16
  - Closed Session 11/22/16
- j. Resol. #430-2016 – Award of Bid: Tree Planting
- k. Resol. #431-2016 - Transfer of Funds
- l. Resol. #432-2016 – Authorizing Submission of an Application for the Municipal Alliance for Substance Abuse Prevention Grant
- m. Resol. #433-2016 – Confirmation of Fire Board Actions

- n. Resol. #434-2016 - Amending Contract with HMR Architects for Architectural Services - Naugle phase I Construction (Archeological Survey)
- o. Resol. #435-2016 - Authorizing Execution of the Agreement Between the Borough and the Police Chief

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

December 13, 2016

**RESOLUTION NO. 421-2016**

By

Seconded by

**WHEREAS**, the Borough of Fair Lawn has entered into an agreement with the New Jersey Department of Transportation for the Fair Lawn Avenue Corridor project; and

**WHEREAS**, the Department of Transportation has modified said contract;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the Mayor be authorized to sign said Agreement Modification #1 to the Federal Aid Agreement No. 2015-D7-BLA-203.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

December 13, 2016

**RESOLUTION NO. 422-2016**

By

Seconded by

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

**WHEREAS**, a proposal has been submitted by Boswell Engineering having an office located at 330 Phillips Avenue, P.O. Box 3152, South Hackensack, New Jersey 07606 for engineering services for the Fair Lawn Mini-Golf Course herein before stated and as further set forth in its proposal, attached hereto and made a part hereof as Schedule "A";

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

1. That upon the recommendation of the Borough Manager that said services are necessary, a contract be awarded to the aforesaid in accordance with its attached proposal;
2. No work may be started until a Purchase Order is requested and issued.
3. No additional services shall be rendered for which Boswell Engineering shall seek additional payment without written authorization by the Borough pursuant to law.
4. The term of the contract shall coincide with the contract for the construction of the Fair Lawn Mini-Golf Course.
5. The Mayor and Municipal Clerk are hereby authorized to execute a contract with Boswell Engineering in a form approved by the Borough Attorney, provided all statutory requirements are met.

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

**BE IT FURTHER RESOLVED** that Boswell Engineering has complied with the Business Entity Disclosure Certification for non-fair and open contracts required pursuant to N.J.S.A. 19:44A-20.8.

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

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

**BOSWELL ENGINEERING**

ENGINEERS ■ SURVEYORS ■ PLANNERS ■ SCIENTISTS

330 Phillips Avenue • P.O. Box 3152 • South Hackensack, N.J. 07606-1722 • (201) 641-0770 • Fax (201) 641-1831

November 9, 2016

Mr. Kenneth R. Garrison, P.E., Borough Engineer  
Borough of Fair Lawn  
8-01 Fair Lawn Avenue  
Fair Lawn, NJ 07410

Re: Proposed Miniature Golf Course  
Proposal for Engineering Services  
Borough of Fair Lawn  
Our File No. PR-16-7426

Dear Mr. Garrison:

Pursuant to your request, Boswell Engineering (Boswell) is providing the following proposal for professional services in connection with the above referenced project.

#### PURPOSE

It is our understanding that the Borough is desirous of constructing a miniature golf course in Columbia Terrace Park aka Dobrow Sports Complex. The park is located at the corner of Elm Avenue and Harristown Road and currently includes a number of natural grass and synthetic turf sports fields and the Fair Lawn All-Sports Association building. The proposed miniature golf course will be located to the north of the building, along Harristown Road.

#### SCOPE OF WORK

The scope of work for the project will include the construction of an 18-hole miniature golf course. The course will include various water features, bridges and decorative rock formations. Also included in the site improvements will be lighting and landscaping.

#### SCOPE OF SERVICES

The scope of services for this project includes providing contract documents and specifications for the improvements listed above. The construction plans will include the layout provided by the Borough and will use the Topographic Survey prepared by Rigg Associates, P.A. as a base map. Boswell will also coordinate the utilities and design the electric system for the lighting and pumps. The site grading will be designed in accordance with the provided course layout.

