



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

**COUNCIL MEETING MINUTES July 12, 2022**

Mayor Peluso called the meeting to order at 8:09 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 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.

**APPOINTMENT AND SWEARING IN OF MUNICIPAL CLERK**

**RESOLUTION 237-2022** - RESOLUTION APPOINTING NICHOLAS MAGARELLI AS MUNICIPAL CLERK

Upon motion by Councilmember Rottenstrich and a second by Deputy Mayor Cutrone, Resolution No. 237-2022 was carried by a roll call vote of 5-0.

Mayor Peluso performs the swearing in of Nicholas Magarelli as Municipal Clerk.

**COUNCIL COMMENTS**

Councilmember Rottenstrich

She congratulated Nicholas Magarelli on being installed as Municipal Clerk. When they appointed him, they had no doubt that he would serve Fair Lawn with the same honor and dignity that he served our Country, and that his experience serving in the military would serve them very well. That has been proven during his time as Acting Municipal Clerk. They were lucky to have him and they were grateful for his service.

Shade Tree Advisory Committee – they met with Manager Van Kruingen and Paul Cowie, the tree expert that is working on developing the Borough's Forestry Management Plan. The more she learns about the history of their trees and their

challenges, the more concerned she becomes. She hoped to eventually do inventory on their trees so they can see where they stand. She urged residents to request shade trees to be planted in front of their homes. They will have a second tree planting event in conjunction with the Green Teen on Sunday October 2<sup>nd</sup> from 1:00 to 4:00 pm at Brookdale Park.

Chamber of Commerce – a Networking Event will take place at the Dutch House tomorrow from 5:30 to 7:30 pm. It's a great opportunity to meet and speak with Fair Lawn business owners.

She thanked the Borough employees and volunteers for the great fireworks celebration last Saturday. She spoke about the tragic shootings with assault rifles that took place on June 30<sup>th</sup> and again on July 4<sup>th</sup>, and expressed her frustration and sadness that the US Supreme Court overturned a New York gun regulation that had been in effect for over 100 years and Roe v. Wade.

### Councilmember Reinitz

He and Councilmember Rottenstrich were on the interview committee for the Municipal Clerk position, and Municipal Clerk Magarelli's passion and knowledge about the Borough stood out. He congratulated him for attending courses and passing his certification test. Municipal Clerk Magarelli has fought for what is right in this town for 30 years, and he was responsible for starting many of the veterans programs in town. It was impressive to see him work so hard to get the Municipal Clerk title and he congratulated him on his achievement.

He echoed comments about the fireworks and agreed it was a great celebration of the town in whole. Memorial Pool, which is exceeding expected attendance numbers, is one of their crown jewels. He thanked the Manager's office, DPW, and Parks & Recreation Department and also the lifeguards who volunteered to stay and patrol the beach to keep it safe during the fireworks.

He wanted them to focus attention on making sure enforcement on pending or completed projects is done properly and in conjunction with how they were proposed, that completed projects are up to code and that environmental aspects and landscaping requirements imposed by the Planning and Zoning Boards are adhered to.

He was proud of the Drive Through Ordinance that they worked on for almost a year. They learned during Covid that there is value in convenience and value in bringing in companies that will serve that convenience. Limiting drive throughs to a very small area of town will help jump start the economy in that area. He thanked CME Associates for their work on the ordinance.

He and Manager Van Kruiningen spoke to the Fire Department about the future of the volunteer Fire Department. The stipend program has helped to increase recruitment and retention, but they need to do more so there is not a generational gap with their volunteer first responders.

#### Deputy Mayor Krause

He congratulated Municipal Clerk Magarelli. He is always dependable and willing to help, and he has shown that in multiple roles throughout his time with the Borough. The decision to pick the new Municipal Clerk was a big one and they are all very proud of how it turned out. They looked forward to seeing Municipal Clerk Magarelli grow in this position.

He congratulated Parker Talman, who he coached in youth wrestling, for being promoted from Jr. Firefighter to full-fledged firefighter. He is a good role model for his children.

He congratulated Kevin Pepitone, who was in the audience. Kevin won a bronze medal in the recent Special Olympics tournament.

Arts Council –

7/30 – Tie Dye Event. More information can be found at [fairlawn.org/tiedye](http://fairlawn.org/tiedye)  
9/18 - Art in the Park from 12:00 to 4:00 pm at Berdan Grove Park. Register at [fairlawn.org/2022AIP](http://fairlawn.org/2022AIP).

