

REGULAR MEETING OF JUNE 18, 2013

Mayor Cosgrove called the meeting to order at 7:35 p.m.

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in "The Record" issue of December 14, 2012. Notices were also posted on the bulletin board located on the first floor of the Municipal Building; copies were mailed to The Community News and posted on the Borough of Fair Lawn website. The annual notice identified the meeting location and the time of Council Meetings and Work Sessions.

PRESENT: Mayor Cosgrove, Deputy Mayors Baratta, Councilmembers Peluso and Swain.

ABSENT: Deputy Mayor Trawinski.

ALSO PRESENT: Acting Manager Van Kruijning, Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Mondello.

PRESENTATION TO THE FAIR LAWN HIGH SCHOOL CAST OF "RUNAWAYS"

Mayor Cosgrove said they were lucky to have Mr. Giresi and the cast of Runaways present.

COUNCIL COMMENTS:

Councilmember Peluso thanked the cast of Runaways for coming and doing a very nice performance with only seven people. The students work hard on these programs.

He congratulated all of the winners in All Sports who received scholarships for all their hard work during All Sports and in High School. He thanked all of the volunteers involved in All Sports along with the parents and coaches.

Councilmember Peluso mentioned that he went to the Community Center today with Mayor Cosgrove and Acting Manager VanKrujning to find a new location for the League of Women Voters for their annual dinner. They were able to find a nice location.

Councilmember Swain stated that not only do they have talented children in the dramatic arts they also have talented high school students in the fine arts and sculptures. She encouraged everyone to visit the exhibit at the Library that has some incredible art work done by talented students in Fair Lawn.

The ADA Committee with partial funding from Sunrise Rotary was pleased to present three scholarships at last week's scholarship awards night at the High School. The first scholarship to recognize a student who has shown dedication and determination in completing her studies was presented to Kathleen Leal. Two additional scholarships recognized students who helped foster the objectives of the ADA Committee and promoted inclusion within Fair Lawn High School and the community were presented to Michele Chang and Phil Dai. The Committee thanked Sunrise Rotary for their support and congratulated all of the students.

The ADA Committee is giving away free tickets to a Jackals game on Saturday, July 6th. It is followed by a fireworks program. Guests with special needs and two additional family members can obtain these tickets by emailing the ADA Committee.

Councilmember Swain explained that the Borough now has an Arts Council that has been established. They held their first meeting and are planning a photo exhibit.

The Farmer's Market will begin July 3rd and run until October 17th from 11:00 a.m. to 4:30 p.m. at the New Song Church parking lot on Fair Lawn Avenue.

Councilmember Swain congratulated teachers in the school district. She started with Craig Cohen who is the Eco Club Advisor at Memorial School who received an Environmental Challenge grant in the amount of \$1,000. Ms. Patricia Ward, the Beautification Committee Chairperson at Milne's Elementary School received a grant in the amount of \$600 and Susan Goldstein, the Science teacher at TJ Middle School was awarded a grant in the amount of \$1,000. Councilmember Swain congratulated those teachers for their efforts on behalf of all of our students.

Deputy Mayor Baratta thought it was a wonderful presentation done by the cast of the Runaways.

The fireworks presentation will be held on July 1 this year at 7:30 p.m. She hoped to see everyone there to celebrate our Country's independence.

This weekend she filled in for the Mayor at a special event for some long time residents, the Benvenuto's. Louis and Flora celebrated many milestones this past weekend. It was Louis's 90th birthday, Flora's 80th birthday and their 60th anniversary. The Town Crier was in attendance and it was a wonderful event and she thanked Mr. Seibel for the invitation.

Mayor Cosgrove thanked Deputy Mayor Baratta for filling in for him. He performed three wedding ceremonies on Saturday and then attended a wedding for his son's best friend, Doug Elfers. He congratulated Doug and his wife. It was a lovely wedding.

He reminded everyone that the Council is on the summer schedule starting next month. The next regular meeting will be on July 16th.

Mayor Cosgrove stated he attended the Annual Dinner Dance at Temple Beth Shalom where they honored the Michaelsons.

Last night he attended the All Sports Scholarship Dinner and it was great to see that so many of the people who are involved that have children that are grown but are still involved and working hard for the young people. It is a great organization. He congratulated all of the scholarship winners and especially those people who have put so much of their life into Fair Lawn All Sports. He would be remiss if he did not remember Ken Marks who has been very sick for the last six months. He was an anchor for All Sports for over fifty years.

The Sunrise Rotary and the Fair Lawn Rotary Club will be purchasing of a flotation device for the handicap residents who need help at Memorial Pool to assist them to get in and out of the pool.

The fireworks are scheduled for July 1st with a rain date of July 2nd.

