



BOROUGH OF FAIR LAWN
MAYOR AND COUNCIL MEETING
MINUTES

COUNCIL MEETING MINUTES JUNE 20, 2023

Mayor Peluso called the meeting to order at 7:31 p.m.

Municipal Clerk Magarelli reads Statement of Compliance

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 advertised in 'The Record' and 'The Herald' newspapers 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 Cutrone, Deputy Mayor of Community Affairs Krause, Councilmember Rottenstrich and Councilmember Reinitz.

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

FLAG SALUTE

PRESENTATIONS AND PROCLAMATIONS

Mayor Peluso read the Proclamation honoring the Fair Lawn Volunteer Ambulance Corps for 75 Years of Service, 1948 to 2023. Former Fair Lawn Mayor and current Assemblyperson Lisa Swain also presented a Proclamation on behalf of the 38th Legislative District. Ambulance Corps Chief David Epstein and numerous members of the Corps accepted the Proclamations.

COUNCIL COMMENTS

Councilmember Reinitz

He congratulated the Fair Lawn Volunteer Ambulance Corps and thanked them for their service to the Community. He congratulated the Pepitone brothers on their achievement at the Special Olympics. He also thanked everyone involved in the following events: Chamber of Commerce Street Fair; Memorial Day Parade and the Community Relations Advisory Committee's Pride Event. He is proud of Fair Lawn's diversity.

Councilmember Rottenstrich

She congratulated the Fair Lawn Volunteer Ambulance Corps and thanked them for their service to the Community. She congratulated Former Mayor John Cosgrove on his appointment as Rotary District Governor. She thanked the Community Relations Advisory Committee for both the Pride Event and the Juneteenth Event. She was honored to attend numerous business openings this week to include Shop Rite on Maple Avenue and

the re-opening of Glen Toyota, also on Maple Avenue. She also had the pleasure at dining at the former Empress Diner, which is now called the "Fair Lawn Diner". She congratulated Kevin and Joe Peptone on the medals they earned at the Special Olympics.

Deputy Mayor Cutrone

She congratulated the Ambulance Corps and thanked them for their service and their continued support to the Community. She also recognized the Pepitone brothers for their great achievements. She congratulated all Teachers, Students and Staff on another successful school year and wished them all a well-deserved break. She was honored, as always, to attend the Borough's Memorial Day parade and ceremony and thanked those who sacrificed so much for our freedom.

She is honored to be Council Liaison to the Borough's Community Relations Advisory Committee and wanted to thank them, their Pride sub-committee, the Fair Lawn Library and everyone else that assisted with the Borough's Pride Party event. She also thanked the Community Relations Committee, their Juneteenth sub-committee, the Arts Council for a very successful, first-annual, Juneteenth event.

She reminded residents that the Borough's Fireworks Show will be held at Memorial Pool on June 29th; and that the Farmers Market is open every Wednesday at the Arboretum on Fair Lawn Avenue from 11:00 a.m. to 3:00 p.m.

Deputy Mayor Krause

He reminded residents that Fair Lawn's Make Music Day will be held tomorrow, Wednesday, June 21st. He thanked the Community Relations Committee for their work on both the Pride and Juneteenth events. He congratulated the Pepitones brothers. He gave an acknowledgement to the Ambulance Corp on their years of service. He closed his comments by congratulating everyone on a successful school year.

Mayor Peluso

He congratulated and thanked our Ambulance Corps. He congratulated the Pepitones brothers on their merits. He thanked the Chamber of Commerce on a successful Street Fair.

He thanked the town employees that helped with the Memorial Day parade. He thanked the Veterans and the Scouts for all they did throughout the weekend with various ceremonies. He most of all he gave thanks to the forty-seven residents who paid the ultimate sacrifice and gave their life for our freedom.

He thanked the Community Relations Advisory Committee and the Arts Council for their work on both the Pride and the Juneteenth events.

He wished everyone a very Happy Fathers Day

He was please to attend two grand openings: Glen Toyota and Shop Rite

He looked forward to the upcoming summer events to include the Summer Concerts, the Fireworks and of course, Memorial Pool.

MAIN STREET MINUTE

Main Street Intern Sebastian gave the following update of Fair Lawn Main Street, Inc.:

They were happy to sponsor the Borough's Juneteenth event.

New Jersey Main Street Trusties visited both the River Road and Broadway districts.

Fair Lawn Main Street participated in a tour of the State's original Main Street initiative, Somerville, New Jersey.

They attending the grand openings of both the remodeled Glen Toyota and the relocated Shop Rite.

They will be attending a meeting on workforce development.

ORDINANCE ON FIRST READING

ORD. #2660-2023

AN ORDINANCE TO AMEND CHAPTER 94, FEES, ARTICLE VI, SCHEDULE OF FEES OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000

Mayor Peluso asked for a motion that Ordinance No. 2660-2023 be passed on re-introduction, advertised according to law and that a public hearing be held on July 25, 2023.

Upon motion by Deputy Mayor Krause, seconded by Councilmember Reinitz, Ordinance 2660-2023 was introduced on first reading and carried by a roll call vote of 5-0.

