



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

WORK SESSION MEETING MINUTES OF FEBRUARY 7, 2023

Deputy Mayor Krause 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 December 19, 2022, the Herald News on December 27, 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: Deputy Mayor Krause, Deputy Mayor of Community Affairs Cutrone and Councilmembers Reinitz and Rottenstrich.

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

ABSENT: Mayor Peluso

COUNCIL COMMENTS

Councilmember Reinitz:

There was no report as his committees were meeting tomorrow.

Councilmember Rottenstrich:

On February 1st, the Bergen County Commissioners voted to authorize \$327,000 in funding for much-needed work on the Garretson Farm and Forge. Garretson volunteers will be joining the Green Team on Sunday for the Native Plumes event. They will be hosting the grand opening of their seed library on March 5th.

Main Street Board – they will be meeting tomorrow at 7:00 pm.

Taste of Our Town – February 27th from 6:00 pm to 8:00 pm.

Deputy Mayor of Community Affairs Cutrone:

Community Relations Committee – the Community Read sub-committee will hold discussion groups towards the end of February; Pride Committee would like to hold their event on June 11th at the Memorial Pool parking lot; Holocaust Remembrance Committee is looking to reschedule their event in the spring.

Deputy Mayor Krause:

Environmental Commission – Membership is down. They have two vacancies on the Commission and other members have not been attending regularly. If anyone is interested in joining they can submit a Citizen Leadership Form.

ORDINANCES ON SECOND READING/FINAL PASSAGE

ORD. #2646-2023

AN ORDINANCE OF THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR WATER STORAGE TANK IMPROVEMENTS AND APPROPRIATING \$4,845,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,400,000 IN WATER UTILITY BONDS OR NOTES OF THE BOROUGH OF FAIR LAWN TO FINANCE THE SAME

Motion to open the meeting to public comments on Ordinance No. 2646-2023 only was moved by Deputy Mayor of Community Affairs Cutrone, seconded by Councilmember Rottenstrich and carried unanimously.

There being no public comments, motion to close the meeting to public comments on Ordinance No. 2646-2023 only was moved by Deputy Mayor Cutrone, seconded by Councilmember Rottenstrich and carried unanimously.

Motion to adopt Ordinance No. 2646-2023 on second and final reading was moved by Councilmember Reinitz, seconded by Deputy Mayor of Community Affairs Cutrone and carried by a roll call vote of 4-0.

ORD. #2647-2023

AN ORDINANCE AMENDING CHAPTER 74, BROADWAY SPECIAL IMPROVEMENT DISTRICT AND CHAPTER 180 RIVER ROAD SPECIAL IMPROVEMENT DISTRICT, OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, TO REPLACE THE DISTRICT MANAGEMENT CORPORATIONS IN EACH DISTRICT WITH A NEWLY ESTABLISHED DISTRICT MANAGEMENT CORPORATION KNOWN AS FAIR LAWN MAIN STREET, INC.

Motion to open the meeting to public comments on Ordinance No. 2647-2023 only was moved by Deputy Mayor of Community Affairs Cutrone, seconded by Councilmember Reinitz and carried unanimously.

Pamela Coles stated that she knows that there will be two representatives from the Broadway District and two people from the River Road district, as well as a Councilmember on Fair Lawn Main Street. Councilmember Rottenstrich explained there will be nine members of the Board of Directors; the five people mentioned plus a president, treasurer, secretary and a member from the Chamber of Commerce. There will be an unlimited number of public members. Ms. Coles asked if they were all residents. Councilmember Rottenstrich stated the president, Abigail Katznelson, is a property owner in Fair Lawn, not a resident. Ms. Coles asked how the surrounding neighbors could have input.

Councilmember Rottenstrich stated Ms. Coles could attend the meetings. They will have committees, such as the beautification of Broadway and River Road.

There being no further comments, motion to close the meeting to public comments on Ordinance No. 2647-2023 only was moved by Deputy Mayor Cutrone, seconded by Councilmember Rottenstrich and carried unanimously.

There being no discussion, motion to adopt Ordinance No. 2647-2023 on second and final reading was moved by Councilmember Rottenstrich, seconded by Deputy Mayor of Community Affairs Cutrone and carried by a roll call vote of 4-0.

REVIEW OF TENTATIVE AGENDA – February 28, 2023 Meeting

Deputy Mayor of Community Affairs Cutrone asked about doing a proclamation for Women's History Month. Municipal Clerk Magarelli confirmed that it will be added to the agenda.

