

REGULAR MEETING OF FEBRUARY 11, 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. 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 Dunay and Lefkowitz, Councilmembers Peluso and Swain.

ALSO PRESENT: Manager Van Kruiningen, Municipal Clerk / Deputy Manager Kwasniewski and Attorney Mondello.

PRESENTATION BY THE BLUE STAR MOTHERS OF NORTH JERSEY - HONOR AND REMEMBER FLAG

Mayor Cosgrove stated that they were very fortunate to have the Blue Star Mothers of North Jersey present. It is an organization that supports the people in the Armed Services. There is a new flag that has come out which is the Honor and Remember Flag. It is a new national symbol of gratitude and respect for veterans that are now serving, who have served and those who have given their lives for our country. The Council was honored to have representatives from the Blue Star Mother group there to present the flag to them.

The Mayor and Council accepted the Honor and Remember Flag from the Blue Star Mothers of North Jersey.

Mayor Cosgrove thanked them for coming and stated that the flag will be hanging proudly in front of the Municipal Building under the American flag and the POW flag.

PROCLAMATIONS: BLACK HISTORY MONTH

Municipal Clerk / Deputy Manager Kwasniewski read the proclamation.

COUNCIL COMMENTS

Councilmember Peluso commented that the Broadway Improvement Corp. would be meeting this week in the Community Center. The meetings are open to the public.

On February 19th the Knights of Pythias will be giving checks to many non-profit organizations. He thanked them for their service.

Councilmember Peluso mentioned the Taste of Fair Lawn that will be held on February 24th at the Community Center. The restaurants will be providing a sampling of their food.

Councilmember Peluso reminded people to be careful in the snow because it is very slippery. He suggested helping the elderly people cross the streets, etc. He asked that everyone be careful because he heard there is another storm coming.

Councilmember Swain reminded everyone to shovel the sidewalk and if they live on a corner, they need to shovel around the corner so that people can cross the street.

Councilmember Swain mentioned Black History Month which was a great opportunity to remember where they came from, where they are and what they have to be thankful for. When anyone is discriminated against, they are all discriminated against:

Councilmember Swain spoke about the Knights of Pythias who are celebrating 150 years of service. They are a terrific organization and raise money throughout the year and next week they will have a celebration by giving out many checks to various organizations.

Deputy Mayor Dunay reiterate again that the most important thing with the snow is to be safe, don't over exert yourselves. He knows that they are looking at another storm coming in later this week. The overall impression they have heard about snow plowing this year has been very positive. It seems that the work is getting done. He knows there have been some complaints but the Council and the Borough Manager have tried to address those complaints. If there are serious issues with the snow plowing the residents should let the Council know.

Deputy Mayor Dunay noted that they are continuing in the Budget process. Next Tuesday's meeting will be devoted to the Budget review and then again on the following Saturday. Everyone is welcome to attend. As they have said in the past, they continue to work diligently to make sure that they manage the

tax burden and limit the incremental tax burden while making sure they sustain all of their services.

Deputy Mayor Dunay recognized some members of the Knights of Pythias that were present. He mentioned that besides their awards ceremony on the 19th but then the following weekend there will be a display of Pythian history in the Library with some significant articles on display. It could be a great opportunity to learn about that organization and through it about the history of the country. He hoped that the folks will stop by the Library and while they are there they take advantage of the many activities and services that the Library has to offer.

Deputy Mayor Lefkowitz urged everyone to stay safe. There is a snowstorm coming and asked that everyone help their neighbors.

Deputy Mayor Lefkowitz congratulated Sarah Rachel Abraham from Warren Point School for winning the third annual Fair Lawn Rotary 4th grade spelling bee. That certainly is an accomplishment.

Deputy Mayor Lefkowitz also congratulated the Police Department on using some advanced technology to apprehend suspects in burglaries in Fair Lawn. Hopefully that will help the residents feel safe knowing the Borough has technology that helps the Police Department solve these crimes.

Deputy Mayor Lefkowitz noted that the Planning Board met last night. A draft of the Master Plan was distributed to the Planning Board members and is now available from the Planning Board Secretary and should be available in the coming weeks on the Borough website. The Planning Board will be holding hearings on the Master Plan commencing on March 10th. There will be subsequent hearings over the course of the next few months which will be advertised.

Mayor Cosgrove commented on Black History Month. One of the things that has struck him was what he read in Colin Powell's book that in 1964 when he was a Junior Officer in the Army, he travelled from his home in Harlem to Fort Pope, Louisiana. On the way there he had to use segregated bathrooms. Less than thirty years later when he was Chairman of the Joint Chiefs of Staff, he shared the same bathroom with the Vice President of the United States. That is part of black history. There are a lot of people who have overcome some great challenges. The African American people should be proud of those people.

