



BOROUGH OF FAIR LAWN
MAYOR AND COUNCIL MEETING
MINUTES

COUNCIL MEETING MINUTES OF NOVEMBER 22, 2022

Mayor Peluso called the meeting to order at 7:32 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 March 2, 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, Councilmember Rottenstrich and Councilmember Reinitz.

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

FLAG SALUTE

Mayor Peluso asked for a moment of silence for the victims of the Club Q mass shooting.

PROCLAMATIONS

Mayor Peluso read a proclamation for Family Court Awareness.

MAIN STREET MINUTE

Ryan Greff gave an update on the various programs the Fair Lawn EDC has been offering.

PRESENTATION OF POLICE RE-ACCREDITATION

Chief Glen Cauwels & Lieutenant James Krizek received their 3rd re-accreditation by New Jersey State Association of Chiefs of Police and the NJ Law Enforcement Accreditation Commission.

COUNCIL COMMENTS

Councilmember Reinitz

He attended the Veteran's Day Celebration and said how important Fair Lawn Veterans are to the Council.

He thanked the Municipal Clerk's office for all their hard work with the elections. He congratulated the Police Department for their accreditation. He encourages residents to contribute to the food pantry. He also encourages residents to participate in Small Business Saturday.

He spoke about two development proposals, he believes will be passed at tonight's meeting, which will be very beneficial to Fair Lawn. This will revitalize our town in ways that haven't been done in about 50 years.

He wished everyone a Happy Thanksgiving.

Councilmember Rottenstrich

She echoed the words of Councilmember Reinitz. She is so grateful to be on the Council. She feels that they are all so lucky to be in such a great town as Fair Lawn. She went to an Interfaith Thanksgiving Service and feels that they have created an atmosphere of kindness and love in Fair Lawn.

Deputy Mayor Krause

He echoed the comments on congratulating the Police Department on the re-accreditation.

He is also very thankful for Fair Lawn and every single year he lives here it is more impossible to see himself living or raising his children anywhere else.

He attended the Military Monument dedication ceremony and it was a great ceremony. He also attended the Sunrise Rotary Santucci family fund raiser and they were successful in raising enough funds and finding a van for them. The Knights of Columbus had a sauce completion that also raised funds for the Santucci family and First Responders. He attended the Interfaith Thanksgiving Service and was very appreciative of the community coming together.

He congratulated the Fair Lawn Football Association Cheerleaders 1st through 8th grade, who won 1st place in competitions.

Annual Holiday Parade is December 4th at 7:00 pm.

Deputy Mayor Cutrone

She echoed the congratulations to the Police Department and the Municipal Clerk's office, as well as our poll workers, for all their hard work on Election Day. She thanked everyone who voted.

Fair Lawn for All Ages is having the Holiday Lights Competition for the second year. There are houses across the town participating and you will be able to vote online. There will be two Holly Trollies for older adults to take them to the final four and they will vote who will be the winner. Please see our website for details. We were awarded another \$35,000.00 grant for the Age Friendly Initiative Grant for the third year.

She thanked the Radburn Girl Scout Troop that came to have a tour of the Borough Hall.

She attended the Thanksgiving Interfaith Dinner and the Diwali events in town and she feels this what helps make Fair Lawn an inclusive town.

She spoke about the attacks in Colorado Springs and how this was a hate crime. She wished everyone a Happy and Healthy Thanksgiving.

Mayor Peluso

He spoke about the many awards that Fair Lawn has received this year.

He echoed the thanks to the Municipal Clerk's office and all that helped with Election Day. He thanked Veteran's Liaison, Ashley Luther for a great Veteran's Day event. He thanked Sunrise Rotary for all their efforts in the fund raiser for the Santucci family. He also thanked the Knights of Columbus for their sauce fundraiser that contributes to the Santucci Family and our First Responders.

He attended the League of Municipalities with Councilmember Rottenstrich. They acquired a lot of useful information especially on the topic of Affordable Housing.

He encouraged the residents to shop locally. His family will be giving each other gifts from a Fair Lawn business.

