

REGULAR MEETING OF JANUARY 28, 2014

Mayor Cosgrove called the meeting to order at 7:30 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 20, 2013 in addition notice of the rescheduled meeting for this evening appeared in "The Record" issue of January 24, 2014. Notices were also posted on the bulletin board located on the first floor of the Municipal Building 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 Dunay and Lefkowitz, Councilmembers Peluso and Swain.

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

HONOR GUARD POSTED THE COLORS

FLAG SALUTE

Mayor Cosgrove asked Chief Cauwels, Captain Patterson and Lieutenant Dawicki to lead the flag salute.

POLICE PROMOTIONS

Manager Van Kruijning gave the background on Chief Glen Cauwels. Chief Cauwels is a graduate of Fair Lawn High School. He has served four years in the United States Marine Corps, and served during Operation Desert Storm. He was hired as a Police Officer for the Borough in 1994 and was assigned to the Patrol Division. He was promoted to Sergeant in 2001 and was assigned to the Patrol Division. He was promoted to Lieutenant in 2004 and was assigned to Patrol. In 2009 he was assigned to the Administrative Division of the Police Department as a Detective Lieutenant. In 2010 he was promoted to Captain and was assigned to the Administrative Division as a Detective Captain. Chief Cauwels has proven himself to be a highly respected leader in the Police Department and the community. He brings a high degree of professionalism to the department. He has an exceptional track record of performance and dedication. Manager Van Kruijning was confident that Chief Cauwels will continue to move the Police Department forward.

Mayor Cosgrove swore Glen Cauwels in as Chief of the Police Department.

Chief Cauwels stated that before Ronald Patterson became a Police Officer, he went to college where he received a degree in Criminal Justice and History. He was sworn in to the Police Department in 1995, in 2004 he was promoted to Sergeant, and in 2009 he was promoted to Lieutenant. As a Lieutenant he got the Police Department accredited. He put in a lot of work and did an outstanding job. He felt the department would never have gotten accredited without all of the work he did. Chief Cauwels felt he truly deserved this promotion.

Mayor Cosgrove swore Ronald Patterson in as Captain.

Chief Cauwels stated that before Joseph Dawicki became a Police Officer he obtained a Bachelor's degree in Sociology and psycho major. He was sworn in as a Police Officer in 2001. In 2010 he was promoted to Sergeant. He is a field training officer. He is on the honor guard. He is dedicated to the department. He was an Auxiliary Police Officer before he became a sworn in officer which shows the dedication he has to this town.

Mayor Cosgrove swore Joseph Dawicki in as Lieutenant.

HONOR GUARD RETIRED THE COLORS

Mayor Cosgrove thanked the members of other departments that were present tonight supporting the Police Department. On behalf of the Borough of Fair Lawn and the Police Department they thank them for being there to see the officers get promoted.

MANAGER'S REPORT:

Manager Van Kruijning stated the Manager's Report was submitted without change and there were additional copies on the table. If anyone has questions, please feel free to contact his office.

COUNCIL COMMENTS:

Councilmember Peluso congratulated all of the officers on their promotions. Some of these officers he has known all of his life. Some he has just gotten to know recently. He watched Officer Dawicki grow and always knew he would be an officer. It was great to be part of his swearing in ceremony tonight. Captain Patterson lived a few houses away. He led the accreditation. One day he came in and was given a tour of the Police Department and Captain Patterson went through everything with the accreditation and shows his knowledge. He spent ten minutes explaining how the refrigerator had to be accredited in order to store samples.

He thanked Chief Cauwels and his family for donating their time for the community. He knows he will do a great job. He knows the Manager listed a lot of things but one thing that happened recently was when he took his Chief's test, he was in the top percent. His knowledge of the Police force is second to none. He wished them all the best of luck.

This past Saturday he attended the Fire Department dinner. It was a great event. He was happy to have so many volunteers that are dedicated to the community to serve in that fashion. One thing they should realize is how much they save the taxpayers by volunteering.

Tomorrow will be the DARE graduation at Memorial Middle School. This will be the first graduating class in many years from the DARE program. He thanked the officers that brought the program back.

