



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

WORK SESSION

WORK SESSION MEETING MINUTES OF MAY 10, 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 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 and Councilmembers Reinitz and Rottenstrich.

ALSO PRESENT: Acting Manager Alvarez, Acting Municipal Clerk Magarelli and Attorney Verrone.

RESOL. #184-2022: EXECUTIVE SESSION RESOLUTION – CLOSED SESSION OF MAY 10, 2022

- a. 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

Motion to go into executive session to discuss matters exempt from the public as duly noticed by Resolution No. 184-2022 was moved by Councilmember Reinitz and seconded by Deputy Mayor of Community Affairs Krause. Motion carried by a roll call vote of 5-0.

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 7:46 pm.

REVIEW OF TENTATIVE AGENDA – May 24, 2022 Meeting

Deputy Mayor Cutrone stated that she may have someone to accept the proclamation for Apraxia Awareness.

COUNCIL COMMENTS

Councilmember Rottenstrich:

Garretson Forge Farm – she attended their open house and native plant sale. They would like to work on the Borough's 100th anniversary celebration, and asked to attend the June 14th Work Session to discuss ideas.

Garden Committee – they received 100 lilac plants from Mr. Paek of Cliff Garden Florist, which is closing. Mr. Paek also donated his other plants and shrubs to the Borough. He is close to realizing his vision of having an American-Japanese-Korean Peace Park in town.

EDC – she met with the Budget and Store Front Rehabilitation Committee. The first three rehabilitations are being finished at New Beginnings, Morlot Wine & Liquors and Haus Café.

Upcoming dates:

May 22nd – Arboretum Day at the Vanderbeck Arboretum from 12:00 to 3:00 pm

June 7th – EDC Main Street Committee event for small business owners.

June 12th – Radburn Street Fair

Councilmember Reinitz:

Junior Police Academy – Interested participants should visit the Police Department website for more information.

Deputy Mayor of Community Affairs Krause:

Arts Council – they are hosting a mental health event at Cozie Café, 14-25 Plaza Road on May 13th from 6:00 to 10:00 pm. Various art will be displayed for sale.

Milnes and Thomas Jefferson School PTA's will be holding their annual Spring Fling Carnival this weekend.

Deputy Mayor Cutrone:

Community Relations Committee – they are doing a project in conjunction with Sustainable Jersey to learn about the diversity of the Borough's Boards and Committees. A form was sent to each chair to gather data.

Senior Citizen Advisory Committee – She thanked everyone who attended the "Senior Prom" at the High School. The senior citizens had a wonderful time.

Access for All Committee – A Communications Board was purchased for Berdan Grove. Moving forward, a board will be installed in all playgrounds to help make them more inclusionary.

Upcoming Events:

May 6 – Access for All Dance

May 23rd - Senior Resource Fair

June 2nd – Pride Flag raising at 6:00 pm.

June 26th – Pride Block Party from 12:30 to 4:30 pm outside Borough Hall. The theme is “We Are Family”.

Mayor Peluso:

He will be attending the Milnes/Thomas Jefferson Carnival on Saturday. He hoped to see everyone there. He is also attending the Installation Dinner for the Rescue Squad on Friday. He thanked the officers for stepping up to fill the positions.

Pool Committee – they had their first meeting. They look forward to getting the pool up and running with new programs. They are getting ready for the two new basketball courts and a volleyball court.

The Dog Park is now open. He would like to schedule a grand opening on Sunday, May 22nd at 4:00 pm.

SWADHYAY CLASSES IN FAIR LAWN

Dharma Shah, 16-34 Mandon Place provided an overview and history of Swadhyay, which is a global movement with 200 chapters that began 80 years ago. The local chapter in Fair Lawn was founded 12 years ago. The group meets weekly on Sundays to hear the discourses of philosophy and concepts of spirituality and then during the week there are activities for youth and/or adults.

VETERANS FITNESS CHALLENGE

Ashlee Luther, Veterans Affairs Liaison, stated she would like to schedule an open fitness event in September at Memorial Park. The event would be based on the Murph Challenge and consist of four events, with participation from veteran organizations that support physical and mental health. The event would be open to all Fair Lawn residents, including those with different abilities. A portion of the proceeds would be donated to the Veterans Trust Fund. She will work out the funding costs and report back to the Council.

