



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

WORK SESSION MEETING MINUTES OF OCTOBER 11, 2022

Mayor Peluso called the meeting to order at 7:37 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: Deputy Mayor Cutrone, Deputy Mayor of Community Affairs Krause and Councilmembers Reinitz and Rottenstrich.

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

ABSENT: Mayor Peluso

EXECUTIVE CLOSED SESSION – RESOLUTION 308-2022

Motion to go into executive session to discuss matters exempt from the public as duly noticed by Resolution No. 308-2022 was moved by Deputy Mayor of Community Affairs Krause, and seconded by Councilmember Reinitz. Motion carried by a roll call vote of 4-0.

- i. 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;
- ii. Personnel matters pursuant to N.J.S.A. 10:4-12b(8)

RECONVENE PUBLIC SESSION

Upon motion by Councilmember Rottenstrich and a second by Councilmember Reinitz, it was unanimously agreed to reconvene the Work Session at 7:57 p.m.

REVIEW OF TENTATIVE AGENDA – October 25, 2022 Meeting

There were no changes to the agenda.

COUNCIL COMMENTSCouncilmember Reinitz:

There were no new committee updates. The Fire Board is meeting tomorrow.

Councilmember Rottenstrich:

Shade Tree Advisory Committee and Green Team – the committees held their second annual tree planting event on October 2nd. It was a beautiful community event that helped bring awareness on the importance of planting trees.

October 20th – The Green Team and the Library will be having a presentation on how to create a native habitat to encourage better use of outdoor space.

Deputy Mayor of Community Affairs Krause:

Environmental Commission – the Commission was updated on the results of the Bike Lane Study and it was proposed that they look into Fair Lawn Parkway as a potential bike lane location.

Arts Council – they reviewed the Arts in the Park event, which was very successful, and their involvement with the Community Campout. They are planning the annual talent show that will be held at the end of January.

Manager Van Kruiningen asked if the Arts Council could work on a sports-themed mural on the back side of the Parks Garage that faces the new sports complex.

Deputy Mayor Cutrone:

Senior Advisory Committee – they are asking for an update on the pickleball courts. Manager Van Kruiningen stated they may be able to convert two tennis courts into six pickleball courts.

Deputy Mayor Cutrone stated that she reached out to the County about the tennis court that is in disarray by the Naugle House. The County has a Master Plan for their parks and courts and they have also been designating more courts to be used as pickleball courts.

Community Relations Advisory Committee – they decided on the last Sunday in June for the Pride Event. The flag raising will take place before the June Council Meeting.

The Community Campout date for September, 2023 needed to be changed, as Yom Kippur starts that weekend. It might have to be the same weekend as Art in the Park.

DRIVE-THROUGH ORDINANCE (2629-2022) REVISIONS

Attorney Verrone explained that they postponed the hearing on the ordinance due to some concerns. The Planner met with the Planning Board to get specific recommendations and drafted a revised form of ordinance.

Ron Reinertsen, CME Associates, reviewed areas of concern noted by the Board such as the direction of the loudspeaker, lighting requirements and size of the vehicle. They added language that came from the Borough's ordinance for the conditional use for self-storage facilities, which requires parking and traffic plans, a traffic impact statement, a light plan and any other detail that the Planning Board requires to determine site plan approval. Regarding the stacking of no more than five vehicles in a que without blocking, the word five was removed and they added "the length of the drive through shall be designed to the satisfaction of the Borough Engineer". He noted there were several Planning Board members who strongly objected to the use being permitted and that the Council was divided as well.

Deputy Mayor Cutrone asked if the licensing requirements could be applied to car washes. Attorney Verrone stated it only applies to restaurants and could not be applied to businesses already approved, although there are Police regulations those businesses must adhere to.

After continued discussion on licensing, Attorney Verrone noted there should be some link between that approval and the requirement to comply with the regulations, which states they can not only fine them, they can also revoke their license after one year. Mr. Reinertsen stated he will look up the original draft and see what it said.