Councilmember Swain congratulated Chief Cauwels, Captain Patterson and Lieutenant Dawicki. She knows the Police force is in great hands and the residents of Fair Lawn should feel assured that there are a lot of great people protecting them. She mentioned the Police blotter, noting that it is always interesting to see the people that were taken off the streets either for drug use or with guns. Guns in particular pose an immediate threat to everyone.

Councilmember Swain mentioned that yesterday was International Holocaust Remembrance Day and this is the day that Auschwitz was liberated 69 years ago. It has been celebrated year after year because the days of remembrance are so important, not just to recall what happened in history but to reaffirm that they as a world must not let something like this happen again. She felt they must always pay attention to history because if they don't history will repeat itself.

Councilmember Swain congratulated the high school swimmers who are having a fantastic season setting records with their scores.

Deputy Mayor Dunay thanked and commended the promoted Police Officers, Chief Cauwels, Captain Patterson and Lieutenant Dawicki. He has complete faith in them and knows they will do a great job leading the police department. He echoed the comments that Councilmember Peluso made about their accomplishments.

He thanked the Fire Department for having him and the rest of the Council at their dinner last week. It was a wonderful event that showcases what a wonderful fire department they have and how committed they all are to protect the residents of Fair Lawn. As Councilmember Peluso said, the Council is very grateful for the volunteers.

Deputy Mayor Dunay noted that there have been press releases about budget meetings. They will begin in earnest on February 1st. They as the Council have eight hours of meetings dedicated to the budget over the next few weeks. He felt they will be working very hard to make sure they will find every available amount of savings in the budget. It is very important to always put the tax payers of Fair Lawn first and make sure they keep an eye on taxes. He knows that it is a burden to people in town. It is obviously important to keep the services we do have. Rest assured they will look for every opportunity that they can to find some savings.

Deputy Mayor Lefkowitz echoed Councilmember Peluso and Deputy Mayor Dunay's comments about the fire department dinner. They do appreciate what the volunteers do for the town. She echoed the sentiment of Councilmember Swain regarding the Holocaust Remembrance Day and it is important that they take note of that. She congratulated Chief Cauwels, Captain Patterson, and Lieutenant Dawicki on their promotions. She noted that Fair Lawn was recently named the 46th safest town in New Jersey. This is another accolade that Fair Lawn received that shows how wonderful the community is and also the Borough employees.

Deputy Mayor Lefkowitz congratulated The Rail Yard, the new restaurant that took the place of Trackside. She wished them good luck on their grand opening.

Lastly she attended the Fair Lawn Alliance for Substance Abuse Prevention meeting last week. She mentioned that there will be a Take Control of Your Health Series which is being offered by the Bergen Hudson Chronic Coalition and Family Support Organization of Bergen County. It is a six week program and will be held at the Van Riper Broadway Baptist Church. It will be held from February 3 through March 17.

Mayor Cosgrove commented that on Friday, February 7th will be National Wear Red Day. It is a special day to bring attention to cardio vascular disease in women and make them realize they should get checked out and live longer and healthier lives.

He congratulated all of the officers that were promoted tonight. This leadership has brought back the DARE program. Tomorrow he will be attending the graduation of the 6th Grade class at Memorial Middle School.

In the AAA magazine there was an article about the Traffic Safety Officer, Tim Franco. He is regarded as one of the leading experts in traffic safety in New Jersey. He congratulated him on the great article.

He thanked all the volunteers. He has gotten to spend a lot of time with the Auxiliary Police, Rescue, EMS and the Fire Department. It is very cold out and he knows for a fact that they have been going on a lot of calls. Just keep the volunteers in everyone's prayers.

Councilmember Swain stated that the budget Meeting is this coming Saturday and the following Saturday at 8:30 a.m. All residents are invited.

Through the ADA Committee, All Sports will be continuing programs for children with special needs. There will be a track program and baseball program in the spring. The Recreation Department can be contacted to sign up for those programs.

Mayor Cosgrove stated the budget meetings will be held in Room 201 in the Municipal Building. Manager Van Kruijning advised that the February 8th meeting has been cancelled and they will discuss rescheduling it on February 1st.