MANAGER'S REPORT

Acting Manager VanKruiningen stated the monthly manager's report has been submitted without change. Additional copies are on the table.

ORDINANCES ON FIRST READING:

Upon motion by Councilmember Peluso and a second by Councilmember Swain, it was unanimously agreed to read the following ordinance by title.

ORDINANCE NO. 2283-2013

AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED

Upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, Resolution No. 228-2013 introducing Ordinance No. 2283-2013 was unanimously passed.

Upon motion by Deputy Mayor Baratta and a second by Councilmember Peluso, it was unanimously agreed to read the following ordinance by title.

ORDINANCE NO. 2284-2013

BOND ORDINANCE APPROPRIATING \$2,267,700, AND AUTHORIZING THE ISSUANCE OF \$2,154,315 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY

Upon motion by Councilmember Swain and a second by Councilmember Peluso, Resolution No. 229 -2013 introducing Ordinance No. 2284-2013 was unanimously passed.

Upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, it was unanimously agreed to read the following ordinance by title.

ORDINANCE NO. 2285-2013

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$510,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$484,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION

Upon motion by Councilmember Swain and a second by Councilmember Peluso, Resolution No. 230-2013 introducing Ordinance No. 2285-2013 was unanimously passed.

Upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, it was unanimously agreed to read the following ordinance by title.

ORDINANCE NO. 2286-2013

BOND ORDINANCE APPROPRIATING \$326,400, AND AUTHORIZING THE ISSUANCE OF \$310,080 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS WATER SUPPLY AND DISTRIBUTION SYSTEM IMPROVEMENTS OR

PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY.

Upon motion by Councilmember Peluso and a second by Deputy Mayor Baratta, Resolution No. 231-2013 introducing Ordinance No. 2286-2013 was unanimously passed.

Upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, it was unanimously agreed to read the following ordinance by title.

ORDINANCE NO. 2287-2013

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 160 ENTITLED "PARKS AND RECREATION AREAS" MORE SPECIFICALLY SUBSECTION 160-6 ENTITLED "MEMBERSHIP FEES"

Upon motion by Councilmember Swain and a second by Councilmember Peluso, Resolution No. 232-2013 introducing Ordinance No. 2287-2013 was unanimously passed.

ORDINANCE ON SECOND READING:

Upon motion by Councilmember Peluso and a second by Councilmember Swain, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

ORDINANCE NO. 2280-2013

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 62 "ANIMALS" PERTAINING TO THE ESTABLISHMENT OF LICENSING FEES FOR POTENTIALLY DANGEROUS DOGS

Kimberly Luikert, 127 White Beeches Drive, Dumont, read a letter on behalf of the Ramapo Kennel Club, regarding the ordinance raising the licensing fees to \$700. They recently dealt with the same issue in Ridgewood. As President of the New Jersey Federation of Dog Clubs they hoped that Fair Lawn would provide the resources to help prevent having potentially dangerous dogs in the first place. Education is the best tool. The New Jersey Federation of Dog Clubs offered their assistance in forming a Responsible Pet Ownership Committee working with the Health Department and Animal Control. Ms. Luikert supplied information to Municipal Clerk Kwasniewski.

Sharon Fremer, 25 Van Blarcom Lane, Wyckoff, president of Ramapo Kennel Club indicated that she has partnered with Jeffery Ball and the New Jersey Federation of Dog Clubs to start this responsible pet ownership committee in Ridgewood. She encouraged the Council to consider forming their own Responsible Ownership Committee.

Mayor Cosgrove thought they could certainly entertain a program like this. The intent of this was not for the Council to judge whether a dog is dangerous. This came about because of a Superior Court case. He felt that anything to help the situation would be welcome. He suggested they put this on one of their Work Sessions for discussion. He was sure they are open to the dialog.

Marcie Wells, 168 Harding Road, Glen Rock, read a letter from Sheila Goffe the Director of Government Relations for the American Kennel Club asking the Council to pursue positive educational solutions, rather than increased fees, to address dangerous dog issues in Fair Lawn.

Joanne Biercuk, 0-84 Elden Place, stated she has been a resident for many years along with being a dog owner for many years. She supports the idea of responsible dog owners. She trains dogs. She fully supports this program and would be available to help with the formation going forward.

Mayor Cosgrove stated they would definitely entertain a program like this. He felt it should be placed on a Work Session Agenda for be discussed.

Dories Stancher, 62 Atlanta Drive, Hawthorne spoke about the Ridgewood committee. It has been a wonderful program.

JoAnne Mac Donnell, 14-10 Morlot Avenue, stated she was part of the committee in Ridgewood. She is a dog trainer but this was her community give back. She was excited that they are willing to discuss this program.