ORD. #2673-2023

AN ORDINANCE AMENDING SALARY ORDINANCE 2602-2021, FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED-DEPARTMENT HEADS- POLICE CHIEF

Mayor Peluso asked for a motion that Ordinance No. 2673-2023 be passed on introduction, advertised according to law and that a public hearing be held on July 25, 2023.

Upon motion by Councilmember Reinitz, seconded by Deputy Mayor of Community Affairs Cutrone, Ordinance 2673-2023 was introduced on first reading and carried by a roll call vote of 5-0.

ORDINANCE ON SECOND READING**ORD. #2670-2023**

AN ORDINANCE SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN TO ADD A NEW ARTICLE XX, FIRE WATCH PROGRAM OF CHAPTER 13, FIRE DEPARTMENT OF THE CODE OF THE BOROUGH OF FAIR LAWN

Motion to open the meeting to public comments on Ordinance No. 2670-2023 only was moved by Councilmember Rottenstrich, seconded by Councilmember Reinitz and carried unanimously.

There being no public comments, motion to close the meeting to public comments on Ordinance No. 2670-2023 only was moved by Deputy Mayor Krause, seconded by Councilmember Reinitz and carried unanimously.

Motion to adopt Ordinance No. 2670-2023 on second and final reading was moved by Councilmember Reinitz, seconded by Deputy Mayor Krause and carried by a roll call vote of 5-0.

ORD. #2671-2023

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE XIII, OFFICE OF EMERGENCY MANAGEMENT, MORE SPECIFICALLY SECTION 2-81.3, "DIVISIONS" OF THE CODE OF THE BOROUGH OF FAIR LAWN

Motion to open the meeting to public comments on Ordinance No. 2671-2023 only was moved by Deputy Mayor Krause, seconded by Councilmember Reinitz and carried unanimously.

There being no public comments, motion to close the meeting to public comments on Ordinance No. 2671-2023 only was moved by Councilmember Rottenstrich, seconded by Deputy Mayor Krause and carried unanimously.

Motion to adopt Ordinance No. 2671-2023 on second and final reading was moved by Deputy Mayor Krause, seconded by Councilmember Reinitz and carried by a roll call vote of 5-0.

ORD. #2672-2023

AN ORDINANCE TO AMEND CHAPTER 94, FEES, ARTICLE VI, SCHEDULE OF FEES OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000

Motion to open the meeting to public comments on Ordinance No. 2672-2023 only was moved by Councilmember Reinitz, seconded by Deputy Mayor Krause and carried unanimously.

There being no public comments, motion to close the meeting to public comments on Ordinance No. 2672-2023 only was moved by Councilmember Rottenstrich, seconded by Councilmember Reinitz and carried unanimously.

Motion to adopt Ordinance No. 2672-2023 on second and final reading was moved by Deputy Mayor Krause, seconded by Deputy Mayor of Community Affairs Cutrone and carried by a roll call vote of 5-0.

PUBLIC COMMENTS ON CONSENT AGENDA 15-2023 ITEMS ONLY

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

Pamela Coles asked about *Resolution 257-2023, Resolution Awarding Contract for Bioxide, Bioxide AE Chemicals to Evoqua Water Technologies, LLC* and wanted to know if Bioxide was used to clean the Borough's water system. Borough Manager Van Kruiningen answered Ms. Coles by informing her that Bioxide is used to neutralize sewer odors. Ms. Coles then asked about *Resolutions 259-2023 Resolution Approving Change Order with Reivax Contracting Corp. for Bellair Roadway Improvements 2022 – Project #2362 and relating Resolution 260-2023 Resolution Authorizing Release of Performance Bond for Project #2362 Bellair Avenue Roadway Improvements 2022 to Reivax Contracting Corp.*, specifically asking what the two resolutions were for. The Borough Manager also answered these questions and explained that the change order for the 2022 Roadway Improvement job was actually a cost savings to the Borough as the completed job cost less than originally anticipated. As far as 260-2023, the Borough Manager explained that certain contracts require a Performance Bond and upon the satisfactory completion of the contracted task, the Performance Bond is released. Ms. Coles then inquired about *Resolution 267-2023 Resolution Authorizing a Retainer Agreement with a Team of Environmental Law Firms to Investigate and Assess Potential Claims Against Various Defendants Related to PFAS Contamination Affecting Borough Wells and to Provide Legal Representation in any Civil Action as may be filed on Behalf of the Borough*, specifically asking if the Borough was being sued. Borough Attorney Verrone responded to Ms. Coles and informed her that the Borough was not being sued and this was a class-action lawsuit against various companies that caused contamination and the Borough may be entitled to compensation. Lastly, Ms. Coles asked about *Resolution 272-2023 Resolution Authorizing Disposal of Surplus Property by Auction on Govdeals*, as far as what was considered surplus property. Municipal Clerk Magarelli responded to Ms. Coles and informed her that the Borough has to attempt to auction property, meaning belongings, such as vehicles, computers, printers, etc... prior to disposing of it. Ms. Coles was satisfied and had no further questions.

