REGULAR MEETING OF MAY 19, 2020

Mayor Peluso called the meeting to order at 7:30 p.m.

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in "The Record" issue of January 10, 2020. Notices were also sent to the Herald News and posted on the bulletin board located on the first floor of the Municipal Building; copies were mailed to The Community News and posted on the Borough of Fair Lawn website. The annual notice identified the meeting location and the time of Council Meetings and Work Sessions.

PRESENT: Mayor Peluso, Deputy Mayors Reinitz and Rottenstrich, Councilmembers Cutrone and Krause.

ALSO PRESENT: Manager Van Kruiningen, Municipal Clerk Bojanowski and Attorney Verrone.

Manager Van Kruiningen read the following Public Notice from the Borough of Fair Lawn:

Please be advised, that pursuant to the State of Emergency and Public Health Emergency declared and set forth in New Jersey Executive Order No. 103, and further limitations on public gatherings as set forth in Executive Order No. 104, the Mayor and Council of the Borough of Fair Lawn, County of Bergen, State of New Jersey shall hold a Work Session on Tuesday, May 19, 2020 at 7:30 pm, with no members of the public physically present in conjunction with the closing of the Municipal Building to the general public. Should you wish to watch or participate in this Work Session, you may by do so by any of the following:

- You can watch the meeting live streamed on our website www.fairlawn.org/meeting OR you can watch the meeting broadcasted live by Fair Lawn TV on Cablevision Channel 77 or Verizon FIOS Channel 37.

OR

- If you would like to participate in the public portion of the Work Session, you can join the Work Session Webinar as an attendee by going to our website Fairlawn.org. You must first register for the Work Session Webinar. After registering you will receive a confirmation email containing further information about the joining of the webinar. Once the webinar is live you will be able to click in the Question Box
and leave a comment question for the Public Comments portion of the meeting. You must enter your name and a valid address with your comment and question to confirm you are a resident.

AND/OR

- You can also call 201-564-6185, which will be repeated further on in the meeting, to participate in the public portion of the meeting from home. This phone line will only be answered during the public comment portion of the meeting. You will be required to provide your name and address and your question.

COUNCIL COMMENTS

Councilmember Krause thanked the residents and first responders for being so patient and complying with social distancing. He hoped they see things opening up soon as the weather becomes warmer and everyone can see their friends and family members.

He said he was happy to see the community working together by donating to the food pantry and as well as gift cards to first responders, which also helped to supports local businesses.

He said it is disappointing not being able to celebrate Memorial Day as they normally would with a parade. He hoped that everyone would take some time on Memorial Day to reflect and remember all the service members who sacrificed and gave everything for this country. He hoped that next year they will not have all the restrictions to deal with and be able to celebrate again. Until then, he told everyone to stay safe, and healthy and to please keep Fair Lawn's local business and charities in mind.

Councilmember Cutrone echoed Councilmember Krause's comments as to Fair Lawn's essential workers, first responders, healthcare workers, the support of local businesses and Memorial Day. She said residents should stay tuned with regard to Memorial Day, as they will be announcing what they can do at home to remember those that sacrificed all for this country.

She announced that the Age Friendly Initiative is up and running and encouraged everyone to follow the Facebook page to keep informed on everything they are working on. She advised that a survey will be going out to the community with questions on the pandemic to receive ideas on what they could change or do better in the future, should a pandemic happen again. She reminded seniors that if any of them are in need of groceries the Ambulance Corps is still offering to go food shopping for them. She asked
that residents please continue to donate to the Fair Lawn Food Pantry. The Arts Council is going to host their annual poetry reading on June 7th at 1:00 p.m. via zoom. The Community Relations Advisory Committee is planning virtual events to celebrate pride month. She thanked the Rotary Club for donating their flag pole to be used to raise the pride flag at Memorial Pool and will be flown for the month of June.

She encouraged residents to document their experience during quarantine, as she believes it would be an important record for this space in time. Lastly, she said a way they can really thank all of the people on the front lines fighting the pandemic is for everyone to continue to follow the rules and guidelines from the governor. She realized it’s challenging but everyone must continue to practice social distancing so that everyone can be together again soon.

