WORK SESSION OF MARCH 10, 2020

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

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

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

Mayor Peluso asked the Council’s permission to move Pending Litigation – Affordable Housing to the Closed Session scheduled at the end of the meeting.

PRESENTATION – PROPOSED DEVELOPMENT AT 15-00 & 19-00 POLLITT DRIVE

Manager Van Kruiningen stated that Stu Liebman was present to represent the developer and provide an update on both properties. He referenced the email sent last week with a draft of a possible change to the ordinance regarding the establishment of a senior housing zone.

Mr. Liebman stated that his client was home ill. She was going to listen in via a phone call.

At the last visit there were conversations about a different type of use that was a senior based living project with an age restriction of 55 and over. Persons under the age of 19 were prohibited from residing, which is typical for senior-type projects. They met with Senior Advisory Committee, and the meeting went very well.

They drafted a zoning ordinance for this type of use, which includes an age limitation and a unit count of about 300 senior apartments, with all related amenities. He asked the Council if they had any questions.

Councilmember Cutrone stated that a member of the Senior Advisory Committee called to say she was very excited about the prospect of this, but is concerned the amenities will result in a high rent that Fair Lawn seniors cannot afford. The resident hoped the price will be in an affordable range. Mr. Liebman stated this has been a topic of conversation at a couple of meetings. It is certainly not intended to be economy units. They have to come up with a pricing structure that will be able to cover the quality product the town would like to see and the developer would like to build, and yet be affordable enough for Fair Lawn residents, although they cannot be given first preference.

Councilmember Krause asked if there was a mechanism in place to satisfy the affordable set aside. Mr. Liebman stated there has not been any discussion yet, although they know there is a relatively new settlement in place in the municipality. They can have a conversation as to what is needed.
Councilmember Krause stated he would like confirmation from the planners as to whether their age-restricted/special needs set aside is being tapped out and that they should have some other mechanism that would just go to family units, which would be very beneficial. Mr. Liebman stated he will have that conversation.

Deputy Mayor Rottenstrich stated that New Jersey Future attended the Planning Board meeting. They suggested that when talking about seniors, they should take all aspects of sustainability into consideration. She would like to see something about green space and walkability. They should also look into the EDC's recent guidelines for the Radburn area, which is close by, so this project can fit into that overall look and feel. Mr. Liebman stated that he will look into it. There are things they could do to tie it in. Green sustainability is a wonderful goal, although it is sometimes very expensive.

Manager Van Kruiningen suggested having Municipal Clerk Bojanowski share the proposed draft ordinance with both the Planning Board and Zoning Boards. They can invite Mr. Liebman back when the Boards have returned the drafts with their opinions.

There was a unanimous consensus to follow the Manager's recommendation as stated above.

Mayor Peluso thanked Mr. Liebman for coming in.

REVIEW TENTATIVE AGENDA

Municipal Clerk Bojanowski stated that she is adding a salary ordinance for a new position in the Zoning Board and a Deputy Registrar.

Manager Van Kruiningen stated he will be adding a resolution regarding New Jersey Government Week. They were working out the details for another purchasing cooperative regarding recreational equipment. Once approved, they will need to do a resolution.

Councilmember Cutrone noted that one of the agenda items is to redo the Arts Council Resolution. Manager Van Kruiningen stated it will be added once it is approved.

COUNCIL COMMENTS

Councilmember Cutrone reported that the Arts Council reviewed the Mural Ordinance and provided feedback, which Attorney Verrone used to make changes. They are planning the second Art in the Park at the end of August.
The Community Relations Committee would like to hold an event with the Anti-Defamation League on April 30th. The Attorney General would be able to attend. This would not be a rally or a vigil but rather a learning event on what to say when you see or hear hateful things or actions. They are attempting to locate a space for the event, which takes place at 7:00 pm. She felt the Community Center would be the best location. Deputy Mayor Reinitz noted that the Center only held 170 people. Councilmember Cutrone felt that was adequate.

