



BOROUGH OF FAIR LAWN
MAYOR AND COUNCIL MEETING
MINUTES

COUNCIL MEETING MINUTES SEPTEMBER 20, 2022

Mayor Peluso called the meeting to order at 7:31 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 Kruijning, Attorney Verrone and Municipal Clerk Magarelli.

FLAG SALUTE

PROCLAMATIONS

Gold Star Parents of Fallen Military Sons and Daughters Day was presented to Veteran Affairs Liaison Ashlee Luther.

National Breast Cancer Awareness Month/National Mammography Day was presented to Councilmember Rottenstrich.

Opioid Abuse Prevention Awareness Month was presented to Health Officer Carol Wagner and Pamela Coles on behalf of Fair Lawn Alliance for Substance Abuse Prevention.

Gregory Simon was honored for his role in performing CPR and saving his neighbor, Paco Frola.

MAIN STREET MINUTE

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

COUNCIL COMMENTS

Councilmember Reinitz

He congratulated Gregory Simon for his actions. He informed the public of the new suicide prevention hot line number of "988". He thanked everyone responsible for the 9/11 ceremony. He thanked Veteran Affairs Liaison Ashlee Luther for coordinating the Veteran Fitness Challenge. He reminded the residents of the Dog Halloween Parade on October 29th. He attended and enjoyed Art in the Park III. He is looking forward to the Community Campout. He wished everyone who celebrated a Happy Rosh Hashanah.

Councilmember Rottenstrich

She thanked everyone who participated in the 9/11 ceremony and was honored to attend. She attended the Access for All ribbon cutting ceremony at Berdan Grove Park. She also attended Art in the Park III and said it was a wonderful event. She reminded the public that the Green Team will be holding their 2nd Annual Tree Planting Event in Brookdale Park on October 2nd from 1:00 to 4:00 p.m. She wished a Shannah Tovah v'metukah to everyone who celebrates.

Deputy Mayor Krause

He congratulated everyone who received proclamations. He thanked everyone involved in the 9/11 ceremony. He thanked Ryan Greff for his presentation and his hard work with the EDC and Main Street Program initiatives. He thanked everyone who participated and coordinated Art in the Park III and looks forward to next year's event. He is looking forward to the Community Campout. He hoped all the students and teachers have adjusted to being back in school and wished everyone a successful year.

Deputy Mayor Cutrone

She also wished everyone a successful school year. She thanked everyone who coordinated the 9/11 ceremony and was honored to attend. She attended the ribbon cutting ceremony for the Multi Sport Court in Memorial and is excited to see this new edition in the community. She attended Art in the Park III and stated it is one of her favorite events in Fair Lawn and it continues to grow each year. She thanked Deputy Mayor Krause, Arts Council Chairperson Jane Spindel and Art in the Park Committee Chair Liz Maresca. She congratulated everyone who received proclamations and that it serves as a reminder to take action. She encouraged everyone to take CPR Training. Anyone interested should reach out to Dan Furphy of the Fair Lawn Ambulance Corp. She also reminded everyone who is 18 and older to register to vote.

Mayor Peluso

He was honored to attend the annual 9/11 ceremony. He attended a sporting event in another municipality who had a new turf field. He learned that it took them over 20 years to obtain the new field because they had to raise the money

as the municipality did not contribute any funds. He was proud of the fact that Fair Lawn continues to improve their fields and recreational facilities without raising any municipal taxes. He attended a Finance Committee Meeting with Deputy Mayor Cutrone, Borough Manager Van Kruijning and CFO Palermo prior to the Council Meeting. He thanked them for their expertise and looks forward to keeping Fair Lawn fiscally sound. He is looking forward to the Community Campout. He thanked Borough Manager Van Kruijning and Chief of Staff Alvarez for their hard work in coordinating the event.

ORDINANCE ON FIRST 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 36th STREET AND HARTLEY PLACE TO AUTHORIZE APPROPRIATIONS OF \$136,976

Upon motion by Deputy Mayor of Community Affairs Krause, seconded by Deputy Mayor Cutrone, Ordinance 2634-2022 was introduced on first reading 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

Upon motion by Councilmember Rottenstrich, seconded by Councilmember Reinitz, Ordinance 2635-2022 was introduced on first reading and 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

Upon motion by Deputy Mayor Cutrone, seconded by Councilmember Reinitz, Ordinance 2636-2022 was introduced on first reading and 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.

Upon motion by Deputy Mayor Community Affairs Krause, seconded by Councilmember Rottenstrich, Ordinance 2638-2022 was introduced on first reading and carried by a roll call vote of 5-0.