Summer concerts are continuing every Sunday at 8:00 pm at Memorial Pool parking lot.

Although he was away for the rescheduled fireworks, he saw all the great photographs. He moved to Fair Lawn during the month of July. One of his favorite memories is a photograph he took of his oldest son when he was just three years old, watching the fireworks go off as they unpacked moving boxes. It was his first moment of feeling like he was in a place he wanted to be. He was happy that they had this tradition.

#### Deputy Mayor Cutrone

She extended heartfelt congratulations to Municipal Clerk Magarelli on being officially appointed as Municipal Clerk. She can tell he took his classes very seriously as he scored high marks and passed his exam on the first try. From the day he assumed the position of Acting Municipal Clerk he hit the ground running and he has exceeded their expectations. He is one of the most hardworking, passionate and ethical people that she has worked with. The Borough is lucky to have him.

Senior Advisory Committee - Fair Lawn for All Ages is sponsoring pickle ball lessons for older adults on August 15<sup>th</sup> for four weeks from 9:00 to 10:30 am. Residents can call Lisa MacClements at 201-777-6135 or go to the Senior Center to register.

The Senior Resource Fair was very successful. The participants were happy with the information they received and the give-a-ways.

The Committee asked markings could be placed at the Center Rec Field to show how far people have walked on the pathway.

Senior to Senior Program – two hundred cards were written from senior citizens to graduating seniors from the High School. The cards were posted at Project Graduation so the graduates could read the advice and well wishes.

She reminded residents to check out the Library during the summer as they have many amazing programs, reading challenges and special events taking place.

#### Mayor Peluso

He noted the Library now has a pickup service that makes it easy to take out a book.

Access for All – their dance last Friday was a great event.

Fireworks – it was a great event and since it was held on a Saturday, more people came early. The minibus brought seniors to a reserved spot with chairs, so it made it very convenient for them. He thanked Manager Van Kruijning and Chief of Staff/OEM Coordinator Alvarez for putting that together so quickly.

Summer Concerts are in full swing. He encouraged residents to attend a concert if they haven't done so already.

Memorial Pool – he has been receiving positive feedback from the residents, who like the extra umbrellas and the Splash Park. He gave kudos to the lifeguards and all the staff who have been keeping things up and running.

It was an honor to swear in Municipal Clerk Magarelli this evening. They are fortunate to have a great Clerk's office with Municipal Clerk Nick Magarelli, Deputy Clerk Coleen Goddel and Marianne Pettineo, who all do a wonderful job. It was very stressful with this last primary election due to many changes put in place, but they do a marvelous job for this town. Many people do not realize all the work they put in behind the scenes and their efforts are greatly appreciated.

#### **ORDINANCE ON FIRST READING**

**ORD. #2629-2022****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**

Councilmember Rottenstrich discussed reasons why she doesn't support this ordinance. She wanted Fair Lawn to be more pedestrian friendly and that it is not environmentally friendly.

Deputy Mayor Cutrone expressed that she is not supporting this ordinance because of the environmental impact.

Mayor Peluso explained that he is doing this to support the current businesses not to bring in any national chains.

Deputy Mayor of Community Affairs Krause stated that this ordinance has a balance that he is comfortable with and that it will support the businesses that are already here.

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

There was a majority consensus at tonight's work session, to add the introduction of Ordinance 2632-2022 by title only to this agenda, with Deputy Mayor of Community Affairs Krause opposing.

**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"**

Deputy Mayor of Community Affairs Krause explained that he will not be supporting this ordinance because he has concerns with some parts of this ordinance.

Upon motion by Councilmember Rottenstrich, seconded by Deputy Mayor Cutrone, Ordinance 2632-2022 was introduced on first reading and carried by a roll call vote of 4-1.

**ORDINANCE ON SECOND READING**

**ORD. #2627-2022****AN ORDINANCE TO AMEND CHAPTER 94, FEES, ARTICLE I, SCHEDULE OF FEES OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN**

Motion to open the meeting to public comments on Ordinance No. 2627-2022 only was moved by Deputy Mayor of Community Affairs Krause, seconded by Deputy Mayor Cutrone and carried unanimously.

Pamela Coles, 13-34 George Street asked what general fees they are addressing in this ordinance. Manager Van Kruijning explained that this amending the charges on an hourly rate that private contractors pay for our Police officers for off duty traffic work.

