

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.**

**MARCH 10, 2015**

- 1. Call to Order by Mayor**
- 2. Statement of Compliance with the Open Public Meetings Act**
- 3. Roll Call**
- 4. Flag Salute**
- 5. PROCLAMATIONS: WOMEN'S HISTORY MONTH**
- 6. COUNCIL COMMENTS**
- 7. PUBLIC HEARING ON 2015 BUDGET**
  - Mayor asks for a motion to open the time for public hearing on the 2015 Budget. Mayor asks for Mover, Secunder, Discussion, Roll Call.
  - Mayor opens time for public comments asking if anyone wishes to be heard.
  - Mayor calls for motion to close the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
  - Mayor closes the time for public comments.
- 8. RESOLUTION NO. 154-2015 ADOPTION OF 2015 BUDGET**
  - Mayor asks Municipal Clerk to read resolution. Mover, Secunder, Discussion, Roll Call.
- 9. PUBLIC HEARING ON RRIC BUDGET AND CONSIDERATION OF ASSESSMENTS IN THE RIVER ROAD IMPROVEMENT DISTRICT**
  - Mayor asks for a motion to open the time for public hearing on the RRIC Budget and the assessments in the River Road Special Improvement District.
  - Mayor asks for Mover, Secunder, Discussion, Roll Call.
  - Mayor opens time for public comments asking if anyone wishes to be heard.

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

**10. RESOLUTION NO. 155-2015 ADOPTION OF RRIC BUDGET**

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

**11. PUBLIC HEARING ON BIC BUDGET AND CONSIDERATION OF ASSESSMENTS IN THE BROADWAY IMPROVEMENT DISTRICT**

- Mayor asks for a motion to open the time for public hearing on the BIC Budget and the assessments in the Broadway Special Improvement District.
- Mayor asks for Mover, Secunder, Discussion, Roll Call.
- Mayor opens time for public comments asking if anyone wishes to be heard.
- Mayor calls for motion to close the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor closes the time for public comments.

**12. RESOLUTION NO. 156-2015 ADOPTION OF BIC BUDGET**

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

**13. ORDINANCES ON FIRST READING:**

**ORDINANCE NO. 2335-2015  
(RESOLUTION NO. 157-2015)**

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

- 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.

**14. ORDINANCES ON SECOND READING:**

**ORDINANCE NO. 2334-2015  
(RESOLUTION NO. 158-2015)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR  
LAWN, 2000 BY AMENDING AND SUPPLEMENTING CHAPTER 94  
ENTITLED "FEES", SUBSECTION 94-12 MISCELLANEOUS FEES TO REVISE  
FEES FOR THE USE OF THE FAIR LAWN RECREATION/COMMUNITY CENTER  
(ART ROOM)**

- 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.

**15. 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.

**16. RESOLUTIONS BY CONSENT #6-2015**

- Municipal Clerk reads Resolutions by Consent.
  - a. Resol. #159-2015 - Approval of Minutes
    - Regular Meeting 1/20/15
    - Closed Session 2/3/15
    - Budget Meeting / Work Session 2/3/15
    - Closed Session 2/3/15
  - b. Resol. #160-2015 – Authorizing Issuance of Massage Establishment License – LB Beauty Salon
  - c. Resol. #161-2015 - Authorizing Issuance of Massage Establishment License – Lavender Spa LLC
  - d. Resol. #162-2015 – Transfer of Funds
  - e. Resol. #163-2014 – Refund of Overpayment of Taxes
  - f. Resol. #164-2015 - Authorizing Issuance of Massage Establishment

- License - Healing Hands Massage Therapy
- g. Resol. #165-2015 - Approving Change Order #1- Police Communication Center
- h. Resol. #166-2015 - Reauthorization of the Transportation Trust Fund

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

#### **17. 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.

#### **18. CLOSED SESSION - Pending Litigation: Atlantic Coast Fibers vs. Fair Lawn**

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

#### **19. ADJOURNMENT TO CLOSED SESSION:**

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

**SECTION 2 - UPON ADOPTION FOR YEAR 2015**  
**(Only to be Included in the Budget as Finally Adopted)**  
**RESOLUTION-Res # 154-2015**  
 March 10, 2015

