

REGULAR MEETING OF FEBRUARY 25, 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 and Councilmember Peluso.

ABSENT: Councilmember Swain

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

Mayor Cosgrove welcomed Attorney Priore, who was filling in for Attorney Mondello.

FAIR LAWN AMBULANCE CORPS. LUCAS DEMONSTRATION

Mayor Cosgrove welcomed the members of the Fair Lawn Volunteer Ambulance Corps.

Chief Marc Zharnest, Ed Beverly and Colin McGregor were present.

Chief Zharnest stated that the Lucas machine has already saved four lives in Fair Lawn. They did a presentation showing how the machine does non-stop CPR, which allows them to move a person without stopping compressions. The machine is highly successful and performs non-stop compressions or it can be stopped for breaths if someone knows CPR. They were taking good steps to be a heart saving community.

Mayor Cosgrove thanked the members of the Volunteer Ambulance Corps for all they do for the community. He recognized Dave Lutzker, who served 891 hours last year, Laurie Frenkel who served 844 hours and Marty Pelta who served 815 hours. He also recognized Marty Pelta for responding to over 1,000 ambulance calls during the past two years. He congratulated him on this amazing feat. It was reassuring for our residents to know that the Ambulance Corps exists and is equipped with the technology to save lives. Chief Zharnest stated that any

Councilmember or resident who wanted more education was welcome to stop by the Ambulance Corps building.

Councilmember Peluso thanked the members for their service and their commitment to the Borough. Driving through town he can see the Ambulance Corps out on calls.

Deputy Mayor Lefkowitz stated that it is wonderful to know there is such a dedicated and committed group of volunteers to protect her family and the families of the residents. She thanked them for all that they do.

Deputy Mayor Dunay stated that when the Ambulance Corps came to the Budget Meeting last week he was astonished to learn that the Corps is at its peak membership, which says so much about the great work that they do for the community and how fulfilling it must be to do all the wonderful things they do. They are so grateful to have the members of the Corps and the great spirit and dedication they bring to Fair Lawn.

PROCLAMATION: READ ACROSS AMERICA

Assistant Municipal Clerk Bojanowski read the proclamation for Read Across America Day.

Mayor Cosgrove stated that the Library is recognized as one of the finest in the State. For those who haven't read in a while, the Library is a great place to start getting back into the habit of reading.

COUNCIL COMMENTS

Councilmember Peluso stated there have been numerous snow storms and some sidewalks still need to be shoveled. He asked residents to help their elderly neighbors or others who need help with the shoveling. It was great to see so many of his neighbors helping the seniors on his block. It is also a concern for employees to get to Borough Hall and during the last storm, 22 employees came to work. Fortunately, they were able to close Borough Hall early so they could get home safely. He thanked them for their commitment.

He thanked the Knights of Pythias, who recently presented checks to many great causes and non-profit organizations in the community and throughout the State. He attended the Taste of Fair Lawn sponsored by the Chamber of Commerce. The event sold out and the food was excellent. He thanked the Chamber for organizing the event and the restaurants that participated. On Thursday he will be attending the Shared Services meeting with Deputy Mayor Dunay and Manager Van Kruiningen. The meeting takes place at Edison School at 7:30 p.m.

and is open to the public. Fair Lawn is ahead of other towns with regards to sharing services.

Deputy Mayor Dunay thanked the Knights of Pythias. It was his first opportunity to attend their Awards Ceremony and his first meeting as a new member. It was fantastic to see their wonderful work and learn about the different charitable organizations.

He knows residents are concerned about potholes and the condition of their roadways. The Council is addressing this situation. They have dedicated employees who are out on a regular basis either clearing snow from intersection corners to improve visibility or repairing roadways. They are prioritizing so those potholes creating safety hazards can be repaired first. Resident should notify the Borough of any serious potholes. They have allocated \$200,000 in their budget to handle snow related cleanups and have increased funding in their road re-pavement program. He assured residents that the Borough was working as quickly as possible.

He informed residents that the Council was finishing their annual Budget process and a lengthy review to finalize items took place on Saturday. There will be a final review at next week's Work Session and hopefully the Budget will be introduced in two weeks. Residents can attend the Budget meetings to obtain more information.

Deputy Mayor Lefkowitz wanted residents to be aware of the Police Department's warnings about individuals posing as utility workers to gain access into homes. The Police are working diligently to make sure this scam does not continue.

The Alliance for Substance Abuse Prevention wanted to inform residents about a program at Emerson Junior-Senior High School entitled "What Are They Thinking", which deals with the adolescent brain. The program is open to parents and guardians of children in grades 5 through 12 and takes place on February 26th from 7:00 p.m. to 8:30 p.m. On March 3rd there will be a program at the Bergen Academies in Hackensack at 7:30 p.m. entitled "Remembering TJ", a story about teen depression designed to help families gain a better understanding of their teens and learn to recognize the red flags often dismissed as typical teen behavior.

