



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

**WORK SESSION**

**WORK SESSION MEETING MINUTES OF JUNE 14, 2022**

Mayor Peluso called the meeting to order at 7:40 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 (late) and Councilmembers Reinitz and Rottenstrich.

**ALSO PRESENT:** Manager Van Kruingen, Deputy Municipal Clerk Goddel and Attorney Verrone.

**REVIEW OF TENTATIVE AGENDA** – June 28, 2022 Meeting

There were no additions to the agenda.

Deputy Mayor of Community Affairs Krause arrived at 7:45 pm.

**CME PILOT WATER TREATMENT PRESENTATION**

Representatives from CME, Dave Samuel, Bill Mitchell, and Dr. Mohammed Sidhoum, gave a summary of the Pilot Study on Water Quality for Wells 25, 26, and 28. The study is to determine the best way to remove the PFAS contamination from each well. The three different media methods tested were Ion Exchange (IX), Fluoro-Sorb and Granulated Active Carbon (GAC). GAC is currently being used at the Cadmus facility but they believe that the best performing and least expensive method is the Fluoro-Sorb. The IX option is also very good but would have the potential of stripping a little copper out of pipes. Fluor-Sorb is a new product, they would need time for approval for use in New Jersey. These options would only be a temporary investment because they only address the removal of PFAS. The other MCL violations, water quality concerns, and emerging contaminants would not be removed. Temporary treatment can be a viable option, as an interim step, to either a centralized water treatment plant or buying potable water.

Mr. Samuel explained that if the Borough decides to stay in the water business, those wells would have to be piped to the Cadmus water facility and a modern day

sophisticated treatment plant would need to be built there. They recommended continuing to seek funds through this infrastructure bill to build a modern state of the art treatment plant. They believe that the Borough will need to make a staging decision to determine whether or not they will need to pursue these recommendations for Wells 25, 26 and 28. There is a short term picture and a long term picture to look at.

Mayor Peluso stated that Deputy Mayor Cutrone has been working closely with Congressman Gottheimer's office and they will be recommending Fair Lawn for water infrastructure funds. Mr. Samuel recommended they also make applications through the IBank, as it's his understanding that federal money will be provided through IBank with low interest loans and principal forgiveness.

Mr. Samuel also mentioned that they are having a zoom meeting on Monday with Westmoreland Engineers, who are designing the treatment facilities there. They will keep the Council informed on what goes on at that meeting.

Deputy Mayor Cutrone asked if reverse osmosis is one of these systems. Mr. Samuel stated that it is, but reverse osmosis is very expensive and is more complicated than IX. She asked if Fluoro-Sorb has been used elsewhere. Dr. Sidhoum stated that it is currently approved by NSF and is used in California and Michigan. He explained that they would have to get approval for it to be used in New Jersey. Their opinion is that even though it is new, they would recommend it. He explained that if it was not approved in a timely manner that they could switch to one of the other systems.

Deputy Mayor Cutrone questioned whether they can leave the wells offline until they build a new treatment plant. Mr. Samuel said that keeping them offline would cause them to have to buy extra water until this new plant is up and running, which could be more expensive. Deputy Mayor Cutrone asked if this study also gives them insight into what type of treatment facility they should build. He replied yes, these methods can be used for the new treatment plant or could also be used as an extra precaution. He explained that it's a hard thing to predict because new contaminants are always being found. He recommends starting the process for approval from the State for Fluoro-Sorb, and at the same time authorize them to proceed with making application for the IBank.

Councilmember Rottenstrich asked for a clarification on the 1,4-Dioxane. Mr. Mitchell explained that currently there is no regulation on it but the DEP has been authorized to regulate it in about 2 to 3 years.

Councilmember Rottenstrich asked how long it would take if they went ahead with doing this on Wells 25 and 26. He estimated within a year considering design, bidding, receiving materials, construction and approval from the State.

Councilmember Rottenstrich asked what was meant by the conceptual design at \$32,000,000. He explained that this is based upon a conceptual idea of construction from other plants that they are building with reverse osmosis, but they haven't gotten into any design for Fair Lawn as of yet. Councilmember Rottenstrich asked if there is any way of knowing if they will have enough water for the long term. He discussed how ground water is recharged through undeveloped land and as these formations are sealed there is less of a recharge. He can't guarantee that it will have the same amount of water over time.