BUDGET MEETING

Deputy Mayor of Community Affairs Cutrone stated they needed to pick a new Budget Meeting date as there is a conflict with February 21st. Manager Van Kruijning stated they could reschedule to February 27th, March 1st or March 2nd.

There was a unanimous consensus to reschedule the Budget Meeting to Thursday, March 2nd at 7:30 pm.

STATE TAX COURT SETTLEMENTS (BLOCK 1206, LOT 17 & BLOCK 5506, LOT 10)

Manager Van Kruijning referenced his email dated February 3, 2023, with attached memorandum from the Tax Assessor regarding the above settlement.

There was a unanimous consensus to approve the settlement.

DISABLED VETERAN EXEMPTION (BLOCK 3525, LOT 29)

Manager Van Kruijning referenced his email dated February 3, 2023, with attached memorandum and documentation from the Tax Assessor regarding a 100% disabled veteran tax exemption.

There was a unanimous consensus to approve the above tax settlement.

MEMORANDUM OF UNDERSTANDING – FAIR LAWN AMBULANCE CORP

Manager Van Kruijning referenced his email dated February 2, 2023, which contained the draft Memorandum of Understanding extension approved by the Ambulance Corps' Executive Board.

There was a unanimous consensus to approve the Memorandum of Understanding with the Ambulance Corps.

COMMITTEE POLICY AND BOROUGH ORDINANCE 2-102 ENVIRONMENTAL COMMISSION CLARIFICATION

Municipal Clerk Magarelli stated there was some confusion between State statute, the ordinance and the new Borough policy for Boards and Committees as it pertained to the appointment of the Environmental Commission chairperson. Attorney Verrone explained that the Environmental Commission is a statutory board and its appointment for chairpersons and officers is dictated by the statute. As such, the Mayor makes the appointment.

DANIEL'S LAW

Municipal Clerk Magarelli explained that Daniel's Law allows judges or people who work in law enforcement to register with the State so that they are automatically redacted from any documents that could be obtained through the Open Public Records Act (OPRA). He has been working with the Tax Collector and Tax Assessor to clear these individuals from their tax records and online payment sites. He also redacted personal addresses of individuals included in past resolutions. Moving forward, he will no longer list any addresses on Borough resolutions.

There was a unanimous consensus to approve the redaction of private addresses for people registered under Daniel's Law on all documents that could be obtained through OPRA and also on Borough resolutions.

PLAZA ROAD POCKET PARK

Manager Van Kruijning stated that the Garden Committee would like to install a vinyl, 6ft. tall privacy fence around the property. They received a proposal of \$43,344 for 250 linear feet. If approved, the funds would come from the Municipal Open Space Trust Fund, leaving a balance of \$200,000.

Councilmember Rottenstrich suggested getting quotes on alternate types of fencing. Manager Van Kruijning will look into it.

REVIEW OF REDEVELOPMENT PLAN PROPOSAL – BLOCK 5610, LOTS 39, 40-44, 43.01 & 44.01

Manager Van Kruijning referenced his email dated February 2, 2023, which provided the proposal from CME Associates to prepare the redevelopment plan for the property where the Chase Bank is located. If approved, the funding would come from the Mayor and Council's Operating Budget under Professional Services, which has a current balance of \$50,000.

There was a unanimous consensus to approve the proposal submitted by CME Associates for the preparation of a redevelopment plan for the above-referenced property.

RAMADAN LIGHTING

Deputy Mayor of Community Affairs Cutrone referenced an email from a resident requesting the Borough be lit up for Ramadan. She discussed the sample pictures of lighting done in other municipalities, including a stand-alone crescent. Manager Van Kruijning noted that all the religious items placed on the front of Borough Hall have been donated, and were not paid for by the Borough.

Deputy Mayor of Community Affairs Cutrone suggested lighting up the Municipal Building in the Ramadan colors, but advising the resident that the crescent statue would need to be donated.

There was a unanimous consensus to approve the display of special lighting and/or donated Ramadan statue during the period of Ramadan.

NEW JERSEY I-BANK LOAN APPLICATION – CADMUS PLACE WATER TREATMENT PLANT

Manager Van Kruijning stated at the Work Session on June 14, 2022, CME Associates discussed a pilot program for applying to use fluorosorb as a treatment at the water facility. They also discussed an application for funding for a new water facility through the I-Bank, who is now requesting a letter of intent. CME submitted a cost proposal of \$35 million to build a new water facility at Cadmus Place, and an additional \$7.7 million in planning, design and engineering costs, for a total cost of \$45,500,000. He did not feel a new facility was necessary and noted that a \$45 million application will triple the Borough's debt in one application.

