



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

**COUNCIL MEETING MINUTES OF AUGUST 9, 2022**

Mayor Peluso called the meeting to order at 8:24 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 July 18, 2022, was posted on the bulletin board located on the 1<sup>st</sup> 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 Kruingen, Attorney Verrone and Municipal Clerk Magarelli.

**PROCLAMATIONS**

Mayor Peluso read the following proclamations:

Childhood Cancer Awareness Month  
Suicide Prevention Awareness Month  
Prostate Cancer Awareness Month

**COUNCIL COMMENTS**

Councilmember Reinitz

He thanked the Parks and Recreation Department and the Community Policing for a wonderful National Night Out.

Property Maintenance Committee are looking for additional member, if you are interested please contact the clerk's office.

Councilmember Rottenstrich

She thanked everyone who was involved for a successful National Night Out and she especially thanked Councilmember Reinitz for having to spend time in the dunk tank waiting for her to relieve him.

She spoke about the Fair Lawn Small Business Scavenger Hunt where you visit a business on the list and take a selfie. For 5 selfies you can enter into a raffle to win gift cards for the local establishments. If you have 10 you can be entered into a raffle to win a flat screen TV.

October 5<sup>th</sup> from 1 pm to 4 pm there will be the second annual tree planning event.

#### Deputy Mayor Community Affairs Krause

He thanked the Police Department for a successful National Night Out.

Arts Council - 9/18 - Art in the Park from 12:00 to 4:00 pm at Berdan Grove Park. Register at [www.fairlawn.org/2022AIP](http://www.fairlawn.org/2022AIP).

Summer concerts are continuing through the end of this month at 8:00 pm at Memorial Pool parking lot. One final concert will be September 18<sup>th</sup> at 8:00 pm.

He wished the all the athletes luck in this coming Fall season.

#### Deputy Mayor Cutrone

She thanked everyone involved making the National Night Out such a success.

She thanked Manager Van Kruijning and CFO, Karen Palermo for providing the finance committee with very important information to help them with the 2023 budget but for the future ahead.

She reminded everyone that the deadline to register to vote is October 18<sup>th</sup> if you would like to vote in the November election. She spoke about the different ways to vote in NJ.

#### Mayor Peluso

He thanked everyone involved in making the National Night Out a successful event. He apologized for missing it.

He spoke about the legislation that supports more companies to have their regional offices in New Jersey. He said they are happy to welcome new businesses in Fair Lawn.

He wished the best of luck to the all the Junior Police Academy campers and he is looking forward to their graduation this Friday.

He reminded everyone about the Summer Concerts and Movie Night.

### **ORDINANCE ON FIRST READING**

**ORD. #2629-2022** (Amended/Reintroduced)

**AN ORDINANCE 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**

Upon motion by Councilmember Reinitz, seconded by Deputy Mayor of Community Affairs Krause, Ordinance 2629-2022 was re-introduced on first reading and carried by a roll call vote of 3-2.

**ORD. #2633-2022**

**AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED**

Deputy Mayor Cutrone asked that this ordinance be tabled and moved to the October Work Session for discussion.

There was a consensus to move this Ordinance 2633-2022 to the October 11, 2022 Work Session for discussion.

### **ORDINANCE ON SECOND READING**

**ORD. #2632-2022**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 62, ANIMALS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN 2000, BY ADDING A NEW ARTICLE VI, ENTITLED, "REGULATIONS GOVERNING THE KEEPING OF FOWL"**

Motion to open the meeting to public comments on Ordinance No. 2632-2022 only was moved by Deputy Mayor Cutrone, seconded by Councilmember Reinitz and carried unanimously.

Donna Taylor, 5-19 Hazel Place stated that she is concerned about the amount of space needed to have chickens. She recommends that they adjust the 12 feet from any dwelling to at least 20 feet and at least 15 feet from the property line. She complained about how gross the chicken feces is and that it is never cleaned up. Councilmember Reinitz asked how many chickens they have. She thinks there were originally 6 and then they possibly added 6 more.