There being no more comments from the public, upon motion by Deputy Mayor Krause a second by Councilmember Reinitz the time for public comments on Consent Agenda items only was unanimously closed.

RESOLUTIONS BY CONSENT 15-2023

Municipal Clerk Magarelli read the Resolutions by Consent

Upon motion by Deputy Mayor of Community Affairs Cutrone a second by Councilmember Rottenstrich, Consent Agenda 15-2023 containing the following items was carried by a roll call vote of 5-0.

RESO#	TITLE
248-2023	Resolution in Support of the "Green Amendment" to the New Jersey State Constitution
249-2023	Resolution Authorizing Employment Agreement with Chief Of Police Glen Cauwels
250-2023	Resolution Approving Meeting Minutes
251-2023	Resolution Authorizing Tax Overpayment Refund
252-2023	Authorize Liquor License Renewal
253-2023	Resolution Authorizing the Construction of Pickleball Courts with Related Materials, Supplies, Installation and Services Under National Cooperative Contract
254-2023	Resolution Authorizing the Execution of a Memorandum Of Understanding Agreement with the County of Bergen for Childhood Lead Exposure Prevention Project (CLEP)
255-2023	Resolution Approving Contract with Ives Architecture Studio For Construction Advisor Services Elevator Upgrades at Fair Lawn Public Library
256-2023	Resolution Authorizing Plymouth Park Pharmacy To Provide Influenza Vaccinations To Borough Employees, Emergency Responders, Senior Citizens And Pre-Approved Residents
257-2023	Resolution Awarding Contract for Bioxide, Bioxide AE Chemicals to Evoqua Water Technologies, LLC
258-2023	Resolution Awarding Contracts for Tree Planting Services to Louis Barbato Landscaping, Inc, as Primary Contractor, and Downes Tree Service Company, Inc, as Secondary Contractor
259-2023	Resolution Approving Change Order with Reivax Contracting Corp. for Bellair Roadway Improvements 2022 – Project #2362
260-2023	Resolution Authorizing Release of Performance Bond for Project #2362 Bellair Avenue Roadway Improvements 2022 to Reivax Contracting Corp
261-2023	Resolution Authorizing the Purchase of Aquatic Playground Equipment, Accessories and Installation from Commercial Recreation Specialists for Memorial Pool Sportspark
262-2023	Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Banta Place Improvements Project.
263-2023	Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Fair Lawn Bikeway Network Construction Project
264-2023	Authorizing the Construction of a Foundation for the Fire Training Center from Joseph M. Sanzari Inc. under Bergen County Cooperative
265-2023	Resolution Authorizing Execution of an Agreement with the Neglia Group for GIS and Data Management Services for the Lead Water Service Line Removal Project
266-2023	Resolution Authorizing Execution of an Agreement with Abernathy Schwartz Partners LLC, DbA Blueconduit for Professional Services Related to the Lead Water Service Line Inventory And Replacement Project

- 267-2023 Resolution Authorizing a Retainer Agreement with a Team of Environmental Law Firms to Investigate and Assess Potential Claims Against Various Defendants Related to PFAS Contamination Affecting Borough Wells and to Provide Legal Representation in any Civil Action as may be filed on Behalf of the Borough
- 268-2023 Resolution Authorizing Tax Refund for Disabled Veteran Block 2514, Lot 10
- 269-2023 Resolution Authorizing Tax Refund for Disabled Veteran Block 2318, Lot 1
- 270-2023 Resolution Authorizing Tax Refund for Disabled Veteran Block 1804, Lot 22
- 271-2023 Resolution Approving Fire Department Action
- 272-2023 Resolution Authorizing Disposal Of Surplus Property By Auction On Govdeals

NEW BUSINESS

Borough Manager Van Kruijning announced that the new playground at Beaverdam Park was now complete.

PUBLIC COMMENTS

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

Pamela Coles shared her congratulations to the Pepitone brothers on their medals.

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

EXECUTIVE CLOSED SESSION – RESOLUTION 273-2023

Municipal Clerk Magarelli read Executive Closed Session Resolution 273-2023.

Upon motion by Deputy Mayor Krause and a second by Councilmember Reinitz, Resolution No. 273-2023 was carried by a roll call vote of 5-0 at 8:17 p.m.

- a. *Personnel*
- b. *Pending Litigation*

RECONVENE PUBLIC SESSION

Upon motion by Councilmember Reinitz and a second by Deputy Mayor Krause, the meeting was reconvened to public session at 8:25 p.m.

RESOLUTION 274-2023 - RESOLUTION AUTHORIZING SETTLEMENT IN THE MATTER OF KETTY GARCIA ET AL. V. BOROUGH OF FAIR LAWN, ET AL.

Municipal Clerk Magarelli introduced Resolution 274-2023 by title.

Upon motion by Deputy Mayor Krause and a second by Deputy Mayor Cutrone, Resolution No. 274-2023 was carried by a roll call vote of 5-0

ADJOURNMENT

Upon motion by Deputy Mayor Cutrone and second by Councilmember Rottenstrich, the meeting was adjourned at 8:26 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