She reminded residents that the draft Master Plan is on the Borough website and the first public hearing will be on March 10th. All are welcomed to attend and give their input.

Mayor Cosgrove stated that the winter has wreaked havoc with the Borough's infrastructure. They have brought in outside contractors to repair Plaza Road and tonight they will be voting on an ordinance for roadway paving from Broadway through Raphael Street. They have contacted the County, who is supposed to come tomorrow to fix potholes on some of the major roads. Manager Van Kruijning has stated that if the County does not come, the Borough will fill the hazardous potholes themselves.

He reminded residents that they were responsible for shoveling fire hydrants on their property. Disabled residents or seniors who need help should contact Borough Hall. A home in a neighboring community burned down because firefighters could not find the fire hydrant. He encouraged residents to be vigilant about clearing hydrants buried in the snow.

Borough crews worked overtime clearing snow piles which blocked visibility at major intersections and also cleared areas near schools while students were out on winter break. He thanked the Borough employees for working so hard throughout the storms. It is not easy and there were a lot of long nights. He thanked them for their commitment.

He reported that the ADA Committee is holding a Mardi Gras dance sponsored by the Garden State Grandmas at the Community Center on March 7th at 7:00 p.m. It is wonderful to see everyone at the dances.

He thanked the Knights of Pythias and acknowledged Councilmember Peluso and Deputy Mayor Dunay for being members. The Knights donated tens of thousands of dollars to Fair Lawn service organizations, volunteers and numerous charities.

He attended a book signing for "Legendary Locals of Fair Lawn" at Columbia Bank. He thanked Cornell Christianson and Jane Diepeveen, the authors, for putting it together and Columbia Bank for hosting the event. The book is available in local stores and shops and tells a lot about Fair Lawn's history.

He concluded by stating the Fair Lawn Rotary Club is sponsoring a beefsteak tricky tray on March 8th at St. Leon's at 6:30 p.m. The cost is \$45 per person. Tickets can be obtained by calling the Municipal Clerk, Joanne Kwasniewski.

MANAGER'S REPORT

Manager Van Kruijning stated that the Monthly Manager's report was submitted without change. Residents with questions can call his office.

ORDINANCES ON FIRST READING:

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

**ORDINANCE NO. 2302-2014
(RESOLUTION NO. 97-2014)**

"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 (SENIOR CENTER GREASE TRAP/SEWER LINE)"

There being no discussion, upon motion by Councilmember Peluso and a second by Deputy Mayor Lefkowitz, Resolution No. 97-2014 introducing Ordinance No. 2302-2014 unanimously passed.

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. 2303-2014
(RESOLUTION NO. 98-2014)**

"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. (ROAD RESURFACING)"

There being no comments, upon motion by Deputy Mayor Lefkowitz and a second by Deputy Mayor Dunay, Resolution No. 98-2014 introducing Ordinance No. 2303-2014 was unanimously passed.

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

**ORDINANCE NO. 2304-2014
(RESOLUTION NO. 99-2014)**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 104 "FIRE PREVENTION" TO ESTABLISH A LOCK BOX SYSTEM

There being no comments, upon motion by Deputy Mayor Dunay and a second by Deputy Mayor Lefkowitz, Resolution No. 99-2014 introducing Ordinance No. 2304-2014 was unanimously passed.

ORDINANCES ON SECOND READING:

Upon motion by Deputy Mayor Lefkowitz 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. 2300-2014
(RESOLUTION NO. 100-2014)**

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"

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

Upon motion by Deputy Mayor Dunay and a second by Deputy Mayor Lefkowitz, Resolution No. 100-2014 adopting Ordinance No. 2300-2014 was discussed.

Deputy Mayor Dunay stated that the ordinance will finally bring resolution to the parking process at the Radburn Train Station. The Council has been working on this for some time now. He asked Manager Van Kruijning to make sure the new parking process is put into effect as quickly as possible.

There being no further discussion, Resolution No. 100-2014 adopting Ordinance No. 2300 - 2014 was unanimously passed.

Upon motion by Deputy Mayor Lefkowitz 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. 2301-2014
(RESOLUTION NO. 101-2014)**

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"

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

Upon motion by Deputy Mayor Dunay and a second by Deputy Mayor Lefkowitz, Resolution No. 101-2014 adopting Ordinance No. 2301-2014 was discussed.

Mayor Cosgrove stated that the second part of the ordinance pertains to hardship parking, which requires the purchase of an annual permit.

There being no further discussion, Resolution No. 101-2014 adopting Ordinance No. 2301-014 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 Dunay and a second by Deputy Mayor Lefkowitz, the time for public comments was unanimously closed.