Manager Van Kruijning referred the letter from Mr. Rosenberg, representing Dunkin Donuts, which asked them to conform to the County ordinance that has more leniency because they were on a County road. Councilmember Reinitz wanted to leave their ordinance as is, as a business owner could apply for a variance if necessary.

Deputy Mayor of Community Affairs Krause and Councilmember Reinitz voted to move the amended ordinance forward to the next Council Meeting agenda, with Deputy Mayor Cutrone and Councilmember Rottenstrich abstaining. Attorney Verrone explained that this ordinance was already scheduled for public hearing but since the amendments were substantial, someone will have to move to reintroduce the ordinance as amended to start the process again.

BOROUGH COMMITTEE POLICIES

Deputy Mayor Cutrone explained the purpose was to provide guidelines to assist the committees as they grew and to help with questions as to what their role in the community was. Councilmember Rottenstrich suggested having the Council liaison distribute the policy to the chairperson, who would then distribute to the members. Manager Van Kruiningen would like each committee member to sign a receipt acknowledging they have received the policy.

RECREATION DEPARTMENT AND PRIVATE LESSONS

Councilmember Reinitz asked to table this item until the November Work Session.

PORTABLE BASKETBALL COURT IN PUBLIC ROADWAYS

Manager Van Kruiningen explained there is an ordinance prohibiting portable basketball hoop systems in the roadway or on or blocking the sidewalk. He referenced a homeowner who used taped lines to form a basketball court in the road.

Councilmember Reinitz stated he was agreeable to allowing portable hoops as long as they did not block the sidewalks and the rims did not interfere with snow plows or garbage trucks. He did not think the basketball hoop base should be permitted in the road nor should lines be allowed. Manager Van Kruiningen noted that if the greenway area was large enough, the hoop could be placed there.

REVISIONS TO OPERATING MANUAL FOR THE ADMINISTRATION OF RENTAL & FOR SALE UNITS

Manager Van Kruiningen noted this was previously discussed in closed session. He reviewed the following five sections:

Page 4 of the manual states that the unit is going to cost more than \$10,000 for review and approval on a case by case basis. The administrative agent has requested that to be a flat \$22,000 and no approval on case by case.

There was a unanimous consensus to approve that change.

Page 9 of the manual requires that the property is eligible to do a title search. The administrative agent is recommending a property search instead.

There was a unanimous consensus to approve that change.

With regards to the third mortgage, liens placed on the property for ten years is essentially an interest free loan. If the property is sold within ten years the full

amount is paid back to the Affordable Trust Fund. After ten years, the loan is forgiven, which is consistent with all COAH regulations.

There was a unanimous consensus to approve this section.

The manual references the homeowner needing to go out to bid using a vetted list of contractors. The administrative agent is recommending that they handle this process as it is easier than putting the burden on the homeowner.

There was a unanimous consensus to approve the above change.

There is no indication anywhere in the manual regarding lead based paint and the inspection thereof. They would like to add the clause regarding lead base paint inspections.

There was a unanimous consensus to add a lead paint clause.

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, DEPARTMENTS AND BUDGET AND FISCAL PROCEDURES, ARTICLE XIII A, OFFICE OF EMERGENCY MANAGEMENT, OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000

Attorney Verrone explained an ordinance was proposed at the September Work Session to form a local Emergency Management Council, with an appointment to be made by Manager Van Kruijning. They had inquired whether they could add to that with the advice and consent of the Council.

She reviewed the law that states each Local Emergency Council should be composed of not more than 15 members, who shall be appointed by the Mayor or Chief Executive Officer of the municipality. She also reviewed the appendix and statute regarding the Emergency Management Coordinator, and both statutes provide for appointment by the Mayor.

Deputy Mayor Cutrone asked if the Mayor could delegate this to the Borough Manager, and then sign off on his choice. Attorney Verrone stated the Mayor would have to come up with a name and confer with the Manager, and make the appointment based on that. She recommended amending the existing ordinance to provide for appointment of the Emergency Management Coordinator by the Mayor and also amend the proposed ordinance to appoint an Emergency Management Council by the Mayor.

