WORK SESSION OF JUNE 9, 2020

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

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

ALSO PRESENT: Acting Manager Garrison, Municipal Clerk Bojanowski and Attorney Verrone.

REVIEW TENTATIVE AGENDA

Municipal Clerk Bojanowski stated she is adding an Award of Bid for Roadway Improvements.

Deputy Mayor Reinitz wanted to confirm that the public was notified that the Council Meeting had been moved to June 23rd. Municipal Clerk Bojanowski stated that she advertised the revised meeting date.

COUNCIL COMMENTS

Councilmember Krause stated he had local issues he wanted to discuss, but as a leader in this community he wanted to begin by talking about George Floyd, who was murdered in Minneapolis while in police custody on May 25. The video of his death was heartbreaking to watch: listening to his pleas, his clear communication that he could not breathe, and his calls for his mother all while onlookers begged the Police officers to relieve the pressure and check on him.

He wanted to send his condolences to George's family and loved ones, who laid him to rest today. The protests and the pain that have followed have raised real concerns that he hoped we, as a society, are ready to rise to the occasion and address. There should be nothing controversial about saying Black Lives Matter.

Words, of course, are not enough to combat the legacy of racism in this country that, despite any progress we have made, still very clearly haunts us. It is never enough to look back at our past and believe all the work has already been done. There is still work to do, divides to heal. He hoped that as an elected official, as a father, and as a friend that his words and his actions will be those of healing and progress.

There will be debates about what the next steps will be. There have been two peaceful protests in Fair Lawn in the last week. He was fortunate to attend the one that was held yesterday and he talked to the organizers as well as many of
the participants. The Council has also received a number of emails on the topic. He wanted our residents to know that he remained committed to listening to their perspectives and working to make sure that "Hate Has No Home in Fair Lawn" is never reduced to a mere slogan on a lawn sign. That being said, displaying the "Hate Has No Home in Fair Lawn" lawn sign is an important first step that should not be taken for granted. He thanked the Community Relations Advisory Committee for the work they have done, particularly in response to the surge in demand for these signs. He hoped that anyone who felt the need to become more involved and take further actions considers getting more involved with this Committee.

He thanked the Police for making sure the two protests that occurred in Fair Lawn were peaceful and safe spaces for people to come together, share their grief and discuss the change they want to see in this world. He fully expects this to be the case going forward should any additional protests be held.

He continued by stating that June is Pride Month. There was an abbreviated ceremony due to COVID restrictions. He wished a Happy Pride Month to the residents who were members of the LGBTQ community.

He concluded by stating that he enjoyed the virtual Poetry Reading on Zoom that was sponsored by the Arts Council.

Councilmember Cutrone reported that with regards to the Arts Council, she and Deputy Mayor Rottenstrich spoke to the new management company for the River Road SID. They were able to put together an Art Walk, a new initiative they were excited about. Some of the local businesses have offered up their store windows to allow local artists to paint murals or images on their windows to simulate an outdoor art gallery. Residents can walk by and look at the various artwork. If anyone is interested in learning more they can see the information posted on the Arts Council’s Facebook page.

The Senior Citizen Advisory Committee met virtually. She thanked the Senior Center Director, who advised her that staff has called all the seniors on their list to make sure they are safe and getting what they need. While the seniors understand that the Senior Center will be one of the last places to be open, they wondered about hosting some outdoor events, such as exercise classes. Perhaps one of their larger locations could be opened so they could meet with proper spacing. With the Council’s approval she would like to pursue those options with Manager Van Kruiningen.

She continued by reporting that the Community Relations Committee has been hard at work since its formation. She thanked the Fair Lawn Rotary Club for allowing them to use their flagpole at Memorial Pool to fly the Pride flag. She
thanked the chairs of the Pride sub-committee – Kim Justice and Tiffany Schindler - who have been putting together wonderful virtual events to teach about Pride month. Residents wishing to post about Pride month are asked to use #FairLawnPride and #HateHasNoHomeinFairLawn. They have four Pride banners that were designed by Fair Lawn residents, which they would like to display in some of the Borough parks. She asked if the Council was in favor of asking the Manager to install the banners, which all mention Fair Lawn.