Deputy Mayor Baratta stated this weekend at the Meadowlands there will be a health expo where dogs will be discussed. Dogs and cats from the shelter will be there and up for adoption.

Jo Ann Mac Donnell, 14-10 Morlot Avenue, questioned who and how it is determined that someone has a potentially dangerous dog. Mayor Cosgrove said it would be determined by the Court.

Attorney Mondello advised that there was a statute that defines how a municipal court judge determines whether or not a dog is dangerous. Typically

if the dog causes bodily injuries as defined during an unprovoked attack, severely injures or kills another domestic animal.

Ms. Mac Donnell stated the dog would have to be dangerous to be deemed potentially dangerous.

Attorney Mondello advised there is a Court Proceeding where the Judge renders this decision as to whether or not the dog is potentially dangerous.

Deputy Mayor Baratta stated that no one would take a dog away. Only the Court would make that determination.

There being no further comments by the public, upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Swain and a second by Deputy Mayor Baratta, Resolution No. 233 -2013 adopting Ordinance No. 2280-2013 was unanimously passed.

Upon motion by Councilmember Swain and a second by Councilmember Peluso it was unanimously agreed to read the following ordinance by title and open the time for public comments.

ORDINANCE NO. 2281-2013

AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE

There being no comments by the public, upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, Resolution No. 234-2013 adopting Ordinance No. 2281-2013 was unanimously passed.

Upon motion by Deputy Mayor Baratta and a second by Councilmember Peluso it was unanimously agreed to read the following ordinance by title and open the time for public comments.

ORDINANCE NO. 2282-2013

**AN ORDINANCE FIXING THE STIPENDS OF EXISTING EMPLOYEES OF THE
BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED**

There being no comments by the public, upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Swain and a second by Councilmember Peluso, Resolution No. 235-2013 adopting Ordinance No. 2282-2013 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

Upon motion by Deputy Mayor Baratta and a second by Councilmember Peluso, the time for public comments on Agenda items only was opened.

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

RESOLUTIONS BY CONSENT #14-2013

Upon motion by Councilmember Peluso and a second by Councilmember Swain, Consent Agenda #14-2013 containing the following items were unanimously passed.

- a. Resol. #236-2013 - Approval of Minutes
Work Session 5/7/13
Closed Session 5/7/13
Regular Meeting 5/14/13
- b. Resol. #237-2013 - Refund of Overpayment of Taxes
- c. Resol. #238-2013 - Renewal of Liquor Licenses 2013-2014
- d. Resol. #239-2013 - Award of Bid: Project #2216-2013
Roadway Improvements
- e. Resol. #240-2013 - Award of Bid: Bioxide Odor & Corrosion
Control Chemical
- f. Resol. #241-2013 - Appointment to the Local Ethics Board
- g. Resol. #242-2013 - Appointment to Fair Lawn Borough Gardens
Committee
- h. Resol. #243-2013 - Appointment to Fair Lawn Arts Council
- i. Resol. #244-2013 - Appointment to Green Team Advisory
Committee

- j. Resol. #245-2013 - Interlocal Agreement with the Borough of Haledon for the Use of Memorial Pool
- k. Resol. #246-2013 - Interlocal Agreement with the Borough of Woodland Park for the Use of Memorial Pool
- l. Resol. #247-2013 - Extension of Agreement: Radio Repair and Maintenance
- m. Resol. #248-2013 - Authorizing Mayor and Municipal Clerk to Execute Parking Agreement Extension between the Borough and JP Morgan Chase Bank, N.A.
- n. Resol. #249-2013 - Appointment to Community Development
- o. Resol. #250-2013 - Authorizing an Amendment to the Employee Handbook and Personnel Policies and Procedures Manual - Responding Fire, Rescue and Medical Emergency Calls

PUBLIC COMMENTS:

Upon motion by Deputy Mayor Baratta and a second by Councilmember Peluso, it was unanimously agreed to open the time for public comments.

H. Michael Gelfand, 33-05 Rosalie Street, spoke about the Vander Beck House which was built in 1754 and listed on the National Registry of Historic Places in 1983. He understood that there are plans that might include its demolition. There is only one other historic house in the Borough that is currently serving as a residence which is the Hopper Milne's House at 28 Warren Road. He noted that every surrounding town has a historical house that is still inhabited as residences. Many of these houses have additions that have allowed people to have modern kitchens and living spaces in an architecturally compatible style. If the Vander Beck house was listed with a realtor who is sensitive to historic houses there would certainly be a buyer wanting the convenience of living in Fair Lawn in an area with three shaded acres adjacent to a County park. There are only a small number of these Dutch houses that have survived and there is certainly a market for them.