Be It Resolved by the Mayor and Council of the Borough of Fair Lawn County of Bergen that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a)\$ 35,689,781.58 (Item 2 below) for municipal purposes, and
- (b)\$ (Item 3 below) for school purposes in Type I School District only (N.J.S. 18A:9-2) to be raised by taxation and, (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d)\$ (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e)\$ 1,489,926.25 (Item 5 below) Minimum Library Tax

**RECORDED VOTE**  
 (insert last name)      Ayes {      Nays {      Abstained {

**SUMMARY OF REVENUES**

1. General Revenues		Absent {	
Surplus Anticipated		08-100	\$ 3,500,000.00
Miscellaneous Revenues Anticipated		13-099	\$ 7,282,818.68
Receipts from Delinquent Taxes		15-499	\$ 930,000.00
<b>2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)</b>		07-190	\$ 35,689,781.58
<b>3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:</b>			
Item 6, Sheet 41		07-195	\$
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)		07-191	\$
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only			
<b>4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:</b>			
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)		07-191	\$
<b>5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY</b>			
Total Revenues		07-192	\$ 1,489,926.25
		13-299	\$ 48,892,526.51

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

March 10, 2015

**RESOLUTION NO. 155-2015**

By  
Seconded by

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn, County of Bergen that the Budget for the River Road Special Improvement District herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated and all the sums therein set forth as appropriations and authorization of the amount of  
\$150,000 River Road Special Improvement District Budget

2015 RIVER ROAD SPECIAL IMPROVEMENT DISTRICT

<u>ANTICIPATED REVENUE</u>	<u>PRIVATE</u>	<u>BOROUGH</u>	<u>ASSESSMENT</u>	<u>TOTAL</u>
Trustees, Fees	2,685	0	0	2,685
Other	53,575	800	150,000	204,375
<hr/>				
TOTAL REVENUES	56,260	800	150,000	207,060
<u>APPROPRIATIONS</u>				
Administration Expenses				5,725
Administration (Operations)				64,675
Other Operating Expenses				33,600
Promotional/Marketing Exp				84,060
Reserve Fund				19,000
<hr/>				
TOTAL APPROPRIATIONS				207,060
	\$0.112 per \$100 of Assessed valuation			
Net Assessed Value 2015				\$133,396,000
Tax Rate				0.112

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

March 10, 2015

**RESOLUTION NO. 156-2015**

By  
Seconded by

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn, County of Bergen that the Budget for the Broadway Special Improvement District herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated and all the sums therein set forth as appropriations and authorization of the amount of

\$120,200 Broadway Special Improvement District Budget

2015 Broadway Special Improvement District Budget

<u>ANTICIPATED REVENUE</u>	<u>PRIVATE</u>	<u>SPECIAL ASSESSMENT</u>	<u>TOTAL</u>
Trustees, Fees	2,025	0	2,025
Other	26,000	120,200	146,200
<b>TOTAL REVENUES</b>	<b>28,025</b>	<b>120,200</b>	<b>148,225</b>
<u>APPROPRIATIONS</u>			
Administrations (Operations			69,500
Operations (Appearance)			21,250
Promotional/Marketing Exp			36,000
Capital Reserve Fund			21,475
<b>TOTAL APPROPRIATIONS</b>			<b>148,225</b>
	\$0.080 per \$100 of Assessed Valuation		
Net Assessed Value 2015			\$150,311,700
Tax Rate			0.080

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

March 10, 2015

**RESOLUTION NO. 157-2015**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2335-2015 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", SPECIFICALLY ARTICLE V, DEPARTMENT HEADS**

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 24th day of March, 2015 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. 2335-2015**

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

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

**SECTION 1: Chapter 2 ADMINISTRATION, DEPARTMENTS AND BUDGET AND  
FISCAL PROCEDURES is hereby amended as follows:**

ARTICLE V Department Heads of the Code of the Borough of Fair Lawn  
2000 is hereby deleted and replaced with the following:

**§ 2-32 Department heads; powers and duties generally.**

Each Department Head, under the direction and supervision of the Borough  
Manager shall:

- A. Ensure that all powers, functions and duties assigned to the department or  
division are carried out with diligence in a timely manner or in the  
requested timeframe and promptly report to the Borough Manager  
deviations to the same.
- B. Perform all such duties and functions assigned by code, law, ordinance or  
regulation.
- C. Operate their department or division in an efficient and effective  
manner.
- D. Report to the Borough Manager recommendations for improving  
departmental or division performance, requirements of the department or  
division and the results of assignments made to the department or division  
in a timely manner.
- E. Supervise and/or maintain departmental records, review departmental  
budgets, prepare budget requests and oversee the day-to-day  
operations of the department or division.

