



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

**WORK SESSION**

**WORK SESSION MEETING MINUTES OF NOVEMBER 1, 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 and Councilmembers Reinitz and Rottenstrich.

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

**REVIEW OF TENTATIVE AGENDA** – November 22, 2022 Meeting

There were no changes or additions to the agenda.

**COUNCIL COMMENTS**

Councilmember Reinitz:

His thoughts were with the two officers who were shot in Newark today.

Councilmember Rottenstrich:

She echoed Councilmember Reinitz's comments. Her office is quite close to where this shooting took place and she heard the sirens.

She reminded everyone about a program being presented by the Garretson Forge and Farm and the Fair Lawn Historic Preservation Commission. The speaker, John Van Cleese, will be discussing a soldier's (redcoat) view of the American Revolution tomorrow at 7:00 pm at the Community Center.

She encouraged everyone to vote as Election Day is Tuesday, November 8<sup>th</sup>.

Deputy Mayor of Community Affairs Krause:

None of his committees have met yet. His thoughts go out to the officers who were shot and their families.

There is a week until Election Day and every election matters. Please remember to vote.

He walked around during Halloween and saw many families. It was nice to see Fair Lawn have a happy and healthy Halloween.

Deputy Mayor Cutrone:

She also sent thoughts and prayers to the families of the officers who were shot in Newark.

Access for All Committee – they are doing great work. They had a booth at the Street Fair and were approached many times by residents looking for resources and who were excited to know that the Committee exists.

The group recently did a hike at Ramapo Reservation. She thanked Manager Van Kruiningen for arranging the use of the mini bus to get them there. In addition to their monthly dances, the Committee is hosting a Paint and Sip event in November.

The Committee was instrumental in getting the new communication board at Berdan Grove that will not only help those with special needs, but also younger children who cannot yet communicate verbally. They will be looking to install communication boards in as many playgrounds in town as possible.

She concluded by thanking St. Anne's Knights of Columbus for making a generous donation of \$3,200 to the Access for All Committee.

Mayor Peluso:

He also spoke about the Police officers in Newark who were shot today. He noted there are a few Newark Police officers who are from Fair Lawn so they have close ties to them.

He thanked the Recreation Department for putting on a phenomenal Halloween parade, which had a large turnout. He also thanked the organizers of the dog costume parade that was a lot of fun. He, Councilmember Rottenstrich and Deputy Mayor of Community Affairs Krause got to judge some really good costumes.

**FAIR LAWN AVE & PLAZA ROAD REDEVELOPMENT PLAN**

Attorney Verrone introduced her partner, Jamie Placek. Ryan Reinertsen from CME Associates was also present.

Mr. Placek stated that since the affordable housing requirements were added into the Planning Board's finalized plan afterwards, he recommended it go back to the Board for their final comments, which can be accepted, modified or rejected. The plan is consistent planning wise with what they have seen before, with the minor additions of unit numbers and the affordable housing requirements. He noted that the plan calls for 145 units, 22 of which will be affordable units.

Councilmember Reinitz asked Mr. Placek if he believed that, based on the next round of affordable housing, that doing it this way is essential in making sure they meet their obligations and don't get stuck with another development. Mr. Placek said yes. He went on to say that because the units were age restricted to 55 and over, there would not be an impact to the school system. Deputy Mayor of Community Affairs Krause pointed out that he had a discussion over the phone today before today's meeting and the age restricted plan was not the plan that was presented to them.

**ARTICLE IV, SCHEDULE OF FEES, CHAPTER 94-12 (Z) RE CH 223 TOWING AND STORAGE FEES**

Mayor Peluso explained that some of the Borough's towing contractors stated at the September 20<sup>th</sup> Council Meeting that the Borough's fees for towing, storage and miscellaneous fees are far lower than surrounding towns.

Manager Van Kruijning reported that the Traffic Safety Division compared their rates to Elmwood Park, Ridgewood, Hawthorne, Paramus, Glen Rock and Saddle Brook. Although the Borough was a little lower in some fees, other fees were higher. The Police Department does not recommend an increase in towing, storage and miscellaneous fees at this time.

There was a unanimous consensus to keep the fees for towing, storage and miscellaneous fees as is.

**KEEPING OF FOWL ORDINANCE**

Mayor Peluso stated that he visited several residences to see review the distance required between chicken coops and property lines in the ordinance. Since one goal of the ordinance is keeping the coops away from neighbors, several chicken owners are asking to shorten the required distance from their house to the coop to five feet. Deputy Mayor of Community Affairs Krause wondered if it was easier to

just delete I and II under Section H and just leave the property line requirement. Attorney Verrone suggested 10 feet from the property line. There was a unanimous consensus to amend the ordinance as discussed above and have a setback of ten feet from the property line.