Deputy Mayor Rottenstrich said she looked forward to when they can meet in person again. They have had some positive news recently both locally and from the State about decreases in the numbers. She thanked the residents for helping to accomplish that. She is excited to hear that the State will be opening Phase 2 for business. She said the Council is working on some temporary ordinance modifications that are going to allow businesses to open up and make it easier and safer when they do. They are working hand and hand with the Chamber of Commerce, the Special Improvement Districts and the Economic Development Corporation to see that Fair Lawn comes back stronger than before. She reminded everyone to fill out their Census forms. The Census is always an important factor when companies are deciding where to locate. With respect to economic development, residents will be helping businesses decide to relocate here as well as helping businesses that are currently here figure out how they can market best to be successful.

She mentioned that this past weekend was supposed to be their community Green Day. The Green Team and the Green Day subcommittee spent a lot of time working on it and they were really sorry to have to cancel. She said the Green Team continues to work hard along with the Shade Tree and Garden Committees to make Fair Lawn more sustainable and greener.

Lastly, she was disappointed but they had to cancel the Memorial Day Parade. They really had no choice but believed it was absolutely the right decision. They miss honoring Fair Lawn’s fallen although, they are still honoring them with a small ceremony. She said she hoped that on Memorial Day they also remember the 75 Veterans that where lost due to Covid-19 at the Veteran’s Home in Paramus. It is said that freedom isn’t free
and that everyone is required to make sacrifices in order to protect the
greatest generation of those who fought to defend our freedom.

Deputy Mayor Reinitz echoed the comments of each Councilmember in
both recognizing the hard work and sacrifice of the first responders, essential
workers and the strong bonds of the community being exhibited by a
community of volunteers. His condolences go out to the dozens of families
who have lost loved ones to this insidious virus. They and their loved ones will
not be forgotten by the Borough of Fair Lawn.

He said as they move towards Memorial Day it is incumbent upon them to
remember and celebrate the lives of the 47 residents of Fair Lawn who have
made the ultimate sacrifice while serving our nation. Unfortunately, they will
not be having a parade to honor the men and women who have sacrificed
however, they will not let the weekend pass without appropriate honors to
those soldiers. He also asked that they keep in mind those soldiers who
came home suffering and ultimately took their own lives.

He stated that in these strange and uncertain times they’ve been
confronted by deeply difficult questions. In the last few months they have
done their best to confront these questions head on and not shy away from
a tough decision. More decisions will certainly come and they will balance
the safety of the residents with the opportunity for everyone to enjoy the
community, including Fair Lawn’s Parks and Memorial Pool. They did not
relish in cancelling the Memorial Day Parade nor did they look forward to
cancelling summer events. He is happy to report that Fair Lawn’s numbers
are trending in the right direction namely, because of the cooperation of
the community. He is proud that they continue to provide needed services
to the residents. Good government comes from practical problem solving
coupled with empathy. They are fortunate to have those characteristics in
Fair Lawn as shown by the strong navigation by Manager Van Kruiningen
and CFO Karen Palermo, who have made countless difficult decisions, but
have continued to provide the needs of residents first. Other Departments
have followed suit whether it be the Library and the Arts Council constantly
posting content and connecting with Fair Lawn residents, or Fair Lawns first
responders who have done countless birthday parades to pass homes of
Fair Lawn’s youth to make their day and provide a bit of joy when they can’t
celebrate with their friends. He said this will only work if they continue to
work together and he was pleased to report that the strength of Fair Lawn is
its singular purpose. He encouraged residents to continue to help each
other and be kind to each other and check on your neighbor’s and loved
ones.
Mayor Peluso thanked all Borough Employees for their hard work during this time. He said Fair Lawn is a huge town in comparison to other Bergen County communities. Two train stations and many busses in and out of New York City which is one of the hardest hit places, its fortunate that Fair Lawn’s numbers are where they are, it really shows the hard work of everyone and that the residents listened, followed directions and did the right thing. He said as the weather becomes warmer they cannot let their guard down to continue going on that downward curve.