RESOLUTIONS BY CONSENT #4-2014

Upon motion by Deputy Mayor Lefkowitz and a second by Deputy Mayor Dunay, Consent Agenda 4-2014 containing the following items was unanimously passed.

- a. Resol. #102-2014 – Transfer of Funds
- b. Resol. #103-2014 – Authorizing Execution of Contract for
Emergency Notifications with Emergency
Communications Network, Inc.
- c. Resol. #104-2014 – Extension of Contract: Revenue Guard EMS
Medical Claims Management, LLC
- d. Resol. #105-2014 - Refund of Overpayment of Taxes
- e. Resol. #106-2014 - Authorization to Enter Into a Matching
Grant Agreement with Bergen County -
Historic Preservation Commission

RESOLUTION NO. 107-2014 - ELIMINATION OF MEDICAL BENEFITS FOR ELECTED OFFICIALS

Mayor Cosgrove stated that Councilmember Swain was absent due to illness. She has asked that the Resolution be tabled until the next meeting.

Upon motion by Councilmember Peluso and a second by Deputy Mayor Dunay, it was unanimously agree to table Resolution No. 107-2014.

PUBLIC COMMENTS

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

Bernice Katz, 2-22 Saddle River Road stated that she wanted to go on the record regarding the draft of the Master Plan. She distributed a page from the Master Plan that refers to Oceanos Restaurant, which wants to expand. She felt the Master Plan was too liberal in trying to accommodate the restaurant. She knows the restaurant owner has not submitted a formal plan yet. However, she expressed concern that a proposed expansion may involve destroying four residential homes that he owns, contributing to the demise of the area. The land where the restaurant is located has historical value as it was formerly Kind's Dairy, and the farm, original house and a third building in the rear still exist. She wanted the Council to consider designating the property as historic to help preserve this part of Fair Lawn.

Oceanos is located in a flood zone and new construction on the property will cause additional flooding. She has photographs of the parking lot covered with water during normal storms and noted that water also has to be professionally removed from the basement of the building. The restaurant is located near the Saddle River tributary and marshland, on a narrow two land road with heavy traffic. She felt the valet parking service contributes to accidents and near misses on the road because cars must line up and wait to be parked, which impacts the safety of the residents and the neighborhood.

She expressed concern that an expansion of Oceanos Restaurant would devalue the neighboring residential properties and cause additional cars to park on the street. The owner would like to have a catering hall, which will create noise problems because of the music and party goes attending affairs throughout the day. Mayor Cosgrove stated that the Council will take her comments under consideration. He stressed that Oceanos has not even submitted an application.

Walter Weglein, 18 Ramsey Terrace stated that it was his understanding that Councilwoman Swain's subsidized health insurance would cease at the end of

2013. Mayor Cosgrove clarified that the insurance was originally supposed to end as of July 1, 2014, but the Council compromised and extended her benefits to the end of the year. Mr. Weglein noted that Councilmember Swain would only be losing one year of benefits since her Council term ended in 2015.

He asked if there was any chance of saving the Vanderbeck House. Mayor Cosgrove stated that the Historic Preservation Commission was meeting again with the developer, who cannot incorporate the house into his plans due to ADA and other code restrictions. The developer will have to obtain a use variance and appear before the Zoning Board. The developer purchased the house for over \$2 million dollars and the Borough could not afford that. They have asked the County to consider purchasing the home and the Historic Preservation Commission has reached out to the State.

Mr. Weglein asked why they stopped paving after doing Berdan Avenue. Mayor Cosgrove explained that they received a State grant and paved as much roadway as possible. There was Council consensus to increase the paving account in the Capital Budget from \$600,000 to \$900,000, which will enable them to pave four miles of roadway. Hopefully they will receive additional grants from the State or County. They also hired a private contractor to repair potholes on Plaza Road. The Council is cognizant of the situation and has allocated an additional \$200,000 for repairing potholes and clearing the roads.

Councilmember Peluso stated that he and Deputy Mayor Lefkowitz attended the Historic Preservation Commission meeting last week. The Commission is becoming very proactive about saving the Vanderbeck House. The Commission is going to work as hard as they can to preserve the house in its current location. He encouraged residents to attend these meetings to learn more and to let their voices be heard.

He stated that the Council was taking a very proactive approach regarding potholes and assured Mr. Weglein that they understand his concerns.

Ken Matt, 44-14 Brookside Avenue stated that an expansion of Oceanos does not belong in that area. It is a residential zone and should remain that way. There will also be issues when motorists are coming off the highway ramp when an affair is going on. Mayor Cosgrove stated that the Council has heard his concerns. Since no application has been filed yet, he does not know what the plan will look like. They came in with a conceptual plan but have stated they were going back to the drawing board.