AGE FRIENDLY COORDINATOR CONTRACT RENEWAL

Deputy Mayor Cutrone stated that the Age Friendly Coordinator's contract, which expired September 30, 2022, needed to be renewed from October to December 31, 2022 due to grant requirements. Year two of the grant will cover the Coordinator's salary and the Borough has already paid its portion of her

salary for the year. If the Council approves the contract, it will be paid by the grant. Year 3 (of a 5 year grant) will be here in December.

There was a unanimous consensus to add the contract for the Age Friendly Coordinator discussed above to the October 25th agenda.

PROPOSED CHANGE TO FLOOR AREA RATIO IN LAND DEVELOPMENT CODE

Councilmember Rottenstrich stated this recommendation comes from the Planning Board Master Plan sub-committee, who felt the Floor Area Ratio was not rational as to the notes to their Building Code for one and two family dwellings. A lot size of 5,000 to 6,500 feet has a floor ratio of .40 and a lot size of 6,501-7,500 feet has a ratio is .37. With the largest lot size, however, the ratio goes up instead of down. They are recommending that ratio be reduced to .35.

There was a unanimous consensus to approve the Planning Board's request to decrease the floor area ratio for the largest sized lots to .35 as discussed above.

PROPOSED CHANGES TO COMMUNITY GARDEN AUTHORIZING RESOLUTION

Councilmember Rottenstrich explained that the Community Garden is requesting a Council liaison, as the authorizing resolution lists the Borough Manager as liaison. Manager Van Kruijning was not opposed to this change. She would also like to change the authorizing resolution so that the five members are appointed on a yearly basis, so it is easier to keep track of active members.

Caroline Newman, chair of the Community Garden stated there are currently eight members. Attorney Verrone stated this club should have been created by ordinance and not by resolution. She will draft an authorizing ordinance with a maximum of eight members, each serving a one year term.

PUBLIC COMMENTS

Upon motion by Deputy Mayor of Community Affairs Krause, seconded by Councilmember Rottenstrich, the time for public comments was unanimously open.

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

CONSENT AGENDA 14-2022

Upon motion by Councilmember Reinitz and a second by Councilmember Rottenstrich, the following resolutions were moved off Consent Agenda 14-2022:

RESOLUTION 309-2022 RESOLUTION APPOINTING MEMBER TO GARDEN COMMITTEE

There being no discussion, upon motion by Councilmember Rottenstrich and a second by Councilmember Reinitz, Resolution 309-2022 was carried by a roll call vote of 4-0.

RESOLUTION 310-2022 RESOLUTION AWARDING CONTRACT FOR PROJECT NO. 2339 – ROADWAY IMPROVEMENTS 2022 TO REIVAX CONTRACTING CORPORATION

There being no discussion, upon motion by Deputy Mayor of Community Affairs Krause and a second by Councilmember Reinitz, Resolution 310-2022 was carried by a roll call vote of 4-0.

EXECUTIVE CLOSED SESSION – RESOLUTION 311-2022

Motion to go into executive session to discuss matters exempt from the public as duly noticed by Resolution No. 311-2022 was moved by Deputy Mayor of Community Affairs Krause, and seconded by Councilmember Reinitz. Motion carried by a roll call vote of 4-0.

- i. 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 of Community Affairs Krause and seconded by Councilmember Reinitz, the meeting was reconvened at 9:14 pm.

RESOLUTION 312-2022 – RESOLUTION APPROVING AND AUTHORIZING THE SETTLEMENT OF LITIGATION ENTITLED “COUNTY OF BERGEN V. BOROUGH OF FAIR LAWN, ET ALL.,” DOCKET NO.: BERGEN-C-00251-2021

There being no discussion, upon motion by Councilmember Reinitz and seconded by Deputy Mayor of Community Affairs Krause, Resolution No. 312-2022 was unanimously passed by a roll call vote of 4-0.

ADJOURNMENT

Upon motion by Councilmember Reinitz and a second by Deputy Mayor of Community Affairs Krause, the Work Session was adjourned at 9:16 p.m.

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

Respectfully submitted,



Nicholas J. Magarelli, RMC
Municipal Clerk

The undersigned has read and approved the foregoing minutes.



Cristina Cutrone,
Deputy Mayor