



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

WORK SESSION

WORK SESSION MEETING MINUTES OF JUNE 13, 2023

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 and the Herald News on May 30, 2023, 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 Krause, Deputy Mayor of Community Affairs Cutrone and Councilmembers Reinitz and Rottenstrich.

ALSO PRESENT: Manager Van Kruningen, Municipal Clerk Magarelli, Attorney Verrone and CFO Palermo.

EXECUTIVE CLOSED SESSION I RESOLUTION 246-2023

I. Pending litigation

Motion to go into executive session to discuss matters exempt from the public as duly noticed by Resolution No. 246-2023 was moved by Deputy Mayor of Community Affairs Cutrone and seconded by Deputy Mayor Krause. Motion carried by a roll call vote of 5-0.

RECONVENE PUBLIC SESSION

Upon motion by Deputy Mayor of Community Affairs Cutrone and a second by Deputy Mayor Krause, it was unanimously agreed to reconvene the Work Session at 7:53 pm.

REVIEW OF TENTATIVE AGENDA – June 20, 2023 Meeting

Councilmember Rottenstrich stated that the resolution accepting the resignation of the Planning Board attorney was on tonight's agenda and also listed on the June 20th agenda and should be removed.

COUNCIL COMMENTSCouncilmember Reinitz:

There were no reports.

Councilmember Rottenstrich:

Shade Tree Advisory Committee – they met with the owners of Knollcroft Gardens, along with Manager Van Kruijningen and Chief of Staff/OEM Coordinator Alvarez, to discuss mitigation of the trees that were removed. They are having a walk through meeting next Thursday to discuss the details.

Planning Board – they accepted the resignation of the Planning Board attorney and voted to appoint Doug Berne as the new attorney. Last night's meeting and the June 19th meeting on the Nabisco site will be put off until July.

Deputy Mayor of Community Affairs Cutrone:

Senior Advisory Committee – they held a successful Senior Health Resource Fair at the Senior Center.

Community Relations Advisory – they had a successful Pride block party. She thanked the Manager, the Recreation Department, DPW, CFO Palermo and all the departments that helped out. The Juneteenth event will take place at the Community Center at 5:00 pm on June 19th.

She asked about doing a ribbon cutting for the installation of the Wibit (a floating obstacle course with slides) at Memorial Pool. Manager Van Kruijningen reported the new slides will not arrive in time for this season, but there will be diving boards.

Deputy Mayor Krause:

Arts Council – next Wednesday, June 21st is Make Music Day. There are a lot of musical events taking place in different locations/businesses in town.

Mayor Peluso:

He reported that he had officiated several weddings in the Borough.

The Pool Committee is excited about the Wibit and diving boards.

NJDOT BIKE LANE GRANT

Deputy Mayor Krause introduced Ty Fujimura, who has been working with the grant writer on a grant opportunity regarding bike infrastructure.

Mr. Fujimura discussed the requirements of the grant, which is part of a state-wide initiative to build 1,000 miles of dedicated lanes and bike paths. The grant must be used for the construction of these systems.

He gave examples of projects that could be funded. He has been working with the grant writer to begin a rollout of the project. They would apply for the funding in the vicinity of \$150,000 to \$200,000, conduct a pilot project along Fair Lawn Parkway and deploy the remainder of the funds on another project somewhere in town. Although matching funds are not required, he wanted to indicate in the application that the Borough was willing to invest funding to cover design and engineering costs. He would need a resolution authorizing the grant application for the project, which would take place in 2024.

Mayor Peluso asked Manager Van Kruijning if the Fair Lawn Parkway funding was still available. Manager Van Kruijning stated it would come out of roadway improvement funding. Mayor Peluso noted that Mayor White of Saddle Brook is onboard with this project. Deputy Mayor of Community Affairs Cutrone suggested getting a letter of support from Mayor White to include in the grant application.

Mr. Fujimura asked if he could meet with the Borough engineers to get clarity on certain items. Manager Van Kruijning stated he will arrange a meeting.

There was a unanimous consensus to add a resolution to the June 20th agenda authorizing the grant application as discussed above.

PROPOSED AMENDMENTS TO HEALTH DEPARTMENT FEES ORDINANCES (2660-2023)

Health Officer Wagner and Inspector Bailey were present.

Health Officer Wagner explained that the range of fee increases was between \$25 and \$50, with most establishments paying the lower fee. Fees were last increased 10 years ago in 2013.

All food establishment licenses expire at the end of December, with a grace period of the end of January, but some vendors do not pay until May or June.

She wanted to make the price of the Food Handler's permit consistent. The current fee of \$35 for the initial certification and then \$10 a year thereafter was set 20 years ago, and is also based on the number of food handlers working. There are 96 establishments that have under 10 food handlers. The next category is 10 to 19 employees and then 20 to 29. Having to check on the number of food handlers at each establishments delays the licensing process and involves a lot of staff time. Late registrations will now incur a higher fee.