- F. Cooperate with the Borough Manager and Treasurer/Chief Finance Officer in the preparation of the annual budget, providing supporting information for all budgetary requirements and explanations of all deviations from previous budgets.
- G. Develop a five-year capital budget plan for their department and present the plan annually to the Borough Manager and Treasurer/Chief Finance Officer those projects recommended for consideration for budget approval with supporting documentation.
- H. Report promptly to the Borough Manager and the Treasurer/Chief Finance Officer projected deviations in the financial performance of the department or division.
- I. Report monthly to the Borough Manager, in such form approved by the Borough Manager, on the work of the department or division during the preceding month.
- J. Assign and/or delegate functions, powers and duties to subordinate officers and employees within the department or division and modify such assignments as needed.
- K. Provide, when necessary, assistance to other departments, divisions, boards, etc., as required for the efficient and effective operation of the Borough.
- L. Perform and practice any and all policies and procedures as stated in the Borough's Personnel Policies and Procedures Manual.
- M. Have such powers of appointment and removal of subordinates within the department or division as may be delegated by the Borough Manager pursuant to this code.
- N. Perform all other related duties as assigned and approved by the Borough Manager in a timely manner.

**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:

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

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John Cosgrove, Mayor

Introduced March 10, 2015

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

March 10, 2015

**RESOLUTION NO. 158-2015**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2334-2015 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000 BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES", SUBSECTION 94-12 MISCELLANEOUS FEES TO REVISE FEES FOR THE USE OF THE FAIR LAWN RECREATION/COMMUNITY CENTER (ART ROOM)**

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. 2334-2015

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000 BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES", SUBSECTION 94-12 MISCELLANEOUS FEES TO REVISE FEES FOR THE USE OF THE FAIR LAWN RECREATION/COMMUNITY CENTER (ART ROOM)

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

Section 1. Chapter 94 FEES is hereby amended as follows:

ARTICLE VI Schedule of Fees

N. Chapter 160, Parks and Recreation Areas.

(5) Section 160-6D(1) Fair Lawn Recreation/Community Center

(a) Daily rates for 2015 and 2016 are amended as follows:

Daily Rates 2015

Room	Corporate	Non-resident	Resident	Nonprofit Government	Borough Sponsored	Community Theater
Art Room	\$465	\$465	\$465	\$465		

Daily Rates 2016

Room	Corporate	Non-resident	Resident	Nonprofit Government	Borough Sponsored	Community Theater
Art Room	\$475	\$475	\$475	\$475		

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

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

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

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

Attest:

Approved:

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

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

Introduced: February 24, 2015

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

March 10, 2015

**CONSENT AGENDA 6-2015**

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. #159-2015 - Approval of Minutes
  - Regular Meeting 1/20/15
  - Closed Session 2/3/15
  - Budget Meeting / Work Session 2/3/15
  - Closed Session 2/3/15
- b. Resol. #160-2015 – Authorizing Issuance of Massage Establishment License – LB Beauty Salon
- c. Resol. #161-2015 - Authorizing Issuance of Massage Establishment License – Lavender Spa LLC
- d. Resol. #162-2015 – Transfer of Funds
- e. Resol. #163-2014 – Refund of Overpayment of Taxes
- f. Resol. #164-2015 - Authorizing Issuance of Massage Establishment License - Healing Hands Massage Therapy
- g. Resol. #166-2015 - Approving Change Order #1- Police Communication Center
- h. Resol. #167-2015 - Reauthorization of the Transportation Trust Fund

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

March 10, 2015

**RESOLUTION NO. 159-2015**

By

Seconded by

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

Regular Meeting 1/20/15  
Closed Session 2/3/15  
Budget Meeting / Work Session 2/3/15  
Closed Session 2/3/15

are hereby approved.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

March 10, 2015

**RESOLUTION NO. 160-2015**

By

Seconded by

**WHEREAS**, LB Beauty Salon located at 10-16 River Road, Unit C, Fair Lawn, New Jersey, has made application to the Borough pursuant to RGO144-2 to issue its massage establishment license; and

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

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

March 10, 2015

**RESOLUTION NO. 161-2015**

By

Seconded by

**WHEREAS**, Lavender Spa located at 13-15 Broadway, Lower Level, Fair Lawn, New Jersey, has made application to the Borough pursuant to RGO144-2 to issue its massage establishment license; and

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

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

March 10, 2015

**RESOLUTION NO. 162-2015**

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 2014 Budget Reserves, as per list attached, and are hereby approved by the Mayor and Council.