She stated that they also formed a sub-committee to begin scheduling the June Pride event. They would still like to do the bunting at Borough Hall, but wondered if they could schedule a flag raising at Berdan Grove, and have some family-friendly events. Manager Van Kruiningen stated there was no flag pole at Berdan Grove, but the Rotary has a flag pole with a Rotary flag and American flag at Memorial Park near the playground area. He could ask the Rotary if they would mind flying the flag for a specific period of time.

Councilmember Cutrone stated that the Community Relations Committee would like to create their own "Hate has no Home" lawn signs to be placed at Borough facilities. She showed the Council a draft of the design. Manager Van Kruiningen stated he will get a price from their printer for a two-sided sign. They may also be able to give a few signs away or sell them for a cost. The Committee now has two co-chairs.

Deputy Mayor Reinitz asked if the Committee has a budget. Councilmember Cutrone stated they have $1,000. Councilmember Krause stated he liked the fact that the sign incorporated the High School colors.

Councilmember Cutrone stated that the second reading for the ordinance banning plastic bags takes place at the next meeting. With the Council’s permission, she would like to send a copy of the ordinance prior to adoption to the Chamber of Commerce. Deputy Mayor Reinitz stated if the businesses have comments it would be better to hear them now rather than later.

Councilmember Cutrone concluded by stating she felt they should utilize their Facebook page not just for meeting dates but also to keep residents better informed about their budget, the No Knock Ordinance or the installation of pickle ball courts or other things they might not know about.

Councilmember Krause noticed that Fair Lawn TV’s You Tube channels do not seem to be updated. Manager Van Kruiningen stated Fair Lawn TV is very limited in staff and capability. Deputy Mayor Reinitz asked if they could get interns in the summer. Manager Van Kruiningen stated they could. They would need to coordinate with Saul Rochman.
Councilmember Krause reported that he attended two meetings of the Environmental Commission. A large portion of the discussion centered on the ban of single use plastic bags. The Commission passed a resolution in favor of the ban. They asked if they could receive a copy of the ordinance to review it.

He concluded by stating he attended a meeting for the Alliance for Substance Abuse Prevention, which will be participating in the Green Day event. They will be purchasing bicycle helmets that will be decorated by the Arts Council. Councilmember Cutrone stated that ending up being too expensive to do.

Deputy Mayor Rottenstrich asked to verify the meeting dates in May, as she had later dates on her calendar. Municipal Clerk Bojanowski confirmed the Work Session was on May 5th and the Council Meeting on May 19th.

Deputy Mayor Rottenstrich reported that the Complete Count Committee received an $8,000 grant from the County to get out the word about the Census. They will be putting up banners around Fair Lawn and it has been included in the digital sign in front of Borough Hall. She is asking Superintendent Norcia to get the word out through the schools. They have done emails, Facebook blasts and videos to help get out the word. Councilmember Cutrone wondered if they could pay to boost some of the social media posts or do ads. Manager Van Kruiningen did not know.

Deputy Mayor Rottenstrich reported that the Shade Tree Committee is updating their five year plan for the Arboretum, which has achieved a number of its goals. She encouraged them to develop five year plans for the trees in the parks and Borough trees and focus on streets where residents need to be encouraged to request trees.

The Green Team is working hard on Green Day. May 16th is the community cleanup day. On May 17th there will be five events. The first event will be led by Assemblywoman Swain at the exercise park at Memorial Park. There will be activities at the Arboretum from 11:00 am to 2:00 pm, and events at the Community Garden, Community Center and Garretson Forge. The final event will take place at 5:00 pm at the Library. The High School designed a graphic map showing the various events and locations and both signs and flyers have been designed by the Arts Council. They are getting ready to launch publicity soon.

Deputy Mayor Reinitz reported that he and Deputy Mayor Rottenstrich attended the EDC meeting last week. They reviewed the Council’s funding decision with the members and explained that it was important to the Council that the EDC knew they supported their work and that it was important to restore some of the funding to ensure that the EDC was able to complete some of their goals. Members of the EDC spoke about starting their surveys of businesses regarding the town-wide SID. There was also a developer present, who has done extensive work in Asbury Park, who expressed interest in potentially developing in Fair Lawn.
The Property Maintenance Committee is meeting tomorrow. Last month they reviewed the letter they received from the Property Maintenance Officer regarding her enforcement policies. There was a robust discussion as to how Fair Lawn, as a community, should be enforcing different portions of the Code, and whether the key was penalties. Mark Spindel reached out to him regarding the use of volunteers from the schools to do fire hydrant painting. He spoke to Manager Van Kruiningen, who will take that under advisement as it is very labor intensive to strip the paint from fire hydrants. The Property Maintenance awards were moved from January and rescheduled for the March 24th Council Meeting.

