



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

WORK SESSION

WORK SESSION MEETING MINUTES OF SEPTEMBER 6, 2022

Mayor Peluso called the meeting to order at 7:31 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, Municipal Clerk Magarelli and Attorney Verrone.

REVIEW OF TENTATIVE AGENDA – September 20, 2022 Meeting

Deputy Mayor Cutrone suggested doing a proclamation for the resident that saved the life of his neighbor.

COUNCIL COMMENTS

Councilmember Reinitz:

Pedestrian Safety Committee – The Police Department will be conducting a second speed test on the numbered streets between Bellair and Berdan Avenues, which will be compared with results collected earlier in the year. They also discussed having a plan at each school to enforce pedestrian safety. The PTA's and the Police are working together on this.

Councilmember Rottenstrich:

Shade Tree Advisory Committee – they are holding their second annual tree planting event on October 2nd from 1:00 pm to 4:00 pm at Brookdale Park.

Green Team – they are conducting a work shop on how to plan a backyard wild life garden to attract more butterflies and birds on October 20th. The presentation will take place in the Library and there will be a speaker from the Audubon Society.

Main Street Program – they ran a very successful scavenger hunt in August, which helped foster interest in our local businesses. There were 300 entries in the raffle.

Fair Lawn Marketplace – the website, which will promote local businesses, will be starting online shortly.

She proposed having Ryan Greff, executive director of their Main Street organization, attend Council Meetings to give a Main Street Minute update on events and initiatives.

Municipal Clerk Magarelli will add Main Street Minute to the September 20th Council Meeting agenda.

Deputy Mayor of Community Affairs Krause:

There were no committee reports at this time.

Reminders on upcoming events:

9/11 Ceremony at 7:00 pm

9/18 Art in the Park from 12:00 pm to 4:00 pm at Berdan Grove

9/18 Last summer concert at 8:00 pm at Memorial Pool

Deputy Mayor Cutrone:

There were no committee reports at this time.

Mayor Peluso:

Pool Committee – they will be meeting on Monday to discuss the past pool season.

BOROUGH COMMITTEE POLICIES

Deputy Mayor Cutrone referenced the draft policy for Borough committees prepared by Attorney Verrone, which will help committees have a clearer focus and defined mission. She suggested removing items 5 through 7, pertaining to location scheduling, attendance and agenda timeline, as she did not want to make things cumbersome for their volunteers. The social media section should be tweaked to provide clearer suggestions, such as whether committee members are allowed to talk to the press.

Acting Manager Alvarez stated that Manager Van Kruijning and CFO Palermo have requested that funding requests from committees be submitted by the Council liaison. Requests for grants would be reviewed by the Manager and CFO Palermo first for budgetary requirements, then be presented to the Council for consideration and

resolution approval. The Manager would handle the final submission. Deputy Mayor Cutrone felt financial requests should come from the committee chair or their designee, not the Council liaison.

Councilmember Rottenstrich would like to require that each committee submit a list of their meeting dates to the Municipal Clerk at the beginning of the year.

Deputy Mayor Cutrone asked to include language that states no committee member should speak to the press without prior approval from the Mayor and Council.

Attorney Verrone will revise the policy, which will be reviewed again at the October Work Session.

UPDATE DISCUSSION ON ORDINANCE 2632-2022 (KEEPING OF FOWL)

Mayor Peluso asked to remove this item from the agenda.

PICKLEBALL COURT

Deputy Mayor Cutrone stated they have one location with two pickle ball courts, which are heavily used. She did not want to give up green space for another court, but they may be able to add a third court at the current location. They could also reach out to the County about putting a pickle ball court near the County tennis courts that are in disarray. Acting Manager Alvarez stated Superintendent Graff was meeting with a vendor tomorrow to get information. Councilmember Reinitz suggested having a court near the tennis courts at the High School.

AMENDMENTS TO LEAD BASED PAINT ORDINANCE

Acting Manager Alvarez referenced an email dated August 31, 2022 that explained new legislation requiring the Borough to do inspections on certain rental dwellings for lead based paint. A copy of the draft ordinance was attached.

There was a unanimous consensus to move forward with the amended ordinance.

AMENDMENTS TO OFFICE OF EMERGENCY MANAGEMENT ORDINANCE

Acting Manager Alvarez stated the amendments were needed due to new legislation from the State OEM that went into effective August 31, 2022, requiring each municipality to have or form a local Emergency Management Council.

Councilmember Reinitz requested the wording "with the consent of Mayor and Council" be added to item E1.

There was a unanimous consensus to move forward with the amended ordinance.