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. 2627-2022 only was moved by Councilmember Reinitz, seconded by Deputy Mayor of Community Affairs Krause and carried unanimously.

Motion to adopt Ordinance No. 2627-2022 on second and final reading was moved by Councilmember Rottenstrich, seconded by Deputy Mayor of Community Affairs Krause and carried by a roll call vote of 5-0.

**ORD. #2628-2022****AN ORDINANCE TO AMEND CHAPTER 232, VEHICLES AND TRAFFIC, ARTICLE VIII, TRAFFIC, MORE SPECIFICALLY SECTION 232-51, "NO LEFT OR RIGHT TURN" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN**

Motion to open the meeting to public comments on Ordinance No. 2628-2022 only was moved by Deputy Mayor of Community Affairs Krause, seconded by Councilmember Rottenstrich and carried unanimously.

Pamela Coles, 13-34 George Street asked where there will be no left or right turn. Manager Van Kruijning explained that there will be no left turn only during school hours, from First Street onto Lyons.

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. 2628-2022 only was moved by Deputy Mayor Cutrone, seconded by Councilmember Reinitz and carried unanimously.

Motion to adopt Ordinance No. 2628-2022 on second and final reading was moved by Deputy Mayor of Community Affairs Krause, seconded by Deputy Mayor Cutrone and carried by a roll call vote of 5-0.

**ORD. #2630-2022**

**AN ORDINANCE TO PROVIDE FOR CERTAIN CAPITAL IMPROVEMENTS IN THE BOROUGH OF FAIR LAWN, AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF GRANT FUNDS THEREFOR FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION (CYRIL AVENUE)**

Motion to open the meeting to public comments on Ordinance No. 2630-2022 only was moved by Deputy Mayor Cutrone, seconded by Deputy Mayor of Community Affairs Krause and carried unanimously.

Hearing 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. 2630-2022 only was moved by Councilmember Rottenstrich, seconded by Deputy Mayor of Community Affairs Krause and carried unanimously.

Motion to adopt Ordinance No. 2630-2022 on second and final reading was moved by Deputy Mayor of Community Affairs Krause, seconded by Deputy Mayor Cutrone and carried by a roll call vote of 5-0.

**ORD. #2631-2022 (BOND ORDINANCE)**

**AN ORDINANCE OF THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR SANITARY SEWER SYSTEM AND SEWER PUMP STATION IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF FAIR LAWN AND APPROPRIATING \$640,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$600,000 IN BONDS OR NOTES OF THE BOROUGH OF FAIR LAWN TO FINANCE THE SAME**

Motion to open the meeting to public comments on Ordinance No. 2631-2022 only was moved by Deputy Mayor of Community Affairs Krause, seconded by Deputy Mayor Cutrone and carried unanimously.

Pamela Coles, 13-34 George Street asked for clarification on this ordinance. Manager Van Kruijning explained that this ordinance is to replace, enhance and rehabilitate sewer system infrastructure.

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. 2631-2022 only was moved by Deputy Mayor Cutrone, seconded by Deputy Mayor of Community Affairs Krause and carried unanimously.

Motion to adopt Ordinance No. 2631-2022 on second and final reading was moved by Councilmember Rottenstrich, seconded by Deputy Mayor of Community Affairs Krause and carried by a roll call vote of 5-0.

### **PUBLIC COMMENTS ON CONSENT AGENDA 10-2022 ITEMS ONLY**

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

Pamela Coles, 13-34 George Street thanked the Council for Resolution 244-2022 and she stated how she thought this would enhance the sports fields.

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 10-2022**

Upon motion by Councilmember Rottenstrich and a second by Deputy Mayor Cutrone, Consent Agenda #10-2022 containing the following items was carried by a roll call vote of 5-0.

<b>Resol. #</b>	<b>Resolution Title</b>
238-2022	Resolution authorizing Payment to Onque Technologies Inc. for Road Paving on Pomona Avenue in the amount not to exceed \$100,000
239-2022	Approving Meeting Minutes
240-2022	Authorizing contract extension for Hydrant and Hydrant Parts with Core & Main, LP
241-2022	Authorizing contract extension for Ductile Iron Pipe, Fittings & Valves with Core & Main, LP
242-2022	Authorizing pump station upgrade purchases from Rapid Pump and Meter Services Company under Bergen County Cooperative Contracts #21-13
243-2022	Authorizing the purchase of a mobile concession unit from Groundforce Building Systems, LLC, through the Houston Galveston Area Council Cooperative Purchasing Program (HGACBUY) contract #MB11-20