Schedule "A"

Mr. Kenneth R. Garrison, P.E., Borough Engineer  
Borough of Fair Lawn  
November 9, 2016  
Page 2

Engineering for the project will consist of the following tasks:

**TASK I PREPARATION OF CONTRACT DOCUMENTS**

1. Prepare construction drawings and project specifications in accordance with the Borough of Fair Lawn's requirements. The construction drawings will utilize the topographic survey that has already been prepared for the site.
2. Prepare bid documents and advertise the project.
3. Review the contractor's bids, prepare a Bid Summary and make an award recommendation to the Borough.

**TASK II CONSTRUCTION INSPECTION**

1. Provide part-time inspection services during the construction phase.
2. Review contractor invoices to the Borough of Fair Lawn.
3. Make a final inspection of the project improvements.
4. Prepare the final payment voucher and change order for submission to the Borough.

**FEE PROPOSAL**

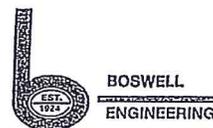
For your reference, below is a breakdown of the fee for each individual Task to be performed:

- |   |             |
|---|-------------|
| 1. Task I – Preparation of Plans and Specifications | \$14,600.00 |
| 2. Task II - Construction Inspection                | \$ 6,000.00 |

Boswell will perform the engineering services listed in Tasks I and II for a cost not to exceed \$20,600.00.

The work not included in this proposal is as follows:

1. Boundary Survey/Topographic Survey
2. Soil Borings/Analysis.
3. Construction Stakeout.
4. Retaining Wall design.
5. Site Remediation Services.



Mr. Kenneth R. Garrison, P.E., Borough Engineer  
Borough of Fair Lawn  
November 9, 2016  
Page 3

- 6. NJDEP Permits and Permit Fees.
- 7. Bergen County Soil Conservation District Permit and Permit Fees

Additional work above and beyond what is outlined in the proposal will be performed as authorized by the Borough. If extra work is required, Boswell Engineering will invoice the Borough based on our standard hourly rates in effect at the time the work is performed.

We wish to thank you for the opportunity of submitting this proposal. If you have any questions, please do not hesitate to contact Jeffrey L. Morris, P.E. or me.

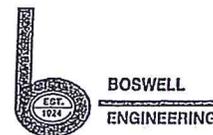
Very truly yours,

BOSWELL ENGINEERING

  
Kevin J. Boswell, P.E.

KJB/JWF/s

1600920jwf1.docx



Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

December 13, 2016

**RESOLUTION NO. 423-2016**

By

Seconded by

**WHEREAS**, bids were received for Well Service - 2016 by the Municipal Clerk on November 22, 2016; and

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

**WHEREAS**, Rinbrand well Drilling Co., Inc. having as office located at 14 Waldron Avenue, Glen Rock, New Jersey 07452 is the lowest responsible bidder in the accordance with the attached Schedule "A" for a period of one year effective December 2016 and ending December 2017;

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

2268VII. PROPOSAL

TO: The Borough of Fair Lawn:

FOR: Contract No. 2268 WELL SERVICE 2016

In compliance with your invitation for bids the undersigned hereby declares that he proposes to furnish all labor, equipment, and material and to complete all work promptly and as specified for the price per unit of measure for each item of work in the "Schedule of Prices" following:

SCHEDULE OF PRICES

ITEM NO.	DESCRIPTION	UNIT	UNIT PRICE
1A	Well Development 300-400 Foot Depth	Hrs. 60	\$150.00
1B	Well Development 400-500 Foot Depth	Hrs 60	\$150.00
2	Chlorine	Gals. 1000	\$0.05
3	Television Inspection	Ea. 4	\$300.00
4A	Remove & Reinstall Pump Less than 175 Foot Depth	LS 1LS	\$2,400.00
4B	Remove & Reinstall Pump 176 - 230 Foot Depth	LS 2LS	\$2,400.00
4C	Remove & Reinstall Pump 231 - 300 Foot Depth	LS 1LS	\$2,400.00
5	Shop Labor	Dollars per hour 100	\$15.00

(Type or Print) Rinbrand Well DRilling Co., Inc.  
(Contractor)

Stephen Rinbrand - Pres.  
Stephen Rinbrand - Pres.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

December 13, 2016

**RESOLUTION NO. 424-2016**

By

Seconded by

**WHEREAS**, TD Bank filed real property tax appeals for the years 2009 through 2016 (Docket Nos. 007428-2009, 010363-2010, 003482-2011, 006549-2012, 001987-2013, 001216-2014, 000368-2015 & 001626-2016); and