ORDINANCE ON FIRST READING

ORD. #2642-2022

AN ORDINANCE TO AMEND CHAPTER 170, PROPERTY MAINTENANCE, ARTICLE I, PROPERTY MAINTENANCE STANDARDS, OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000

Upon motion by Deputy Mayor of Community Affairs Krause, seconded by Councilmember Reinitz, Ordinance 2642-2022 was introduced on first reading and carried by a roll call vote of 5-0.

ORD. #2643-2022

AN ORDINANCE AMENDING CHAPTER 62, ANIMALS, ARTICLE VI, ENTITLED, "REGULATIONS GOVERNING THE KEEPING OF FOWL," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN 2000

Upon motion by Councilmember Rottenstrich, seconded by Deputy Mayor Cutrone, Ordinance 2643-2022 was introduced on first reading and carried by a roll call vote of 5-0.

ORD. #2644-2022

AN ORDINANCE OF THE BOROUGH OF FAIR LAWN ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY KNOWN AS BLOCK 4903, LOT 2 LOCATED AT 22-11 ROUTE 208, ALSO KNOWN AS THE FORMER NABISCO SITE, PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.

Upon motion by Deputy Mayor Cutrone, seconded by Councilmember Reinitz, Ordinance 2644-2022 was introduced on first reading and carried by a roll call vote of 5-0.

ORDINANCE ON SECOND READING

ORD. #2637-2022

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, DEPARTMENTS AND BUDGET AND FISCAL PROCEDURES, ARTICLE XIII, OFFICE OF EMERGENCY MANAGEMENT, OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000

Motion to open the meeting to public comments on Ordinance No. 2637-2022 only was moved by Councilmember Reinitz, seconded by Deputy Mayor of Community Affairs Krause and carried unanimously.

Seeing no requests for comment, Mayor Peluso asked for a motion to close the meeting to comments from the public on this ordinance only.

Motion to close the meeting to public comments on Ordinance No. 2637-2022 only was moved by Deputy Mayor Cutrone, seconded by Councilmember Reinitz and carried unanimously.

Motion to adopt Ordinance No. 2637-2022 on second and final reading was moved by Deputy Mayor of Community Affairs Krause, seconded by Councilmember Rottenstrich and carried by a roll call vote of 5-0.

ORD. #2639-2022

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, ADMINISTRATION, DEPARTMENTS AND BUDGET, AND FISCAL PROCEDURES, ARTICLE XVIII, NONDEPARTMENTAL OFFICES AND BOARDS, COMMISSIONS AND COMMITTEES, OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, TO CREATE A NEW SECTION 2-109.4, ENTITLED "FAIR LAWN COMMUNITY GARDEN COMMITTEE"

Motion to open the meeting to public comments on Ordinance No. 2639-2022 only was moved by Deputy Mayor Cutrone, seconded by Councilmember Reinitz and carried unanimously.

Seeing no requests for comment, Mayor Peluso asked for a motion to close the meeting to comments from the public on this ordinance only.

Motion to close the meeting to public comments on Ordinance No. 2639-2022 only was moved by Deputy Mayor of Community Affairs Krause, seconded by Deputy Mayor Cutrone and carried unanimously.

Motion to adopt Ordinance No. 2639-2022 on second and final reading was moved by Councilmember Rottenstrich, seconded by Councilmember Reinitz and carried by a roll call vote of 5-0.

ORD. 2640-2022

AN ORDINANCE BY THE BOROUGH OF FAIR LAWN IN BERGEN COUNTY, NEW JERSEY PERMITTING THE OPERATION OF DRIVE THROUGH RESTAURANTS AS AN OVERLAY ZONE WITHIN ITS GEOGRAPHICAL BOUNDARIES

Motion to open the meeting to public comments on Ordinance No. 2640-2022 only was moved by Deputy Mayor of Community Affairs Krause, seconded by Councilmember Reinitz and carried unanimously.