ORDINANCE ON SECOND READING

ORD. #2629-2022 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

Upon referring the introduced Ordinance to the Planning Board, as required by law, the Planning Board submitted its report to the Council on September 13th, listing certain matters, such as lighting and noise mitigation, for example, with which the Planning Board had some concerns. While the Council is required to consider the Planning Board's report prior to adoption of the Ordinance, after conferring with the Borough Attorney, we believe some clarity is required as to the Planning Board's specific recommendations regarding the Board's concerns. Consequently, the Borough Attorney suggests that perhaps the most efficient way to proceed would be to postpone the public hearing on the Ordinance until the next regular meeting on October 25th and direct the Planner to confer with the Planning Board in the interim with the goal of receiving the Board's specific recommendations prior to the October 25th meeting, if possible. At that time, the Council can consider the Planning Board's specific recommendations prior to adoption of the Ordinance.

Upon a motion by Councilmember Reinitz and seconded by Deputy Mayor Krause, Ordinance 2629-2022 was tabled and postponed until the Borough Planner confers with the Planning Board so that the Board may provide its specific recommendations to the Council regarding proposed amendments to the Ordinance prior to adoption by a roll call vote of 5-0.

PUBLIC COMMENTS ON CONSENT AGENDA 13-2022 ITEMS ONLY

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

There being no 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 13-2022

Municipal Clerk Magarelli read the Resolutions by Consent statement.

Mayor Peluso asked for a motion to pass Consent Agenda 13-2022, resolutions 284-2022 thru 306-2022

Upon motion by Deputy Mayor Community Affairs Krause and a second by Deputy Mayor Cutrone, Consent Agenda #13-2022 containing the following items was carried by a roll call vote of 5-0.

RESO #	RESOLUTION TITLE
284-2022	Approving Fire Department Actions
285-2022	Approving Meeting Minutes
286-2022	Appointing Members to the Fair Lawn Arts Council
287-2022	Appointing Member to the Property Maintenance Committee
288-2022	Authorizing tax overpayment refund
289-2022	Resolution Authorizing Renewal of Membership in the Bergen County Municipal Joint Insurance Fund
290-2022	Resolution Authorizing Plymouth Park Pharmacy to Provide Influenza Vaccinations to Borough Employees, Emergency Responders, Senior Citizens and Pre-Approved Residents
291-2022	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 \$7,024.31 , From The National Opioid Settlement Fund
292-2022	Resolution to cancel a balance in grant receivable and grant reserve
293-2022	Resolution Of The Council Of The Borough Of Fair Lawn, In The County Of Bergen, State Of New Jersey, Authorizing The Preparation And Application To The Local Finance Board Seeking Approval Of A Services Agreement With Utility Services Company, Inc., Pursuant To And In Accordance With N.J.S.A. 58:26-19 Et. Seq.
294-2022	Resolution Authorizing the Purchase of a Temporary Speed Table from Traffic Logix. Corporation under National Cooperative Contract #070821-LGX
295-2022	Resolution Authorizing the Amendment to Resolution No. 161-2022 Authorizing the Borough to Enter Into Contract with Pumping Services, Inc. For Pump Repairs at the Saddle River Road Pump Station, Under North Jersey Wastewater Cooperative Contract B270-2
296-2022	Resolution authorizing the emergency repair by Firefighter One to a first response ladder fire truck

- 297-2022 Resolution authorizing the Borough to purchase a 2023 Chevrolet Tahoe 4WD for the Department of Public Works under ESCNJ #20/21-09 from Mall Chevrolet
- 298-2022 Resolution Authorizing The Purchase Of A 2024 Model Mack MD7 With A Galion Body From Gabrielli Truck Sales Under National Cooperative Contract #060920-KTC
- 299-2022 Resolution Awarding Contract for Bioxide Odor & Corrosion Control Chemical to Evoqua Water Technologies, LLC
- 300-2022 Resolution awarding contract for heating ventilation and air conditioning maintenance and repairs to McCloskey Mechanical Contractors, Inc.
- 301-2022 Resolution Awarding Contracts for Water Main, Sanitary Sewer, and Stormwater Facility Repairs to John Garcia Construction Co., Inc as the Primary Contractor, Colonnelli Brothers, Inc. as the Secondary Contractor, and Conquest as the Tertiary Contractor
- 302-2022 Resolution Authorizing the Borough of Fair Lawn Enter Into a Lease Agreement with Avant Garde Technologies, For Three Kyocera Copiers under ESCNJ/AEPA Contract-21C
- 303-2022 Resolution Authorizing The Borough To Purchase And Install Fencing At Memorial Park Basketball Court From Consolidated Steel & Aluminum Fence Co., Inc. Under New Jersey State Cooperative Contract #88680
- 304-2022 Resolution authorizing the Borough to enter into a contract with Valley Physician Services for workplace drug & alcohol testing services
- 305-2022 Resolution authorizing the Borough to purchase a 2023 Chevrolet Tahoe 4WD for the Fair Lawn Fire Department, under State Contract #21-FLEET-01483, from Hertrich Fleet Services, Inc.
- 306-2022 Resolution authorizing to enter into membership with Buyboard a National Purchasing Cooperative Program

NEW BUSINESS

No matters were presented under New Business.