He echoed the Councilmembers statements with regard to the Memorial Day Parade. He said they are still going to do something to honor the 47 individuals who paid the ultimate sacrifice. He advised residents to tune into Fair Lawn TV, Fair Lawn’s website and their social media sites on Monday to see a special presentation to honor them. He thanked Nicolas Magarelli and the Veterans Affairs Committee for putting the presentation together and making sure that Fair Lawn never forgets.

He mentioned that it has been great to see a lot more of the committees and boards getting together and discussing ways for Fair Lawn to reopen and get back on its feet. He thanked all of the volunteers for stepping up making sure we are going in the right direction. He said the Council will continue to make some tough decisions and that the health and safety of all residents are their first priority. He said any authorization they receive from the State and what they can do they are going to move forward with. Please remember they remain under a State of Emergency and have to follow the rules set by the Governor at this time.

ORDINANCE ON FIRST READING:

Upon motion by Councilmember Krause and a second by Deputy Mayor Rottenstrich it was unanimously agreed to read the following ordinance by title.

ORDINANCE NO. 2546-2020
(RESOLUTION NO. 192-2020)

AN ORDINANCE TO AMEND ORDINANCE 2409-2016
APPROPRIATING AN ADDITIONAL $37,000 FOR THE COUNTY ROAD
PROGRAM, COUNTY-WIDE ADA RAMPS, CURBS AND SIDEWALK
CONSTRUCTION COOPERATIVELY FUNDED FROM THE BERGEN
COUNTY DEPARTMENT OF PUBLIC WORKS

There being no discussion, Resolution No. 192-2020 introducing Ordinance No. 2546-2020 was unanimously passed.
Upon motion by Councilmember Cutrone and a second by Councilmember Krause it was unanimously agreed to read the following ordinance by title.

ORDINANCE NO. 2547-2020  
(RESOLUTION NO. 193-2020)

AN ORDINANCE CREATING A SPECIAL STIPEND FOR THE EMERGENCY MANAGEMENT COORDINATOR, WITHIN THE BOROUGH OF FAIR LAWN

Mayor Peluso believes they are moving in the right direction by increasing the stipend for Fair Lawn’s OEM Coordinator. She has been working a lot harder and putting in more hours than the part time position allows to make sure the Borough is safe, and they are thankful to have them.

There being no further discussion, Resolution No. 193-2020 introducing Ordinance No. 2547-2020 was unanimously passed.

Upon motion by Councilmember Krause and a second by Deputy Mayor Rottenstrich it was unanimously agreed to read the following ordinance by title.

ORDINANCE NO. 2548-2020  
(RESOLUTION NO. 194-2020)

AN ORDINANCE TO AMEND CHAPTER 125, LAND DEVELOPMENT, ARTICLE IV, SUPPLEMENTARY ZONING REGULATIONS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000

Deputy Mayor Reinitz stated that he and Mayor Peluso had been contacted by many people to have this ordinance pushed forward. He wanted to thank the Planning Board for considering it so quickly, which allowed it to move forward. He said a lot of residents are having a difficult time finding pools, but when they do they hopefully will not need to go through the variance process by passing this ordinance. He thanked the Planning Board and the Council for getting this done so quickly.

Councilmember Cutrone added that this is the sort of thing they wouldn’t necessarily know about if it not for the residents. She thanked the residents for reaching out to them and encouraged them to continue to reach out with any suggestions or ideas they may have. This is a perfect example of it
becoming actuality and it will help the residents enjoy the summer a little more.

There being no further discussion, Resolution No. 194-2020 introducing Ordinance No. 2548-2020 was unanimously passed.

ORDINANCE ON SECOND READING:

Upon motion by Deputy Mayor Rottenstrich and a second by Deputy Mayor Reinitz it was unanimously agreed to read the following ordinance by title and open the time for public comments.