Kyle Mendelshon, 9-02 Henderson Blvd., made comments about how he thinks that drive-thru' s are more of an urban thing and shouldn't be here in Fair Lawn.

Pamela Coles, 13-34 George Street, stated her opinion on how she feels our surrounding towns do not have drive-thru' s on this corridor. She does not support this ordinance and doesn't believe they belong here.

Seeing no more requests for comment, Mayor Peluso asked for a motion to close the meeting to comments from the public on this ordinance only.

Motion to close the meeting to public comments on Ordinance No. 2640-2022 only was moved by Councilmember Reinitz, seconded by Deputy Mayor Cutrone and carried unanimously.

Motion to adopt Ordinance No. 2640-2022 on second and final reading was moved by Councilmember Reinitz, seconded by Deputy Mayor of Community Affairs Krause and carried by a roll call vote of 3-2.

Councilmember Rottenstrich stated for the record that she doesn't support this ordinance. She feels that a drive-thru is hazardous for pedestrians, terrible for traffic and idling cars will add pollution.

Deputy Mayor of Community Affairs Krause explained that this ordinance is not to encourage drive thrus, it is an ordinance that sets forth standards under which a drive thru would have to satisfy before it is allowed. It also provides this Council with the power to revoke a license of a drive thru if it is problematic.

Deputy Mayor Cutrone echoed the comments by Councilmember Rottenstrich and those are the same reasons she is not supporting this ordinance.

Mayor Peluso echoed the comments of Deputy Mayor of Community Affairs Krause. He believes that this is an extremely important tool for the Council.

ORD. 2641-2022

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF FAIR LAWN ADOPTING A REDEVELOPMENT PLAN FOR THE PROPERTY KNOWN AS BLOCK 3726, LOTS 2, 3, 5, 5.01 AND 6 LOCATED ON FAIR LAWN AVENUE AND PLAZA ROAD, PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.

Motion to open the meeting to public comments on Ordinance No. 2641-2022 only was moved by Deputy Mayor Cutrone, seconded by Deputy Mayor of Community Affairs Krause and carried unanimously.

Tony Swierczewski, 7-28 Fern Street, asked the Council to please consider traffic and parking when creating this development plan.

Mayor Peluso explained that they are taking into account the parking. Deputy Mayor Cutrone explained that this plan will have underground parking.

Pam Coles, 13-34 George Street, made stated that the units have gone from 130 to 145 units. Radburn is an historic district and she asks the Council to be mindful of this district. She asks if it can be constructed so that it does not obstruct the view of the clock tower.

Mayor Peluso stated that the units went from 130 to 145 was due to affordable housing requirement. He also stated that they are encouraging these affordable housing be for veterans. Councilmember Reinitz explained that the footprint of the building is the same even with the additional buildings.

Howard Marks, 12-23 Ferry Heights, thinks that the one thing that is needed is a supermarket. Mayor Peluso said that they spoke to the developer about trying to encourage a small food chain to come in. Councilmember Reinitz stated that they can't really control if a large supermarket would go there.

Kyle Mendelshon, 9-02 Henderson Blvd, asked how many stories this building will be. Deputy Mayor Cutrone said 4 including commercial. He also asked if the Fire Department is aware of the size of this building. Mayor Peluso explained that there is someone from the Fire Department on the Planning Board so they do have input into it.

Seeing no more requests for comment, Mayor Peluso asked for a motion to close the meeting to comments from the public on this ordinance only.

Motion to close the meeting to public comments on Ordinance No. 2641-2022 only was moved by Deputy Mayor Cutrone, seconded by Deputy Mayor of Community Affairs Krause and carried unanimously.

Motion to adopt Ordinance No. 2641-2022 on second and final reading was moved by Councilmember Rottenstrich, seconded by Deputy Mayor Cutrone and carried by a roll call vote of 5-0.

Councilmember Rottenstrich stated that this development will be something we will all be proud of and will be good for Fair Lawn.

Mayor Peluso explained that this has been many years in the making and he believes this is the best we are going to get. He said that they will have a town meeting about Affordable Housing and development to explain all the laws and rules they have to follow.