She spoke about the process for new restaurants, which includes a \$100 site review fee and \$50 pre-opening inspection fee. New restaurants are advised not to do any construction work before obtaining the appropriate building permits.

There was a unanimous consensus to move ahead with the amendments to the Health Department Fee Ordinance.

ZONING BOARD REPORT

Deputy Mayor of Community Affairs Cutrone reviewed the recommendations noted in the report, including items pertaining to grandfathering of undersized lots, in-ground pools, strengthening the definition of Home Occupancy, impervious coverage requirements and others. She agreed with the recommendation to have the Planning Board review various items and report back to the Council. She wanted better clarification on mother/daughter homes, as many seniors have inquired about that. Councilmember Reinitz suggested the Planning Board review all the recommendations and report back by October.

Councilmember Rottenstrich stated the Planning Board is very busy. She felt it would be best to create a sub-committee to review the report and make recommendations. She asked Municipal Clerk Magarelli to ask the Planning Board secretary to place this on the July agenda.

HEIGHTS AVENUE PARKING PETITION

Manager Van Kruijning reported that his office sent a letter to the 36 property owners on Heights Avenue, between Harristown Road and Loretto Avenue. Owners were asked if they would like to see a parking restriction put in place or keep parking as is. Thirty responses (83%) did not want timed parking restrictions and six (17%) wanted the two hour parking limit. Some residents who didn't want change did request parking permits for residents so they could park on their own street.

NEW JERSEY FILM INDUSTRY

Ryan Greff, from the Economic Development Corp. (EDC), stated the Film Ready New Jersey Certification given by the New Jersey Motion Picture and Television Commission, helps identify a municipality that can accommodate films.

He reviewed the three steps they must go through: attend a community work shop, designate a film-ready liaison employed by the local government and adopt a formal permit process. After that they will be able to upload pictures of film-worthy places in the Borough and must submit a list of local resources.

There was a unanimous consensus to apply for the Ready New Jersey Certification.

DISABLED VETERAN TAX EXEMPTION APPLICATIONS

- **BLOCK 2514, LOT 10**
- **BLOCK 2318, LOT 1**
- **BLOCK 1804, LOT 22**

Manager Van Kruijning referenced his email dated June 8, 2023, with attached memo and supporting documentation from Tax Assessor Henderson, regarding the above. All three applications are full, 100% disabled veteran tax exemptions.

He noted that the application for Block 2318, Lot 1 had two approval letters that came at the same time, but one was dated May 16, 2023 and the other June 23, 2021. He does not know the reason for the delay. If they use the June 23, 2021 tax exemption date, the refund will be \$19,000. If they make it effective from the May 16, 2023 exemption date, the refund is \$950.00. It was confirmed that the resident legally qualified on June 23, 2021.

There was a unanimous consensus to add a resolution approving the veteran tax exemptions above and make the exemption for Block 2328, Lot 1 retroactive to June 23, 2021.

GREEN AMENDMENT RESOLUTION

Councilmember Rottenstrich asked to pass a resolution supporting the New Jersey Green Amendment, which would put an amendment on the ballot that every resident in New Jersey has a basic right to clean air, water, stable climate and a healthy environment. It would also state that public lands should be considered common property of all the people of New Jersey.

There was a unanimous consensus to add a resolution supporting the New Jersey Green Amendment.

SPOTTED LANTERNFLY PROGRAM 2023 – CHEMICAL CONTROL TREATMENT OPPORTUNITY GRANT

Manager Van Kruijning reported that the State Department of Agriculture is offering a grant up to \$15,000 to combat the spotted lanternfly population. First come, first serve. He can apply for the grant, but it requires the use of approved-use pesticides; however, the Borough has not used pesticides, insecticides or fertilizers on any of their public properties in over 20 years. If they are approved for a grant, they must get outside help as Borough employees are not licensed to do this type of work.

Councilmember Rottenstrich stated that the resolution should reference the use of Dinotefurin, which is the specific product the Arborist had recommended using.

There was a unanimous consensus to add a resolution authorizing a grant application to combat spotted lanternflies.

NEW BUSINESS

Municipal Clerk Magarelli clarified Deputy Mayor of Community Affairs Cutrone's request to have all Councilmembers listed on the Mayor's letterhead.

Manager Van Kruijning reported on the death of the FDNY firefighter, who drowned in Avon, New Jersey trying to save his daughter from drowning. The wake and services are going to be held at Vander Plaats Funeral Home in Fair Lawn. The Borough's Traffic Safety Department will provide assistance with the traffic.