Mr. Matt stated that as a retired Clifton firefighter, he felt there should be a Lucas machine on every ambulance. It is truly a lifesaver. Mayor Cosgrove stated that they have budgeted for a second machine in the 2014 budget. Councilmember

Peluso stated that he used to be a CPR instructor for the Red Cross and after a few months trainees would often forget where to position their hands or how many compressions to do. He felt the Lucas machine was fantastic. He was happy that Fair Lawn was leading the way with this equipment.

Pamela Coles, 13-34 George Street stated that the Ambulance Corps did a great job presenting its budget at the Budget Meeting, which she attended. She was impressed with their commitment to not having funds come from the Borough and their level of fundraising.

She thought it was well worth it to park in a safe space at the Radburn Train Station for \$1.00 per day or \$3.00 per day for non-residents. Mayor Cosgrove noted that a monthly pass for residents was only \$10 per month.

Ms. Coles suggested installing solar panels in some of the Borough's larger parking lots.

She thanked Councilmember Peluso and Deputy Mayor Lefkowitz for attending the Historic Preservation Commission meeting on February 12th. Several residents from Landzettel Way and Fox Court also attended. The developer submitted a conceptual drawing, which showed the development being 40 feet from the property lines of Landzettel Way and Fox Court. There will have to be receiving docks, ambulatory services and food services. The current rendering has the structure at 275 to 300 feet long and four stories high. There is no space for the Vanderbeck House so it will have to come down. She encouraged concerned residents to attend the next meeting on March 19th at the Community Center.

Councilmember Peluso agreed that solar panels were a good idea. They are working with the Board of Education and a study is being done to find the best location to install solar panels. Mayor Cosgrove stated that one problem is the weight of the panels, especially when covered with snow. Four structures collapsed in Teaneck.

Rich Siebel, 33-07 Halsey Road thanked Manager Van Kruijning for doing a great job in alleviating the traffic problem at 20th Street and Fair Lawn Avenue. It was handled immediately. The DPW did a great job with snow plowing.

He asked if the firefighters and Police were trained in CPR and if so, could they learn how to operate the Lucas machine. Mayor Cosgrove stated that they go through yearly re-certifications. They could do cross training but since there is only one machine, most likely the firefighters will not be using the machine. However, every fire truck and Police car has an Automatic External Defibrillator (AED) which can be used until the ambulance arrives. Mr. Siebel thanked the

Ambulance Corps. He noted that 800 hours of service comes to 16 to 20 hours per week. Mayor Cosgrove agreed it was an incredible commitment.

Mr. Siebel stated that Fair Lawn High School Fencing Team won a bronze medal at the New Jersey Fencing Squad Championships. It was their highest score in 18 years.

Walter Eisler, a World War II Medal of Honor recipient passed away, leaving only seven living World War II veterans with the Medal of Honor. It has been 69 years since the Battle of Iwo Jim took place on February 23, 1945. The photo of the five Marines holding the flag is one of the greatest pictures in American History.

As a member of the Marine Corps Family Readiness Program, he was notified two weeks ago that a young Marine had taken his life in Colorado. Yesterday the Department of Defense made massive cuts to military spending. Anything they can do to help the families, veterans or active duty troops is a wonderful thing.

Councilmember Peluso thanked Mr. Siebel for bringing this to their attention. The biggest disservice they can do as a Country is give inadequate treatment to veterans returning home. There are veterans in Fair Lawn who have also taken their lives. He saw a documentary on Vietnam veterans suffering from PTSD, who never received any treatment because it wasn't diagnosed back then. He asked Municipal Clerk/Deputy Manager Kwasniewski to put this item on the next Work Session agenda so they can discuss drafting a letter to their Representatives. Mayor Cosgrove thought it was despicable that there are over 700,000 veterans who are still waiting to have the Veterans Administration process their claims. Fortunately Fair Lawn residents Alan and Mary Edna Krutchkoff dedicate their time to the Adopt-a-Soldier Platoon and work very hard to help our troops. He thanked Mr. Siebel for his comments and his patriotism.

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 Councilmember Peluso and a second by Deputy Mayor Lefkowitz, the following closed session resolution was unanimously adopted at 8:38 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 Personnel – Tax Appeals Attorney; and

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

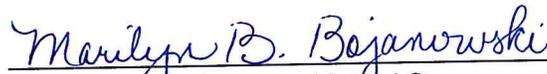
WHEREAS; minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

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 Councilmember Peluso and second by Deputy Mayor Lefkowitz, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

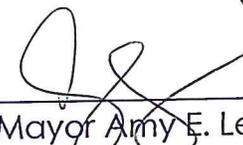


Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.



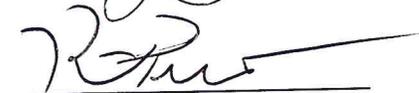
Mayor John Cosgrove



Deputy Mayor Amy E. Lefkowitz



Deputy Mayor Daniel Denay
Absent



Councilmember Kurt Peluso

Councilmember Lisa Swain