



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

**COUNCIL MEETING MINUTES OF OCTOBER 25, 2022**

Mayor Peluso called the meeting to order at 7:30 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, Councilmember Rottenstrich and Councilmember Reinitz.

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

**FLAG SALUTE**

**PROCLAMATIONS**

Family Court Awareness Month has been moved to the November meeting.

World Polio Day proclamation was presented to the Fair Lawn Rotary and Sunrise Rotary.

Mayor Peluso presented Fair Lawn All Sports Junior Track proclamation to Junior Track and Field All Sports Team.

Mayor Peluso presented Hindu-American Appreciation and Awareness Month proclamation to Hindu-American Community representatives.

Mayor Peluso read the Pancreatic Cancer Awareness Month proclamation.

Mayor Peluso presented the Green Team with the Sustainable Jersey Silver Designation proclamation.

**MAIN STREET MINUTE**

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

**EXECUTIVE CLOSED SESSION – RESOLUTION 338-2022**

Upon motion by Councilmember Reinitz and a second by Deputy Mayor Cutrone, Resolution 338-2022 was carried by a roll call vote of 5-0 at 8:01 p.m.

1. 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 Councilmember Reinitz it was unanimously agreed to reconvene the Regular Session at 8:13 p.m.

**COUNCIL COMMENTS**Councilmember Reinitz

He wished his daughter Scarlett a Happy Birthday. He attended the Fire Board meeting and said that they are planning several events and looking for recruits, He congratulated the class that just graduated from fire school. He wished everyone who celebrates, a Happy Diwali and that he is excited that the school recognizes this holiday. He thanked everyone who was involved with the Street Fair and he thought it was a great event. He thanked the Rescue Squad for the food truck event last week. The Fire Department and the Rescue Squad are also selling raffle tickets for their biggest fundraiser of the year.

Councilmember Rottenstrich

She thanked the Green Team for all their hard work in achieving Sustainability Silver Status. She spoke about the Greening Fair Lawn program and how planting more native plants, shrubs and trees is beneficial. She thanked Ryan Greff for the launch of Fair Lawn Marketplace website last week. She spoke about the grand opening of the Chocolate Nook and encourages everyone to support our local businesses. She thanked the Borough for lighting up Borough Hall in pink for this month Breast Cancer Awareness. She wished anyone who celebrates, a Happy Diwali and a great start to the holiday season.

Deputy Mayor of Community Affairs Krause

He thanked everyone who came today for the proclamations.

Environmental Commission – he congratulated them for the Sustainability Silver Status.

He spoke about the many Halloween events occurring in town.

Deputy Mayor Cutrone

She congratulated the Green Team on receiving Silver Status, she knows how hard they worked towards that.

She thanked the PTA for the first Fall Harvest Festival, it was a great community event. She thanked the Fair Lawn Indian Community for the first Diwali event in the Borough. She thanked the EDC for the launch of the Fair Lawn Marketplace website.

Election Day is only 14 days away and she encourages everyone to vote.

Mayor Peluso

He voted early for this year's primary at Bergen Community College and he said it was easy and simple to do. He spoke about the strength of the Fair Lawn community and how people are encouraged to open new businesses here because of it. He stated that Fair Lawn was ranked third in the top 25 Small Cities in America. We were #9 at one point and now we are #3 and he believes we are moving in the right direction on improving this community.

**USE OF RANGE ROAD BY DEVELOPER**

Borough Attorney Verrone stated that the attorney for the developer of the Clariant Site advised that his client has submitted an application to the Planning Board for this project. He anticipates that it will be heard at a special meeting on November 21<sup>st</sup>. He also informally submitted a plan to Bergen County and part of the plan uses Range Road for this project. The developer's attorney advises that, assuming the Borough is ok with them using Range Road for the project, the County may require certain improvements to Range Road and surrounding intersections to be done prior to the project. These improvements will be at the cost of the developer and the Borough would have input. In order for the developer to move forward, the Council would have to agree with the use of Range Road for the project. If the Council agrees, she recommends that they authorize the Borough manager to have the Borough's Consulting Engineers review the requirements of the County and bring recommendations to the Council at next meeting.