He concluded by stating he was honored this morning to attend the JIF/MEL Safety Awards Breakfast. He was happy to report that the Borough received a platinum award for getting 100 out of 100 points. He commended Manager Van Kruiningen and his employees for all their hard work and safety efforts, which saves the Borough countless dollars.

Mayor Peluso reported that he met with Superintendent Norcia, as well as members from the school district and local government to discuss the coronavirus. He has been on calls with the Governor's office, as has Health Officer Wagner and members from Superintendent Norcia's staff. They discussed the various actions they will be exploring. He felt Superintendent Norcia was well prepared.

He spoke with a representative from NJ Transit today to discuss parking and traffic issues. He reiterated the Borough's desire to purchase the parking lot by the Radburn Train Station, but did not receive a response. He will do a follow up call.

This morning the Borough received a food pantry donation from the Knights of Pythias, who distributed Shop Rite gift cards. Their donation was greatly appreciated.

**RRIC AND BIC BUDGET DETAIL DISCUSSION**

Manager Van Kruiningen introduced the following people in attendance: Jerry Blankman, Vice President and CEO of Commercial District Services; Beth Ann McDonald, Director of Community Planning and Development for Commercial District Services, the Administrators for both River Road and Broadway Improvement Districts; Rich Noorigian, president of RRIC; and Dan Burke, president of BIC.

Ms. McDonald explained that the budget she was distributing contained three columns. The first column is what has traditionally been submitted to the Council. The middle column contains the details she provided to the Manager and the third column is a more robust version with additional figures. Some of the figures have changed as they have tried to fill in the blanks at the direction of the Board.
Deputy Mayor Rottenstrich noted that the $20,000 line item under Planning and Economic Development for the Borough Parking Study was reduced to $5,000. Mr. Blankman explained it was reduced because the parking study came in at $23,000 and their share as one of five districts would be $5,000. Deputy Mayor Rottenstrich stated she was aware of a River Road parking study with a small expansion east and west of River Road. Manager Van Kruiningen stated they were unsure if that study would be expanded to other areas of town as there were parking issues on Broadway, etc.

Deputy Mayor Rottenstrich noted that funding was moved to unobligated reserve. Ms. McDonald stated they kept the reserve at 15% of the overall budget in case additional items come up this year.

Deputy Mayor Rottenstrich stated she had some questions about Commercial District Services. As suggested by Steve Weinstein, she reached out to Chris Bernardo last fall, but they never connected. She asked why Mr. Weinstein’s name was listed on Commercial District Services’ website under “Financial Services”. Mr. Blankman stated Mr. Weinstein was their accountant.

Ms. McDonald stated she had just joined CES last year. Prior to that, she had 20 years of management experience dealing with improvement districts throughout New Jersey. Most recently she worked in Somerville, where she managed their downtown finances for seven years. She has also worked in Maplewood and in Metuchen.

She stated that Manager Van Kruiningen has provided an assessment listing for them so they can understand what each property is paying and what is happening on each property, the vacancy rate and the type of businesses coming in. They will be moving forward with the Board as to Board capacity and development and reviewing the by-laws. They will also be strengthening communication after they finish updating the data bases.

Deputy Mayor Rottenstrich asked if the websites are going to be updated. Mr. Blankman stated they will be rebuilt. They hope to have a greater social media presence. Deputy Mayor Rottenstrich felt there was tremendous potential, especially with the new development on River Road and the development on Broadway.

**RUTGERS TERRACE PARKING ISSUE**

Manager Van Kruiningen stated that they discussed a petition at the January 14th Work Session from residents on Rutgers Terrace requesting a two hour parking restriction from 8:00 am to 10:00 am. The Police Department followed up with their own letter that went to all residents. The only response the Police received were two questions regarding contractors and temporary services. There was no negative response to adding the restriction on a portion of Rutgers Terrace between Ryder
Road and Sanford Road. However, commuters may just move further down the block. He recommended adding parking restriction on the entire block.