Deputy Mayor of Community Affairs Krause asked if Cadmus would remain online during construction. Mr. Samuel explained that it will remain online but there will be interruptions.

There was a unanimous consensus to allow CME to proceed with applying for approval of Fluoro-Sorb and for the application of funds through IBank.

### **GARRETSON FORGE & FARM – 100 YEAR ANNIVERSARY PRESENTATION**

April Barth, president of Garretson Forge and Farm, and Pat Idone, past president and historian, were present. Ms. Barth would like their committee to be involved in the Borough's 100<sup>th</sup> anniversary and other Borough events. She offered to have tours of the Farm as part of the anniversary program, as they have many historical books and photographs. Many residents don't know the farm exists. Councilmember Rottenstrich said the Manager's office could assist with posting information about the Farm and upcoming events on the Borough's website. Mayor Peluso suggested including information on upcoming events in the Borough's weekly email blast to the community.

Ms. Barth noted many of their objectives mesh with the Green Team and the Historic Preservation Commission, so it would be nice to work with them as well. Deputy Mayor Cutrone spoke about programs in other towns that have people who help committees blend and work together.

### **COUNCIL COMMENTS**

Councilmember Reinitz:

Due to time constraints, he passed on his comments.

Councilmember Rottenstrich:

Planning Board – Deals Sub-Committee will be meeting with the developer next week to discuss the redevelopment plans. The Board reviewed and endorsed the ordinance authorizing electric vehicle charging, and reviewed and endorsed the ordinance regarding the rezoning of the Clariant property, although there were

questions on uses and whether space could be incorporated in the site for the public along the river.

EDC – The Main Street Workshop for Fair Lawn's small businesses provided resources for the business owners. They also had a three hour webinar.

Farmers' Market will open tomorrow at 11:00 am. She asked to have that event listed on the Borough's website.

Deputy Mayor of Community Affairs Krause:

He and Mayor Peluso attended the Fair Lawn All Sports Dinner this evening. It was nice to see several of the children he has coached over the years.

He was glad to attend the Radburn Street Fair on Sunday.

He and Mayor Peluso met with representatives from the Old Library Theater Company, who want to get more involved with the Arts Council and tap into some of the creative people in the community.

Environmental Commission – they are working on the bike lane project and are also looking into storm water management and noise pollution.

Deputy Mayor Cutrone:

Community Relations Advisory Committee – they are holding a Pride Block Party on Sunday, June 26<sup>th</sup> from 12:30 to 4:00 pm on Parmelee Avenue. The theme is "We are Family". Twenty three organizations will have a table at the event and New Bridge Medical will be giving out COVID vaccines. The Committee has worked very hard on this event. She thanked Manager Van Kruiningen for his help.

Mayor Peluso:

Old Library Theater – they had a great meeting. They will be working with the Manager's office to obtain some much needed rehearsal space.

He congratulated the All Sports honorees who were honored tonight.

He and Deputy Mayor Cutrone will be meeting with CFO Palermo and Manager Van Kruiningen as part of the Finance Committee. They will be discussing long term plans to ensure the Borough remains in great financial shape.

Geese on 2<sup>nd</sup> Street – this morning he met with 20 residents who are being inundated with geese that leave a mess with their droppings. The Borough Manager is looking into installing fencing to prevent the geese from exiting the river onto 2<sup>nd</sup> Street. He

has also reached out to Congressman Gottheimer's office for assistance from the DEP and the Agricultural Department.

### **ORDINANCE ON DRIVE THRU ESTABLISHMENTS**

Ron Reinertsen from CME was present to discuss the updated ordinance based on what was discussed at the last work session. These changes included hours of illumination of signs, licensing and regulation. He used other sections of the ordinance to create the licensing and regulation section.

Councilmember Reinitz suggested striking the section of the ordinance that states drive-through restaurants shall operate only when the remainder of the restaurant is open to the public. Mr. Reinertsen said they can allow some flexibility on certain hours, but they want to avoid utilizing it as a drive-through only. Deputy Mayor Cutrone would rather allowing flexibility than striking it completely.

Councilmember Rottenstrich asked if the zone incorporates the piece of River Road up to Shop Rite that was discussed at the last meeting. Mr. Reinertsen stated it did not, as he didn't think there was a consensus to do so.

