



BOROUGH OF FAIR LAWN
MAYOR AND COUNCIL MEETING
MINUTES

COUNCIL MEETING MINUTES JUNE 28, 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 Councilmember Reinitz

ABSENT: Councilmember Rottenstrich.

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

FLAG SALUTE

COUNCIL COMMENTS

Councilmember Reinitz

Recreation Fields Commission- discussed the following projects, football field turf replacement is being moved to November, three playgrounds are being redone and they are looking into strategies of maintaining our fields.

Fire Board – he congratulated the Fire Department for the great job they did on the fire at 32nd street.

Alliance Against Substance Abuse meeting discussed seeking new grant money and to access where we are now that marijuana has be legalized and to continue education on those means.

He attended the Street Fair and thanked all involved including the Chamber of Commerce Manager Van Kruijning, DPW, and Police.

He spoke about celebrating Pride Month and how they want to make Fair Lawn more inclusive and welcome for all. He thanked everyone involved in the Pride Block Party and all the local businesses that participated.

He congratulated Robert (Scooter) Young for having the band stage named after him.

Deputy Mayor Krause

He congratulated all the students for a successful school year and especially Class of 2022.

He congratulated Kevin Peppitone for receiving a bronze medal in the Special Olympics in Florida.

He congratulated Robert (Scooter) Young for having the band stage named after him. It was great to see someone who does so much to get recognition. The first Summer Concert had started after this ceremony and runs throughout the summer on Sunday nights.

He congratulated the Chamber of Commerce for bringing back the Radburn Street Fair.

He spoke at the Pride Flag Raising Ceremony and he was able to attend the end of the Pride Block Party. He thanked the Community Relations Committee for all their hard work on that. He thanked the Police for making everyone feel safe.

Chief for a Day was this month and he thanked the Police for continuing this tradition.

Recreation will be having the first summer movie at Memorial Pool tomorrow night at 8:30 pm.

Deputy Mayor Cutrone

She thanked Community Policing for inviting them to this year's Citizens Police Academy Graduation. She extended a special congratulations for the graduating class and to the class president, Ashley Luther, who is our Borough Veteran's Affairs Liaison.

She congratulated Kevin Peppitone on all of his medals and making Fair Lawn proud.

She thanked the Chamber of Commerce for bringing back our Radburn Street Fair.

She congratulated the Fair Lawn High School Class of 2022 and want them to know they are all rooting for them and they will always have a home in Fair Lawn. She also congratulated all the students and educators who completed another year that was certainly filled with unique challenges.

She congratulated Scooter on the naming of the band shell. She thinks it is a wonderful way to honor him for the very long list of volunteering and contributions he has given to the Borough.

Community Relations Advisory Committee did a wonderful Pride Event and she feels it is the best Pride Event in Bergen County. It was a wonderful way to show that our LGBTQIA friends, family member, and neighbors and maybe soon to be residents that we love them and they are welcome in Fair Lawn. Her favorite event was taking her children to the Drag Queen Story Hour that included books with meaningful lessons. Unfortunately, due to pretty aggressive protestors, they had to move the event indoors to protect the safety of the children. She thanked the Library for making that happen, particularly our Library Director, Adele Puccio. She thanked the Borough Manager and all the Borough employees who worked hard to make this go off smoothly.

She feels that overall a perfect representation of our shared inclusive values in Fair Lawn. But we know, there is still a lot of work to be done both here and beyond. We now see how quickly and easily this progress can be stalled or even worse erased. She discussed how the recent Supreme Court decision, which struck down the 50 year precedent of allowing woman to decide if and when they chose to have children, is what reminded us of that. Women today are less equal, less autonomous and less of a citizen then we were just a few days ago. She stated that this is not the America she knows and this is not the America she loves. This decision is a wakeup call and we can't take any of our rights, freedoms or liberties for granted. We can't be complacent and we can't be paralyzed. She encourages anybody, who is as angry as she is, to challenge that anger by getting involved in any charity organization that supports equality but most importantly she encourages people to vote in every election. She knows that she and her colleagues will fight every day to ensure that everyone will be treated equally and justly. She calls on everyone to stand with them and to work with them to make a more perfect union for everybody.

Mayor Peluso

He thanked all the volunteers of Fair Lawn TV who were at a number of events today.