PUBLIC COMMENTS

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

Tom Locicero, the owner of All Points towing located at 5-35 Saddle River Road and Glen Belfi, the owner of Belfi's towing located at 208 Palisades Avenue, Garfield, who both are authorized tow companies for the Borough, requested that the Governing Body update their allowable towing fees in our Borough

Ordinance. They fear that they will no longer be able to provide services to the Borough if the rates are not increased. Mayor Peluso asked the Municipal Clerk to add this to the October 11th Work Session agenda.

Mark Belcak of 12-51 12th Street, reported an ongoing matter with rats in his backyard due to a neighbor on Burbank Street having chickens. He has been in contact with the Health Department but has not received any updates on the matter since August. The Borough Manager will look into the matter and with he or the Health Department will respond back to him.

Kyle Mendelshon of 9-02 Henderson Boulevard expressed his opposition to Ordinance 2629-2022 (aka Drive-through ordinance) due to safety and traffic congestion.

Howard Marks of 12-23 Ferry Heights expressed his concern for the lack of an adequate grocery store on his side of the Borough.

Anthony Swierczewski of 7-28 Fern Street expressed his opposition to Ordinance 2629-2022 (aka Drive-through ordinance) due to safety and traffic congestion. He also asked if Fern Street can be turned into a one way towards Maple Avenue. He stated that Fern Street is used as a traffic congestion cut through and is concerned with the high speed of the vehicles. The Borough Manager will have the Police Department conduct a traffic study of the area.

Pat Rota-Newman of 8-10 Fern Street also expressed her opposition to Ordinance 2629-2022 (aka Drive-through ordinance) due to safety and traffic congestion. She stated that the traffic is already an issue with the car wash. She also stated that Fern Street is used as a traffic congestion cut through and is concerned with the high speed of the vehicles

Susan Swierczewski of 7-28 Fern Street expressed her opposition to Ordinance 2629-2022 (aka Drive-through ordinance) due to safety and traffic congestion. She states that the car wash on Maple Avenue has caused a large traffic issue and fears that additional drive through establishments will make matters worse. She fears emergency responders will not be able to get through the area quick enough for emergencies due to the heavy congestion and potential of more traffic with the addition of more drive through establishments.

Dr. Charles Knapp of 23-02 Maple Avenue is opposed to Ordinance 2629-2022 (aka Drive-through ordinance) due to safety and traffic congestion. He stated the only business that would perhaps be able to have a drive through is Johnny and Hanges.

Pam Coles of 13-34 George Street stated that the entire route of Maple Avenue from Waldwick to Fair Lawn does not have any drive through establishments and either does the entire length of River Road. She didn't feel it was necessary for Fair Lawn to be the exception. Ms. Coles also stated that she unfortunately had to take a tree down in front of her house due to the damage it was causing to her sidewalk. She has now replaced the sidewalk and was looking to have the town plant a tree where the roots grew down as opposed to spreading out and causing damage. The Mayor asked her to send him an email and he will refer it to the Shade Tree Chairpersons.

Craig Miller of 5 Ramapo Terrace was concerned with the increasing amount of vehicles with tinted windows. Councilmember Reinitz stated that there were changes in the law to make it difficult for officers to enforce. He also asked when Municipal Court would be resuming in person sessions. Councilmember Reinitz also responded that after COVID the NJ State Division of Courts has found it easier and more convenient to hold virtual sessions and there are no plans to returning to live sessions in the near future.

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.

EXECUTIVE CLOSED SESSION – RESOLUTION 307-2022

Upon motion by Deputy Mayor of Community Affairs Krause and a second by Deputy Mayor Cutrone, Resolution No. 307-2022 was carried by a roll call vote of 5-0 at 9:41 pm.

- i. Collective bargaining agreements, including proposed terms and conditions and negotiations
- ii. A matter involving the purchase, lease, or acquisition of real property with public funds, the setting of banking rates, or investment of public funds
- iii. Personnel matters pursuant to N.J.S.A. 10:4-12b(8)
- iv. Contract Negotiations – Affordable Housing

RECONVENE PUBLIC SESSION

Upon motion by Councilmember Reinitz and a second by Deputy Mayor Cutrone and carried at 11:04 p.m.

ADJOURNMENT

Upon motion by Councilmember Reinitz and second by Deputy Mayor Cutrone, the meeting was adjourned at 11:05 p.m.

The within minutes were duly approved by the Borough Council at their meeting of October 25, 2022, under Resolution 313-2022

Respectfully submitted,



Nicholas J. Magarelli, RMC
Municipal Clerk

The undersigned has read and approves the foregoing minutes.



Mayor Kurt Peluso