Mayor Cosgrove spoke about the article that was in The Record about Nabisco staying in Fair Lawn. They will be making an investment of \$170 million between the Fair Lawn bakery and the one in Richmond, Virginia. The Nabisco building is

part of the Fair Lawn landscape and is one of the largest businesses and he was happy that they will be staying in Fair Lawn.

Mayor Cosgrove thanked the Borough crews for doing a great job with the stubborn weather they have had. It has been a tough winter. It has been tough on the roads and tough on the employees too. They have done a good job under some difficult circumstances. He asked that people clear their cars from the street while they are plowing. One of the problems they have been having is when the plows go through and there are cars in the road they miss the areas.

Mayor Cosgrove congratulated Eric Demeraski a member of the Fire Department, Rescue Squad and the Ambulance Corps. and Alexa Nicolau who spear headed the Pedestrian Safety Program by handing out glow in the dark wrist bracelets for winning the Prudential Spirit of Community Award. He thanked them for their service to Fair Lawn.

Mayor Cosgrove thanked Ron Lottermann, the Recycling Coordinator and Joanne Kwasniewski, Municipal Clerk / Deputy Manager for helping him write an article about the Litter Marshal Program for the League of Municipalities.

Councilmember Swain stated in light of the fact that the Master Plan is now going to be available to the public, she would like to ask the Deputy Manager that when those hearing dates are set that they use all methods of communications so that the residents are aware of the dates.

ORDINANCES ON FIRST 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.

ORDINANCE NO. 2300-2014 (RESOLUTION NO. 76-2014)

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES", ARTICLE VI, "SCHEDULE OF FEES" AND CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", MORE PARTICULARLY SECTION 232-61 ENTITLED "ADMINISTRATION"

Upon motion by Councilmember Peluso and a second by Deputy Mayor Dunay, Resolution No. 76-2014 introducing Ordinance No. 2300-2014 was discussed.

Councilmember Swain stated that she will not be voting for this ordinance. She did not think they were ready. She did not feel that they looked at the entire

picture. They did not address the number of spaces. She also pointed out that the EDC is going to look at the whole corridor.

Deputy Mayor Dunay felt that the proposed ordinance was a reasonable compromise. They need to act so that they can restore some order to the parking lot. He concluded that they do need to find additional parking spaces but that is for the future.

There being no further discussion, Resolution No. 76-2014 introducing Ordinance No. 2300-2014 was passed with Councilmember Swain dissenting.

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. 2301-2014
(RESOLUTION NO. 77-2014)**

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES", ARTICLE VI, "SCHEDULE OF FEES" AND CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", MORE PARTICULARLY SECTION 232-18 ENTITLED "ADMINISTRATION"

Upon motion by Councilmember Swain and a second by Deputy Mayor Lefkowitz, Resolution No. 77-2014 introducing Ordinance No. 2301-2014 was unanimously passed.

ORDINANCES ON SECOND READING:

Upon motion by Councilmember Peluso 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. 2298-2014
(RESOLUTION NO. 78-2014)**

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)

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

Upon motion by Councilmember Swain and a second by Deputy Mayor Lefkowitz, Resolution No. 78-2014 adopting Ordinance No. 2298-2014 was discussed.

Councilmember Swain thanked the Council and residents on behalf of the ADA Committee for their support. They are looking forward to seeing the playground installed.

Mayor Cosgrove thanked the people and organizations in the Borough who worked hard on this park to take care of a segment of the Borough's population that has been neglected for a long time.

There being no further discussion, Resolution No. 78-2014 adopting Ordinance No. 2298-2014 was unanimously passed.

Upon motion by Councilmember Swain 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. 2299-2014
(RESOLUTION NO. 79-2014)**

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

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 Peluso and a second by Councilmember Swain, Resolution No. 79-2014 adopting Ordinance No. 2299-2014 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

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

RESOLUTIONS BY CONSENT #3-2014

Upon motion by Councilmember Swain and a second by Councilmember Peluso, Consent Agenda 3-2014 containing the following items was unanimously passed with the removal of Resolution No. 81-2014.

- a. Resol. #80-2014 – Transfer of Funds
- b. Resol. #81-2014 - Removed from Consent
- c. Resol. #82-2014 – Award of Bid: Uniforms: Police, Auxiliary Police, School Crossing Guard
- d. Resol. #83-2014 – Extension of Contract: Emergency Water Main & Sanitary/Storm Sewers
- e. Resol. #84-2014 - Extension of Contract: Electrical Repair and Maintenance
- f. Resol. #85-2014 – Refund of Overpayment of Taxes
- g. Resol. #86-2014 – Authorizing Submission of an Application for the Municipal Alliance for Substance Abuse Prevention Grant
- h. Resol. #87-2014 – Submission of an Application to Participate in the Local Government Energy Audit Program
- i. Resol. #88-2014 – Approving the 2013 LOSAP Certification List
- j. Resol. #89-2014 – Approval of Minutes:
Reorganization Meeting 1/7/14
- k. Resol. #90-2014 – Authorizing Renewal of Massagist License – BRC Sauna & Spa - Larisa A. Remmenik and Vladimir Avetisov
- l. Resol. #91-2014 – Authorizing Renewal of Massage Establishment – Sunny Healthy Center and Massagist License – Liang Hung
- m. Resol. #92-2014 - Appointment to Environmental Commission
- n. Resol. #93-2014 - Supporting "Honor and Remember Flag"
- o. Resol. #94-2014 - Calling on the Legislature to Make Permanent the 2% Cap on Interest Arbitration Awards
- p. Resol. #95-2014 - Professional Services: Planner for Green Acres - Taylor Design Group

