



**BOROUGH OF FAIR LAWN
MAYOR AND COUNCIL
MEETING MINUTES
WORK SESSION**

WORK SESSION MEETING MINUTES OF FEBRUARY 8, 2022

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

In accordance with the Open Public Meetings Act, adequate notice of this meeting, giving the time, date and information for accessing this public meeting, was sent to 'The Record' on February 5, 2022, was posted on the bulletin board located on the 1st floor of the Municipal Building, was filed in the Office of the Municipal Clerk, and was posted on the Borough's website.

PRESENT: Mayor Peluso, Deputy Mayor Cutrone, Deputy Mayor of Community Affairs Krause and Councilmembers Reinitz and Rottenstrich.

ALSO PRESENT: Manager Van Kruijning, Acting Municipal Clerk Magarelli and Attorney Verrone.

REVIEW OF TENTATIVE AGENDA – February 22, 2022 Meeting

There were no additions to the agenda.

COUNCIL COMMENTS

Councilmember Reinitz:

His committees did not meet so there were no updates tonight. He suggested moving agenda items 10 and 11 up next as CFO Palermo was present.

There was a unanimous consensus to move up agenda items 10 and 11.

Councilmember Rottenstrich:

Planning Board – they held a hearing on the proposed senior housing development on Pollitt Drive. The site plan was unanimously approved by the Board. She stressed the importance of the site plans being adhered to, as there were many conditions and concessions imposed.

Green Team – a Native Bloom event will take place on Sunday at Memorial Park from 2:00 pm to 4:00 pm. It will include a work shop on the importance of native plants and trees. Some tree planting will take place.

Deputy Mayor of Community Affairs Krause:

He reported that the Junior Wrestling Team had just won the Division Title.

Environmental Commission – they are working in conjunction with other environmental groups to expand biking in town and bike routes.

Deputy Mayor Cutrone:

Senior Citizen Advisory Committee – they are planning a Senior Health Resource Fair on May 23rd from 1:30 to 3:30 at the Community Center. They are also working on "Senior to Senior", a program where senior citizens write letters of advice to graduating seniors from Fair Lawn High School. Any senior interested in participating can reach out to the Age Friendly Coordinator, Lisa MacClements.

Community Relations Committee – they are changing their meeting dates to the third Monday of the month. A Holi event is planned for March 20th from 2:00 pm to 5:00 pm. They are busy planning another Community Read and an expanded Pride Day on June 26, which would include closing down a portion of Parmelee Avenue. The flag raising ceremony will be held on the first Tuesday of June. The national theme for Pride Month is "We are Families".

Mayor Peluso:

He and Councilmember Rottenstrich attended the EDC meeting. He met with a local Boy Scout troop. Both the Boy Scouts and Girl Scouts have some great leaders. He also met with a member of the High School's Student Government. It was great seeing the interest in local politics.

EDC FUNDING AGREEMENT 2021/2022

Councilmember Rottenstrich explained they set aside funding for the Main Street program in 2022. They need to have a contact between the Borough and the EDC in order to disperse the funding, so the funding agreement with the EDC needs to be amended.

There was a unanimous consensus to amend the funding agreement with the EDC.

BUDGET SCHEDULING

Councilmember Reinitz noted that after the implementation of their suggested changes at the last budget meeting, Manager Van Kruiningen informed them that they are still at a zero percent tax increase. He proposed that they cancel the budget meeting scheduled for March 1, 2022 and introduce the Budget on

February 22, 2022. The budgets for the various SIDS can be discussed at the March Work Session, as they can be voted on separately.

Upon motion by Councilmember Reinitz and a second by Deputy Mayor Cutrone, it was unanimously agreed to cancel the March 1st Budget Meeting and introduce the Budget at the February 22nd Council Meeting.

Councilmember Reinitz noted there were three items of the budget left to discuss.

Assistant Municipal Tax Collector – he felt they should add the position, even if it isn't filled immediately.

There was a unanimous consensus to add the position of Assistant Municipal Tax Collector.

Budget for Special Events – he felt that since Borough events were so well attended, they should keep the \$50,000 line item as is, provided it did not affect the budget. They can reassess next year to see if it needs to be adjusted.

There was a unanimous consensus to keep the line item for Special Events at \$50,000.

Assistant Municipal Manager – he did not see the need for this position at the current time; they could look at this again next year. He suggested they table this request and take some time to review it further.

There was a unanimous consensus to hold off establishing the position of Assistant Municipal Manager this year.