Deputy Mayor Reinitz asked if the letter from the Police mentioned a restriction on a portion of the street or the entire street. Manager Van Kruiningen stated the letter mentioned that the ordinance will make all of Rutgers Terrace on both sides of the street limited parking between 8:00 am and 10:00 am Monday through Friday, excluding Saturday, Sundays and holidays.

Municipal Clerk Bojanowski asked when the ordinance should be added. Manager Van Kruiningen stated the ordinance can be introduced in April and adopted in May.

There was a unanimous consensus to restrict parking from 8:00 am to 10:00 am on Rutgers Terrace in its entirety.

CONSTRUCTION START TIMES

Manager Van Kruiningen stated that at the September 10, 2019 Work Session, they discussed construction start times and days. He updated the list of what nearby towns were doing, and the Borough is in line with every other town. He did not recommend making a change.

There was a unanimous consensus to keep the construction start times as is.

MURAL ORDINANCE

Carried over to April.

YOUTH ADVISORY COMMITTEE

Councilmember Cutrone stated she reached out to Ms. Hayek at the High School and also some students. There seems to be some interest, but she would like to research this further and get language from other towns that have this committee. This was carried over to April.

ANTI-VAPING ORDINANCE

Councilmember Cutrone stated that Municipal Clerk Bojanowski distributed a copy of the ordinance to the Council on February 14, 2020. The ordinance restricts the sale even further and limits what type of establishments can sell. It also requires a license. She will resend the information to the Council so they can discuss at the April Work Session. The State is moving slowly on this, so this would be a way for municipalities to take some positive steps.
DOGS SEIZED

Councilmember Krause referenced the Manager’s email dated March 6, 2020 regarding this matter. He wanted to provide him with an opportunity to discuss this further.

Manager Van Kruiningen reported that he received a consent order dated March 6, 2020, issued by Superior Court in Bergen County, indicating that all 11 dogs were relinquished by the owner and are now in the custody and control of Bergen County Animal Control. Any costs incurred are no longer the Borough’s responsibility. The total for the three days in January, the 29 days in February and March 1 through March 6 came to $27,340. He had budgeted $35,000. The final purchase order for the March dates has been processed. He noted, however, that a Lieutenant in the Police Department is working on the animal cruelty portion of the case, which has been turned over to an Assistant Prosecutor in the Prosecutor’s Office. The Borough can file to attempt to recover some of the cost. He noted they did not receive a bill for the surgery that was necessary for one dog.

He gave an update on the health and well-being of the dogs and stated that seven of the 11 dogs were still in behavior modification so they can be adopted, and two of the 8-week old puppies who were in an experienced foster home have been returned and will be placed for adoption. The other dogs with medical issues are receiving treatment. One dog bit a kennel worker and was placed in confinement for 10 days.

ARTS COUNCIL RESOLUTION

Councilmember Cutrone stated that the Arts Council asked her to discuss the resolution, which read that the Arts Council shall be limited to nine individuals. Upon further review it was noted that the resolution does allow for more than nine members, since the Arts Council has already exceeded that number. Manager Van Kruiningen stated that was not an issue.

RIDGEWOOD WATER EASEMENT REQUEST

Manager Van Kruiningen referenced his email from last week, which included a copy of the Grant of Easement for the proposed water main easement and a water easement plan. Ridgewood Water would like to do a supplemental connection from their system to Passaic Valley as an additional source of water. He noted that Ridgewood Water also serves Glen Rock, Midland Park and Wyckoff. They must come through a small section of Borough property near the Dobrow Complex to do this, but it will not affect the Borough’s system. Engineer/Deputy Manager Garrison has looked at this and corresponded with Ridgewood Water, and it has been approved by all attorneys.
Mayor Peluso asked Manager Van Kruiningen if they have ever reached out to Ridgewood Water as another source of water. Manager Van Kruiningen stated they do not have a large enough source to also provide Fair Lawn.

There was a unanimous consensus to approve Ridgewood Water’s easement request.