Councilmember Rottenstrich asked how adopting this ordinance will affect the master plan. Mr. Reinertsen explained that this will be done separately but that they are close to a master plan re-exam and this would have to be addressed, along with a lot of other changes.

Manager Van Kruijning shared an email from an attorney from Wells, Jaworski and Liebman, LLP, with suggestions on the drive thru ordinance. Attorney Verrone suggested that the Council see the email now to discuss it. Katherine Razin from Wells, Jaworski and Liebman, LLP stated that they represent a property owner at 18-50 River Road. She suggested that the Council consider making this decision more globally and with a master plan review.

Mr. Reinertsen, after reading the letter, gave a summary of what the letter is recommending. The first recommendation is to do a master plan re-examination. The second is to consider a potential spot zoning or by using another technique such as an overlay zone or a separate zone designation for the area. His preference would be the spot zoning. The third is to do a design waiver instead of a variance. Also, to look at additional portions for the B-1 zone near Maple Avenue.

Councilmember Reinitz didn't think they need to touch the master plan right now. He is in agreement with extending the zone to that part of River Road because there are no residences there. He would also like to increase the distance from residents from 50 feet to 100 feet in that area.

Councilmember Rottenstrich stated she was against the ordinance. Deputy Mayor Cutrone said that she is leaning that way also because she doesn't want to become a town with chain drive – thru's.

Mayor Peluso explained that there are a number of franchises that require having a drive-thru. He didn't see it as being a big issue because of the distance from residences and having the ordinance regulations. They are not the only town dealing with this because businesses are going in that direction and they need to keep up with the changes.

Councilmember Reinitz stated that the only way to keep drive thru's out of certain areas of town is to permit them in another area. He suggested adding a requirement to have a traffic study the first time they apply for the license. Mr. Reinertsen suggested that they may want to have the Planning Board handle that part. Attorney Verrone agreed.

Ms. Razin asked the Council if they will consider the additional area. Mayor Peluso said that they will ask for a consensus on it. She thanked them and said they may reach out to her with any questions.

Deputy Mayor Cutrone said that she would like to keep the section that states "drive-thru restaurants shall operate only when the remainder of the restaurant is open to the public" in the ordinance. She asked if the business was opposed to that if they could go to the zoning board to get permission. Mr. Reinertsen said they would be able to apply for flexibility in the hours.

There was a unanimous consensus to proceed with the change of 50 feet to 100 feet from a residence, add a traffic study to the Planning Board application, and include the additional area of consideration with an overlay technique.

### **ANIMAL CONTROL – EMERGENCY SERVICE RESPONSE POLICY**

Manager Van Kruijning stated the plan for emergency response to agricultural animals, prepared by Chief of Staff/OEM Coordinator Alvarez, was emailed to the Council on June 10, 2022. Once activated by OEM Coordinator/Chief of Staff Alvarez, she will have immediate access to multiple resources.

### **BOROUGH SOCIAL MEDIA POLICY**

Deputy Mayor Cutrone stated that while the Police and Borough Employees had rules regarding the use of social media, there weren't regulations or guidelines for Borough committees. Although some committees address this in their bylaws, it was not consistent. She felt it would be helpful to have clear guidelines as to what Committees are allowed to post.

Attorney Verrone stated the policy should be consistent and apply to anyone representing the Borough. Manager Van Kruijningen will send her the section from the Employee Handbook that deals with this issue for her review.

### **BIKE LANE PILOT PROJECT**

Tyler Fujimura, a member of the Environmental Commission, reviewed the draft of the Bike Lane Pilot Program for Henderson Avenue & 11<sup>th</sup> Street. The schematic showed how the bike lane was separated from the road with an altered design at the intersection called a “bike box”, specifically for bikes to gather in front of traffic, when turning right or left, to increase safety.

The next step would be for the Police Department to do a traffic study at the site. The Commission is willing to help with any meetings that have to take place or explaining the plan to people. Manager Van Kruijningen stated the plans will have to go to the Engineering Department, their consulting Engineer, CME Associates and their Traffic Bureau. He will report back to the Council with updates.

There was a unanimous consensus to move forward with the Bike Lane Pilot Program on Henderson Blvd. and 11<sup>th</sup> Street presented by the Environmental Commission.