Memorial Pool was able to extend their hours to 8:00 pm from Monday thru Thursday, due to the hiring of more lifeguards.

He congratulated Chief Geeanna Beale on being Chief for the Day. He thanked Officer O'Brien, Sergeant Metzler and Chief Cauwels for making this program so phenomenal.

He thanked the Fair Lawn Radio Club for sponsoring their field day this weekend at Memorial Pool and it is a great event open to all residents.

He congratulated Suite 6TwentySix on their Grand Opening this past Sunday.

He echoed everyone's comments on the Pride Block Party. He thanked everyone who was involved in making it a success.

He congratulated Robert (Scooter) Young for having the band stage named after him. He goes above and beyond to make our concerts are some of the best performances.

Fireworks are this Saturday on July 2nd, rain date is July 9th.

Grand Opening of K-Chicken on Fair Lawn Avenue. We are happy to welcome and support our new businesses here in Fair Lawn.

ORDINANCE ON FIRST READING

ORD. #2627-2022

AN ORDINANCE TO AMEND CHAPTER 94, FEES, ARTICLE I, SCHEDULE OF FEES OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN

Upon motion by Deputy Mayor of Community Affairs Krause, seconded by Councilmember Reinitz, Ordinance 2627-2022 was introduced on first reading and carried by a roll call vote of 4-0.

ORD. #2628-2022

AN ORDINANCE TO AMEND CHAPTER 232, VEHICLES AND TRAFFIC, ARTICLE VIII, TRAFFIC, MORE SPECIFICALLY SECTION 232-51, "NO LEFT OR RIGHT TURN" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN

Upon motion by Deputy Mayor Cutrone, seconded by Councilmember Reinitz, Ordinance 2628-2022 was introduced on first reading and carried by a roll call vote of 4-0.

ORD. #2630-2022

AN ORDINANCE TO PROVIDE FOR CERTAIN CAPITAL IMPROVEMENTS IN THE BOROUGH OF FAIR LAWN, AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF GRANT FUNDS THEREFOR FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION (CYRIL AVENUE)

Upon motion by Deputy Mayor of Community Affairs Krause, seconded by Councilmember Reinitz, Ordinance 2630-2022 was introduced on first reading and carried by a roll call vote of 4-0.

ORD. #2631-2022

AN ORDINANCE OF THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR SANITARY SEWER SYSTEM AND SEWER PUMP STATION IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF FAIR LAWN AND APPROPRIATING \$640,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$600,000 IN BONDS OR NOTES OF THE BOROUGH OF FAIR LAWN TO FINANCE THE SAME

Upon motion by Deputy Mayor Cutrone, seconded by Councilmember Reinitz, Ordinance 2631-2022 was introduced on first reading and carried by a roll call vote of 4-0.

ORDINANCE ON SECOND READING

ORD. #2623-2022

AN ORDINANCE BY THE BOROUGH OF FAIR LAWN IN BERGEN COUNTY, NEW JERSEY AUTHORIZING AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES WITHIN THE BOROUGH OF FAIR LAWN

Motion to open the meeting to public comments on Ordinance No. 2623-2022 only was moved by Councilmember Reinitz, seconded by Deputy Mayor Cutrone and carried unanimously.

Pamela Coles, 13-34 George Street asked who will be managing this. Attorney Verrone explained that the municipality would do a procurement for a concession with an operator who would install and maintain the chargers and pay a fee to the Borough. She asked if there is anyone in mind. Attorney Verrone replied that it would have to be procured. Deputy Mayor Cutrone explained that this so the Borough is prepared if someone applies to do this.

Hearing no more requests for comment, Mayor Peluso asked for a motion to close the meeting to comments from the public on this ordinance only.

Motion to close the meeting to public comments on Ordinance No. 2623-2022 only was moved by Deputy Mayor Cutrone, seconded by Councilmember Reinitz and carried unanimously.

Motion to adopt Ordinance No. 2623-2022 on second and final reading was moved by Deputy Mayor of Community Affairs Krause, seconded by Councilmember Reinitz and carried by a roll call vote of 4-0.