ORDINANCES ON FIRST READING:

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

ORDINANCE NO. 2298-2014 (RESOLUTION NO. 59-2014)

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 (BERDAN GROVE INCLUSIONARY PARK)

Upon motion by Councilmember Swain and a second by Councilmember Peluso, Resolution No. 59 -2014 introducing Ordinance No. 2298-2014 was discussed.

Deputy Mayor Dunay stated he was very happy to see this ordinance moving forward. This is part of the process of funding the inclusionary park at Berdan Grove Park which the ADA Committee is working very hard on.

Mayor Cosgrove said that Councilmember Swain and Councilmember Peluso were here when this all started and there was a young man named Michael that moved all of them. This is the first step towards the park they all talked about.

There being no further discussion, Resolution No. 59-2014 introducing Ordinance No. 2298-2014 was unanimously passed.

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

**ORDINANCE NO. 2299-2014
(RESOLUTION NO. 60-2014)**

**AN AMENDMENT TO ORDINANCE # 2267-2013 FIXING THE SALARIES
OF NEW EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN
COUNTY, NEW JERSEY AS AMENDED**

Upon motion by Councilmember Swain and a second by Councilmember Peluso, Resolution No. 60-2014 introducing Ordinance No. 2299-2014 was unanimously passed.

ORDINANCE ON SECOND READING:

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

**ORDINANCE NO. 2297-2014
(RESOLUTION NO. 61-2014)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR
LAWN 2000, SPECIFICALLY CHAPTER 125 "ZONING" TO ALLOW
CERTAIN INCREASES IN MAXIMUM IMPERVIOUS COVERAGE RELATED
TO SWIMMING POOLS AND PERVIOUS PAVERS**

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

Upon motion by Councilmember Swain and a second by Councilmember Peluso, Resolution No. 61-2014 adopting Ordinance No. 2297-2014 was discussed.

Deputy Mayor Dunay thanked the Planning Board for all of the work they did on this ordinance. He knew they did an in-depth review of impervious and pervious surfaces. This has been a particular issue for many people in town who are working on their properties. He hoped this ordinance does not affect the water

runoff in town. He hoped that this will ultimately serve to benefit the town and allow residents to invest in their properties.

There being no further discussion, Resolution No. 61-2014 adopting Ordinance No. 2297-2014 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

Pam Coles, 13-34 George Street wanted clarification of Resolution No. 74-2014, and the \$2.06 million dollars.

Manager Van Kruijning explained that these amounts are all unfunded capital ordinances so basically this is just housekeeping. These were unfunded projects; the debt would now be cancelled.

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

RESOLUTIONS BY CONSENT #3-2014

Councilmember Swain explained that the dissolution of the ADA Committee will now make it an independent committee of the 501(c)3 Community Center.

Upon motion by Councilmember Peluso and a second by Councilmember Swain, Consent Agenda 3 -2014 containing the following items was unanimously passed.

- a. Resol. #62-2014 – Transfer of Funds
- b. Resol. #63-2014 - Refund of Overpayment of Taxes
- c. Resol. #64-2014 - Fair Lawn Recreation Facility Review Committee
- d. Resol. #65-2014 - Appointment to Environmental Commission
- e. Resol. #66-2014 - Professional Services - Special Counsel for Specific Projects
- f. Resol. #67-2014 - Change Order - Project No. 2216 Roadway Improvements 2013
- g. Resol. #68-2014 - Appointment of Deputy Manager
- h. Resol. #69-2014 - Dissolution of the Advisory Committee on the Americans with Disabilities Act
- i. Resol. #70-2014 - Appointment to the Zoning Board

- j. Resol. #71-2014 - Professional Service - Disciplinary Hearing Officer
- k. Resol. #72-2014 - Authorizing Multi Year Contract for Copiers
- l. Resol. #73-2014 - Cancellation of Grant Balance
- m. Resol. #74-2014 - Cancellation of Capital Ordinances

RESOLUTION NO. 75-2014 - APPROVAL OF MINUTES:**Closed Session - 12/3/13****Work Session - 12/3/13****Closed Session - 12/3/13****Regular Meeting - 12/10/13**

Councilmember Peluso pointed out that on Page 2 of the December 10, 2013 meeting minutes it states that Luke Walsh raised \$600,000 it should be corrected to \$600. Upon motion with corrections by Councilmember Swain and a second by Councilmember Peluso, Resolution No. 75-2014 was passed with Deputy Mayor Dunay and Deputy Mayor Lefkowitz abstaining.