There was a unanimous consensus to have Manager Van Kruiningen look into a location to display the Pride banners.

She noted they sold 200 "Hate has no Home in Fair Lawn" signs in 48 hours, and they will be placing more orders. This was wonderful to see. Anyone interested in ordering a sign can email her at Ccutrone@fairlawn.org or go on the Community Relations Facebook page and find the order form. The signs are $10 each. She noted that the Committee is looking into programming for the community related to anti-racism as well as some suggestions for the Council as to what they could bring into the community.

Councilmember Cutrone stated she would like to comment on the current state of our nation. She offered her condolences to George Floyd’s family. She thanked the organizers of the two peaceful protests held in town. As a high school teacher, it warms her heart to see the protests being led by young people and she thanked the Police for their assistance in those protests.

As a result of the senseless murder of George Floyd and countless other black men and women in America, she has learned that she has a lot to learn and she wants the residents of Fair Lawn to know that she is committed to doing just that.

As a white woman she has led a life of privilege because of the color of her skin. It is not a privilege she asked for or a privilege she even knew she had for a large portion of her life. Nonetheless it exists and she feels now more than ever that it is her responsibility to use that privilege to fight for others so that they be afforded the same. Equality and privileges are not things that come in a limited quantity. If you give someone rights they don't have but that you do, it doesn’t mean you now get less. In fact, it means a better, more equitable society for all.

There is one aspect of white privilege that she recently read about that resonated with her. It called attention to the fact that as a white person she doesn’t often carry her race as an identity: she gets to be herself as an individual. But a person of color does not always have that benefit. We should all agree that in America everyone, no matter the color of their skin, should have the right to be who they are, without fear.
This is why she stands in solidarity with the Black community and the Black Lives Matter Movement. She wants to emphasize that the term "Black Lives Matter" is often misinterpreted to mean that "only Black Lives Matter", but it simply means "and also." It rightly acknowledges that in 2020 America, we still contend with the reality that racism pre-dated the founding of our Country and that it continues to plague our society, denying true equality to millions of our fellow Americans. It means that we need to stand up today as allies to the Black community and commit to be anti-racists.

She concluded by stating that over the next few weeks she planned to read and listen to everyone’s thoughts, opinions, and stories. She will work collaboratively with the Mayor, her colleagues on the Council, Borough employees, the Police Department, Emergency Service volunteers and the Community Relations Advisory Committee to find all the ways that we can make positive changes here in Fair Lawn and the State of New Jersey.

Deputy Mayor Rottenstrich thanked her colleagues for their moving words. The project with District Services, the management company for the River Road Corporation and the Broadway Improvement Corp, and the Arts Council will be the beginning of many collaborations they are going to see in Fair Lawn that will be very beneficial to the community.

She is concerned about the economic welfare of the businesses and the community. They have a unique opportunity for everyone to work together collaboratively and do the best job they can to help their local businesses. She referenced a new ordinance they will be discussing shortly. There is already more collaboration between the Chamber of Commerce and the EDC and they will be moving forward quickly and creatively.

She reminded residents who haven’t done so already to complete their Census form. Their response rate is 77.3%, which is good but not great.

She thanked the Green Team for their hard work during the past few months. They have worked on their application for Sustainable Jersey and have gathered 280 points, which is really an incredible job. They are aiming for bronze level this year and silver next year. She thanked Joan Goldstein and Michael Ciollino for their leadership. She is proud of the Green Team.