### **BUILDING CODE – WINDOW COVERAGE**

Deputy Mayor Cutrone stated there was a location in town that covered a large portion of their windows with signage and it was unsightly. She felt the ordinance should specify what percentage a window could be covered with signage or lighting. Councilmember Reinitz stated that when the EDC discussed signage issues recently, they noted that the sign ordinance needs to be updated.

### **EXTENSION OF SHARED SERVICES AGREEMENTS W/FLBOE (SLEO CLASS III OFFICERS AND SCHOOL RESOURCE OFFICER)**

Manager Van Kruijningen referenced his email dated June 10, 2022, regarding the draft extension agreements for the above referenced shared services. The term will be for three years beginning July 1, 2022 and ending June 30, 2025.

There was a unanimous consensus to add a resolution authorizing Manager Van Kruijningen to proceed with the shared service contract extensions.

### **AMENDMENT TO TRAFFIC ORDINANCE – NO LEFT TURN – 1ST STREET**

Manager Van Kruijningen referenced his email dated June 10, 2022, regarding the draft ordinance amending the Traffic Ordinance to include “No Left Turn” during certain hours at 1<sup>st</sup> Street. The change, which was proposed by Traffic Safety, will alleviate school traffic jams.

There was a unanimous consensus to move ahead with the Traffic Ordinance as discussed above.

### **AMENDMENTS TO FEE ORDINANCE – WORK ZONE SAFETY PROJECTS**

Manager Van Kruningen referenced his email dated today, which provided an amendment to the Work Zone Safety Ordinance regarding fees that contractors pay to Police Officers doing traffic work. The two additional items added have been a practice followed by the Borough since the institution of the Work Zone Safety fees; however, the contractors are stating that if it isn't in the ordinance they aren't going to follow the practice. The compensation will be paid by the contractors, not the Borough.

There was a unanimous consensus to move ahead with the amendments to the ordinance discussed above.

### **BOROUGH ORDINANCE BANNING FEATHER SIGNS**

Dan Ackerman, Commercial District Services, was present.

Deputy Mayor of Community Affairs Krause stated this was discussed by the Broadway Improvement Corp. Currently the ordinance only allows feather signs during grand openings or closings.

Mr. Ackerman stated that Daily Fresh Manna and Francesca's Pizza located on Broadway received violations to remove their feather signs within 5 days. Both businesses saw a drop off in business when the signs were removed. They felt the signs alerted customers driving in the heavy traffic to stop and get something to eat.

Deputy Mayor of Community Affairs Krause suggested adding feather signs to the EDC review of signage. Deputy Mayor Cutrone could understand having feather signs on Broadway as they do not get a lot of foot traffic and it is hard to see these stores when you are driving by. Mayor Peluso agreed.

There was a unanimous consensus to have Attorney Verrone research changing the ordinance to allow feather signs on a State highway and to have the EDC provide their input.

### **DISABLED VETERAN TAX EXEMPTION APPLICATION (BLOCK 3409 LOT 16)**

Manager Van Kruningen referenced his email dated June 10, 2022, which included supporting documentation from Tax Assessor Henderson.

There was a unanimous consensus to add a resolution for the disabled veteran tax exemption referenced above.

**STATE TAX COURT SETTLEMENT (BLOCK 1301 LOT 13)**

Manager Van Kruiningen referenced his email dated June 10, 2022, which included a memo from Tax Assessor Henderson regarding this settlement for a business. Refunds would be expended from the surplus accounts.

There was a unanimous consensus to add a resolution for the above settlement.

**PUBLIC COMMENTS**

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

Myrna Beck, 5-18 Estler Court asked if CME's proposal was the only proposal they received. Manager Van Kruiningen explained that CME is the Consulting Engineer for the Borough and as such, they were issued a contract for engineering services that included this type of study.

Ms. Beck asked if there were any similar treatment options being used in New Jersey. Mayor Peluso explained that the Fluoro-Sorb is being used in California and Michigan, but not in New Jersey. Ms. Beck asked who would hire the consultants. Attorney Verrone explained that a construction of a treatment plant or the purchase of some product to do this would have to be publicly bid. CME would handle the design of a treatment plant and prepare the specifications. Deputy Mayor Cutrone stressed that they were only in the exploration stage in their quest to learn more about the different options.