NORTHWEST BERGEN COUNTY MAYORS ASSOCIATION

Mayor Peluso explained that he was invited to join the association three months ago by the Mayor of Glen Rock, who is the chairperson. The group meets once a month on a Saturday morning to discuss relevant topics and share resources. The membership fee is \$300.

There was a unanimous consensus to have the Borough pay Mayor Peluso's membership fee of \$300.

FAIR LAWN COMMUNITY CENTER 501C3 CERTIFIED AUDIT PROPOSAL

Acting Manager Alvarez referenced the Manager's email dated August 30th, which contained a proposal to prepare the audit for the Community Center 501(c)3 Committee.

There was a unanimous consensus to approve the funding of this audit.

2023 MEETING CALENDAR

Municipal Clerk Magarelli reviewed the proposed 2023 Council meeting dates.

After a brief discussion, it was suggested that the March Work Session and Council meeting be moved to March 14 and 28, have a separate Work Session and Council meeting in July and a single, combined Work Session/Council Meeting in August.

There was a unanimous consensus to approve the above changes to the calendar.

WATER TANK AGREEMENT RESOLUTION AND ORDINANCE

Acting Manager Alvarez referenced an email dated August 31, 2022, which contained a draft resolution and ordinance associated with the water tank service agreement.

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

NEW BUSINESS

Deputy Mayor Cutrone stated that the Access for All Committee would like to have a ribbon cutting for the new communication board at Berdan Grove playground on Friday, September 16th at 4:00 pm.

Acting Manager Alvarez will discuss this with the Borough Manager when he returns to the office.

PUBLIC COMMENTS

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

Michael Reiner, 12-50 Burbank Street expressed concern about the setback requirements for chicken coops in the Keeping of Fowl Ordinance. He would not be able to comply unless he put the coop in his front yard. He felt existing chicken coops should be grandfathered in, as he has had chickens for over ten years without any issues. He thought eight pages of regulations was extreme.

Councilmember Reinitz explained some of the issues they have encountered with chickens, including rats and improper feeding methods. He also had concerns about the setback requirements. Mayor Peluso stated he was willing to revisit the setbacks.

Ellen Bellinger, 23-10 Dorchester Road stated she is here on behalf of herself and Elizabeth McGill of 0-03 Saddle River Road, who is her partner in a chicken cooperative. She read a letter from Ms. McGill, who has a property that is 75 x 275 feet with only one adjacent neighbor. The chicken coop is currently located between her house and garage on a strip of land that does not flood. The location helps protect the chickens from coyotes, predators and heavy winds. She asked that the ordinance be amended to allow coop placement to be closer to her home, or that she be grandfathered in to be consistent with the FEMA flood map. She asked if neighbors can submit a letter stating they do not mind having a coop only five feet from their property.

Ms. Bellinger felt it was unfair to require roosters to be kept inside from 9:00 am to 9:00 pm, when landscapers can begin work at 7:00 am. It is a hardship for people who have to leave for work.

Marci Reese, 5-21 Hazel Place stated she learned that only two out of 45 rat complaints were related to chickens. If she moves her chicken coop to be compliant with the ordinance, the coop will be closer to the neighbor who has been complaining. She asked for clarification on the set back requirements and noted that her neighbors are willing to give written permission for her to keep the coop in its current location. She also felt it was too restrictive to keep a rooster inside from 9:00 am to 9:00 pm. She tried to comply by filling out a registration form immediately after the ordinance was adopted, but it was not available and the Health Department could not answer all of her questions.

Attorney Verrone stated that the answers to her questions about setback were clearly answered in the ordinance; the coop must be 12 feet from any dwelling and 10 feet from a property line. Ms. Reese stated she will have to move her chicken coop into the middle of her backyard. Deputy Mayor Cutrone stated that they are going to listen to all the comments and then decide if the ordinance will be discussed again at another Work Session.

Max Khaskin, 16-10 Hunter Place stated he lives next to a chicken owner that is not responsible. They can't sit in their backyard because of the noise from two roosters, who also wake them up. The roosters also smell. Although the indoor time requirement of 9:00 am to 9:00 pm seems strict, roosters can keep crowing for 15 minutes or two hours, whatever they want. He felt they should make the language in the ordinance stronger to include the coop and the run because even if his neighbor moves the coop, the run is still a few feet from his office window. It doesn't change anything; it still smells and there is still noise. He also felt that the grandfather clause should be removed because having roosters so close to property lines doesn't make sense.

Maria Morone Zoto, 1-38 35th Street spoke about the growing popularity of pickleball. They are using the courts behind Warren Point, but the ground is starting to buckle and she is afraid someone will fall. She notified the Recreation Department that out of towners, and also some residents, are monopolizing the courts, telling people they have permits to use the courts when they don't and then getting paid to give pickleball lessons. She asked about using some of the 14 tennis courts they have in town for pickleball.