She was grateful to all those who sacrificed so much during the pandemic to ensure that their healthcare systems did not get overwhelmed with COVID-19 patients. She reminded everyone to stay vigilant and stay home if they were sick or exposed to COVID-19. It would be a tragedy to lose the benefit of all their hard work.
She concluded by speaking on the loss of life that they have suffered to another pandemic; a pandemic of fear and a pandemic of racism. She was grateful to the voices that are rising up in protest against the treatment they are seeing graphically displayed in videos almost on a daily basis. She thanked the protestors who bravely came out across the Country, and last week in Fair Lawn, to raise awareness about the pain and suffering of Black lives. In Fair Lawn they are listening and getting input from the community on their experiences and insights, and to report the findings to reform their Use of Force policies where needed. They want to ensure that everyone in their community feels safe, respected and protected.

Deputy Mayor Reinitz echoed the eloquent comments of his fellow Councilmembers. He was proud and honored to serve on a Council comprised of attributes such as empathy, humility, a hunger to learn and a vision for the future.

They have done their best to confront the unique challenges they have faced during the last few months. They have not shied away from making difficult and painful decisions and have always kept the best interests of the residents in mind, and an eye towards a brighter future.

He is hoping to pass a resolution at tonight’s Work Session that will relax restrictions for outdoor dining to allow small business owners to start climbing back to normalcy. He was proud of the residents who supported their local businesses during some of the bleakest hours and helped make Fair Lawn’s comeback not only possible but now within reach.

The Borough only succeeds when residents engage. To that end, they will be discussing traffic and safety measures brought to their attention by residents. The engagement these last few weeks by residents with concerns, as well as public events through the Library, Arts Council, and the Community Relations Committee is inspirational, as is the awakening that has spread across the County from Minneapolis to Fair Lawn these past two weeks. The engagement by the residents in planning and participating in peaceful marches, led by our younger residents, gives him great hope for a future of inclusion marked by a willingness to communicate about issues of diversity. The Council hears you, so continue to make your voices heard as these uncomfortable conversations are necessary. Years of insidious racism cannot be erased by one march, one conversation or even one policy change. True change is often only accomplished incrementally, and with each small step together we will continue to bend that moral arc towards justice and work towards the eradication of racism.
The Council tries their best to be driven by data. He conducted research on the current data on Use of Force by the Police. A group, Campaign Zero, released a list of eight steps that can be taken to decrease excessive force by nearly 75%, including measures to ban choke holds, a duty on officers to intervene and de-escalation requirements. A review of their Police Department’s Use of Force Statistics and Policies showed these policies were already in place. He is committed to providing the resources necessary for the Department to stay at the forefront of humane policies on use of force.

He continued by stating President Obama challenged all local leaders to conduct a review of local law enforcement policies, report those policies to the citizens, seek out public input and make appropriate changes. Last December, Attorney General Grewal announced he would be conducting a review of the Use of Force policies in New Jersey. He asked residents who have suggestions for policy changes or concerns to send them to the Council. They are listening and they are willing to be part of a positive change.

June is Pride Month and he was proud they were flying the Pride flag for the first time. He thanked everyone in the Borough who made that possible. They will continue to recognize the contributions of our LGBTQ community and foster inclusion in Fair Lawn. They must all use their skills and talents to nurture a culture of inclusion and they must be willing to listen, educate themselves and participate in the often tough conversations addressing the evils of deeply embedded racism that permeates our society. Now is the time to take those steps together and to acknowledge that Black lives do matter and pledge that, together, we will continue to fight for justice.

Mayor Peluso echoed the comments made by the Council. The leadership shown by Fair Lawn youth was tremendous and he wanted to thank them for stepping up and leading peaceful protests in the Borough. As Deputy Mayor Reinitz mentioned, they reviewed many policies in Fair Lawn, especially the Use of Force policy. It was great to see that the Police Department was way ahead of the curve.