PUBLIC COMMENTS ON CONSENT AGENDA 15-2022 ITEMS ONLY

Motion to open the meeting to public comments on Consent Agenda 15-2022 items only was moved by Deputy Mayor of Community Affairs Krause, seconded by Councilmember Reinitz and carried unanimously.

Pam Coles, 13-34 George Street, asked if 346-2022 was the one that was previously talked about. They said yes.

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

RESOLUTIONS BY CONSENT 15-2022

Municipal Clerk Magarelli read the Resolutions by Consent statement.

Upon motion by Deputy Mayor Cutrone and a second by Councilmember Reinitz, Consent Agenda #15-2022 containing the following items was carried by a roll call vote of 5-0.

RESO #	RESOLUTION TITLE
342-2022	Resolution approving Fire Department Actions
343-2022	Resolution approving Meeting Minutes
344-2022	Resolution appointing member to Shade Tree Committee
345-2022	Resolution authorizing 2023 Massage Licenses

- 346-2022 Resolution requesting the Director of Local Government Services to Approve the Insertion of an Item of Revenue in the Budget Year 2022, in the Sum of \$ 7,346.43, From the National Opioid Settlement Fund
- 347-2022 Authorizing Transfer of Funds
- 348-2022 Resolution authorizing Tax Refund for Disabled Veteran, Block 5507, Lot 11
- 349-2022 Resolution authorizing issuance of a tax appeal settlement refund for Block 3315, Lot 23
- 350-2022 Resolution authorizing the submission of a Strategic Plan for the Fair Lawn Municipal Alliance Grant for Fiscal Year 2024
- 351-2022 Resolution authorizing the application of a County of Bergen Community Development Grant for Roadway Improvements for Fiscal Year 2023-2024
- 352-2022 Resolution authorizing the procurement of Municipal Court Debt Collection Services through Competitive Contracting Under the Local Public Contracts Law
- 353-2022 Resolution authorizing the increase in costs for EMS Utility Response Truck
- 354-2022 Resolution authorizing a Professional Planning Services Contract with CME Associates to Update the Borough's Existing Environmental Resource Inventory
- 355-2022 Resolution authorizing a Professional Services Contract with HMR Architects for Architectural Services for Rehabilitation – Phase II of the Naugle-Vanderbeck House
- 356-2022 Resolution Rejecting Bid Received From Univar Solutions Usa, Inc. On November 18, 2022 For Purchase Of Chlorine
- 357-2022 Approving Settlement Agreement - Ferlanti
- 358-2022 Resolution authorizing release of performance guarantee for site improvements at Cohen Plaza, LLC, 11-16 Plaza Road, Block 3513, Lots 1-11 & 18-23
- 359-2022 Resolution authorizing Tax Overpayment Refund
- 360-2022 Authorizing Roof Replacement, Maintenance And Repairs to the Maintenance Garage at Cadmus Place From CRT Contracting & Coatings, Inc.
- 361-2022 Authorizing Amendment To – Everbridge Phone Calls, Interactive Response, Email and GIS Mapping

NEW BUSINESS

Discussion on Best Practices Inventory

Manager Van Kruiningen explained that the Division of Local Government Services requires the municipality to fill out a best practices inventory and questionnaire on an annual basis. This year the Borough received 34.4 out of 36 point and will be receiving full state aid.

Receiving full aid payment

Municipal Clerk Magarelli asked the Council to consider adopting the below resolution that he had given out at the beginning of the meeting.

RESOLUTION NO. 364-2022

RESOLUTION AUTHORIZING THE BOROUGH TO PURCHASE A 2023 FORD F250 FROM CHAS S. WINNER, INC. D/B/A WINNER FORD, UNDER NEW JERSEY STATE COOPERATIVE CONTRACT #88726

Deputy Mayor Cutrone asked if this was an addition or replacement of a vehicle. Manager Van Kruiningen explained that it was budgeted and is a replacement. We are given a short time frame to purchase these vehicles.