Jake Taylor, 5-19 Hazel Place spoke about the rat problem on his property and they are concerned about being in their backyard and allowing their dog in the yard. He thanked Michelle Slyker and the health department for their quick response to the complaint. They have spent about 600 dollars already due to combatting the rats. This started on the 3<sup>rd</sup> of July and they have since found 3 live rats and disposed of 11 dead rats. He believes they are doing all they can do to combat the problem and they need their neighbor to do what they can. Councilmember Reinitz asked if he has had a rat problem in the past. Mr. Taylor explained that he has never before had a rat problem and they have been there since 1999.

Kathleen Hicswa, 5-22 Hazel Place said that when she was watching the Taylor's dog she saw a rat come out from the fence where the chickens are. She found a dead rat on her property that is across the street from the Taylor's. There were flyers given out by the health department but only on the one side of the street. She has never had a rat problem before and she has been living there since 1973. She thanked Carol for all her help. She also had concerns about the structure that was built by the chicken owners. It is a permanent structure and she believes there is an ordinance that a permit is needed. She requests that someone check into this for her. She also asked about the person selling eggs at the farmers market. Councilmember Rottenstrich explained that there is a farmer at the market that sells eggs and she asked Manager Van Kruijning to follow up on the question of the permanent structure.

Trevor Ferrigno, 0-61 Elden Place suggested a limit of number of chickens per lot size and humane rat traps.

Han Broekman, 0-4 Allen Place stated that he has had experience with chicken coops and has never seen rats. He believes the rat problem is from not containing the chicken food properly. As far as the chicken poop, it should be contained in the coop.

Hearing 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. 2632-2022 only was moved by Councilmember Rottenstrich, seconded by Deputy Mayor Cutrone and carried unanimously.

There was a discussion about changes to the ordinance. Councilmember Reinitz and Deputy Mayor of Community Affairs Krause suggested tabling the ordinance to make the changes and adopt at another time. Mayor Peluso, Deputy Mayor Cutrone and Councilmember Rottenstrich suggested moving forward and making amendments as needed. Attorney Verrone agreed that they can move forward with this ordinance and make amendments when needed. Mayor Peluso

asked that Municipal Clerk Magarelli to add this to the next Work Session for changes.

Motion to adopt Ordinance No. 2632-2022 on second and final reading was moved by Councilmember Rottenstrich, seconded by Deputy Mayor Cutrone and carried by a roll call vote of 3-2.

### **PUBLIC COMMENTS ON CONSENT AGENDA 11-2022 ITEMS ONLY**

Motion to open the meeting to public comments on Consent Agenda items only was moved by Councilmember Rottenstrich, seconded by Deputy Mayor Cutrone and carried unanimously.

Pamela Coles, 13-34 George Street asked what Resolution 257-2022 contract is for. Manager Van Kruiningen explained that it is \$20,000.00 in funding by Bergen County Community Development Block Grant for the Fair Lawn Senior Center Social Distancing Project. Ms. Coles asked about Resolution 264-2022 Authorizing Purchase of an Electric Vehicles and Manager Van Kruiningen responded that the vehicles are for OEM related emergencies. He explained that it was a capital item in the budget and it will be used for any special event OEM is involved in.

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

### **RESOLUTIONS BY CONSENT 11-2022**

Upon motion by Deputy Mayor of Community Affairs Krause and a second by Councilmember Rottenstrich, Consent Agenda #11-2022 containing the following items was carried by a roll call vote of 5-0.

#### **RESOL. # RESOLUTION TITLES - Consent Agenda 11-2022**

- 253-2022 Approving Fire Department Actions
- 254-2022 Approving Meeting Minutes
- 255-2022 Authorizing contract extension for Concrete Replacement, Concrete Related Work and Repairs with Covino & Sons Construction Company Inc.
- 256-2022 Authorizing Execution of Agreement with Fair Lawn Fire Company No. 1
- 257-2022 Authorizing to enter into agreement with the County of Bergen Community Development
- 258-2022 Appointing a member to the Shade Tree Committee
- 259-2022 Approving the 2021 Corrective Action Plan