ORDINANCE ON BANNING ROOSTERS

Councilmember Rottenstrich read highlights of the ordinance drafted by the Health Advisory Committee, which limits the language to "fowl" versus "farm animals". Residents would be required to obtain a \$75 license to have fowl (chickens and roosters) and the fowl would have to be examined by a veterinarian to ensure they were free from any diseases. The number of licenses issued would be limited to fifteen. After that people would have to go on a waiting list. People would need to submit a sketch showing how the fowl were kept and chickens must be enclosed in a coop at night. It would be unlawful to keep a crowing rooster or other screaming or chattering fowl.

Councilmember Reinitz noted the importance of health regulations on animals in the community. Deputy Mayor Cutrone agreed it was appropriate to have more regulations in place for chickens, since they already have regulations regarding

other animals. Councilmember Rottenstrich noted that the regulations were for the protection of the chickens, such as requiring clean facilities for them.

Upon motion by Councilmember Rottenstrich and a second by Councilmember Reinitz, it was unanimously agreed to open the time for public comments on this item.

Joe Sivo, 10-03 5th Street stated that before he built a large chicken coop, he checked with Borough personnel and was told there were no rules or regulations regarding chickens or chicken coops. He expressed concern about the cost of having each chicken inspected by a veterinarian and also about some of the smaller items in ordinance. He could understand the issue of a rooster crowing, although a train blowing its horn at 4:30 am or a dog barking could be louder. Councilmember Rottenstrich clarified that the veterinarian inspection was not required yearly and was only required when the birds came from outside of New Jersey. Otherwise it is a yearly inspection of the site by the Health Officer.

Doris Cotay, 6 Cypress Lane, Hamburg (former Fair Lawn resident) stated she was the founder of the Fair Lawn Backyard Chicken Group on Facebook. She discussed the rules regarding veterinarian requirements, which pertain to when someone is selling poultry, and the various certifications that are required. Hatcheries are also certified by Health Inspectors. Unless it is a certain breed, you cannot immediately distinguish a male chick from a female. The fact that the chicken is alive means it's healthy as unhealthy chicks do not survive long. She felt these rules were unrealistic for backyard chickens that are not being sold for meat.

Martha Carlucci, 2-19 Berdan Avenue felt it would be prejudicial to require a certain amount of space for chickens as some properties in town are smaller. The State allows them to have chicken for food. She noted that a crowing rooster is only a little louder than the speeding cars she hears on her street every day.

Amy at 16-04 Hunter Place stated that chicks cost \$2 - \$5 and full grown chickens start at \$100. They all come with certificates. Most roosters do not exceed the decibel and time length restrictions of the noise ordinance. She brings her rooster in each night and doesn't let him out until 8 am. She explained it could take four to five months to determine the sex and by that time there is an emotional connection, as they regard them as pets. Roosters are also beneficial to chickens and help keep them safe.

Max Huskin, 16-10 Hunter Place stated his child is distracted by the noise from the rooster, which wakes her up. She cannot study because of the noise. He does not like doing this, but his family is frustrated by this situation and it is causing them emotional stress. Their houses are very close to each other; they are not a farmland community. He felt strongly that there should be a regulation regarding

the noise from the rooster and the number of chickens allowed should be limited in proportion to the size of the property.

Pamela Coles, 13-34 George Street. Roosters crow as a means of communication. She once considered getting chickens to drown out the honking cars on River Road and Fair Lawn Avenue. Geese make noise as they fly overhead. They need to have a levelheaded approach about residents who want to have chickens in their yard. There is going to be noise no matter what, so tolerance on both sides is warranted.

Boyd Cotay, 6 Cypress Lane, Hamburg pointed out there was a litigated case in Fair Lawn ten years ago over the right of individuals who owned chickens.

Joe Sivo, 10-03 5th Street asked when the Council would vote on this ordinance. Councilmember Reinitz noted that this was just a draft. There would be other conversations on the matter.

Doris Cotay, 6 Cypress Lane, Hamburg invited everyone to join Fair Lawn Backyard Chickens online and see what type of help and resources the members give each other.

Deputy Mayor Cutrone felt there was a need for some regulations and she agreed that the size of the property should be taken into consideration. Councilmember Reinitz noted there is a limit to the number of dogs a resident can have.

Ms. Cotay stated it is recommended that households have two chickens per person, as not every chicken lays eggs. In the winter, they do not lay eggs as they need 14 to 16 hours of sunlight. Any regulations they draft should refer to backyard chickens and not poultry farms. The State checks deceased chickens for free to make sure they did not die from Avian Flu.

Upon motion by Deputy Mayor Cutrone and a second by Councilmember Reinitz, the time for public comments on this item was closed.

Councilmember Rottenstrich stated she will discuss this further with the Health Advisory Board, and report back at the next Work Session. Mayor Peluso thanked everyone for their feedback.