Mr. Gelfand asked if the Borough could come up with the funds to keep this as a residence. If that is not possible, he suggested a good redaptive use for the house which would allow the house to have a new purpose. In the same time it would be retaining the historic and architectural fabric which would allow the house to remain for future generations. Elsewhere in Bergen County stone houses have served as doctor's offices, interior decorating studios, restaurants, attorney's office and various other types. An excellent option for the Vander

Beck house would be a redaptive use as a bed and breakfast. If the Borough is absolutely committed to development, the best development would be to build other houses next to it to allow it to remain standing and allow the current rural nature to remain.

The argument that it would raise tax dollars without provision of services such as schools is a false one because they would need to be sewer lines, ambulance traffic and increased traffic in general. Such a development is completely incompatible with the property on which it is located. The plan not only calls for the destruction of the Vander Beck House but it also threatens the Naugle House, which all of them worked very hard to save. He wondered why they went through the trouble of saving the Naugle House. He also wondered why the Borough thought the Naugle House to be important and not this one. The two houses have stood together since approximately 1780. He felt the Borough had an opportunity to do something good for future generations. He is a practicing historian and would like to see them do something that is compatible with the house instead of tearing it down.

Mayor Cosgrove stated the Council has not approved any plan neither has anyone in the Borough. The developer has entered into a contract with Mrs. Vander Platts relatives and has paid over \$2 million for the property. He has also purchased the home in front of the property. Barrister Construction has been working with the Council and the Historic Preservation Commission. Tomorrow he has a meeting with both of them. They have gone to the County and to the State and no one wants to help with the cost of \$2 million. The first estimate from the architect working on the Naugle House not to restore it to historic value, just bring it up to code, is a half million dollars. The developer restored the Zabriskie House in Wyckoff. Right now there is communication between all the parties. The Borough cannot afford to spend \$2.2 million.

Mr. Gelfand said he was not suggesting the Borough purchase it, he was suggesting a private owner is the best option.

Mayor Cosgrove said the important thing is everyone is communicating and the Borough may be able to have the Naugle House restored.

Mr. Gelfand said he spent time with the architect for the Naugle House who told him the maximum amount of money would be between \$300,000 to \$500,000.

Councilmember Peluso stated he would be interested in the PowerPoint presentation he prepared. Mr. Gelfand had it on a thumb drive and would give it to the Municipal Clerk.

Pam Coles, 13-34 George Street inquired about a list of projects in the bond ordinance that was introduced for various improvements. Municipal Clerk Kwasniewski stated that the ordinance was on the website.

Ms. Coles thanked Mr. Gelfand because that has been her goal to be good stewards of that house and find some way to save it. It doesn't necessarily mean the Borough has to buy it. Mayor Cosgrove said the Historic Preservation Committee and the developer are talking. Hopefully they can come to some kind of compromise that will make everyone happy.

Rich Seibel, 33-07 Halsey Road, thanked the Mayor and Council on behalf of himself and the Benvenuto's family. On June 15th the family had a surprise party for Louis and Flora, two long time Fair Lawn residents which was very successful. They had a proclamation and June 15th was made Louis and Flora Benvenuto Day and it meant a lot to them. Special thanks to Marilyn Bojanowski and Marianne Pettineo who really came through with flying colors.

He wanted to especially thank Deputy Mayor Baratta who had the toughest job because as she was reading the proclamation and people were crying and hugging. She flawlessly got through the proclamation. They were very thankful.

Mayor Cosgrove thanked Mr. Siebel for his Jerry Garcia American Flag tie which he wore on Flag Day. He also thanked Joanne Kwasniewski, Marilyn Bojanowski and Marianne Pettineo for doing a great job on recognizing all these events in Fair Lawn and getting the proclamations done.

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

ADJOURNMENT:

Upon motion by Deputy Mayor Baratta and second by Councilmember Swain the meeting was adjourned at 8:37 p.m.

Respectfully submitted,


Joanne M. Kwasniewski, RMC, CMC, MMC
Municipal Clerk

The undersigned have read and approve the foregoing minutes.



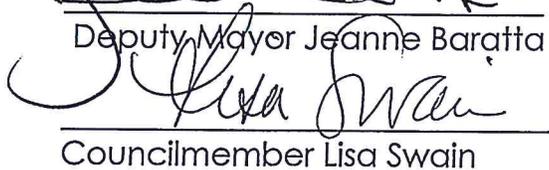
Mayor John Cosgrove



Deputy Mayor Jeanne Baratta



Councilmember Kurt Peluso



Councilmember Lisa Swain

Absent

Deputy Mayor Edward Trawinski