Dennis Cohen, 34-10 Stelton Terrace stated that Hollow Run apartment complex used large amounts of water in the summer, running 15 spouts for six hours in drought conditions. Also, the garbage dumpster gets piled up high and he felt they should be required to get a second dumpster. He has seen rats, a fox and raccoons there, and he has also seen elderly people who cannot lift their trash to put it on top of the pile.

With regards to pickleball, he suggested painting different color lines on the smaller court at Berdan Grove and the tennis courts to make them multi-purpose.

Sue Benjamin, 8 Albert Avenue stated that pickleball is the fastest growing sport in America. It is very popular with seniors. Fair Lawn only has two courts, while Glen Rock has five, Ramsey has four courts (plus they are adding six new courts) and Wyckoff has eight. Some towns offer inside pickleball through their community schools. Fair Lawn does not have any dedicated evening or weekend times for pickleball for people who work. Some towns issue fines to non-residents who try to play on their courts.

Pickleball courts should be grouped together to maximize the socialization and friendships that grow among the players, and there must be an asphalt surface for safety. If they do not want to asphalt over the green space at Walsh Pool, which she felt was the ideal location, they could take some of the tennis courts in town that are underutilized and make six pickleball courts. Eight courts would be ideal, preferably in a location away from residents' homes.

Nitzan Ben-David, 16-04 Hunter Place stated that the requirement that roosters remain indoor until 9:00 am is a big hardship for her since she goes to work. She did not think it would be right to connect the run to the setback requirements of the coop.

Gennady Frenklakh, 14-11 Lucena Drive spoke about a Time Magazine article on why people love pickleball so much, calling the sport a "community builder" and explaining why it's great for the health and fitness of people 55 and over. He and his friends look all over for pickleball courts, which are always crowded. If the Council can add more pickleball courts they will have the appreciation of the community.

Pamela Coles, 13-34 George Street asked if the Northwest Bergen County Mayors' Association meetings were open to the public. Mayor Peluso stated no, as there is no governmental action taking place. Attorney Verrone stated they were not required to be open to the public. Ms. Coles asked Mayor Peluso to ask why the meeting was not open to the public.

With regards to pickleball, she asked if the courts near the Football Association fields were heavily used. Mayor Peluso stated that are used on a regular basis, although not as much as in the past.

Ms. Coles stated that when people say they have seen rats it is not necessarily because there are chickens. She has suggested at several Council meetings that the Borough invite Abbas Farm or the farm on Goffle Road to get their input as to what the setbacks for chicken coops should be. Councilmember Rottenstrich noted that the farms are commercial farms; there is no comparison to residential coops.

Ms. Coles concluded by stating that the new policy for Borough Committees should not limit anyone's freedom of speech as there are many opinions out there.

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

CONSENT AGENDA 12-2022

Municipal Clerk Magarelli read the Resolutions by Consent statement.

Upon motion by Deputy Mayor Cutrone and a second by Deputy Mayor of Community Affairs Krause, Consent Agenda #12-2022 containing the following items was carried by a roll call vote of 5-0.

RESO #	RESOLUTION TITLE
277-2022	Resolution Authorizing Endorsement of the County of Bergen County Stigma Free Grant
278-2022	Resolution Authorizing to enter into a Grant Agreement with the County of Bergen County Stigma Free Grant
279-2022	Resolution requesting the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2022, in the sum of \$1,000.00, which is now available from the Bergen County Department of Health Services, Division of Mental Health and Addiction Services, Stigma Free Grant Program

EXECUTIVE CLOSED SESSION – RESOLUTION 283-2022

- 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 privilege;
- b. Personnel matters pursuant to NJSA 10:4-12(b)8

Motion to go into executive session to discuss matters exempt from the public as duly noticed by Resolution No. 283-2022 was moved by Deputy Mayor of Community Affairs Krause, and seconded by Councilmember Rottenstrich. Motion carried by a roll call vote of 5-0.

RECONVENE PUBLIC MEETING

Upon motion by Deputy Mayor Cutrone and a second by Councilmember Reinitz, it was unanimously agreed to reconvene the Work Session at 9:20 p.m.

ADJOURNMENT

Upon motion by Councilmember Rottenstrich and a second by Deputy Mayor Cutrone, the Work Session was adjourned at 9:20 p.m.

The within minutes were duly approved by the Borough Council at their meeting of October 25, 2022, under Resolution 313-2022

Respectfully submitted,



Nicholas J. Magarelli, RMC
Municipal Clerk

The undersigned has read and approves the foregoing minutes.



Mayor Kurt Peluso