Deputy Mayor Krause felt this was too large a project to take on. Councilmember Rottenstrich agreed. Deputy Mayor of Community Affairs

Cutrone explained she had asked for grant funding for \$35 million, but since they did not get approved they were not at the point to proceed. Manager Van Kruijning stated he will notify CME Associates to only proceed with the fluorosorb application and discontinue the IBank funding application.

BOND RELEASE STORAGE PLATFORM, LLC

Municipal Clerk Magarelli stated he received a notice from CME Associates on February 3, 2023, recommending the release of the performance guaranty for Storage Platform on Route 208. A Maintenance guaranty was required for a period not to exceed three years, and he needed the Council's approval to add a resolution regarding this to the next Council agenda.

There was a unanimous consensus to pass a resolution regarding a Maintenance Guaranty for Storage Platform, LLC as discussed above.

NEW BUSINESS

There was no new business.

PUBLIC COMMENTS

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

Pamela Coles asked if they received a report regarding the historic preservation of Chase Bank. Manager Van Kruijning explained that was part of the redevelopment plan. It will be looked into and researched by CME Associates.

Ms. Coles asked if a developer was appointed to handle the redevelopment of the Dollar Store property on Fair Lawn Avenue. Manager Van Kruijning stated there was a developer, Danbro, but there was no progress as of yet.

There being no further comments, upon motion by Deputy Mayor of Community Affairs Cutrone and a second by Councilmember Rottenstrich, the time for public comments was unanimously closed.

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

Elizabeth Portelli spoke about the horrible accident that happened at Green Dragon. It was very scary and a miracle that no one was killed. She noted that there have been many storefront crashes in the past few years. While bollards prevent some accidents, they failed in this situation. There needs to be more security measures taken, perhaps utilizing concrete planters or changing the head on parking.

Deputy Mayor Krause thanked Ms. Portelli for coming. He was glad her family wasn't hurt in the incident. There will be limitations as to what the Borough can do since it is private property. Although the safety measures sound great, he did not know if there was a way the Borough could enforce them. Ms. Portelli asked if the property owners would be allowed to put up blockades if they wanted to. Attorney Verrone stated yes. Manager Van Kruijning stated planters or bollards were okay provided they met ADA requirements for wheelchair accessibility.

Councilmember Reinitz suggested reaching out to State legislators about requiring drivers to recertify their driver's license at a certain age, as most store front accidents involved an elderly driver who made a mistake. He was concerned that the owner of this mall hasn't taken any additional action, despite having other accidents of this type. Ms. Portelli stated she has already reached out to State representatives.

Pamela Coles stated that on Washington Street in Hoboken, people now have to back their cars into the angled parking spaces. The property owner might want to consider this.

Craig Miller expressed concern about backing into spaces because the same accident could occur, and then they would have the added concern of having the gas tank hit something and possibly start a fire. He noted some people cannot back into spaces. He didn't like labeling the problem as only senior citizens.

There being no further comments, upon motion by Deputy Mayor of Community Affairs Cutrone and a second by Councilmember Rottenstrich, the time for public comments was unanimously closed.

EXECUTIVE CLOSED SESSION – RESOLUTION 108-2023

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

Motion to go into executive session to discuss matters exempt from the public as duly noticed by Resolution No. 108-2023 was moved by Deputy Mayor of Community Affairs Cutrone and seconded by Councilmember Rottenstrich. Motion carried by a roll call vote of 4-0.

RECONVENE PUBLIC SESSION

Upon motion by Deputy Mayor of Community Affairs Cutrone and a second by Councilmember Rottenstrich, it was unanimously agreed to reconvene the Work Session at 8:44 pm.

ADJOURNMENT

Upon motion by Councilmember Rottenstrich and a second by Deputy Mayor of Community Affairs Cutrone, the Work Session was adjourned at 8:44 p.m.

The within minutes were duly approved by the Borough Council at their meeting of February 28, 2023, under Resolution 110-2023.

Respectfully submitted,



Nicholas J. Magarelli, RMC
Municipal Clerk

The undersigned has read and approves the foregoing minutes.

A handwritten signature in black ink, appearing to read 'K. Peluso', is centered on the page. The signature is fluid and cursive.

Mayor Kurt Peluso