### **RECREATION DEPARTMENT AND PRIVATE LESSONS**

Councilmember Reinitz suggested having a policy prohibiting private coaches and/or non-residents from utilizing basketball courts at the Community Center, and Borough tennis courts, to run for-profit practice sessions. Mayor Peluso stated he witnessed this firsthand and advised the coach he was not allowed to use the court. Councilmember Rottenstrich also received complaints. She felt there should be signage everywhere prohibiting this.

Councilmember Reinitz stated that if the issue is liability, he suggested having the coaches register to prove they have insurance, etc. Councilmember Rottenstrich did not want that level of control. She would prefer that it not be allowed. Councilmember Reinitz stated this would allow a resident to stay in town to get lessons if the court was available. Registration would provide a method of control. Deputy Mayor of Community Affairs Krause agreed this was a variable to consider. Mayor Peluso stated there was a difference when it was a business.

Manager Van Kruijning will put a policy together and present it to the Council at the December Work Session.

### **AMENDMENT TO PORTABLE BASKETBALL COURT IN PUBLIC ROADWAYS ORDINANCE**

Manager Van Kruijning referenced his email dated October 27, 2022, which contained the draft ordinance he prepared based on the Council's input at the last Work Session. The ordinance deals with partial obstruction from portable hoops, hoops obstructing the sidewalk or entire hoop systems placed in the road. Mayor Peluso suggested adding language requiring hoops be raised to 12 feet during snow episodes so they don't hinder snow plows.

There was a unanimous consensus to have Manager Van Kruijning add the requirement that portable basketball hoops be raised to 12 feet during snow storms to the draft ordinance.

### **STATE TAX COURT SETTLEMENT (BLOCK 3315 – LOT 23)**

Manager Van Kruijning referenced the memo and supporting documents from Tax Assessor Henderson regarding this settlement. There is no funding in the budget for this, so the refund will be paid from the surplus account.

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

### **DISABLED VETERAN TAX EXEMPTION APPLICATION (BLOCK 5507 – LOT 11)**

Manager Van Kruijningen referenced email correspondence dated October 27, 2022, with attached memorandum and supporting documentation from Tax Assessor Henderson, regarding a 100% disabled tax exemption.

There was a unanimous consensus to approve the above-referenced tax refund.

### **DELTA DENTAL RENEWAL PROPOSAL**

Manager Van Kruijningen referenced his email dated October 27, 2022, which included renewal proposals with Delta Dental, prepared by the Borough's health consultant (PIA), for dental benefits for eligible employees, dependents and retirees. The one year renewal for 2023 would be an increase of \$5,200 for the year. A two year contract renewal is an increase of just over \$9,100 for 2023 and 2024. He and CFO Palermo recommend going with a two year renewal.

There was a unanimous consensus to have Manager Van Kruijningen move forward with the two year contract with Delta Dental.

### **DECEMBER HOLIDAY EVENTS**

Manager Van Kruijningen referenced his email dated October 28, 2022, which provided information on the Holiday Parade of Lights and activities. This year, the "special visitor" will greet residents inside Council Chambers, which will be decorated as a winter wonderland. The Borough will also be doing "Phone Calls from Santa", but they are not holding "Breakfast with Santa" this year.

### **NAUGLE-VANDERBECK HOUSE PHASE 2 ARCHITECTURAL SERVICES PROPOSAL**

Manager Van Kruijningen referenced his email dated October 28, 2022 with attached proposal from HMR Architects, the historical architects that have done the previous work with the Naugle House. The proposal for phase two renovations will be in full compliance with the Naugle House Preservation Plan and the Secretary of Interiors Standards. CFO Palermo has confirmed that the appropriations are available in the Capital Budget.

Councilmember Rottenstrich asked Manager Van Kruijningen about the \$123,000 in grant money available from the County. Manager Van Kruijningen explained that Historical Preservation funds were matching, so a portion of that will go towards the cost of the proposal. For the actual cost of the complete renovation, he will need

to ask for more funding both in Borough Capital and through another application to the County to cover the costs.

There was a unanimous consensus to have HMR Architects move forward with their proposal for Phase II work on the Naugle-Vanderbeck House.

### **VEHICLE COUNT/ SPEED STUDY 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 stated they previously obtained vehicle count data and speed monitoring for the above streets, Canger Place, Dewey Place, and Essex Place (between Morlot Avenue and Bellair Avenue). The second study monitored 1<sup>st</sup> Street through 6<sup>th</sup> Street between Berdan Avenue and Bellair Avenue. After reviewing the data, the only two streets that stood out were 3<sup>rd</sup> Street and 5<sup>th</sup> Street. He recommended putting out the speed monitors on both streets for a period of time.

Councilmember Reinitz requested that the speed monitor also be placed on 1<sup>st</sup> Street. Deputy Mayor of Community Affairs Krause felt 4<sup>th</sup> Street should also be included. Manager Van Kruijning stated he will get the monitors out this week.