- 260-2022 Authorizing The Borough To Purchase Landscape Structures For Beaver Dam From General Recreation Under New Jersey State Cooperative Contract 16-Fleet-00130
- 261-2022 Resolution authorizing to enter into a grant agreement with the County of Bergen Community Development for the Fair Lawn Senior Center sign board
- 262-2022 Approving Renewal of Automobile Dealership License 2022/2023.
- 263-2022 Authorizing Submission of a Strategic Plan for the Fair Lawn Municipal Alliance Grant for Fiscal Year 2023 and Acknowledging the Terms and Conditions for Administering the Municipal Alliance Grant, including the Administrative Compliance and Audit Requirements Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2022-June 2023
- 264-2022 Resolution Authorizing Purchase of an Electric Vehicle from KLBL Dba Vic Gerard Golf Cars under Bergen County Cooperative Contract #22-09
- 265-2022 Resolution Authorizing Issuance of a Tax Appeal Settlement Refund for Block 4601, Lot 2, Qualifier C0002
- 266-2022 Resolution Authorizing Tax Refund for Disabled Veteran Block 4329, Lot 9
- 267-2022 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 \$ 5,754.10, for the FY 2023 Municipal Alliance Program
- 268-2022 Authorizing tax overpayment refund - Pulte Homes

**RESOLUTION 269-2022** Approving Meeting Minutes of June 28, 2022 Meeting

Upon motion by Councilmember Rottenstrich and a second by Deputy Mayor of Community Affairs Krause, Resolution 269-2022 was carried by a roll call vote of 4-0-1.

**RESOLUTION 270-2022** - A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, STATE OF NEW JERSEY DETERMINING THAT THE PROPERTY WHOSE ADDRESS IS 22-11 ROUTE 208, IDENTIFIED AS BLOCK 4903, LOT 2 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF FAIR LAWN AND IS GENERALLY REFERRED TO AS THE "NABISCO PROPERTY", MEETS THE CRITERIA AND IS DETERMINED AS AN AREA IN NEED OF REDEVELOPMENT, SPECIFICALLY A NON-CONDEMNATION REDEVELOPMENT AREA, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

Upon motion by Deputy Mayor Cutrone and a second by Deputy Mayor of Community Affairs Krause, Resolution 270-2022 was carried by a roll call vote of 5-0.

**RESOLUTION 271-2022** - RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FAIR LAWN DESIGNATING CLPF GREEK FAIR LAWN LLC AS CONDITIONAL REDEVELOPER FOR CERTAIN PROPERTY LOCATED AT 22-11 ROUTE 208, IDENTIFIED AS BLOCK 4903, LOT 2 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF FAIR LAWN LOCATED IN A NON-CONDEMNATION REDEVELOPMENT AREA

Upon motion by Deputy Mayor Cutrone and a second by Deputy Mayor of Community Affairs Krause Resolution 271-2022 was carried by a roll call vote of 5-0.

**RESOLUTION 272-2022** - RESOLUTION AUTHORIZING PURCHASE OF AN AIR BUBBLER MIXER SYSTEM FROM RAPID PUMP & METER SERVICE CO. UNDER NORTH JERSEY WASTEWATER COOPERATIVE CONTRACT #B331-7

Upon motion by Deputy Mayor of Community Affairs Krause and a second by Deputy Mayor Cutrone Resolution 272-2022 was carried by a roll call vote of 5-0.

**RESOLUTION 275-2022** - RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FAIR LAWN APPROVING AND AUTHORIZING THE EXECUTION OF THE DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF FAIR LAWN, THE FAIR LAWN PLANNING BOARD AND PICTOR FAIR LAWN LOGISTICS CENTER, LLC FOR PROPERTY LOCATED AT 17-02 NEVINS ROAD, BLOCK 4902, LOTS 2

Upon motion by Councilmember Rottenstrich and a second by Deputy Mayor Cutrone Resolution 275-2022 was carried by a roll call vote of 5-0.

There was a unanimous consensus to continue with the previous Work Session items.

### **BIKE LANE STUDY – 11<sup>TH</sup> STREET & HENDERSON BOULEVARD**

Manager Van Kruijning referenced his email dated August 3, 2022, which provided a preliminary report prepared by the Engineering Department regarding the bike study. The Borough's consultants, CME Associates, submitted an estimate of \$9,988 to complete a study on this proposed location.

The Engineering Department does not recommend this location as a dedicated bike lane or shared bike lane location. Engineering had previously recommended using Berdan Avenue as a shared bike lane location, as its width does not allow it be used as a dedicated bike lane with lines. Only Henderson Blvd. and Fair Lawn Parkway meet the width requirements for a dedicated bike lane.

Mayor Peluso stated that they will share these findings with the Environmental Commission.