ORDINANCE NO. 2534-2020
(RESOLUTION NO. 195-2020)

AN ORDINANCE OF THE BOROUGH OF FAIR LAWN IN THE COUNTY OF BERGEN, NEW JERSEY, AUTHORIZING THE GRANTING OF AN EASEMENT TO INSTALL SUBSURFACE WATER MAIN AND PIPING IMPROVEMENTS ON LOT 21, BLOCK 6901 IN THE BOROUGH OF FAIR LAWN TO RIDGEWOOD WATER

There being no comments by the public, upon motion by Deputy Mayor Reinitz and a second by Councilmember Cutrone it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Rottenstrich and a second by Councilmember Krause, Resolution No. 195-2020 introducing Ordinance No. 2534-2020 was unanimously passed.

Upon motion by Councilmember Krause and a second by Deputy Mayor Rottenstrich it was unanimously agreed to read the following ordinance by title and open the time for public comments.

ORDINANCE NO. 2535-2020
(RESOLUTION NO. 196-2020)

AN ORDINANCE TO AMEND CHAPTER 232, VEHICLES AND TRAFFIC, ARTICLE II, PARKING, MORE SPECIFICALLY SECTION 232-11, “PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000
Upon motion by Deputy Mayor Reinitz and a second by Councilmember Cutrone, Resolution No. 196-2020 introducing Ordinance No. 2535-2020 was unanimously passed.

Upon motion by Councilmember Cutrone and a second by Councilmember Krause it was unanimously agreed to read the following ordinance by title and open the time for public comments.

**ORDINANCE NO. 2536-2020**  
**RESOLUTION NO. 197-2020**

**AN ORDINANCE TO AMEND CHAPTER 33, POLICE DEPARTMENT, ARTICLE I, ESTABLISHMENT OF DEPARTMENT, SECTION 33-2 “COMPOSITION OF DEPARTMENT” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000**

There being no comments by the public, upon motion by Councilmember Krause and a second by Deputy Mayor Rottenstrich it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Rottenstrich and a second by Councilmember Krause, Resolution No. 197-2020 introducing Ordinance No. 2536-2020 was unanimously passed.

Upon motion by Deputy Mayor Rottenstrich and a second by Councilmember Cutrone it was unanimously agreed to read the following ordinance by title and open the time for public comments.

**ORDINANCE NO. 2537-2020**  
**RESOLUTION NO. 198-2020**

**AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS FROM THE COUNTY OF BERGEN, DIVISION OF COMMUNITY DEVELOPMENT THEREFOR – 30TH STREET IMPROVEMENTS**

There being no comments by the public, upon motion by Councilmember Cutrone and a second by Councilmember Krause it was unanimously agreed to close the time for public hearing.
Upon motion by Councilmember Krause and a second by Deputy Mayor Rottenstrich, Resolution No. 198-2020 introducing Ordinance No. 2537-2020 was unanimously passed.

Upon motion by Deputy Mayor Rottenstrich and a second by Deputy Mayor Reinitz it was unanimously agreed to read the following ordinance by title and open the time for public comments.

**ORDINANCE NO. 2538-2020**
**(RESOLUTION NO. 199-2020)**

**AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS FROM THE COUNTY OF BERGEN, DIVISION OF COMMUNITY DEVELOPMENT THEREFOR – SENIOR CENTER RAMPS**

There being no comments by the public, upon motion by Councilmember Cutrone and a second by Councilmember Krause it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Krause and a second by Deputy Mayor Reinitz, Resolution No. 199-2020 introducing Ordinance No. 2538-2020 was unanimously passed.

Upon motion by Deputy Mayor Rottenstrich and a second by Deputy Mayor Reinitz it was unanimously agreed to read the following ordinance by title and open the time for public comments.

**ORDINANCE NO. 2541-2020**
**(RESOLUTION NO. 200-2020)**

**AN ORDINANCE CREATING A SPECIAL STIPEND FOR THE EMERGENCY SERVICES, WITHIN THE BOROUGH OF FAIR LAWN**

There being no comments by the public, upon motion by Deputy Mayor Reinitz and a second by Councilmember Cutrone it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Cutrone and a second by Councilmember Krause, Resolution No. 200-2020 introducing Ordinance No. 2541-2020 was unanimously passed.
PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

Upon motion by Councilmember Krause and a second by Deputy Mayor Rottenstrich the time for public comments on Agenda items only was opened.