There was a unanimous consensus to move forward with the open fitness event.

REZONING OF 14-00 3RD STREET, BLOCK 5729

There was a unanimous consensus to proceed with the ordinance, previously reviewed by the Council, rezoning the above-referenced property.

ORDINANCE ON DRIVE THRU ESTABLISHMENTS

This item was a carryover from March 8th. Ron Reinertsen from CME was present.

Councilmember Reinitz asked that the requirement for a renewable, yearly license be included in the ordinance.

Mr. Reinertsen stated he would research that to see if it was feasible. He reviewed the terms and stipulations included in the ordinance and the map of the area being considered. The ordinance was written to not go adjacent to residential areas but the cemetery was in a residential zone. He also noted that signs and illumination would not be allowed past 10:00 pm due to the nuisance factor and they could not operate a drive thru if the restaurant wasn't open.

Councilmember Reinitz felt they should also look at the lots along the river since they were not adjacent to residential. He wanted to make sure there were penalties if the drive thru lane leaked out into traffic, and that the business owners knew policing it was their responsibility. He also suggested increasing the time limit for signage until 11:00 pm.

A revised ordinance will be presented at the June 14th Work Session.

ORDINANCE ON ELECTRIC VEHICLE CHARGING

Mr. Reinertsen gave a brief overview of the draft ordinance he prepared. He was not sure about the rationale for setting up private leasing arrangements.

Attorney Verrone read examples of the type of leasing they could do as a private property owner. The ordinance doesn't mandate that they do any of this, so she didn't view it as overstepping the Borough's bounds. She did not see it as regulating private property. Deputy Mayor of Community Affairs Krause stated that the Environmental Commission's goal was to give people ideas of what they could do.

There was a unanimous consensus to approve the draft ordinance on Electric Vehicle Charging.

CME ASSOCIATES – AFFORDABLE HOUSING PLANNING SERVICES

Acting Manager Alvarez referenced Manager Van Kruiningen's email asking for consensus to move forward.

There was a unanimous consensus to proceed with a resolution authorizing CME Associates to provide Affordable Housing Planning Services.

ANIMAL CONTROL

Councilmember Reinitz asked Acting Manager Alvarez for an update on obtaining partial services from Tyco Animal Control to supplement their current animal control services, due to a recent incident. Acting Manager Alvarez stated Tyco does not split their services. It was all or nothing.

Councilmember Reinitz asked if there was any guidance they could give their emergency responders in case a similar situation occurs. Acting Manager Alvarez stated she would reach out to the Bergen County Emergency Response team for suggestions. She will also get guidance from Tyco Animal Control as to what steps should be taken in this type of emergency.

Councilmember Reinitz stated he would like to see the plan by the next Work Session.

ORDINANCE ON BANNING ROOSTERS

Councilmember Rottenstrich noted they have talked about this issue since January and gathered input from residents. Every town surrounding Fair Lawn either prohibits live poultry or regulates it and prohibits roosters. She supported moving forward with the extensive ordinance prepared by the Health Advisory Board limiting fowl and prohibiting roosters.

Deputy Mayor Cutrone did not want to limit the number of licenses issued at 15 until they begin regulations and see how many homes apply. She also questioned the fees.

Councilmember Reinitz felt limiting the number of licenses and charging a \$75 fee would incentivize people to not register. He supported penalties for those who don't register, due to the various health code issues that could arise.

Deputy Mayor of Community Affairs Krause did not want to limit the number of permits to 15. He felt it was important to know how many residences have chickens so they can promote health and public welfare.

There was a unanimous consensus to open up the time for public comments on this item only.

John Clifford, 39-09 Sycamore Drive stated the neighbor behind him has chickens and now there are rats. He would like to see chickens prohibited. If they are only going to regulate chickens and not prohibit them, then the regulation has to be that chickens not be allowed on 50 X 100 ft. lots as they are too small. His neighbor's coop is on the ground and right next to his fence.

Deputy Mayor Cutrone stated the ordinance stipulates that no coop be allowed within 12 feet of any dwelling. Mayor Peluso stated the ordinance would also call for inspections by the Health Inspector.

Mearl Lorenzo, 0-122 Tunbridge Road pointed out that two rats unchecked can produce millions of new rats. Her neighbor has rat tunnels, yet they will have to wait a year for an inspection. Mayor Peluso stated that if they call the Health Department with an issue, they will be there.