He read the eight recommendations regarding Police use of force that Deputy Mayor Reinitz referenced earlier: Ban chokeholds and strangle holds, require de-escalation, require warning before shooting, exhaust all alternatives before shooting, duty to intervene, ban shooting on moving vehicles, require use of continuum, and require comprehensive reporting. He thanked Chief Cauwels and the entire Police Department for leading this effort. However, even though they have a great Police force in Fair Lawn that is following these requirements, it is not occurring throughout the Nation. They need to step up as a Country to make sure the policies being followed in Fair Lawn are pursued on a national level.
The Pride Flag Ceremony was a great event. He thanked Councilmember Cutrone for helping lead those efforts with the Community Relations Committee. He and Deputy Mayor Reinitz attended the EDC meeting last week, where they provided input on the outdoor eating ordinance for local restaurants that will be discussed later. He thanked the business community for their input, and thanked Deputy Mayor Rottenstrich and Deputy Mayor Reinitz for researching what other towns were doing and putting together a great resolution for the Council to review tonight.

He discussed the opening of Memorial Pool. Although the Governor announced that municipal pools could be opened on June 22\textsuperscript{nd}, there are many variables. They need to be sure that the lifeguards and facilities are ready and that the staff is fully prepared. He asked that residents bear with them as they work on the new policies.

He has received numerous emails about having sports programs. Once sports fields are allowed to open up they will be following the Governor's policies to get the youth sports programs and adult softball leagues programs up and running.

He concluded by reporting that Fair Lawn has seen a dramatic decrease in the number of active COVID cases. He thanked the residents for taking great steps to help control this. He reminded them that steps still need to be taken to keep the curve down, which is easy to forget when the number of cases are low and the warm weather is upon us.

**DISCUSSION OF RESOLUTION RELAXING ORDINANCES TO PROMOTE RESTAURANT, FOOD ESTABLISHMENT AND RETAIL BUSINESSES DURING PERIOD OF COVID-10 SOCIAL DISTANCING RESTRICTIONS**

Deputy Mayor Rottenstrich stated that purpose of this resolution is to encourage local businesses to be creative in using the outdoor space surrounding their building by utilizing rights of way and private property, including parking lots. This would allow for a temporary outdoor permit to expand outdoor dining. There is a lot of historical information and recent history in the resolution. It provides for a form for businesses to show what their plan is. They would be happy to work with any restaurant in town that wants to use outdoor space and use the policies in place to stimulate their business and encourage residents to come out and dine safely.

Councilmember Cutrone noted that they still had to determine the cost of the application fee and the hours of operation. She asked the fees be kept as low as possible so as not to place a further burden on the restaurants. She also
asked if there were any fines if a restaurant failed to clean up litter or if a business bypassed this permit process.

Deputy Mayor Reinitz stated that if the business did not obtain a permit their business was illegal and they could be shut down. There is a provision that the temporary permit can be revoked if a business does not comply with requirements. He felt they should waive the fee so as not to incur a further cost to these businesses. He did not envision the application form be overly comprehensive. He felt they should direct the Manager’s office to have the form ready as soon as possible and hopefully by the end of business tomorrow. They should avoid any type of impediment to push this through.

Councilmember Cutrone had considered a nominal fee of $25, but she would support having no fee. She noted there was a provision excluding the closure of streets. She couldn’t envision an area where it might be appropriate but she felt they might want to leave that open in case a business could present a plan that didn’t cause traffic issues. Deputy Mayor Rottenstrich thought it would be difficult to come up with a street they had control over that wasn’t owned by the State or the County that would be closable, but she agreed that they did not have to include that provision.

Attorney Verrone stated that under Title 39 if they closed a public or even municipal street for more than 48 hours, they needed to get DOT approval, which would complicate the process. She knows that there are some municipalities who are providing for that, but when she and Deputy Mayor Reinitz spoke it was discussed that they eliminate the ability to close a street in Fair Lawn. Deputy Mayor Reinitz stated that most of their businesses are on a main road or County road. If the business went off the main road there would be a good chance it would be on a residential zone or near residents, and he didn’t want to be continuously closing residential streets without residents’ input. He felt they should leave it as is and if there are extraordinary circumstances they can revisit it. Mayor Peluso wondered if the Borough could use the parking lot at Memorial Park or another area to host an event similar to Taste of Fair Lawn. He felt they should waive the permit fee as their restaurants were hurting and every little bit helps.