### **SUSTAINABLE LAND USE PLEDGE RESOLUTION**

Councilmember Rottenstrich stated the resolution was passed in 2014 and needs to be renewed for their Sustainable Jersey efforts.

There was a unanimous consensus to pass a resolution renewing their Sustainable Land Use Pledge.

### **VEHICLE COUNT/SPEED STUDY – CANGER PLACE, DEWEY PLACE, ESSEX PLACE, 1<sup>ST</sup>, 2<sup>ND</sup>, 3<sup>RD</sup>, 4<sup>TH</sup>, 5<sup>TH</sup> & 6<sup>TH</sup> STREET**

Manager Van Kruijning referenced his email dated August 3, 2022, which provided data for both vehicle count and speed results collected on the above referenced streets between Morlot Avenue and Bellair Avenue.

Councilmember Reinitz felt they should do the study again in late September/early October when school resumes so they can compare the results from both studies. Manager Van Kruijning will ask for another study.

### **9-11 CEREMONY – SUNDAY, SEPTEMBER 11, 2022**

Manager Van Kruijning suggested that instead of having a larger ceremony, he would like to set aside the hour of 7:00 pm to 8:00 pm for residents to stop by to pay their respects. Visitors will be given a small American flag and yellow flower that can be placed on the Memorial.

Deputy Mayor Cutrone suggested holding a hybrid ceremony with a short public ceremony, with only the Mayor saying a few words.

There was a unanimous consensus to hold a brief, respectful ceremony as discussed above.

### **COMMUNITY CAMP OUT**

Manager Van Kruijning referenced his email of August 4, 2022, which contained the flyer for the Community Campout and an expense spread sheet. They are going to hold a bonfire this year in the pool area under the supervision of Fire Prevention and the Fire Department, pending weather conditions.

There was a unanimous consensus to proceed with the Community Campout as discussed above.

**WATER BILL REDUCTION REQUEST (BLOCK 5829 – LOT 4)**

Manager Van Kruijning explained that a resident's water heater had leaked while he was on vacation, and he was requesting a reduction in his water bill. The resident's average quarterly bill was \$135, and this quarter it was \$725.60. In the past, the Borough has not offered any reduction due to an appliance failure, which is the resident's responsibility, but they have offered a payment plan at no interest.

Deputy Mayor Cutrone felt a payment plan with no interest was fair. If there was a financial hardship, the resident could apply for assistance through the Human Services trust fund.

There was a unanimous consensus to offer a payment plan with no interest to the resident.

**NEW BUSINESS**

Manager Van Kruijning referenced his email correspondence from yesterday, which contained the proposal from CME Associates to review the temporary treatment permit application and associated documentary requirements with the DEP. This is the necessary application step for the PFA's removal at Wells 25 and 26. Funds will be transferred from the Municipal Budget to cover the cost of \$17,000.

Deputy Mayor Cutrone asked if this application was to obtain approval from the DEP to use the new option that was piloted in California. Manager Van Kruijning stated yes.

There was a unanimous consensus to have CME Associates proceed with its review of the Temporary Treatment Application Permit.

**RESOLUTION 276-2022 - RESOLUTION ADOPTING THE SUSTAINABLE LAND USE PLEDGE IN THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, STATE OF NEW JERSEY**

Upon motion by Councilmember Rottenstrich, seconded by Deputy Mayor Cutrone, Resolution 276 – 2022 was carried by a roll call vote of 5 – 0.

Manager Van Kruijning stated they are required to hold a public hearing on the service agreement for the Water Tank Maintenance and Service Program. The hearing will be held on Tuesday, August 16<sup>th</sup> at 6:00 pm with a presentation by Ryan Scerbo, Environmental Attorney from DeCotiis Law Firm. The Council is not required to attend but you are welcome. Councilmember Rottenstrich stated she will be there.

Deputy Mayor Cutrone stated that the Community Relations Advisory Committee asked about setting a date for next year's Pride Block Party event. They suggested either June 4<sup>th</sup>, June 11<sup>th</sup> or the last Sunday of the month. She will discuss this again at the September Work Session to see what dates work best.

Councilmember Reinitz asked Municipal Clerk Magarelli to provide the option of having two meetings in July and two meetings in August when he is scheduling next year's Council meetings.