Ms. Lorenzo stated there is a park nearby where children play. She felt this was a quality of life matter. There are stores that sell fresh eggs and fresh chickens; people don't need to grow them in their backyard. She questioned whether there were even enough health inspectors to check on the chicken owners. Chickens were farm animals and not pets.

Mayor Peluso felt too much blame was placed on the chickens instead of the homeowner. There are a number of houses with chickens near him that do not have issues. Councilmember Rottenstrich noted owners will be required to store the food properly, instead of spreading it out in the yard randomly, which attracts rats. Mayor Peluso stated they are going to put steps in place to control it and if there are still issues they may have to revisit it. Deputy Mayor Cutrone stated she would like to first try this ordinance, which takes a middle position, but if it doesn't work they will revisit it.

Deputy Mayor of Community Affairs Krause stated they are getting their information from residents who have valid concerns through their anecdotal experiences. However, there has been no presentation from the Health Advisory Board. If they are going to discuss this, there needs to be more of a centralized presentation.

Emily Bellinger, 23-10 Dorchester Road stated they had a rat problem because someone was overfeeding birds in their backyard and someone else was growing

vegetables. There are other reasons for rats besides chickens. People who take proper care of things do not have these issues.

Chickens improve quality of life and are pets with unique personalities. They are great for children. The Health Department should provide information so people can have chickens responsibly. She also felt they should grandfather current chickens so people do not abandon wildlife. Instead of an unnecessarily restrictive ordinance, they should focus on the owners who were doing it wrong.

Martha Carlucci, 2-19 Berdan Avenue felt ten chickens was too many for the size of their properties. She asked about the State law. Councilmember Rottenstrich explained that the State allows municipalities to make their own ordinances to prohibit, regulate or do nothing about chickens.

Donna Taylor, 5-19 Hazel Place stated she lives next door to responsible chicken owners, but it was not her choice to live next to chickens. She felt the ordinance should take the size of the lot into consideration. Midland Park and Ridgewood require chickens be kept 75 feet from a dwelling and ten feet from the property line, which can't happen on smaller lots like hers. She does not like looking at the structures and chicken wire her neighbors have to use. Chickens should only be allowed on properties where they can be maintained in a way that they don't bother others.

Marcy Reese, 2-21 Hazel Place has had chickens for a year and has never seen a rat. Chickens provide eggs for families. She suggested allowing two chickens per family member. It would not be fair to say she cannot have chickens because she lives on an irregular sized lot, but she agreed some restrictions make sense. She gave away her roosters to be a good neighbor, but she wants to keep her chickens for food and sustenance.

Rob Ganaro, 39-06 Wenonah Drive stated he has lived next door to chickens for the past five years. He believes the problem lies with the people caring for the chickens. They need more follow up on how the conditions will be taken care of and issue fines for those who aren't taking care of chickens properly. He has seen his neighbor throw food to the chickens from his deck and now he lives next door to rats too.

Councilmember Reinitz stated he spoke to a business owner who had rats in the alley behind him that were traced to debris from a construction site that had been inactive for quite some time. He felt their enforcement officers needed to do more enforcement. Neighbors are more vigilant because it is easier for them to see. He felt the Borough has been responsive, but they could be more proactive. Deputy

Mayor Cutrone stated this is the reason they are putting together an ordinance, so these issues can be enforced.

Sharon Brandes, 8-30 Fern Street stated she has owned chickens since 2012. She currently has four chickens and five ducks. The chickens have provided not just food, but learning experiences for her children. She has not had any problems with rats. Some people are very careless with their compost bins, yet they are not regulated. If they prohibit chickens, they are taking away a right she had when she came to Fair Lawn. She felt the Borough should have better resources for rat control to assist the residents.

Wilkin Santana, 30 Lowe Avenue felt they needed to be sympathetic to everyone's opinion. Quality of life is important and rats are a health hazard. He does not want Fair Lawn to become a city. It is true that rats move underground, so when there is construction they come up and move somewhere else. He felt that even though they have met three times on this issue, the residents are not receiving enough information. He felt they needed to honor the history of the town, as it was originally farmland, but they also need to be reasonable and be a good neighbor. They need to be careful and sensitive so they can all live here in peace.