There was unanimous consensus to allow the use of Range Road for this project and to authorize the Borough Manager to engage the Engineers to study and determine what the County is going to require.

Councilmember Rottenstrich asked Manager Van Kruijning if he has any input on this idea. He answered that he thinks it's an excellent idea and would decrease traffic there.

**ORDINANCE ON FIRST 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**

Upon motion by Deputy Mayor of Community Affairs Krause, seconded by Councilmember Rottenstrich, Ordinance 2637-2022 was introduced on first reading 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"**

Upon motion by Councilmember Rottenstrich, seconded by Deputy Mayor of Community Affairs Krause, Ordinance 2639-2022 was introduced on first reading and carried by a roll call vote of 5-0.

**ORD. 2629-2022 - Tabled**

**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**

Mayor Peluso explained that at the September 20, 2022 regular meeting, as you will recall, the second reading and public hearing on Ordinance No. 2629-2022 was postponed to permit the Borough Planner to consult with the Planning Board to specifically address some issues as a result of the Planning Board's review of Ordinance 2629-2022 as previously introduced. As a result of that consultation, a new draft Ordinance was prepared, which addresses issues including vehicle queuing, noise mitigation, and requirements for a traffic impact study and lighting plan as part of site plan approval. Consequently, I am going to ask that Ordinance 2629-2022, which is listed for second reading tonight, be tabled and that the new Drive-Through Ordinance No. 2640-2022 be introduced on first reading.

Upon motion by Deputy Mayor of Community Affairs Krause, seconded by Deputy Mayor Cutrone, Ordinance No. 2629-2022 was tabled 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**

Deputy Mayor Cutrone explained that she will not be voting in favor of this ordinance due to environmental issues.

Councilmember Rottenstrich explained that she will also not be voting in favor of this ordinance.

Upon motion by Councilmember Reinitz, seconded by Deputy Mayor of Community Affairs Krause, Ordinance 2640-2022 was introduced on first reading and carried by a roll call vote of 3-2.

**ORDINANCE ON SECOND READING**

**ORD. #2634-2022**

**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 COUNTY OF BERGEN, DIVISION OF COMMUNITY DEVELOPMENT ROADWAY IMPROVEMENTS OF 36<sup>th</sup> STREET AND HARTLEY PLACE TO AUTHORIZE APPROPRIATIONS OF \$136,976**

Motion to open the meeting to public comments on Ordinance No. 2634-2022 only was moved by Deputy Mayor of Community Affairs Krause, seconded by Deputy Mayor Cutrone 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. 2634-2022 only was moved by Councilmember Rottenstrich, seconded by Deputy Mayor Cutrone and carried unanimously.

Motion to adopt Ordinance No. 2634-2022 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. #2635-2022**

**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 COUNTY OF BERGEN DIVISION OF COMMUNITY DEVELOPMENT**

Motion to open the meeting to public comments on Ordinance No. 2635-2022 only was moved by Deputy Mayor of Community Affairs Krause, 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. 2635-2022 only was moved by Councilmember Rottenstrich, seconded by Deputy Mayor Cutrone and carried unanimously.

Motion to adopt Ordinance No. 2635-2022 on second and final reading was moved by Deputy Mayor of Community Affairs Krause, seconded by Deputy Mayor Cutrone carried by a roll call vote of 5-0.

**ORD. #2636-2022**

**AN ORDINANCE TO AMEND CHAPTER 131, LEAD-BASED PAINT, OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000**

Motion to open the meeting to public comments on Ordinance No. 2636-2022 only was moved by Councilmember Rottenstrich, 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. 2636-2022 only was moved by Deputy Mayor Cutrone, seconded by Deputy Mayor of Community Affairs Krause and carried unanimously.

Motion to adopt Ordinance No. 2636-2022 on second and final reading was moved by Councilmember Rottenstrich, seconded by Deputy Mayor of Community Affairs Krause carried by a roll call vote of 5-0.