PUBLIC COMMENTS

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

Bernice Katz, 2-22 Saddle River Road questioned when the Master Plan was last redone and recertified. Mayor Cosgrove explained that it was in the process of being redone right now. It will be introduced sometime in March. Ms. Katz said she understood that but wanted to know when it was done prior to this. Councilmember Swain thought it had been ten years. Municipal Clerk / Deputy Manager Kwasniewski stated there was a reevaluation which is not the full Master Plan. Mayor Cosgrove said that the Manager's office will contact her with the date.

Attorney Mondello advised that the law stipulated that it had to be done every six years but that has since been changed to every ten years.

Deputy Mayor Dunay stated it was required to be done in that time but in best practices the Master Plan should be revised more frequently. By keeping up with the Master Plan they can make sure all of the zoning is correct. Mayor Cosgrove said they would check the date that it was done.

Ms. Katz asked if the Borough would consider deeming Klines Dairy on Saddle River Road a historic site. It has the original barn house and additional building. She felt most of the Fair Lawn residents can remember Klines Dairy. The Borough prides itself on historic sites.

She stated that Oceanos is on that site. They are planning to expand and if they do the barn and house will be totally destroyed. The restaurant as it exists on an all residential area. She felt after reading the Planning Board minutes that they are doing everything they can to help to accommodate letting Oceanos expand to a catering hall and add professional office spaces to rent.

Deputy Mayor Lefkowitz stated there has been no formal action taken by the Planning Board. There hasn't even been a formal application made at this juncture. Mayor Cosgrove said it is not the jurisdiction of the Council; it would go before the Planning Board. Ms. Katz was worried about the Master Plan incorporating things into it that Oceanos wants. Mayor Cosgrove stated that there are four people on the Master Plan subcommittee and he felt that have done a very good job on the plan. He thought all of the Council felt that they would not do that other than to help the residents of Fair Lawn. He felt she was putting the cart before the horse because no application has been made.

Deputy Mayor Dunay thought her points were well taken. The Council will have to approve the Master Plan upon recommendation of the Planning Board. It was something they could all pay particular attention to when it comes.

Deputy Mayor Lefkowitz stated there will be hearings for the Master Plan and she was welcome to attend. Ms. Katz said she was aware of that.

Councilmember Swain added that the Planning Board meetings were also open to the public.

Ms. Katz said she watched the Reorganization Meeting on the television where she saw that Councilmember Peluso and Councilmember Swain were in favor of communication between the Council and the residents. She mentioned the safety problems that will arise with the expansion of Oceanos. There is also a nursery school on Saddle River Road. There are a lot of near misses and accidents that are not reported.

Mayor Cosgrove thought that the Council heard her but at this point there isn't even an application yet. They understand the points she brought up and will be able to make those points to the Planning Board if there is an application. This entire Council talks about pedestrian safety and the safety of the residents.

Ms. Katz continued with her concerns about the alcohol consumption, noise levels and other factors, the property value will go plummet and there will be parking problems. Plus there is the soccer game traffic in the Saddle River Park.

Attorney Mondello advised that the Mayor and Council cannot, should not and never will have any influence over the Planning Board. It is a separate regulatory board that they have no influence over. Those arguments, although intelligent and thoughtful, must be directed to the Planning Board.

Ms. Katz stated she has already presented these concerns to the Planning Board and she appreciated them listening. She knows the Mayor and Council have final approval of the Master Plan. She was concerned about the things that will be put into the plan to accommodate Oceanos. She didn't think that kind of expansion is wanted in that area. Mayor Cosgrove said it was all speculation. They heard her tonight and suggested she go to the Planning Board and voice her opposition.

Councilmember Swain thought that the paperwork that Ms. Katz gave to the Municipal Clerk also be given to the Historic Preservation Commission so they could review it.