Joe Sebo, 10-03 5th Street noted they have licensing requirements for dogs, but they do not have stipulations as to how often a dog owner has to clean up their yard after their dog runs around. The ordinance should specify how to dispose of manure and how to properly dispose of a dead chicken.

Councilmember Rottenstrich stated that the Health Officer must be notified when a chicken dies, in case there is concern about fowl disease that might require testing. Information about disposal of manure is part of the licensing process and can be reviewed upon inspection from the Health Officer.

Alexander Lorenzo, 0-122 Tunbridge Road thought allowing one chicken per family member was too much, as there are many large, multi-generational families living on 50 x 100 foot lots. There should be a limit on the total number of chickens allowed.

Pamela Coles, 13-34 George Street felt it would be beneficial to have a professional educate the Borough on the proper way to raise chickens. Mayor Peluso noted that many of the Council have already had those conversations with people who raise chickens or visited a farm in person.

Joseph Reese, 5-21 Hazel Place stated he composts the chicken poop and uses it as fertilizer. Chickens are natural tillers and eat bugs. He hoped that more

information gets out to the public so people realize the importance of chickens. He would like to see regulation for other animals as well.

Nitzan Ben David, 16-04 Hunter Place asked if an owner will be allowed to keep all of their current chickens if they exceed the limit established in the ordinance. She expressed concern about having the extra chickens taken away. Councilmember Reinitz stated he would not want to grandfather in people who were not compliant with the code or did not follow the rules they imposed. Once they see the language in the proposed ordinance they can make decisions on grandfathering current flocks.

Ms. Ben-David noted that chickens are good with pest control. She doesn't have ticks, mosquitoes or flies. They clean up the aphids in her vegetable garden. There are benefits for her children as well. She lives on a 80 x 100 foot lot.

Upon motion by Deputy Mayor Cutrone and a second by Deputy Mayor of Community Affairs Krause, the time for public comments on this item only was unanimously closed.

The Council discussed suggested changes they would like to make, including reducing the license fees, grandfathering current chickens if over ten chickens, grandfathering roosters until they die (with provisions that they must be kept inside overnight) and focusing on learning the number of chicken owners and chickens currently exist, without limiting the number of licenses issued.

There was a unanimous consensus to have Attorney Verrone prepare a draft ordinance based on the Council's comments. They will review the proposed ordinance at the June Work Session.

MUNICIPAL BUILDING SUMMER HOURS

Chief of Staff/OEM Coordinator Alvarez stated that the Municipal Building summer hours – Monday through Thursday from 8:00 am to 5:30 pm and closed on Fridays – will begin June 20th and end on September 2nd.

There was a unanimous consensus to approve the summer hours as discussed above.

Councilmember Reinitz stressed that there be coverage during all the hours. He suggested having someone on call on Fridays in case of any issues. Deputy Mayor Cutrone agreed. They could have a rotating person.

ORDINANCE CHANGE – DEATH CERTIFICATE FEES

Acting Municipal Clerk Magarelli explained that funeral homes used to go to the State to get death certificates, but now they can obtain them through the Borough. The fee is the same amount the State charges.

There was a unanimous consensus to proceed with the ordinance change discussed above.

NJDOT GRANT – BICYCLE LANES

Councilmember Reinitz asked that the Manager's office look into the grant application for bicycle lanes. Chief of Staff/OEM Coordinator Alvarez explained that Engineering applies for an annual grant for road repaving from this same source and they can only apply for one grant.

Councilmember Reinitz suggested writing to their legislators informing them that they want to institute a pilot program for bicycle lanes to see if there are any sources for additional funding.

DONATION OF PLANTS, SHRUBS & TREES FROM BROOKFIELD PROPERTY

Councilmember Rottenstrich explained the developer who brought the Sandvik property is donating all trees, shrubs and plants that are not remaining on the property to the Borough. The value of the donation is \$20,000. A landscaper will remove them and store them until they have the proper place to plant them. A possibly location could be the Flag Park off Plaza Road. She suggested they go out to bid to get someone to do the plantings, as the Borough will not have the manpower, and use funds from the Open Space Trust Fund to cover the cost. The cost would be approximately \$7,500 per phase and there are multiple phases.

There was a unanimous consensus to go out to bid for someone to do the replanting of the trees, bushes and shrubs.