Ms. Beck asked about the geese issue on 2<sup>nd</sup> Street. Mayor Peluso stated he met with the residents this morning. The Borough Manager will be installing fencing near the river and the street sweeper will come to clean the streets. They are also working with Congressman Gottheimer's office as there are some measures the Federal Government can utilize that local agencies cannot. He noted that many geese come across the Passaic River from another town.

Ms. Beck expressed concern about numerous potholes and uneven pavement in the area near Thomas Jefferson Middle School.

Pamela Coles, 13-34 George Street asked if there were dramatic differences in the water treatments. Mayor Peluso explained that CME recommended Fluoro-sorb because with the other treatment, the ion exchange can strip out the copper in the pipes and they weren't confident that other treatments would resolve their water issues. Fluoro-Sorb was also less expensive and could also help with the alkalinity and the hardness as well. Deputy Mayor Cutrone noted that they have to go through the NJDEP first to see if they think it will be effective.

Ms. Coles felt the drive thru allowance on Maple Avenue was spot zoning. Councilmember Reinitz stated there was a difference between spot zoning and responsible zoning and trying to find areas of town where businesses will function best without impacting the residents. Mayor Peluso stated they were looking at areas where it would work well, and the B1 Zone in that corridor is where they think it would make the most sense because it eliminates the push on residential units.

Ms. Coles felt they were rushing this through and making choices and decisions in the moment. Councilmember Reinitz noted the process has been going on for nine months. All they are doing is making recommendations on the ordinance. Deputy Mayor of Community Affairs Krause noted there will be further hearings with further opportunities to table the ordinance if they feel the need to do so moving forward.

Manager Van Kruiningen stated for the record that he was satisfied with the fact that he was able to provide the Council with documentation, and he was satisfied with the fact that the Attorney worked with the professionals here. The items were discussed back and forth, with agreement on some things and disagreement on others. As directed, it will be placed in an introductory ordinance that has not been finalized on the next Work Session agenda. If there are comments, questions or concerns about sections of the ordinance, the Council has the right to table it then. He was satisfied with the results of how this turned out tonight.

Ms. Coles wondered if there was anything they could do to add some character or enhance the architectural design of the buildings on River Road. Councilmember Rottenstrich stated there were planning and design guidelines that were developed with the Planner that will be added into the Master Plan. The next set of new guidelines will be geared for River Road.

Craig Miller, 5 Ramapo Terrace hoped to see the Zoning Board begin in person meetings again, as it is not clear who is a Board member during virtual meetings. Residents are asked to put their full name, but the Board members do not do it themselves.

He asked that they enforce the five-minute time limit for public comments.

He appreciated that parking was not allowed on Ramapo Terrace for the Street Fair.

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

**RESOLUTION 210-2022 - RESOLUTION AUTHORIZING DEVELOPER'S AGREEMENT WITH 15-00 POLLITT DRIVE ASSOCIATES, LLC AND 19-00 POLLITT DRIVE ASSOCIATES, LLC**

Deputy Mayor Cutrone stated she did not see a Traffic Study mentioned in the Developer's Agreement. Councilmember Rottenstrich stated there was a traffic report.

There being no further discussion, upon motion by Councilmember Rottenstrich and a second by Deputy Mayor Cutrone, Resolution #210-2022 was unanimously approved by a roll call vote of 5-0.

**RESOL. #211-2022: EXECUTIVE SESSION RESOLUTION – CLOSED SESSION OF JUNE 14, 2022**

- a. Personnel matter pursuant to N.J.S.A. 10:4-12b(8)
- b. 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.

Motion to go into executive session to discuss matters exempt from the public as duly noticed by Resolution No. 211-2022 was moved by Deputy Mayor Cutrone and seconded by Councilmember Reinitz. Motion carried by a roll call vote of 5-0.

**RECONVENE PUBLIC SESSION**

Upon motion by Deputy Mayor Cutrone and a second by Councilmember Reinitz, it was unanimously agreed to reconvene the Work Session at 10:35 pm.

**ADJOURNMENT**

Upon motion by Deputy Mayor of Community Affairs Krause and a second by Councilmember Rottenstrich, the Work Session was adjourned at 10:36 p.m.

***The within minutes were duly approved by the Borough Council at their meeting of August 9, 2022, under Resolution 254-2022***

Respectfully submitted,

**Coleen Goddel**

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Coleen Goddel, RMC  
Deputy Municipal Clerk

The undersigned has read and approves the foregoing minutes.



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Mayor Kurt Peluso