RESOLUTION NO. 81-2014 – AWARD OF BID: FIRE DEPARTMENT & FIRE PREVENTION UNIFORMS

Upon motion by Councilmember Swain, and seconded by Deputy Mayor Lefkowitz, Resolution No. 81-2014 was discussed. Mayor Cosgrove stated he

would be recusing himself because he is an active member of the Fair Lawn Fire Department.

There being no further comments, Resolution No. 81-2014 was approved with the recusal of Mayor Cosgrove.

RESOLUTION NO. 96-2014 – APPROVAL OF MINUTES:

Work Session 12/17/13

Closed Session 12/17/13

Special Meeting 12/17/13

Closed Session 12/17/13

Upon motion by Councilmember Swain, and seconded by Councilmember Peluso, Resolution No. 96-2014 was discussed.

Deputy Mayor Lefkowitz stated that she would be abstaining from voting on this resolution. Deputy Mayor Dunay stated he too would be abstaining.

There being no further comments, Resolution No. 96-2014 was approved with Deputy Mayor Dunay and Deputy Mayor Lefkowitz abstaining.

Mayor Cosgrove commented that the two Deputy Mayors abstained since they were not on the Council at that time.

PUBLIC COMMENTS

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

Larry Metzger, 18-18 Hunter Place, stated he was representing the Knights of Pythias. He thanked everyone for their accolades for the Knights of Pythias. He mentioned the days the exhibition will be at the Library. There will be artifacts and books explaining their history. Mayor Cosgrove thanked all of the Pythian's for what they do for Fair Lawn and he thought they will all be at the exhibition. Mr. Metzger said they would be giving away \$20,000 and a great deal of that money will go to Emergency Services. They appreciate being in Fair Lawn. This was one of the ways they can say thank you to the town.

Rich Seibel, 33-07 Halsey Road, spoke about clearing the fire hydrants from the snow. He felt with the incoming snowstorm the hydrants will be buried.

Mr. Seibel thanked them for supporting the Honor and Remember Flag. The flag is a very important symbol of our country to him. He mentioned the death of a soldier, Private First Class Joshua A. Gray from Kentucky who died in Afghanistan.

He was 21 years old and was only 9 years old when the World Trade Center towers came down.

Mr. Seibel mentioned that Shirley Temple passed away today. She was an ambassador to Ghana and Czechoslovakia. A lot of the heroes and patriots are dying and he felt it was important that they recognize them.

Councilmember Swain announced that the County is sponsoring a weight loss challenge. Fair Lawn and Ridgewood are involved in this program. The kickoff is Monday, March 10th in Ridgewood Village Hall at 6:00 p.m. She suggested if anyone needed more information they can contact the Health Officer.

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

CLOSED SESSION RESOLUTION

Upon motion by Deputy Mayor Dunay and a second by Councilmember Swain, the following closed session resolution was unanimously adopted at 8:20 p.m.

WHEREAS; the Open Public Meeting act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS; the Mayor and Council of the Borough of Fair Lawn desire to discuss Pending Litigation - State vs. Alexander & Watts; and

WHEREAS; these matters are ones which permit the exclusion of the public from such discussions; and

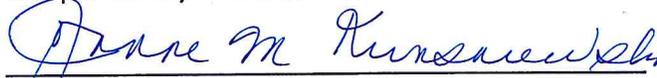
WHEREAS; minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

ADJOURNMENT:

Upon motion by Deputy Mayor Lefkowitz and second by Councilmember Swain the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

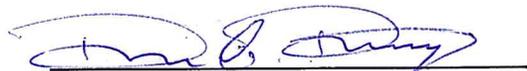


Joanne M. Kwasniewski, RMC,MMC
Municipal Clerk / Deputy Manager

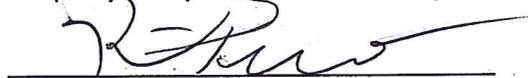
The undersigned have read and approve the foregoing minutes.



Mayor John Cosgrove



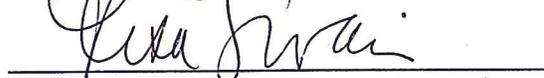
Deputy Mayor Daniel Dunay



Councilmember Kurt Peluso



Deputy Mayor Amy Lefkowitz



Councilmember Lisa Swain