**WHEREAS**, the real property assessments for the subject premises, located at 14-03 Saddle River Road (Lot 3 in Block 1702 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2009 through 2011 were as follows:

Land:	\$1,666,000
Improvements:	<u>\$ 875,100</u>
Total:	\$2,541,100

and;

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

Land:	\$1,413,100
Improvements:	<u>\$ 574,600</u>
Total:	\$1,987,700

and;

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

Land:	\$1,666,000
Improvements:	<u>\$ 395,700</u>
Total:	\$2,061,700

and;

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

Land:	\$1,666,000
Improvements:	<u>\$ 480,100</u>
Total:	\$2,146,100

and;

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

Land:	\$1,666,000
Improvements:	<u>\$ 502,400</u>
Total:	\$2,168,400

and;

**WHEREAS**, the 2012 tax appeal may be settled by affirming the existing total assessment of \$1,987,700; and

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

Land:	\$1,413,100
Improvements:	<u>\$ 525,600</u>
Total:	\$1,938,700

and;

**WHEREAS**, the 2014 tax appeal may be settled by affirming the existing total assessment of \$1,987,700; and

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

Land:	\$1,413,100
Improvements:	<u>\$ 544,600</u>
Total:	\$1,957,700

and;

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

Land:	\$1,413,100
Improvements:	<u>\$ 503,800</u>
Total:	\$1,916,900

and;

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

**WHEREAS**, the settlement results in an approximate total tax refund for tax years 2009 through 2016 in the amount of \$32,658.34, of which the plaintiff has agreed to take as a credit against future taxes 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 credit the proposed refund of \$32,658.34 to successive tax bills 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

December 13, 2016

**RESOLUTION NO. 425-2016**

By

Seconded by

**WHEREAS**, TD Bank filed real property tax appeals for the years 2009 through 2016 (Docket Nos. 007426-2009, 010364-2010, 003491-2011, 010957-2012, 001986-2013, 001218-2014, 000444-2015 & 001624-2016); and

**WHEREAS**, the real property assessments for the subject premises, located at 16-00 River Road (Lot 1.02 in Block 5724 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2009 through 2011 were as follows:

Land:	\$1,836,000
Improvements:	<u>\$ 764,400</u>
Total:	\$2,600,400

and;

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

Land:	\$1,744,200
Improvements:	<u>\$ 244,600</u>
Total:	\$1,988,800

and;

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

Land:	\$1,836,000
Improvements:	<u>\$ 158,100</u>
Total:	\$1,994,100

and;

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

Land:	\$1,836,000
Improvements:	<u>\$ 239,700</u>
Total:	\$2,075,700

and;

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

Land:	\$1,836,000
Improvements:	<u>\$ 261,300</u>
Total:	\$2,097,300

and;

**WHEREAS**, the 2012 tax appeal may be settled by affirming the existing total assessment of \$1,988,800; and

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

Land:	\$1,744,200
Improvements:	<u>\$ 112,700</u>
Total:	\$1,856,900

and;

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

Land:	\$1,744,200
Improvements:	<u>\$ 161,300</u>
Total:	\$1,905,500

and;

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

Land:	\$1,744,200
Improvements:	<u>\$ 130,900</u>
Total:	\$1,875,100

and;

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

Land:	\$1,615,000
Improvements:	<u>\$ 221,000</u>
Total:	\$1,836,000

and;

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

**WHEREAS**, the settlement results in an approximate total tax refund for tax years 2009 through 2016 in the amount of \$53,831.78, of which the plaintiff has agreed to take as a credit against future taxes 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 credit the proposed refund of \$53,831.78 to successive tax bills 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

December 13, 2016

**RESOLUTION NO. 426-2016**

By

Seconded by

**WHEREAS**, TD Bank filed real property tax appeals for the years 2011 through 2016 (Docket Nos. 011519-2011, 010958-2012, 001985-2013, 001214-2014, 000445-2015 & 001615-2016); and

**WHEREAS**, the real property assessments for the subject premises, located at 23-40 Maple Avenue (Lot 1 in Block 5903 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2009 through 2011 were as follows:

Land:	\$1,290,800
Improvements:	<u>\$ 930,300</u>
Total:	\$2,221,100

and;

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

Land:	\$1,219,100
Improvements:	<u>\$ 818,100</u>
Total:	\$2,037,200

and;

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

Land:	\$1,290,800
Improvements:	<u>\$ 910,600</u>
Total:	\$2,201,400

and;

**WHEREAS**, the 2012 tax appeal may be settled by affirming the existing total assessment of \$2,037,200; and

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

Land:	\$1,219,100
Improvements:	<u>\$ 749,100</u>
Total:	\$1,968,200

and;

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

Land:	\$1,219,100
Improvements:	<u>\$ 800,600</u>
Total:	\$2,019,700

and;

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

Land:	\$1,219,100
Improvements:	<u>\$ 768,400</u>
Total:	\$1,987,500

and;

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

Land:	\$1,219,100
Improvements:	<u>\$ 727,000</u>
Total:	\$1,946,100

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 years 2011 through 2016 in the amount of \$7,439.92, of which the plaintiff has agreed to take as a credit against future taxes 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 credit the proposed refund of \$7,439.92 to successive tax bills 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

December 13, 2016

**RESOLUTION NO. 427-2016**

By

Seconded by

**WHEREAS**, Community Bank of Bergen County NJ filed real property tax appeals for the years 2009 through 2016 (Docket Nos. 008227-2009, 009332-2010, 001302-2011, 006136-2012, 001197-2013, 005652-2014, 000962-2015 & 001223-2016); and

**WHEREAS**, the real property assessments for the subject premises, located at 12-79 River Road (Lot 78 in Block 5611 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2009 through 2011 were as follows:

Land:	\$ 672,000
Improvements:	<u>\$ 472,700</u>
Total:	\$1,144,700

and;

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

Land:	\$ 560,000
Improvements:	<u>\$ 443,500</u>
Total:	\$1,003,500

and;

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

Land:	\$ 672,000
Improvements:	<u>\$ 378,000</u>
Total:	\$1,050,000

and;

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

**WHEREAS**, the 2013 through 2016 tax appeals may be settled by reduction of the aforesaid assessments as follows:

Land:	\$560,000
Improvements:	<u>\$390,000</u>
Total:	\$950,000

and;

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

**WHEREAS**, the settlement results in an approximate total tax refund for tax years 2009 through 2016 in the amount of \$13,500.75, 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 \$13,500.75 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

December 13, 2016

**RESOLUTION NO. 428-2016**

By  
Seconded by

**WHEREAS**, Interior Renovators, LLC filed real property tax appeals for the years 2013 through 2015 (Docket Nos. 018154-2013, 004692-2014 & 007275-2015); and

**WHEREAS**, the real property assessments for the subject premises, located at 4-21 Banta Place (Lot 18 in Block 3409 on the Tax Assessment Map of the Borough of Fair Lawn) for the years 2013 through 2015 were as follows:

Land:	\$ 485,100
Improvements:	<u>\$1,424,900</u>
Total:	\$1,910,000

and;

**WHEREAS**, the 2013 through 2015 tax appeals may be settled by reduction of the aforesaid assessments as follows:

Land:	\$ 485,100
Improvements:	<u>\$1,384,900</u>
Total:	\$1,870,000

and;

**WHEREAS**, the 2015 settlement of a total assessment of \$1,870,000 will also carry to 2016 via the Freeze Act; and

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

**WHEREAS**, the settlement results in an approximate total tax refund for tax years 2009 through 2016 in the amount of \$4,892.00, 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 \$4,892.00 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

December 13, 2016

**RESOLUTION NO. 429-2016**

By

Seconded by

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

Work Session 11/1/16  
Closed Session 11/1/16  
Special Meeting 11/22/16  
Regular Meeting 11/22/16  
Closed Session 11/22/16

are hereby approved.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

December 13, 2016

**RESOLUTION NO. 430-2016**

By

Seconded by

**WHEREAS**, bids were received for Tree Planting by the Municipal Clerk on November 30, 2016; and

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

**WHEREAS**, Louis Barbato Landscaping, Inc. having an office located at 1600 Railroad Avenue, Holbrook, New York 11741 is the lowest responsible bidder in the amount accordance with the attached Schedule "A" for two (2) years effective February 15, 2017 and ending February 14, 2019;

**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 Louis Barbato Landscaping, 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.