Upon motion by Deputy Mayor of Community Affairs Krause and a second by Councilmember Reinitz, Resolution 364-2022 was carried by a roll call vote.

PUBLIC COMMENTS

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

Tom Locicero, owner of All Points Towing and Frank Theason of City Wide towing, along with owners of BDJ, Belfi and Arrow Towing, spoke about how the town towing fees are very low. They requested an increase to the towing fees and they are wondering why the Council decided not to raise these fees.

Mayor Peluso explained they had the Chief of Police look into the rates of the surrounding towns and they saw that we are right in range with them. Manager Van Kruiningen explained that they gave their paperwork to the Chief who then gave it to the Traffic Safety. They checked six contiguous towns and we are lower than some and higher than others. Traffic Safety concluded that no changes are due at this time. This was given to the Governing Body who they reviewed at a work session and concluded there are no changes needed at this time.

There was a discussion between the towers and Manager Van Kruiningen. Manager Van Kruiningen asked the Governing Body that he be allowed to do further research on this and put it on a future work session.

There was a unanimous consensus to allow Manager Van Kruiningen to do further research.

Gus Westergard, 7-5 Fern Street, asked about the request to make Fern Street a one way street. Mayor Peluso asked Municipal Clerk Magarelli to add this to the next work session.

Tony Swierczewski, 7-28 Fern Street, asked about when Fern Street is scheduled to be paved. Mayor Peluso said that the engineering department has a list and he said he would email him the schedule.

Marci Reez, 5-28 Hazel Place, asked what changes were made at the last meeting to the chicken ordinance. Mayor Peluso said that they changed the proximity of the coops to the owners house. She requested that they consider making exceptions to the proximity of coops based on odd lots and also to consider changing that roosters can be let out at 8 am.

Max Khaskin, 16-10 Hunter Place, echoed praise to the Police Department and Fair Lawn. He commented about how roosters are a constant nuisance and hearing lawn mowers that are at certain times and intervals isn't the same.

Pamela Coles, 13-34 George Street, spoke of Councilmember Rottenstrich remarks about Fair Lawn. She appreciates her comments and love for Fair Lawn. She asked if the work session can be televised so people can see what goes on in the work sessions. Mayor Peluso stated that he is open to a discussion on this but he does goes back and forth whether or not it should be televised.

Craig Miller, 5 Ramapo Terrace, asked if there is a policy for a resident to issue a parking summons. Councilmember Reinitz stated that he could do that and report it to the police.

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

RESOLUTION 362-2022 - RESOLUTION ACKNOWLEDGING THE 2022 MUNICIPAL BEST PRACTICES INVENTORY

Upon motion by Deputy Mayor of Councilmember Rottenstrich and a second by Councilmember Reinitz, Resolution 362-2022 was carried by a roll call vote of 5-0.

EXECUTIVE CLOSED SESSION – RESOLUTION 363-2022

Upon motion by Deputy Mayor Cutrone and a second by Councilmember Reinitz, Resolution 363-2022 was carried by a roll call vote of 5-0 at 9:20 p.m.

1. Collective bargaining agreements, including proposed terms and conditions and negotiations;
2. Pending or anticipated litigation or contract negotiation, other than collective bargaining agreements, in which the public body is or may become a party, or matters falling within the attorney-client privilege;
3. Personnel matters pursuant to N.J.S.A. 10:4-12b(8);

RECONVENE PUBLIC SESSION

Upon motion by Deputy Mayor Cutrone and a second by Councilmember Reinitz it was unanimously agreed to reconvene the Regular Session at 10:13 p.m.

ADJOURNMENT

Upon motion by Deputy Mayor Cutrone and second by Councilmember Reinitz, the meeting was adjourned at 10:13 p.m.

The within minutes were duly approved by the Borough Council at their meeting of December 13, 2022, under Resolution 367-2022

Respectfully submitted,



Nicholas J. Magarelli, RMC
Municipal Clerk

The undersigned has read and approved the foregoing minutes.



Kurt Peluso,
Mayor