There was a unanimous consensus to leave in the provision excluding the use of streets and waiving the permit fee.

Deputy Mayor Rottenstrich suggested making the hours from 8:00 am to 11:00 pm. Mayor Peluso felt that would be good for the Dutch House and other similar establishments.
There was a unanimous consensus to make the hours of operation from 8:00 am to 11:00 pm.

Attorney Verrone stated she will work on the application form and get it to the Manager’s office tomorrow. Deputy Mayor Reinitz asked that the application be circulated to the Council, the SIDS, the EDC and the Chamber of Commerce.

AGE-FRIENDLY COORDINATOR – RELATED TO THE TAUB FOUNDATION GRANT MONEY

Councilmember Cutrone stated that $40,000 of the $75,000 Age Friendly grant the Borough received will be used to hire an Age Friendly Coordinator to help with programming and outreach to their seniors. The Taub Foundation advised her of several qualified Age Friendly Coordinators including Lisa MacClements, a highly qualified candidate who lives in Fair Lawn. As per a recommendation by the Taub Foundation, Attorney Verrone prepared a contract which specifies Ms. MacClements will be hired for a six month period at $20,000, with the Council having an option to extend the contract for an additional six months at $20,000. There was a unanimous consensus to hire Lisa MacClements as the Age Friendly Coordinator for the terms outlined above.

JULY AND AUGUST COUNCIL MEETINGS

Councilmember Cutrone stated that in view of everything going on, she felt the Council should hold two separate meetings in July and August, rather than the traditional combined Work Session followed by the Council Meeting. She wondered if they would begin meeting in person since the stay-at-home order has been lifted. Mayor Peluso felt they could meet in person in July. Deputy Mayor Reinitz agreed. He supported having two meetings in July but suggested they revisit this at the July Work Session regarding August’s schedule. Deputy Mayor Rottenstrich thought it was a good idea.

Municipal Clerk Bojanowski asked which dates in July they would like to meet. She noted they were currently scheduled for July 14th.

There was a unanimous consensus to have the Work Session on July 14th and the Council Meeting on July 28th.

FENCE AGREEMENT – 16-10 MANDON PLACE

Acting Manager Garrison explained that this was a renewal of an existing fence agreement due to a Borough easement, which terminated when the owner sold
the property. The agreement would be renewed for the new owner. He did not have any issues with it.

There was a unanimous consensus to approve the fence agreement for 16-10 Mandon Place.

**CROSSING GUARD ON MORLOT BETWEEN 2ND AND 4TH STREETS**

Councilmember Krause stated he wanted to follow up on an issue brought to his attention by residents. In view of 5th grade students going to Memorial in the fall, he wondered if there were any updates on stationing a crossing guard on Morlot between 2nd and 4th Streets.

Mayor Peluso stated that Manager Van Kruiningen was looking into possibly relocating a crossing guard to this location. Acting Manager Garrison did not have any information on crosswalks; however, they were going to be painting additional crosswalks at every-other intersection on Morlot Avenue. Mayor Peluso suggested putting this on the next Work Session agenda to get an update from Manager Van Kruiningen.

**TRAFFIC CONCERNS ON 4TH STREET BETWEEN MORLOT AND BELLAIR**

Councilmember Krause stated they have received several emails from residents in the area regarding traffic concerns, although it was his understanding this was looked into before he joined the Council. He just learned, however, that there was another accident on 4th Street. The residents have asked to make this a one way street due to the amount of traffic at this intersection. There was also a talk about doing a petition.

Mayor Peluso stated they did a traffic study last year on 4th Street between Morlot and Bellair, but the street did not meet the State's traffic requirements to install a speed table. The Manager has suggested doing a wider traffic study up to Berdan Avenue because if they did a one way street, it might be prudent to do it all the way. Also, the numbers from the previous section might not be relevant once a larger section is added.