244-2022	Authorizing a shared services agreement with the Fair Lawn Board of Education for the use of the Sasso Field Complex and the cost of installing lights
245-2022	Authorizing Purchase of Vehicle Tracking Licensing Agreement from SHI International Corp
246-2022	Approving Renewal of Gas Pump- FL Auto Repair/BP
247-2022	Authorizing a licensing, maintenance and support agreement with ProPhoenix Corporation for Fire Department and Fire Prevention Records Management software
248-2022	Authorizing application for NJ Department of Community Affairs grant and execution of grant agreement for Fair Lawn Fire Department equipment project
249-2022	Resolution authorizing Execution of Snow Plowing Agreement with the County of Bergen
250-2022	Resolution awarding contract for planting of Borough supplied trees, bushes and shrubs to Ascape Landscape & Construction Corporation
251-2022	Authorizing appointment of Municipal Representatives to Bergen County Community Development Regional Committee

## **NEW BUSINESS**

Councilmember Reinitz proposed to change to start time of the August Regular meeting to 8:15 pm.

There was a unanimous consensus to change the meeting time of the August Regular session to 8:15 pm.

Deputy Mayor Cutrone suggested a committee to meet with the new Public Relations person.

There was a unanimous consensus to have Councilmember Rottenstrich and Deputy Mayor of Community Affairs Krause part of this committee.

Councilmember Rottenstrich wanted to confirm with the Manager Van Kruijning that any work that needs to be done prior to the landscaping will be done. Manager Van Kruijning agreed that would be done.

## **PUBLIC COMMENTS**

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

Myrna Beck, 5-18 Esler Court discussed the water treatment facility and asked what the \$32,000,000.00 price entailed. Mayor Peluso explained that was for a full-fledged treatment center. She also spoke about how Fluoro-Sorb is still being tested in California and that she was under the impression that it was being used and successful. Mayor Peluso explained that this will be a filter in addition to the filtration we currently have. Deputy Mayor Cutrone explained that they have not made any decisions on whether they are using Fluoro-Sorb, they are just looking into getting permission from New Jersey in case they decide to use it.

There was also a discussion of the US Supreme Court decision on Roe v. Wade.

Pamela Coles, 13-34 George Street discussed the overlay of the drive thru ordinance and suggested having some open space in this area. Councilmember Reinitz explained that they would have to acquire a property in order to create open space in that area or if one of the owners would have to donate their land to create open space. He also explained that they do preserve open space that they currently have. Deputy Mayor of Community Affairs Krause expressed that they are always looking for an option of open space.

Ms. Coles also made a suggestion to possibly create a solar farm on the part of the Clariant Property that was contaminated. Councilmember Reinitz stated that at previous meetings they had suggest that to PSE&G but they were not interested.

Dena DeSantis, 14-00 Berdan Avenue thanked them for everything they do for their community. In her capacity as the Fair Lawn High School Military Liaison, she wanted to bring attention to the support they continue to receive from the Borough's Veteran's Affairs Liaison, Ms. Ashlee Luther. She has recognized the students who were enlisting in the military and her initiative really helped their students, faculty and school community to understand the solemnity of the sacrifice those student were making. She appreciates Ms. Luther's professionalism and dedication of purpose to have our veteran and military community be seen, heard, valued and appreciated. Mayor Peluso echoed those comments and believes we are very lucky to have her. He thanked Ms. DeSantis for running this program at the High School. Councilmember Reinitz expressed how proud he is of the way Fair Lawn treats their Veterans, which Nick Magarelli was one of the

main catalysts of. He is hopeful that this will lead the students at our High School into making the choice of getting involved in public service very early. He also thank Ms. DeSantis for the programs that she runs at the High School.

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.

### **EXECUTIVE CLOSED SESSION – RESOLUTION 252-2022**

Upon motion by Deputy Mayor of Community Affairs Krause and a second by Councilmember Rottenstrich, Resolution No. 252-2022 was carried by a roll call vote of 5-0 at 9:31 p.m.

- i. Contract Negotiations
- ii. Personnel
- iii. 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 10:07 p.m.

### **ADJOURNMENT**

Upon motion by Deputy Mayor of Community Affairs Krause and second by Deputy Mayor Cutrone, the meeting was adjourned at 10:07 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