BERGEN COUNTY MUNICIPAL PARK IMPROVEMENT GRANT/HISTORIC PRESERVATION PROGRAM GRANT

Manager Van Kruiningen stated that he received notice to submit applications for Year 2020 Funding round. He explained the funding becomes available at the end of the year for use in 2021. He must submit a Declaration of Intent to Apply by Friday, April 3rd, and must submit the full application by Friday, May 15th. The grant requires a 50% match from the Borough. He has met with Superintendent Graff to discuss any projects. He asked the Council if anyone had any specific interests, keeping in mind that they share the fund with seven or eight other municipalities.

He noted there was a discussion once about the small property on Berdan Avenue. Although it is owned by the Board of Education, they need Borough approval to do anything with the land. There was talk about putting in a passive park or some sort of outdoor classroom.

Deputy Mayor Reinitz asked if the funding could be used for street hockey needs. Manager Van Kruiningen stated they will be resurfacing the street hockey court in a few weeks.

Councilmember Cutrone asked if they could use the funding for the dog park they discussed with the County. Manager Van Kruiningen stated that the County applies for their own projects. He is looking for projects specific to the Borough. Mayor Peluso stated that if the County gives them the land for the dog park, they might require that the Borough install the fencing and other items. Deputy Mayor Reinitz suggested doing something at Walsh Pool. Manager Van Kruiningen stated he will be speaking with Superintendent Graff and Assistant Superintendent Homa to see if they have any requests.

Deputy Mayor Rottenstrich asked if the County is doing anything with the tennis courts in Saddle River Park, which were in horrible condition. Manager Van Kruiningen felt that if the County wasn’t going to renovate them, the courts should just be removed and the area brought back to green.

Deputy Mayor Rottenstrich asked about the timeline of the Naugle House. Manager Van Kruiningen explained that there were two grants that were awarded through the County’s Historic Preservation program. The first grant was for the initial stabilization
and exterior work, which is about 90% completed. The second phase was to do some interior work such as a new staircase and new heating system. The County has informed him that they cannot file for the third and final phase of the renovation project until they complete Phase 2. The final phase for landscaping, walkways and signage will cost about $100,000. Then they will have to decide how to use the house, whether it be used as a meeting room, concession or something similar to the Cadmus House with pictures and such. It is too early to decide and they also have to keep in mind the house is very small.

WATER RATE STUDY PROPOSAL

Manager Van Kruiningen discussed the proposal received from Howard J. Woods, Jr. and Associates regarding a study of the Borough’s current water rate and water fixed charges, which also included a resume and breakdown of costs. He and Engineer/Deputy Manager Garrison met with Mr. Woods for over an hour. He recommended accepting the proposal in the amount of $14,700. Funding will be taken directly out of the Water Budget. Mr. Woods will prepare a draft report that will be provided to the Council prior to Mr. Woods attending a Work Session.

Councilmember Cutrone asked if other proposals were looked at. Manager Van Kruiningen heard from numerous agencies that Mr. Woods is a national expert in this area.

There was a unanimous decision to approve an agreement with Howard J. Woods, Jr. and Associates for a Water Rate Study.

RESOLUTION NO. 124-2020 – SUBMISSION OF THE STRENGTHENING PUBLIC HEALTH CAPACITY GRANT

There being no comments, upon motion by Councilmember Cutrone and a second by Deputy Mayor Rottenstrich, Resolution No. 124-2020 was unanimously passed.

PUBLIC COMMENTS

Craig Miller, 5 Ramapo Terrace suggested removing the third hockey court and applying for a grant for an ice skating rink.

He thanked the Police Chief, the Police Department and the Council for the Police Ride-Along Program. He enjoyed it.

CLOSED SESSION RESOLUTION

Upon motion by Councilmember Krause and a second by Deputy Mayor Reinitz, the following closed session resolution was unanimously adopted at 8:42 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 Personnel – Historic Preservation Commission, Senior Citizen Advisory Committee, Arts Council or Green Team and Municipal Clerk; 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 Cutrone and a second by Councilmember Krause, the Work Session was adjourned at 9:13 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 Rottenstrich

Councilmember Kris Krause