**ORD. #2638-2022**

**AN ORDINANCE AUTHORIZING A SERVICES AGREEMENT FOR THE MAINTENANCE AND REPAIR OF THE BOROUGH OF FAIR LAWN'S WATER STORAGE TANKS WITH UTILITY SERVICES COMPANY, INC.**

Motion to open the meeting to public comments on Ordinance No. 2638-2022 only was moved by Deputy Mayor of Community Affairs Krause, seconded by Councilmember Rottenstrich and carried unanimously.

Pamela Coles, 13-34 George Street asked if there is a final cost for this project. Manager Van Kruiningen said that there is a 20 year shared service agreement with Utility Services Company, Inc. which he believes is approximately \$3,000,000. This is completely funded by the Federal Cares Act.

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. 2638-2022 only was moved by Deputy Mayor of Community Affairs Krause, seconded by Deputy Mayor Cutrone and carried unanimously.

Motion to adopt Ordinance No. 2638-2022 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.

**PUBLIC COMMENTS ON CONSENT AGENDA 14-2022 ITEMS ONLY**

Motion to open the meeting to public comments on Consent Agenda 14-2022 items only was moved by Deputy Mayor of Community Affairs Krause, seconded by Deputy Mayor Cutrone and carried unanimously.

Pamela Coles, 13-34 George St. asked what the Community Relations Advisory Committee does. Deputy Mayor Cutrone explained that they are responsible for promoting diversity and educating people in our community about diversity. Ms. Coles also asked about 316-2022 the Council Advisory Committee Operating Policy. Deputy Mayor Cutrone explained that the policy is attached to the resolution and that it is a guideline for all of our advisory committees to help them operate more smoothly. She then asked about 329-2022 is referring to. Deputy Mayor Cutrone explained that this is to renew the agreement with Lisa MacClements for

management services related to age-friendly initiative. There is a grant to pay 50% of her contract and the Borough pays the other 50%.

Kyle Mendelsohn, 9-02 Henderson Boulevard asked why Downes was hired to do snow plowing if we do our own plowing. Mayor Peluso explained that we do some of the plowing and Downes helps us to get ahead of it. He also asked when the trees on 11<sup>th</sup> street will be cut. Mayor Peluso asked that he leave his contact information and the Borough Manager will get back to him.

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

### **RESOLUTIONS BY CONSENT 14-2022**

Municipal Clerk Magarelli read the Resolutions by Consent statement.

Upon motion by Deputy Mayor Cutrone and a second by Councilmember Reinitz, Consent Agenda #14-2022 containing the following items was carried by a roll call vote of 5-0.

<b>RESO #</b>	<b>RESOLUTION TITLE</b>
313-2022	Approving Meeting Minutes
314-2022	Approving Fire Department Actions
315-2022	Accepting resignation and appointing a member to the Community Relations Advisory Committee
316-2022	Resolution adopting the Council Advisory Committee Operating Policy
317-2022	Resolution Authorizing the Purchase of Wausau Plow Parts and Accessories from Trius Inc. Through Wausau-Alamo Group Contract under National Cooperative Contract #062222-AGI-4
318-2022	Resolution Authorizing the Submission of a Grant Application to the New Jersey Department of Transportation For The FY2023 Transportation Alternatives Set-Aside Program
319-2022	Resolution Authorizing Contract Extension for Emergency Response Tree Work with Downes Tree Services, Inc.
320-2022	Resolution Authorizing Contract Extension for Stump Removal with Downes Tree Services, Inc.
321-2022	Resolution Authorizing Contract Extension for Tree and Stump Removal with Downes Tree Services, Inc.
322-2022	Resolution Authorizing Contract Extension For Tree Trimming Services With Beucler Tree Experts, LLC As The Primary Contractor And Downes Tree Services, Inc. As The Secondary Contractor