### **2023 PROFESSIONAL SERVICES - RFP**

1. Borough Attorney;
2. Bond Counsel;
3. Comprehensive General Liability Claims Attorney;
4. Labor Counsel;
5. Tax Appeal Attorney;
6. Workers' Compensation Attorney;
7. Alternate Municipal Prosecutor;
8. Environmental Consultant;
9. Licensed Land Surveyor;
10. Municipal Auditor;
11. Municipal Planner of Record;
12. Open Space/Green Acres Planner;
13. Real Estate Appraiser;
14. Municipal Engineering Consulting Services;
15. Grant Writing and Consulting Services;
16. Arborist Consulting Services

Municipal Clerk Magarelli asked for permission to send out RFP's for the above Professional Services for 2023. He is adding an RFP for Arborist Consulting Services.

There was a unanimous consensus to do RFP's for all of the above referenced professional services.

**NEW GRANT OPPORTUNITY: NJDEP GREEN ACRES**

Councilmember Rottenstrich thought this grant might be an opportunity for them to do some work at the Naugle House to make the property more usable, such as removing the bamboo. She noted a public hearing was required.

Manager Van Kruijning stated that the required public hearing can take place during a Council Meeting. The remaining work on the house will be done in three phases (they just approved Phase II), and then a decision will have to be made on what will be done inside the house for future use. There is another phase after this and it does not include any type of exterior landscape work; it is only home rehabilitation. They should be finished with the home at the end of 2024.

Councilmember Rottenstrich stated it would be nice to get the house completed before the Borough's 100<sup>th</sup> anniversary celebration. Mayor Peluso wondered if phase 2 and phase 3 could be done simultaneously. Manager Van Kruijning stated that the cost for phase 2 is \$650,000. He estimates similar costs for phase 3. With phase 2 they will have spent over \$3 million dollars on the home. He will see if there are any grants he can apply for to cover exterior landscaping.

There was a unanimous consensus to have Manager Van Kruijning look into grant opportunities to cover the cost of exterior landscaping.

**NEW BUSINESS**

There was no new business.

**PUBLIC COMMENTS**

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

Nitzan Ben David, 16-04 Hunter Place thanked the Council for approving setback revisions in the Keeping of Fowl Ordinance. She asked them to also reconsider moving the inside time requirement for roosters from 9 am to 8 am, as it is a hardship for working families. Three other families are having the same issues.

She referenced a speed study that was done on High Street that noted several cars driving at a high speed, but no speed tables were installed. She wondered if High Street could also receive a speed monitor.

Mayor Peluso stated that if a road warrants speed tables, the Council has always approved them. High Street might not have met all the criteria, but he will look into it.

Irv Hirsch, 5-15 6<sup>th</sup> Street thanked the Council for being so welcoming of Bergen Hatzolah. They have responded to ten ambulance calls this past month and many of their members have joined the Fair Lawn Volunteer Ambulance Corps and participated in many of those calls. He thanked Ambulance Chief Epstein for being so helpful and he acknowledged the professionalism and helpfulness of the Police Department. He looked forward to working with the Borough Manager and OEM Coordinator/Chief of Staff Alvarez to help the whole community.

There being no further comments, upon motion by Deputy Mayor Cutrone, seconded by Councilmember Reinitz, the time for public comments was unanimously closed.

## **ORDINANCE ON FIRST READING**

### **ORDINANCE 2641-2022**

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF FAIR LAWN ADOPTING A REDEVELOPMENT PLAN FOR THE PROPERTY KNOWN AS BLOCK 3726, LOTS 2, 3, 5, 5.01 AND 6 LOCATED ON FAIR LAWN AVENUE AND PLAZA ROAD, PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.**

There being no discussion, upon motion by Councilmember Rottenstrich, seconded by Councilmember Reinitz, Ordinance 2641-2022 was introduced on first reading and carried by a roll call vote of 5-0.

### **RESOLUTION 340-2022 - RESOLUTION AUTHORIZING THE APPLICATION FOR A NJDEP TREATMENT WORKS PERMIT FOR 1 REAGANT LANE, BLOCK 4902, LOT 1**

There being no discussion, upon motion by Deputy Mayor of Community Affairs Krause, seconded by Deputy Mayor Cutrone, Resolution No. 340-2022 was unanimously passed by a roll call vote of 5-0.

## **EXECUTIVE CLOSED SESSION – RESOLUTION 341-2022**

Motion to go into executive session to discuss matters exempt from the public as duly noticed by Resolution No. 341-2022 was moved by Councilmember Reinitz and seconded by Deputy Mayor of Community Affairs Krause. Motion carried by a roll call vote of 5-0.

- i. Collective bargaining agreements, including proposed terms and conditions and negotiations;

**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 Work Session at 8:41pm.

**ADJOURNMENT**

Upon motion by Deputy Mayor Cutrone and a second by Councilmember Rottenstrich, it was unanimously agreed to adjourn the Work Session at 8:41p.m.

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***The within minutes were duly approved by the Borough Council at their meeting of December 13, 2022, under Resolution 367-2022***

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