ORDINANCE ON UNSOLICITED NEWSPAPER

Mayor Peluso discussed the proposed ordinance that was distributed to the Council.

There was a unanimous consensus to introduce the proposed ordinance at the next Council Meeting.

ORDINANCE ON DRIVE THRU ESTABLISHMENTS

Councilmember Reinitz stated he discussed a proposed ordinance on drive thru establishments with the Borough Attorney and CME Associations. Attorney Verrone will circulate a draft of the ordinance prior to the next Work Session.

ORDINANCE ON ELECTRIC VEHICLE CHARGING

Deputy Mayor of Community Affairs Krause stated that Attorney Verrone reviewed the changes to the ordinance requested by the Environmental Commission, which must now be sent to the Planner. Attorney Verrone explained that Enforcement could be handled by an Administrative Official such as the Zoning Officer; it could not be the Borough Manager.

There was a unanimous consensus to have a draft copy of the ordinance sent to the Planner for review, and to revisit this item at the March Work Session.

TRUST FUND GUIDELINES

Deputy Mayor Cutrone stated that while helping a family apply for Human Services funding, she reviewed the paperwork. She felt some sections were vague and the amounts needed updating. There is no assistance for medical bills, only payment of utilities.

Attorney Verrone reviewed her suggested revisions. She included some minimal questions that should be asked of those applying for financial aid. They would also need to clarify the criteria for gift cards, their use and the registration process. Deputy Mayor Cutrone felt the guidelines should be tweaked, sent to the Manager and then be reviewed by the department in charge. They can discuss this again at the March Work Session.

There was a unanimous consensus to have Attorney Verrone make the changes and have the revised policy reviewed by the Manager and Health Department for their input.

NAMING OF BOROUGH FACILITY

Manager Van Kruiningen proposed naming the band shell the "Robert 'Scooter' Young Community Band Shell" in honor of Robert Young, a 32 year Borough employee. Mr. Young has attended every summer concert since its inception and handles the bookings and announcements. It is a well-deserved recognition and he knows Mr. Young will greatly appreciate this honor. He would like to keep this secret until the summer. Mayor Peluso agreed that Mr. Young has done a lot for the Borough, from coaching softball teams to helping out with the Officer Collura Scholarship fundraisers.

There was a unanimous consensus to name the band shell the "Robert 'Scooter' Young Community Band Shell".

PUBLIC COMMENTS

Upon motion by Deputy Mayor of Community Affairs Krause and a second by Councilmember Reinitz, it was unanimously agreed to open the time for public comments.

Pamela Coles, 13-34 George Street asked what constituted a drive through establishment. Councilmember Reinitz stated the proposed ordinance hasn't been presented yet, so they were not certain as to how it would be defined but he assumed it would pertain to mostly food establishments.

Ms. Coles asked who would pay for the electric for the charging station as she did not feel they were equipped to source many vehicles. Deputy Mayor of Community Affairs Krause stated the model ordinance put forward by the Department of Community Affairs is now in effect in all municipalities. He did not know the answer to that question, although there might be a fee. They will be discussing this further at the next Work Session.

Ms. Coles asked if there would be a time limit for parking. Deputy Mayor of Community Affairs Krause indicated it would be 12 hours. Ms. Cole noted that limited the number of cars that could park.

She asked if the Trust Fund guidelines included a time limit as to how long they could collect. Deputy Mayor Cutrone stated they typically ask for one area of assistance, such as help with a rent bill. If someone needs more help, they need to reapply. That is why they are reviewing everything to make sure it is a fair and non-discriminatory practice.

Ms. Coles expressed concern about how cars drive on Fair Lawn Avenue during rush hour. She has also seen drivers making illegal left hand turns.

EXECUTIVE CLOSED SESSION

- a. Pending Litigation
- b. Personnel (Arts Council Appt.)

Motion to go into executive session to discuss matters exempt from the public as duly noticed by Resolution No. 88-2022 was moved by Deputy Mayor of Community Affairs Krause and seconded by Deputy Mayor Cutrone. Motion carried by a roll call vote of 5-0.

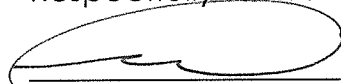
RECONVENE PUBLIC SESSION

Mayor Peluso reconvened the Work Session at 9:26 p.m.

ADJOURNMENT

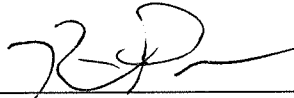
Upon motion by Councilmember Reinitz and a second by Councilmember Rottenstrich, the Work Session was adjourned at 9:27 p.m.

Respectfully submitted,



Nicholas J. Magarelli
Acting Municipal Clerk

The undersigned has read and approved the foregoing minutes.



Mayor Kurt Peluso