- 323-2022 Resolution Authorizing the Removal and Replacement of Pump #4 at Cadmus Place from Rapid Pump & Meter Service Co. Under North Jersey Wastewater Cooperative Contract #B331-7
- 324-2022 Resolution Authorizing Upgrades to Fair Lawn TV Equipment from SHI International Corp
- 325-2022 Resolution Authorizing the Purchase of Computer Security Upgrades from CDW-G Under State Contract
- 326-2022 Resolution Awarding Fire Department and Fire Prevention Uniform Contract to VinDan (aka Harris Uniform)
- 327-2022 Resolution Supporting BCUW Madeline Housing Partners, LLC to Construct the Campbell Road Homes Project
- 328-2022 Resolution authorizing the purchase of Hurst Jaws of Life equipment from State Line Fire & Safety, Inc.
- 329-2022 Resolution authorizing agreement with Lisa MacClements for management services related to age-friendly initiative
- 330-2022 Resolution awarding contract for snow plowing and hauling services to Downes Tree Services Co. Inc
- 331-2022 Resolution authorizing the Borough to purchase and install fencing at Vander Plaet field from Consolidated Steel & Aluminum Fence Co., Inc. under New Jersey state cooperative contract #88680
- 332-2022 Resolution authorizing the purchase of the fire extinguisher training system package from Witmer Public Safety Group, Inc. through lion first responder contract under national cooperative contract #032620-LIO
- 333-2022 Resolution authorizing reduction in performance guarantee and release of cash guarantee for site improvements at Cohen Plaza, LLC, 11-16 Plaza Road, Block 3513, Lots 1-11 & 18-23
- 334-2022 Resolution awarding contract for project no. 2362 – Bellair Avenue Roadway Improvements 2022 to Reivax Contracting Corp.
- 335-2022 Resolution approving change order for Kirila Fire Training Facilities Inc. for the construction and installation of a prefabricated containerized fire training center
- 336-2022 Resolution Adopting the Housing Rehabilitation & Home Improvement Program Operating Manual for the Administration of Rental & for Sale Units
- 337-2022 Resolution amending resolution No. 38-2022 appointing members to the Fair Lawn Community Garden Committee for calendar year 2022

**NEW BUSINESS**

Mayor Peluso stated that there is no new business.

**PUBLIC COMMENTS**

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



Anthony Swierczewski, 7-28 Fern Street asked why they allow trees to be cut down for solar panels. Councilmember Rottenstrich stated that she has never heard of that happening. She believes that our tree ordinance does need to be enforced. Councilmember Rottenstrich said that he is welcome to come to the shade tree meetings because he seems to have a lot of knowledge about trees.

Andrea Piazza, 12-19 Burbank Street thanked the Council for their support for the Shade Tree Advisory Committee Tree planting.

Kyle Mendelsohn, 9-02 Henderson Boulevard asked if information on the drive-thru is on the website. Municipal Clerk Magarelli explained that it will be on the website tomorrow.

Pamela Coles, 13-34 George Street stated that she is not in favor of the drive-thru overlay. She doesn't believe it belongs on a two lane corridor. She would like the street addresses for the blocks in the ordinance.

Mark Belcak, 12-51 12<sup>th</sup> Street spoke about a chicken coop that borders the back of his property. He stated that the ordinance was passed on August 9<sup>th</sup> and his neighbor still has his coop within 2 feet of his property line. It is uncared for and causes rat holes in his yard. His dog can't use his yard because it is dangerous and unhealthy. Manager Van Kruiningen responded that a notice of violation was issued to his neighbor. If the neighbor doesn't comply it will be in the hands of the court and that the Governing Body does not have any authority at this point.

#### **EXECUTIVE CLOSED SESSION – RESOLUTION 339-2022**

Upon motion by Councilmember Reinitz and a second by Deputy Mayor Cutrone, Resolution 339-2022 was carried by a roll call vote of 5-0 at 8:01 p.m.

#### **RECONVENE PUBLIC SESSION**

Upon motion by Deputy Mayor of Community Affairs Krause and a second by Deputy Mayor Cutrone it was unanimously agreed to reconvene the Regular Session at 9:38 p.m.

#### **ADJOURNMENT**

Upon motion by Deputy Mayor of Community Affairs Krause and a second by Councilmember Rottenstrich, the Work Session was adjourned at 9:38 p.m.

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***The within minutes were duly approved by the Borough Council at their meeting of November 22, 2022, under Resolution 343-2022***

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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Kurt Peluso,  
Mayor