Borough of Fair Lawn  
County of Bergen, New Jersey

Bid: TREE PLANTING  
Bid Date: 11/29/16

We have read and agree to the attached specifications which have become a part of this Bid Form and propose to furnish to the Borough of Fair Lawn TREE PLANTING at the prices stated below:

	UNIT PRICE YEAR 1	UNIT PRICE YEAR 2
Item 1: Red Sunset Red Maple – Acer Rubrum	<u>225.00</u>	<u>245.00</u>
Item 2: Patmore Green Ash – Fraxinus Pennsylvanica	<u>165.00</u>	<u>185.00</u>
Item 3: Chery Kwanzan – Prunus Serrulata Kwanzan	<u>225.00</u>	<u>245.00</u>
Item 4: Zelkova Village Green – Zelkova Serrata Village Green	<u>235.00</u>	<u>255.00</u>
Item 5: Northern Red Oak-Queraus Borealis	<u>235.00</u>	<u>255.00</u>
Item 6: Maple Crimson King-Acer Platanoides, Crimson King	<u>195.00</u>	<u>215.00</u>
Item 7: Summer Snow Japanese Tree Lilac-Syringa Reticulata	<u>235.00</u>	<u>255.00</u>
Item 8: Accolade Flowering Cherry – Prunus Sargentii "Accolade"	<u>225.00</u>	<u>245.00</u>
Item 9: Amur Maple – Acer Ginnala (Flame)	<u>235.00</u>	<u>255.00</u>
Item 10: Tartarian Maple (Acer Tataricum)	<u>235.00</u>	<u>255.00</u>
Item 11: Plum Newport Purple Leaf – Prunus Cerasifera "Newport"	<u>195.00</u>	<u>215.00</u>
Item 12: Japanese Hornbeam – Carpinus Japonica	<u>165.00</u>	<u>185.00</u>
Item 13: Shattrock Linden (Tillia Cordata) Baileyi	<u>165.00</u>	<u>185.00</u>
Item 14: Hedge Maple (Queen Elizabeth) Acer Campestre "Evelyn"	<u>225.00</u>	<u>245.00</u>
Item 15: Princeton Gold Maple (Acer Platnoides)	<u>165.00</u>	<u>185.00</u>
Item 16: Autumn Flowering Cherry – Grafted (Autumnalis Rosea)	<u>175.00</u>	<u>195.00</u>
Item 17: Eastern Red Bud (Cercis Canadensis)	<u>225.00</u>	<u>245.00</u>
Item 18: Seargent Cherry – Grafted (Prunus Sargentii)	<u>225.00</u>	<u>245.00</u>
Item 19: Canada Red Chokecherry (Prunus Virginiana)	<u>185.00</u>	<u>205.00</u>
Item 20: Hackberry (Celtis Occidentalis)	<u>165.00</u>	<u>185.00</u>
Item 21: October Glory Maple (Acer Rubrum)	<u>235.00</u>	<u>255.00</u>
<b>TOTAL BID PRICE:</b>	<u><b>4335.00</b></u>	<u><b>4785.00</b></u>

Complete Bid    
Incomplete Bid

Attached is a  Certified Check  
 Cashier's Check  
 Bid Bond  
in the amount of \$100.00

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

December 13, 2016

**RESOLUTION NO. 431-2016**

By

Seconded by

**WHEREAS**, the Borough Treasurer has certified that it has become necessary to expend for the purposes of certain accounts herein set forth, amounts in excess of sums respectively appropriated therefore; and

**WHEREAS**, there is an excess of appropriations in other accounts herein set forth, over and above the amounts deemed to be necessary to fulfill the purposes of such appropriations;

**NOW, THEREFORE, BE IT RESOLVED** that the transfers between appropriations of the 2016 Municipal Budget in accordance with the attached list are hereby approved by the Borough Council.