ORD. #2624-2022**AN ORDINANCE TO AMEND CHAPTER 94, FEES, ARTICLE VI, SCHEDULE OF FEES, MORE SPECIFICALLY SECTION 94-1(c), "HEALTH DEPARTMENT FEES" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN**

Motion to open the meeting to public comments on Ordinance No. 2624-2022 only was moved by Councilmember Reinitz, seconded by Deputy Mayor Cutrone and carried unanimously.

Hearing no requests for comment, Mayor Peluso asked for a motion to close the meeting to comments from the public on this ordinance only.

Motion to close the meeting to public comments on Ordinance No. 2624-2022 only was moved by Deputy Mayor of Community Affairs Krause, seconded by Councilmember Reinitz and carried unanimously.

Motion to adopt Ordinance No. 2624-2022 on second and final reading was moved by Deputy Mayor Cutrone, seconded by Deputy Mayor of Community Affairs Krause and carried by a roll call vote of 4-0.

ORD. #2625-2022**AN ORDINANCE BY THE BOROUGH OF FAIR LAWN IN BERGEN COUNTY, NEW JERSEY AMENDING CHAPTER 49, AFFORDABLE HOUSING AND CHAPTER 125, LAND DEVELOPMENT TO REZONE THE R-5-4 INCLUSIONARY MULTI-FAMILY RESIDENTIAL PLANNED DEVELOPMENT DISTRICT TO AN INDUSTRIAL ZONE DISTRICT AND TO AMEND THE BOROUGH'S ZONING MAP TO REZONE BLOCK 5729 LOT 2 FROM THE R-5-4 TO AN 1-2 ER INDUSTRIAL DISTRICT**

Motion to open the meeting to public comments on Ordinance No. 2625-2022 only was moved by Deputy Mayor Cutrone, seconded by Councilmember Reinitz and carried unanimously.

Rolaette Mc Garry 14-15 3rd Street asked if this was making the area a residential zone. Mayor Peluso explained that it will be put back to an industrial zone. She also asked if Amazon was going to come in town. Mayor Peluso explained that based on the plans they would have a buffer and a roadway within their complex that trucks would be entering and leaving. This would be going directly from the site to the Fair Lawn Avenue Bridge.

Edna Weston, 3-01 Fair Lawn Avenue had similar concerns as the previous resident. She spoke about the problems she is having with parking and fumes in her area. Mayor Peluso asked Manager Van Kruiningen to look into these issues. She also asked if the area with soil contamination will be built on. Mayor Peluso explained that the

contaminated section will remain the way it is. There will be tests on any soil before any shovel will be put in the ground.

Pamela Coles, 13-34 George Street gave the Council a copy of documents she has from this property being contaminated. She read some of these contaminants and said that her concern is that when they dig in to unearthly chemicals may be released and not known. Councilmember Reinitz said that this report is from 2001 and isn't updated to how it is now that has been remediated to the point where the DEP and EPA are comfortable with something like a warehouse type unit. It may never be remediated to be residential. Deputy Mayor of Community Affairs Krause explained that there is a LSRP that monitors the site and that it wouldn't have been moved forward if it wasn't monitored and evaluated.

Bruce Rosenberg explained that the site have been undergoing remediation for more than 30 years. The Council is rezoning so that the middle parcel of the property, approximately two and a half acres, remains inactive. The two wing parcels of the overall 13 acres, are suitable for the type of redevelopment that this rezoning will enable. This is in accordance with all the EP and EPA oversight for this site that has been going on for many, many years. All of these rezoning's are going to enable a redevelopment of the property for warehousing that is consistent with the remainder of the property. The middle will continue to be environmentally remediated for many years to come.

Councilmember Reinitz asked if he can explain the access to the property. Mr. Rosenberg explained that the property will be accessed from River Road and Range Road coming into the property. The County has made it clear that they can only get out of the site by making a right turn toward the Fair Lawn Avenue Bridge and none of the truck traffic from this project will ever go down 3rd Street. It is designed to come off of River Road right into the site and to exit the site with a right turn only onto across the bridge. This is what is going to be presented to the Planning Board. Mayor Peluso explained that the Planning Board meeting will be open to the public.

Hearing no more requests for comment, Mayor Peluso asked for a motion to close the meeting to comments from the public on this ordinance only.

Motion to close the meeting to public comments on Ordinance No. 2625-2022 only was moved by Deputy Mayor of Community Affairs Krause, seconded by Deputy Mayor Cutrone and carried unanimously.