Deputy Mayor Reinitz stated he has been in contact with a 4th Street resident, who was informed that for the past few months the Traffic Safety Division had been absorbed by the Patrol Division, so some of the traffic safety measures were halted. However, they will now be resuming traffic studies. It was also difficult to do a legitimate traffic study while everyone was kept home. He was hesitant to do a traffic study that might not reflect real life circumstances. He also received emails from two residents on 6th Street that complained the street was used as a cut through. He felt a traffic engineer should look at the whole
area, especially since the re-opening of the Fair Lawn Avenue Bridge in the next 18 months will bring added traffic.

There was a unanimous consensus to wait until a wider traffic study, from Morlot Avenue to Berdan Avenue, could be conducted.

**ORDINANCE ON FIRST READING**

**(ORDINANCE NO. 2549-2020)
(RESOLUTION NO. 219-2020)**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 49, AFFORDABLE HOUSING, OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, TO ADD A NEW SECTION 49-11, FAIR LAWN AVENUE OVERLAY DISTRICT, CONSISTING OF BLOCK 3605, LOTS 1 AND 2; BLOCK 3609, LOT 14; BLOCK 3722, LOTS 1 THROUGH 5; BLOCK 3726, LOTS 2, 3, 5, 5.01, AND 6; BLOCK 4601, LOTS 2 THROUGH 6; BLOCK 4619, LOTS 1 THROUGH 4; BLOCK 4701, LOTS 5 THROUGH 7; AND BLOCK 4701.01, LOT 1

There being no discussion, upon motion by Councilmember Cutrone and a second by Deputy Mayor Rottenstrich, Resolution No. 219-2020 was unanimously passed.

**ORDINANCE ON SECOND READING**

**(ORDINANCE NO. 2548-2020)
(RESOLUTION NO. 220-2020)**

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

Upon motion by Councilmember Krause and a second by Councilmember Cutrone, the time for public comments was opened.

Chief of Staff/Veterans Director Magarelli advised the public that anyone wishing to make a public comment should 201-564-6185. Comments can also be posted at “Go To Webinar”.

Seeing no comments from the public, upon motion by Deputy Mayor Rottenstrich and a second by Deputy Mayor Reinitz, Resolution No. 220-2020 was unanimously passed.
There being no further discussion, upon motion by Councilmember Cutrone and a second by Deputy Mayor Reinitz, Resolution No. 220-2020 was unanimously passed.

**RESOLUTION NO. 221-2020 – CONFIRMING ENDORSEMENT OF 2020 COMMUNITY DEVELOPMENT PROJECT – ADVANCED HOUSING, INC.**

There being no discussion, upon motion by Deputy Mayor Reinitz and second by Councilmember Krause, Resolution No. 221-2020 was unanimously passed.

**PUBLIC COMMENTS**

Chief of Staff/Veterans Director Magarelli advised the public that anyone wishing to make a public comment should call 201-564-6185. Comments could also be posted in the Chat Field of the “Go to Webinar”. You must include your name and address.

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

**CLOSED SESSION RESOLUTION**

Upon motion by Deputy Mayor Rottenstrich and a second by Councilmember Krause, the following closed session resolution was unanimously adopted at 8:29 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 Anticipated Litigation/Attorney-Client Privilege – Drinking Water Standards and Personnel – Planning Board, Community Relations Advisory Committee; 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.

Mayor Peluso reconvened the Work Session at 9:02 pm.

ADJOURNMENT

Upon motion by Councilmember Cutrone and a second by Councilmember Krause, the Work Session was adjourned at 9:03 p.m.

Respectfully submitted,

Marilyn B. Bojanowski
Marilyn B. Bojanowski, RMC
Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Kurt Peluso
Deputy Mayor Josh Reinitz
Councilmember Cristina Cutrone

Deputy Mayor Gail Rottenstreich
Councilmember Kris Krause