Councilmember Peluso thanked Ms. Katz for coming tonight. He felt she should continue to go to the Planning Board and do her research. This is something they will review when the Master Plan gets to them. He felt she gave a great example of traffic problems because they attended the fire department dinner at Biagio's and it took about twenty minutes to turn from Paramus Road into Biagio's.

Kenneth Maat, 40-14 Brookside Avenue, stated he was confused about the Council's influence on the Planning Board. He understood that the Council voted on what the Planning Board presents to them. Mayor Cosgrove stated only on the Master Plan. They do not rule on the cases that submitted to them because they are an independent board and they make the decisions. Mr. Maat wondered if Oceanos applied for this expansion, would the Council have anything to do with it. Mayor Cosgrove stated that they would not.

Attorney Mondello advised that the Planning Board will render a decision. If there are suggestions in the Master Plan to rezone certain parts of Fair Lawn, the Mayor and Council will decide whether or not something gets rezoned. Nothing like that has been presented otherwise he would have been asked to draft an ordinance. This matter is before the Planning Board and they alone with either vote to deny or grant the relief sought. Mayor Cosgrove said it is not even before the Planning Board because an application has not been submitted. Mr. Maat said he was told at one of their meetings to voice their concerns to the Council.

Mr. Maat voiced his concerns about the area being a residential area and it should stay residential. There is no blight that needs to be corrected. The area

does not need to be improved. There is no reason to change it other than Oceanos personal gain. Mayor Cosgrove told him if and when the application gets filed, he should go to the Planning Board and state the way he feels.

Pam Coles, 13-34 George Street, thanked the Borough employees for doing a great job during the past few snow storms.

Ms. Coles reiterated her concerns about accidents on River Road.

Ms. Coles mentioned the graffiti on the power tech company on Fair Lawn Avenue right before the bridge. Mayor Cosgrove asked Manager Van Kruiningen to look into it.

Councilmember Peluso added that everyone received an e-mail from the Manager about every street that was plowed very quickly. Some residents did reach out to him that their streets were not plowed but they all were done. He thanked the new DPW Superintendent Allan Neggia. He thanked the Borough employees for doing a fantastic job with the snow storm.

Rich Seibel, 33-07 Halsey Road, thanked Chief Cauwels and all the officers of the Police Department for doing a great job.

He expressed concern about Abbott Road and Fair Lawn Avenue at the Library. He does not know what the solution is. Mayor Cosgrove said they would be installing bump outs on Abbott Road and Parmelee Avenue that will help slow them down.

Late last year the New Jersey Assembly passed legislation with regard to the Open Public Meetings Act. He gave paperwork to the Borough Attorney. Attorney Mondello explained that it was introduced June 6, 2013 and it requires public bodies under the Open Public Meetings Act to display a U.S. Flag and to recite the Pledge of Allegiance at the beginning of all meetings.

Mr. Siebel stated the Zoning Board put it in to the bylaws and they began the meeting with the Pledge of Allegiance in honor of Joe Meer. Joe Meer was a long time Zoning Board member and also was a Bronze star medal from the Vietnam War. He asked if a proclamation could be done for him.

As Mayor Cosgrove mentioned Friday would be National Wear Red Day but every Friday is wear red day and RED "means return everyone deployed". It is important that they remember everyone who is overseas because the war is still going on.

Craig Miller, 5 Ramapo Terrace, stated that while driving on Saddle River Road going towards Glen Rock he saw a no turn on red sign on the left side pole. He suggested putting a sign on the right side of the street. Councilmember Swain said a resident already notified them of this. Manager Van Kruijning said it was being corrected.

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

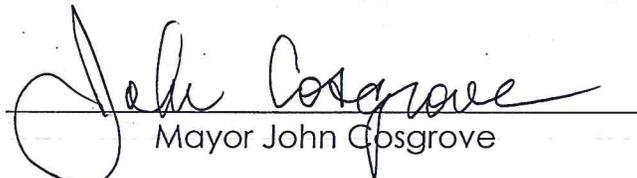
ADJOURNMENT:

Upon motion by Councilmember Peluso and a second by Deputy Mayor Lefkowitz, the meeting was adjourned at 8:35 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 Amy E. Lefkowitz


Councilmember Kurt Peluso


Deputy Mayor Daniel Dunay


Councilmember Lisa Swain