BOROUGH OF FAIR LAWN  
March 10, 2015

Transfers for 2014 Budget Reserves

		<u>TO:</u>	<u>FROM:</u>
Admin & Executive	Other Expenses		9,500
Municipal Clerk	Salaries & Wages		6,700
Municipal Clerk	Other Expenses		6,800
Engineering	Other Expenses		5,000
Planning Board	Other Expenses		14,000
Board of Adjustment	Other Expenses		5,000
Construction Code	Salaries & Wages		5,000
Construction Code	Other Expenses		1,100
Insurance	Other Expenses		3,000
Police	Other Expenses		21,600
Dispatch	Salaries & Wages		10,000
Fire	Other Expenses		11,000
Municipal Court	Salaries & Wages		7,000
Shade Tree	Salaries & Wages		5,000
Sewer	Salaries & Wages		12,000
Sewer	Other Expenses		7,000
Buildings & Grounds	Other Expenses		13,500
Maintenance Garage	Salaries & Wages		8,000
Dept of Health	Other Expenses		8,400
Dept of Social Service	Other Expenses		9,500
Gas	Other Expenses		8,000
Electricity	Other Expenses		30,000
Diesel	Other Expenses		8,000
Pension- PERS	Other Expenses		30,000
Garbage Removal	Other Expenses		50,000
Recycling Ded by Rider	Other Expenses	295,100	

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

March 10, 2015

**RESOLUTION NO. 163-2015**

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>
4802	2	Michael Caccavelli, Esq. for 18-01 Politt Drive, LLC 166 Gatzmer Avenue Jamesburg, New Jersey 08831	\$10,282.80
(Refund of overpayment of 2011 taxes as a result of a Tax Court judgment)			
3602	1	Kevin H. Giordano Esq. for Verizon New Jersey Inc. One Verizon Way VC54s230 Basking Ridge, New Jersey 07920	\$7,759.44
4805	22	Anthony Marchese Esq. for Van Zandt, Richard & Tomasina 155 Polifly Road Hackensack, New Jersey 07601	\$714.37
5717	15	Anthony Marchese Esq. for Van Zandt, Richard & Tomasina 155 Polifly Road Hackensack, New Jersey 07601	\$1,084.65
(Refund of overpayment of 2013 taxes as a result of a Tax Court judgment)			

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
2711	10	Wasserman, Amir & Yifat 17-03 Jordan Road Fair Lawn, New Jersey 07410 (Refund of overpayment of 2014 taxes as a result of a County judgment)	\$901.75
3212.01	2	Jennifer R. Jacobus Esq. for Verna, Sunita Rani 301 S. Livingston Avenue, Ste 105 Livingston, New Jersey 07039	\$605.20
4805	22	Anthony Marchese Esq. for Van Zandt, Richard & Tomasina 155 Polifly Road Hackensack, New Jersey 07601 (Refund of overpayment of 2014 taxes as a result of a Tax Court judgment)	\$723.21

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

March 10, 2015

**RESOLUTION NO. 164-2015**

By

Seconded by

**WHEREAS**, Healing Hands Massage Therapy located at 13-33A River Road, Fair Lawn, New Jersey, has made application to the Borough pursuant to RGO144-2 to issue its massage establishment license; and

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

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

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

March 10, 2015

**RESOLUTION NO. 165-2015**

By

Seconded by

**WHEREAS**, there is an existing contract between the Borough of Fair Lawn and Goosetown Communications for Communications Systems Upgrade; and

**WHEREAS**, it has been certified by the Borough Manager and Police Chief that the changes on the attached Change Order No. 1 (Schedule A) are required;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that in accordance with the recommendations made herewith, Change Order No. 1 be and is hereby approved.