RESOLUTION 186-2022: RESOLUTION AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT BETWEEN THE BOROUGH OF FAIR LAWN AND PACER GROUP HOLDINGS

Upon motion by Deputy Mayor Cutrone and a second by Councilmember Reinitz, Resolution No. 186-2022 was unanimously approved by a roll call vote of 5 - 0.

NEW BUSINESS

There was no new business.

PUBLIC COMMENTS

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

Wilkin Santana, 30 Lowe Avenue stated he was touched by the fact that there is going to be a survey as to the diversity of the various boards and committees. That is very important considering there is no diversity in the Council. Most importantly, they need diversity of thought. There is only one Republican on the Zoning Board and the Planning Board is mostly Democrats.

He does not support drive thru establishments on Maple Avenue, as it will bring down property values and quality of life. They already have a problem enforcing the current ordinances and businesses are not going to direct traffic. It is not a permitted use because previous Councils saw that was not a good thing. The quality of life is not being taken seriously and ordinances are not being enforced. One Property Maintenance Officer for the town is not enough. They are growing too fast.

Mayor Peluso stated that Mr. Wilkin's statement about political affiliations on the Boards is incorrect. He has already spoken to him about this. McDonald's has a drive through, but there are no backups on Broadway nor have the property values of nearby homes dropped. The Council has specifically considered no drive thru's near residential property. As far as over-development in Fair Lawn, they have less residents in Fair Lawn than they did when his mother was growing up here. Fair Share Housing has requirements that gives all the power to the developers. There are over 500 units that have been recently built in Ridgewood, hundreds built in Glen Rock. This Governing Body has fought to reduce the number of units here in Fair Lawn. They made sure they met their COAH obligations so they wouldn't have a repeat of what happened on Daly Field in the early 2000's, before any of the present members were on the Council.

Deputy Mayor of Community Affairs Krause stated that the drive thru ordinance is tailored to a couple of specific areas and it is only certain properties that met certain conditions. Obviously ordinances are being enforced; otherwise they would be living in chaos. They always encourage people to apply for boards by submitting Citizen Leadership forms.

Deputy Mayor Cutrone stated that Mr. Santana makes it sound like the members of the Zoning Board vote in lock-step with each other, and that is not the case. Members of the same party affiliation do not always vote the same. She often disagrees with other members of the Council. They have done an excellent job of putting qualified people on their boards that separate party from their decision

making. She wasn't even sure how he would know the party affiliation of board members, unless he interviewed each one individually.

Mayor Peluso took issue with Mr. Santana's false narrative that Fair Lawn was going downhill. If they look at the County taxes, Fair Lawn has climbed up in rankings based on wealth because people are reinvesting in their homes here and people don't want to leave here. It is a wonderful town.

Councilmember Reinitz stated if the quality of life was diminishing like Mr. Santana claims, they wouldn't have the run of people trying to build and buy in town. They have had more business open rather than close since the pandemic. They are doing a drive thru ordinance to be proactive to prevent them from being put in near residential areas or where they don't think drive thru's are appropriate.

Pamela Coles, 13-34 George Street stated that it was difficult to hear several people today due to problems with the microphone. She suggested using a portable microphone that could be passed along.

With regards to drive thru's, she noted there are often traffic backups on Maple Avenue from the car wash. She wondered if they were going to do a traffic study. Mayor Peluso stated that the Police Department can do one, but they will wait until after the traffic light on Maple Avenue at Henderson Blvd. is installed.

Ms. Coles stated that her neighbor's bamboo has grown back. Councilmember Rottenstrich advised her to call the Building Department.

Upon motion by Deputy Mayor Cutrone and a second by Councilmember Rottenstrich, the time for Public Comments was unanimously closed.

RESOL. #185-2022: EXECUTIVE SESSION RESOLUTION – CLOSED SESSION OF MAY 10, 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. 185-2022 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 Rottenstrich, it was unanimously agreed to reconvene the Work Session at 11:03 pm.

ADJOURNMENT

Upon motion by Deputy Mayor of Community Affairs Krause and a second by Deputy Mayor Cutrone, the Work Session was adjourned at 11:04 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,



Nicholas J. Magarelli, RMC
Municipal Clerk

The undersigned has read and approves the foregoing minutes.



Mayor Kurt Peluso