## **PUBLIC COMMENTS**

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

Trevor Ferrigno, 0-61 Elden Place asked Deputy Mayor Cutrone if when she spoke with the Secretary of State to make voting easy and accessible for everyone if she also asked about making it secure, such as not putting out extra ballots or eliminating the 9,000 to 10,000 duplicate voter rolls that currently exist. Deputy Mayor Cutrone stated that the statistics show that voter fraud in New Jersey is 0.002, which is very negligible.

Mr. Ferrigno spoke about the rat issue. He noted there has been a lot of construction taking place in town. He felt it was possible that the materials that came from out of state or sat in warehouses might have included rodents. He asked the Council to look into this as a possible external source.

Mayor Peluso stated that prior to this ordinance, they were not sure as to how many people owned chickens. The registration process will allow them to find this out. Regarding rats and construction, the Council passed an ordinance a few years ago requiring any contractor doing construction to remediate the area and remove any varmints that may be contained in the materials. Deputy Mayor of Community Affairs Krause confirmed it was Ordinance 140-19.

Mr. Ferrigno asked if the Council consulted with New Jersey Farmers about how to properly maintain or provide resources regarding the keeping of chickens. Mayor Peluso stated he spoke to people in the State Department and visited several coops inside and outside of Fair Lawn, as did Councilmember Rottenstrich. They did a lot of homework on this matter.

Mr. Ferrigno noted there was a superfund grant for the town's water many years ago. He asked if this was related to the current project. Manager Van Kruiningen stated this is the most current, Federal funding, which is paying for the entire Water Tank Maintenance project.

Pamela Coles, 13-34 George Street stated that the National Night Out was a great event. It was great to see all the organizations.

She asked about the Nabisco property. She hoped the Planning Board will require that the building remain the same size footprint to maintain the green area. Mayor Peluso noted the developer wanted to shrink the footprint, so there will be more green space.

Ms. Coles referenced the Drive-Thru Ordinance. She asked them to keep in mind having some green space, if property is donated, so people could stop and rest instead of rushing through. Mayor Peluso informed her that there is a group of interns volunteering for the Green Team for finding areas of green space in Fair Lawn. The students will be coming to a fall Work Session with their presentation.

Ms. Coles asked if there was a specific number of cars allowed in the drive through lanes. Deputy Mayor of Community Affairs Krause stated there isn't a set number of vehicles allowed, but the vehicles cannot block the public road. It is the responsibility of the occupier of the property to make sure that doesn't occur. Ms. Coles did not want to spend valuable resources policing businesses like the car wash that always has this issue.

She asked if this was spot zoning for a restaurant. Mayor Peluso said no.

Rich Elfers, 15-21 Radburn Road asked if there is any restaurant asking for a drive-thru. Mayor Peluso explained that there has been a number of businesses requesting drive-thru's and there are a number of corporate franchises that require a drive-thru's. Councilmember Reinitz explained that certain types of those businesses are unattainable without a drive-thru. They tried to construct the ordinance so that it doesn't impact residence and an area that is mostly commercial. Mr. Elfers is concerned that this may create a nuisance. Councilmember Reinitz explained that the ordinance it set's parameters for the drive thru's.

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

### **EXECUTIVE CLOSED SESSION – RESOLUTION 273-2022**

Upon motion by Deputy Mayor Cutrone and a second by Councilmember Rottenstrich, Resolution 273-2022 was carried by a roll call vote of 5-0.

- i. Collective bargaining agreements, including proposed terms and conditions and negotiations;
- ii. Personnel matters pursuant to N.J.S.A. 10:4-12b(8)
- iii. 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;

### **RECONVENE PUBLIC SESSION**

Upon motion by Deputy Mayor Cutrone and a second by Deputy Mayor of Community Affairs Krause and carried at 11:06 p.m.

### **ADJOURNMENT**

Upon motion by Deputy Mayor Cutrone and a second by Councilmember Rottenstrich, the meeting was adjourned at 11:06 p.m.

***The within minutes were duly approved by the Borough Council at their meeting of September 20, 2022, under Resolution 285-2022***

Respectfully submitted,



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Nicholas J. Magarelli, RMC  
Municipal Clerk

The undersigned has read and approved the foregoing minutes.



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Mayor Kurt Peluso