There being no comments, upon motion by Deputy Mayor Rottenstrich and a second by Deputy Mayor Reinitz the time for public comments was unanimously closed.

RESOLUTIONS BY CONSENT #8-2020

Upon motion by Deputy Mayor Reinitz and a second by Councilmember Cutrone Consent Agenda #8-2020 containing the following items was unanimously passed.

a. Resol. #201-2020 – Approval of Minutes
   Work Session 4/14/2020
   Closed Session 4/14/2020
   Regular Meeting 4/28/2020
   Closed Session 4/28/2020

b. Resol. #202-2020 - Confirming Purchase of Emergency Goods

c. Resol. #203-2020 - Approving the Estimated 2020 Tax Rate

d. Resol. #204-2020 - Award of Contract to The Rodgers Group, LLC

e. Resol. #205-2020 - Approving State Tax Court Settlement – Space Station Fairlawn, LLC, 16-01 McBride Avenue

f. Resol. #206-2020 - Approving State Tax Court Settlement – Oster Lawn Properties, LLC

g. Resol. #207-2020 - Authorizing Purchase Utilizing the Bergen County Cooperative Contract – Chas. S. Winner, Inc. d/b/a Winner Ford – Three (3) Police Vehicles

h. Resol. #208-2020 - Approval of Insertion of Item of Revenue: “NJACCHO-COVID-19”

i. Resol. #209-2020 - Authorizing Purchase through the New Jersey Cooperative Purchasing Program with Motorola

j. Resol. #210-2020 - Endorsing the Housing Plan Element and Fair Share Plan

k. Resol. #211-2020 - Professional Services – The Ives Architecture Studio for Architectural and Engineering Services for the Design of the Memorial Pool
Services for the Design of the Memorial Pool Administration Building

1. Resol. #212-2020 - Authorizing Appointment of Municipal Representatives to the Bergen County Community Development Regional Committee

m. Resol. #213-2020 - Approving License Agreement – Fence: 24-03 Arcadia Road

n. Resol. #214-2020 - Endorsing Application to the Bergen County Historic Preservation Trust Fund – Radburn Association

o. Resol. #215-2020 - Authorizing Purchases through the Respective State Contracts During 2020


q. Resol. #217-2020 - Authorizing Purchases through the National Cooperative Contract During 2020

q. Resol. #218-2020 - Supporting the NJ Department of Transportation Project to Replace the Deck on the Maple Avenue Bridge over Route 208

PUBLIC COMMENTS

Upon motion by Councilmember Cutrone and a second by Councilmember Krause, it was unanimously agreed to open the time for public comments.

There being no comments, upon motion by Councilmember Krause and a second by Deputy Mayor Rottenstrich the time for public comments was unanimously closed.

CLOSED SESSION RESOLUTION: ATTORNEY CLIENT PRIVILEGE – EMERGENCY MEASURES

Upon motion by Deputy Mayor Rottenstrich and a second by Deputy Mayor Reinitz, the following closed session resolution was unanimously adopted at 8:10 p.m.

WHEREAS; the Open Public Meetings Act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and
WHEREAS; the Mayor and Council of the Borough of Fair Lawn desire to discuss Pending Litigation – Bastnick, Attorney Client Privilege – Emergency Measures and Personnel – Covid-19; and

WHEREAS; these matters are ones which permit the exclusion of the public from such discussions; and

WHEREAS; minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

ADJOURNMENT:

Upon motion by Councilmember Krause and second by Deputy Mayor Rottenstrich the meeting was adjourned at 9:11 p.m.

Respectfully submitted,

\underline{Marilyn B. Bojanowski}
Marilyn B. Bojanowski, G.M.C.
Municipal Clerk

The undersigned have read and approve the foregoing minutes.

\underline{Mayor Kurt Peluso}

\underline{Deputy Mayor Josh Reinitz}

\underline{Councilmember Cristina Cutrone}

\underline{Deputy Mayor Gail Rottenstrich}

\underline{Councilmember Kris Krause}