**Change Order 1**  
**Additional Work Required for**  
**Borough of Fairlawn**  
**Communications System Upgrade**

Qty	Item	Description	Unit	Extended
1	PKG-INPUT-EXP	Avtec Input/output panel. Adds 24 additional inputs to PKG-IO-X. Up to 3 is supported	\$ 1,955.10	\$ 1,955.10
10	Goosetown	Create panic alarm screens and configure inputs On site- cross connect to existing alarm box in current radio room	\$ 135.00	\$ 1,350.00
1	Goosetown	Additional Construction Costs Frame out 2 walls approx. 300 sq. ft. Insulate walls Core drill holes for wiring  Foyer outside Police window approx. 18' x 8' In lieu of wood panel system Install tile in entire foyer area approx. 4 ft. up wall and plaster remainder of wall to make smooth. Paint remainder of wall	\$ 2,435.00	\$ 2,435.00
		Additional cost with this item	\$ 2,465.00	\$ 2,465.00
		Fire rated ceiling in new communication room (60 min.)	\$ 1,835.00	\$ 1,835.00
		Additional cost with this item	\$ 1,835.00	\$ 1,835.00
		Fire rated wood Dutch Door and Frame (45 min.)	\$ 2,295.00	\$ 2,295.00
		Additional cost with this item	\$ 2,295.00	\$ 2,295.00
		Subtotal	\$	12,335.10
		Discount	\$	(2,335.10)
		<b>Total</b>	<b>\$</b>	<b>10,000.00</b>

**Note** Fairlawn Alarm vendor will provide all panic alarm hand-offs in the radio equipment room .

**Terms**  
 Billable lump sum  
 New 30 days

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

March 10, 2015

**RESOLUTION NO. 166-2015**

By

Seconded by

**WHEREAS**, local officials know that investments in our rapidly deteriorating transportation infrastructure must be made, since failure to do so can compromise the safety of the public, the economic vitality of our communities and the security of our neighborhoods; and

**WHEREAS**, the New Jersey Department of Transportation (DOT) reports that New Jersey's municipalities are responsible for 64 percent (28,539 center line road miles) of our roads, county governments are responsible for another 22 percent (6,649 center line road miles), and together, local governments are responsible for 39 percent of our bridges; and

**WHEREAS**, local roadways and bridges carry about 55 percent of all of New Jersey's traffic; and

**WHEREAS**, just last year, the American Society of Civil Engineers reported that 651 of the 6,554 bridges in New Jersey (9.9%) are considered structurally deficient and 1,717 (26.2%) are considered functionally obsolete, and that driving on roads in need of repair costs New Jersey motorists \$3.476 billion a year in extra vehicle repairs and operating costs – \$601 per motorist, and that 66% of New Jersey's roads are in poor or mediocre condition; and

**WHEREAS**, in the first year of the Transportation Trust Fund (FY 1985), Local Aid funding represented almost 22 % of total Transportation Capital funding, but over the years, the Local Aid portion was reduced to 16% in FY 1997, 12% in FY 2004, and 15% in FY 2013, so that the average Local Aid funding over the first 29 years of the Transportation Trust Fund was just under 15%, and

**WHEREAS**, the need for investments in local roads and bridges has not decreased since 1985, and no one has suggested that it will decrease in the future; and

**WHEREAS**, On May 1, 2014, New Jersey DOT then-Commissioner Jim Simpson announced that the State's Transportation Trust Fund is just 14 months away from a \$620 million deficit;

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Lawn join with the New Jersey League of Municipalities in supporting the "Forward New Jersey" coalition, and we call on State policy-makers to:

1. Reauthorize the Transportation Trust Fund to ensure adequate and reliable funding to meet State and local transportation infrastructure funding needs for the next 10 years;
2. Increase Local Aid funding to ensure adequate and reliable funding to meet all local transportation infrastructure needs; and
3. Increase the municipal share of Local Aid funding and ensure fair funding for all municipalities; and

**BE IT FURTHER RESOLVED**, that given the extent of the local infrastructure, and given the need for strong and steady investment in that infrastructure, we will call for assurances that Local Aid will represent, at a minimum, 25% of annual Transportation Capital spending, and for adjustments in funding, to account for the effects of inflation; and be it, finally;

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to Governor Chris Christie, Commissioner of the Department of Transportation Jamie Fox, State Senator Robert Gordon, Assemblyman Timothy J. Eustace, Assemblyman Joseph A. Lagana, and to the New Jersey League of Municipalities.