PUBLIC COMMENTS ON GENERAL AND CONSENT AGENDA

Upon motion by Deputy Mayor Krause and a second by Deputy Mayor of Community Affairs Cutrone, the time for public comments was unanimously opened.

Wendy Dabney noted that the County stated the entire town is infested with tree of heaven, which supports the lanternfly, and whose roots contain toxin that kills nearby trees. They will need to treat in every area of the town. The area near Wagaraw Road is especially bad. There is no point to planting new trees in our parks and river banks if they do not get rid of the tree of heaven, which requires a very specific procedure. She did not think it was viable solution to use chemicals and not remove the trees.

She stated the bike routes were first brought to the table by the Environmental Commission and the Columbia Heights Neighborhood Network in 2000. It took five years to get signage on Berdan Avenue and enhanced signs were never added. Bike lanes also add traffic calming and encourage drivers to slow down on busy roads. She also noted the lack of bike racks throughout the town.

Ms. Dabney also commented on the disrepair of several structures on Wagaraw Road, and trash at Fair Lawn Industries, which does not create a good look for an entry area into Fair Lawn. Mayor Peluso stated that they can have the Property Maintenance Officer look into these issues. There has been progress, however, and it is monumental where they are today versus the 1980's.

Deputy Mayor Krause noted that they have inherited roads that were not built for the traffic they are seeing and families with multiple cars. They are trying. He hopes that they will be successful with the bike lane grant.

Ms. Dabney expressed concerns about fire pits during this weather as trees are very dry.

Pam Coles inquired about Resolution 243-2023. CFO Palermo explained that the Health Department was now doing lead paint testing, which involves a fee. A portion of the fee goes into a trust that can be used to purchase anything they need to perform these lead paints tests in one, two or multi-family residential rentals.

Ms. Coles stated that bike lanes come with a slower speed limit so that motorists are aware of the bicycles. She thinks they are great and she enjoys using the bike lanes down the shore.

She thought it was great that they were looking into the Film Industry certification, but they need to take into consideration projects could cause road closures, incur overtime and the need for the Fire Department and Ambulance services.

She stated she was told by the Planning Board to address her questions about the traffic study for the Nabisco property to the Council, but she knows they cannot speak about it. Councilmember Rottenstrich stated that she got the sense that the Planning Board would like an independent study. She discussed it with the Planning Board Engineer, who stated they could recommend someone but could not do it themselves as it was a conflict. Councilmember Reinitz stated the new Board Attorney (who was currently away) should handle it and the applicant should cover the cost.

Ms. Coles asked if they could do a cross ramp over Nabisco for outbound traffic heading towards Paramus. Councilmember Reinitz stated that would have to go through the State, since Routes 208 and 4 are State highways. The Fire Department has been asking for that for years, but they have gotten nowhere in the past 30 years.

There being no further comments, upon motion by Councilmember Rottenstrich and a second by Deputy Mayor of Community Affairs Cutrone, the time for public comments was unanimously closed.

Upon motion by Councilmember Reinitz and seconded by Deputy Mayor of Community Affairs Cutrone, it was unanimously agreed to table Resolution 244-2023 until June 20th.

CONSENT AGENDA 14-2023

Upon motion by Councilmember Rottenstrich and seconded by Deputy Mayor Krause, Consent Agenda 14-2023 containing resolution 242-2023, 243-2023 and 245-2023 the following items was passed by a roll call vote of 0-5.

RESO #	RESOLUTION TITLE
242-2023	Resolution Accepting a Resignation and Filling an Unexpired Term of the Fair Lawn Planning Board
243-2023	Resolution Requesting Director of the Division of Local Government Services for Approval of a Dedication By Rider
245-2023	Resolution Authorizing the Submission of an Application for Cybersecurity Resources from the State and Local Cybersecurity Grant Program for Federal Fiscal Year 2022

EXECUTIVE CLOSED SESSION II – RESOLUTION 247-2023

1. Personnel

Motion to go into executive session to discuss matters exempt from the public as duly noticed by Resolution No. 247-2023 was moved by Councilmember Rottenstrich and seconded by Councilmember Reinitz. Motion carried by a roll call vote of 5-0.

RECONVENE PUBLIC SESSION

Upon motion by Councilmember Rottenstrich and a second by Councilmember Reinitz, it was unanimously agreed to reconvene the Work Session at 9:26 pm.

ADJOURNMENT

Upon motion by Deputy Mayor of Community Affairs Cutrone and a second by Deputy Mayor Krause, the Work Session was unanimously adjourned at 9:27 p.m.

The within minutes were duly approved by the Borough Council at their meeting of July 25, 2023, under Resolution 292-2023

Respectfully submitted,



Nicholas J. Magarelli, RMC
Municipal Clerk

The undersigned has read and approves the foregoing minutes.



Mayor Kurt Peluso