Motion to adopt Ordinance No. 2625-2022 on second and final reading was moved by Deputy Mayor of Community Affairs Krause, seconded by Deputy Mayor Cutrone and carried by a roll call vote of 4-0.

ORD. #2626-2022

AN ORDINANCE TO AMEND CHAPTER 94, FEES, ARTICLE VI, SCHEDULE OF FEES, MORE SPECIFICALLY SECTION 94-12, "MISCELLANEOUS FEES" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN

Motion to open the meeting to public comments on Ordinance No. 2626-2022 only was moved by Deputy Mayor Cutrone, seconded by Councilmember Reinitz and carried unanimously.

Hearing no requests for comment, Mayor Peluso asked for a motion to close the meeting to comments from the public on this ordinance only.

Motion to close the meeting to public comments on Ordinance No. 2626-2022 only was moved by Deputy Mayor of Community Affairs Krause, seconded by Deputy Mayor Cutrone and carried unanimously.

Motion to adopt Ordinance No. 2626-2022 on second and final reading was moved by Deputy Mayor of Community Affairs Krause, seconded by Deputy Mayor Cutrone and carried by a roll call vote of 4-0.

RESOLUTION 212-2022

RESOLUTION AUTHORIZING THE AMENDMENT TO THE 2022 CAPITAL BUDGET

Upon a motion by Deputy Mayor Cutrone and a second by Deputy Mayor of Community Affairs Krause it was unanimously agreed to open the time for public comments on Resolution 212-2022.

There being no comments, upon motion by Deputy Mayor of Community Affairs Krause and a second by Councilmember Reinitz the time for public comments on Resolution 212-2022 only was unanimously closed.

Upon motion by Deputy Mayor Cutrone and a second by Councilmember Reinitz, Resolution No. 212-2022 was carried by a roll call vote of 4-0.

PUBLIC COMMENTS ON CONSENT AGENDA 9-2022 ITEMS ONLY

Motion to open the meeting to public comments on Consent Agenda items only was moved by Deputy Mayor of Community Affairs Krause, seconded by Deputy Mayor Cutrone and carried unanimously.

Pamela Coles, 13-34 George Street asked for an explanation of Resolution 220-2022 Authorizing the Borough of Fair Lawn to accept a donation from Brookfield Properties. Manager Van Kruiningen explained that Brookfield Properties is the current owner of the Sandvick property and they are donating trees and bushes to the Borough.

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

RESOLUTIONS BY CONSENT 9-2022

Upon motion by Deputy Mayor Cutrone and a second by Deputy Mayor of Community Affairs Krause, Consent Agenda #9-2022 containing the following items was carried by a roll call vote of 4-0.

RESO #	RESOLUTION TITLE
213-2022	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 \$ 68,887.40, Which is Now Available from The State Of New Jersey, Department of Environmental Protection, for the 2022 Clean Communities Grant Program
214-2022	Resolution Approving Fire Department Actions
215-2022	Resolution Authorizing Submission of a Grant Application to the New Jersey Department of Transportation – Municipal Aid – Heights Avenue Improvements in the Amount Of \$200,958.00
216-2022	Authorizing Liquor Licenses Renewal
217-2022	Resolution Authorizing a Shared Services Extension Agreement with the Fair Lawn Board of Education for Custodial Services
218-2022	Resolution Awarding Contract for SCADA System Maintenance and Improvements to Advantech Corporation
219-2022	Resolution Authorizing The Purchase Of A Custom Ems Utility Response Truck, Under Houston Galveston Area Council Cooperative Purchasing Program (HGACBUY) Contract #Am10-20, From Autolykus Industries Inc., Dba Fastlane Emergency Vehicles
220-2022	Authorizing the borough of Fair Lawn to accept a donation from Brookfield properties
221-2022	Authorizing Payment to Onque Technologies, Inc. For Copper Water Service Replacements on Pomona Avenue In The Amount Of \$25,500.00
222-2022	Resolution authorizing the purchase and installation of fencing from consolidated steel and aluminum fence under state contract #A88680
223-2022	Resolution Authorizing A Shared Services Extension Agreement With The Fair Lawn Board Of Education For The Assignment Of Special Class III Law Enforcement Officers In The Elementary Schools And Edison School
224-2022	Resolution Authorizing A Shared Services Extension Agreement With The Fair Lawn Board Of Education For The Assignment Of Special Class III Law Enforcement Officers At The Middle Schools