<u>2016 Municipal Budget</u>	<u>To</u>	<u>From</u>
Finance – Salaries & Wages		40,000
Legal – Other Expenses		50,000
Engineering – Salaries & Wages		30,000
Construction Code – Salaries & Wages		15,000
Police – Salaries & Wages		65,000
Dispatchers – Salaries & Wages		35,000
Fire – Salaries & Wages	2,000	
Fire Prevention – Salaries & Wages		65,000
Roads – Snow Removal	35,000	
Recycling Contract	315,000	
Building & Grounds – Other Expenses	5,000	
Recreation – Other Expenses	15,000	
Parks & Playgrounds – Other Expenses	3,000	
Payroll Taxes		75,000
Library – Salaries & Wages		50,000
Library – Other Expenses	50,000	

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

December 13, 2016

**RESOLUTION NO. 432-2016**

By  
Seconded by

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Borough Council of the Borough of Fair Lawn, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Fair Lawn County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Fair Lawn Municipal Alliance grant for fiscal year 2018 in the amount of:

DEDR	\$ 15279.00
Cash Match	\$ 3819.00
In-Kind	\$ 11459.00

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

December 13, 2016

**RESOLUTION NO. 433-2016**

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:**

Timothy R. Yuskaitis  
15-39 Eberlin Drive  
Co. 1

Sean Redl  
0-69 Elden Place  
Co. 2

Erik Renn  
21-12 Exeter Place  
Co. 3

**Resignation:**

John Crespo  
26 Heights Avenue  
Co. 2

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

December 13, 2016

**RESOLUTION NO. 434-2016**

By  
Seconded by

**WHEREAS**, by Resolution No. 282-2016 adopted on July 19, 2016 the Mayor and Council authorized entering into a contract with HMR Architects for the Naugle House Phase I Construction Project; and

**WHEREAS**, said contract must be amended to fulfill the requirements of the New Jersey Historic Preservation office that an archeological survey must be performed before the scheduled work can be started; and

**WHEREAS**, said contract shall be amended to increase the amount of the contract by \$24,532.50 for the cost of the said archeological survey;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the Mayor and Municipal Clerk be authorized to execute the amendment to the contract.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

December 13, 2016

**RESOLUTION NO. 435-2016**

By

Seconded by

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Municipal Clerk be authorized to execute the agreement between the Borough and the Police Chief.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

December 13, 2016

**RESOLUTION NO. 436-2016**

By  
Seconded by

**WHEREAS**, the Borough of Fair Lawn, hereinafter referred to as the Borough, provides a comprehensive dental benefits program to eligible employees, dependents and retirees; and

**WHEREAS**, the Borough's Health Benefits Consultant, as a matter of due diligence, has thoroughly examined the plan use and network utilization and further, engaged in active negotiations for the Borough's Dental Program, which currently consists of the Premier Plus Advantage Plans (001 & 002) and the PPO Plan, all administered by Delta Dental of NJ, Inc. and,

**WHEREAS**, the renewal rates presented after negotiation, provide rate stability for the Borough by providing rate action from expiring, as follows:

12 Month	8%	Decrease
24 Month	5 %	Decrease
36 Month	2.5%	Decrease

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Lawn, County of Bergen, State of New Jersey, hereby authorize the renewal of the dental benefits contract with Delta Dental of New Jersey for the period January 1, 2017 through January 1, 2019; and

**BE IT FURTHER RESOLVED**, the Governing Body does hereby authorize and affirm the implementation of this renewal maintains the current plan design(s) of benefits; thereby ensuring the moral and contractual obligation of the Borough; and

**BE IT FURTHER RESOLVED**, the recommendation of the Borough Manager and CFO of a 24 month renewal is hereby accepted and affirmed and further, all other provisions and conditions for coverage remain in accordance with the existing terms and conditions of the Agreement with the renewal rate provisions, as promulgated herewith; and

**BE IT FURTHER RESOLVED**, a certified copy of this Resolution shall be forwarded to PIA Security Programs, Inc., 429 Hackensack Street, P.O. Box 818 Carlstadt NJ, Health Benefits Consultant to the Borough, the Borough Chief Financial Officer and Municipal Auditor.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

December 13, 2016

**RESOLUTION NO. 437-2016**

By

Seconded by

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the Mayor and Municipal Clerk be authorized to execute the Consent and Agreement to the Execution of an Order of Provisional Authorization and Designation of an Acting Municipal Court Administrator between the Borough of Fair Lawn and the Township of Saddle Brook;