- 225-2022 Resolution Authorizing A Shared Services Extension Agreement With The Fair Lawn Board Of Education For The Assignment Of School Resource Officer At The High School
- 226-2022 Resolution Filling an unexpired term of the Historic Preservation Commission
- 227-2022 Resolution Authorizing issuance of a 2020 through 2022 tax appeal settlement refund for 2-27 Saddle River Road, Block 1301, Lot 13
- 228-2022 Resolution Authorizing issuance of disabled veteran tax refund Block 3409, Lot 16
- 229-2022 Awarding Professional Services – Public Relations Specialist Consulting Services to LW Communications, LLC
- 230-2022 Resolution Requesting The Director Of The Division Of Local Government Services Approval The Insertion Of A Special Item Of Revenue Into The 2022 Budget
- 231-2022 Resolution authorizing contract for removal and disposal of existing turf and installation of artificial turf surface at VanderPlatt Field with FieldTurf USA, under the Educational Services Commission of New Jersey Cooperative
- 232-2022 Resolution Authorizing Execution of Memorandum of Understanding - Bergen County Department of Health for Cancer & Tuberculosis Education and Control
- 233-2022 Resolution Authorizing Execution of Memorandum of Understanding - Bergen County Department of Health for Child Lead Exposure Prevention
- 234-2022 Resolution Awarding Contract for Fair Lawn Library Elevator Replacement to Ascend Construction Management, Inc.

RESOLUTION 236-2022

RESOLUTION AUTHORIZING SETTLEMENT OF ALL CLAIMS IN THE MATTER OF MADLINGER V. BOROUGH OF FAIR LAWN, ET AL., DOCKET NO. BER-L-001173-22

Upon motion by Deputy Mayor of Community Affairs Krause and a second by Councilmember Reinitz, Resolution No. 236-2022 was carried by a roll call vote of 4-0.

NEW BUSINESS

Deputy Mayor Cutrone asked if the Council would agree to honor Greg Simon who was a Fair Lawn resident who saved the life of another resident in Fair Lawn.

Councilmember Reinitz asked Manager Van Kruijning to advertise for new members for Property Maintenance. Manager Van Kruijning said he can put it in the Friday email announcements.

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 Esler Court, asked what the status of the fence is on Second Street for the geese problem. Mayor Peluso stated that the fence was put up last week. He is happy to say that when he drove down the street he did not see any geese. They also brought a sweep cleaner through and they will probably do that again since the fence is up. She also asked about the pavement in and around TJ. Mayor Peluso said that he has walked around the area and took some notes.

Garrett Thomas, 16-45 Chandler Drive, he asked if there are any plans to build a new elementary school. He thinks that fifth grade should stay in an elementary school instead of a middle school. Mayor Peluso explained that the Board of Education is where he should take those concerns.

Pamela Coles, 13-34 George Street said that she really would like to honor the event itself as being a family event. She also asked if the protestors needed a permit to protest there. Deputy Mayor Cutrone explained that they have not passed that ordinance yet because they don't want to violate people's first amendment rights. She thanked the police for keeping it a peaceful event.

Jim Corcoran, 2-10 35th Street thanked the Mayor, Council, Manager Van Kruiningen and the employees for all their support during the difficult time of his father's passing.

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

EXECUTIVE CLOSED SESSION – RESOLUTION 235-2022

Upon motion by Deputy Mayor of Community Affairs Krause and a second by Deputy Mayor Cutrone, Resolution No. 235-2022 was carried by a roll call vote of 4-0 at 8:40 pm.

- I. Personnel matter, pursuant to N.J.S.A. 10:4-12(b)8
- II. 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 Cutrone and a second by Deputy Mayor of Community Affairs Krause and carried at 9:16 p.m.

ADJOURNMENT

Upon motion by Deputy Mayor Cutrone and second by Councilmember Reinitz, the meeting was adjourned at 9:17 p.m.

The within minutes were duly approved by the Borough Council at their meeting of August 9, 2022, under Resolution 269-2022

Respectfully submitted,



Nicholas J. Magarelli, RMC
Municipal Clerk

The undersigned has read and approves the foregoing minutes.



Mayor Kurt Peluso